

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 808 final

Brussels, 14 January 1982.

## Amended proposal for a Council Directive

amending Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control

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(Presented by the Commission to the  
Council pursuant to the second  
paragraph of Article 149 of the  
EEC Treaty)

COM(81) 808 final

EXPLANATORY MEMORANDUM

In the context of its work on the removal of technical barriers to trade, the Commission sent the Council on 7 January 1981 four proposals for Directives on measuring instruments.

One of these proposals is designed to amend the framework Directive 71/316/EEC relating to common provisions for both measuring instruments and methods of metrological control.

The main amendment to that Directive concerns provision for extensive use of the fourth indent of Article 155.

The application of that Article would enable the Commission to adopt directives by a simplified procedure similar to that now used for the adaptation of directives to technical progress, i.e. after a favourable opinion by a committee acting by a qualified majority in accordance with the weighting set out in Article 148(2) of the Treaty.

The Economic and Social Committee, having been consulted in accordance with Article 100 of the Treaty, has delivered its opinion on this proposal for a Directive, which it has approved, as has the European Parliament.

At its plenary session in October 1981, however, the Parliament requested that two amendments be made to Article 17 of this proposal for a Directive.

The first adapts the text to the new qualified majority, as laid down in Article 148 of the Treaty, which has been increased from 41 to 45 votes since the accession of Greece; this new figure would have been incorporated automatically of the proposal for a Directive had not been drafted before the Act of Accession came into effect.

The second and more important amendment is to ensure that Parliament is consulted in cases where the Commission does not receive a favourable opinion from the Committee and therefore refers a draft directive to the Council.

This consultation, already stipulated for the Economic and Social Committee, should not unduly delay the Council decision since the Council will be able to act if the European Parliament has not delivered its opinion within three months.

Convinced of the value of these two amendments, which it has accepted, the Commission has decided, pursuant to the second paragraph of Article 149 of the Treaty, to transmit to the Council an alteration to its original proposal for the amendment of Directive 71/316/EEC.

In order to incorporate these two amendments, therefore, it is proposed that Article 17 of the abovementioned Directive be altered to read as set out in the Annex.

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ANNEX

Article 17 of the proposal for a Directive amending Directive 71/316/EEC on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and method of metrological control<sup>1</sup> is hereby amended as follows :

Article 17

- Paragraph 1 unchanged.
- 2. The representatives of the Commission shall submit to the Committee a draft of a separate Directive. The Committee shall deliver its opinion of the draft within a time limit set by the Chairman having regard to the urgency of the matter. Opinions shall be adopted by a majority of 45 votes, the votes of the Member States being weighted as laid down in Article 148(2) of the Treaty. The Chairman shall not vote.
- 3. a) The Commission shall adopt the separate Directive where it is in accordance with the opinion of the Committee.  
b) Where the separate Directive is not in accordance with the opinion of the Committee, or if no opinion is adopted, the Commission shall without delay propose the separate Directive to the Council. The Council shall act by a qualified majority after consulting the European Parliament.  
c) If the European Parliament has not delivered its opinion within three months of being consulted, the Council may act.  
d) If, within five months of the proposal being submitted to it, the Council has not acted, the proposal for a separate Directive shall be adopted by the Commission.
- Paragraphs 4 and 5 unchanged.

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<sup>1</sup> For full text see COM(80)850 final.