COMMISSION DIRECTIVE

of 31 January 1985

adapting to technical progress Council Directive 73/362/EEC on the approximation of the laws of the Member States relating to material measures of length

(85/146/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 (1), as last amended by Directive 83/575/EEC (2), and in particular Article 17 thereof,

Whereas Council Directive 73/362/EEC (3), as amended by Directive 78/629/EEC (4), should be amended to take account of technical developments in the field concerned;

Whereas the framework Directive 71/316/EEC has been adapted to technical progress in the manufacture of measuring instruments and accordingly permits statistical checks to be carried out for the purposes of EEC initial verification in accordance with the procedure laid down in the separate Directives; whereas, therefore, certain additions have to be made to the Annex to the specific Directive 73/362/EEC in order to determine the procedure for those checks;

Whereas, pursuant to those additions, it is necessary to state more specifically the conditions for the granting of EEC pattern approval and initial verification relating to material measures of length;

Whereas the provisions of this Directive are in accordance with the opinion of the Commission on the adaptation to technical progress of the Directives for the removal of technical barriers to trade in measuring instruments,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the Annex to Directive 73/362/EEC:

1. Points 2.1, 7, 7.1, 7.4 and 8 are hereby amended in accordance with the corresponding points in the Annex hereto.

2. Points 10, 11 and 12 in the Annex hereto are hereby added.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions needed in order to comply with this Directive on 1 January 1986. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 31 January 1985.

For the Commission

COCKFIELD

Vice-President

(1) OJ No L 202, 6. 9. 1971, p. 1.
(2) OJ No L 332, 28. 11. 1983, p. 43.
(3) OJ No L 335, 5. 12. 1973, p. 56.
(4) OJ No L 206, 29. 7. 1978, p. 8.

ANNEX

2.1. In normal use at temperatures 8 °C above or below the reference temperature, variations in length are not greater than the maximum permissible errors.

7. **Maximum permissible errors**

The measures of length defined in this Directive shall be divided into three classes, designated I, II and III, according to their degree of precision.

7.1. The maximum permissible positive or negative error,

(a) on the nominal length, or

(b) on any other distance between any two non-consecutive scale marks,

shall be expressed in millimetres as a function of the length in question by the formula (a + bL), in which :

— L is the length in question, rounded up to the next whole metre above,

— a and b are coefficients fixed for each precision class according to the following table :

Precision class	a	b
I	0,1	0,1
II	0,3	0,2
III	0,6	0,4

7.4. The maximum permissible error in service shall be equal to twice the maximum permissible error in the EEC initial verification.

8. **EEC initial verification marks**

8.1. A place must be provided near the beginning of the measure of length itself or on an additional fixture to permit the EEC initial verification marks to be affixed.

8.2. The marks must be affixed in accordance with the provisions of point 3.1 in Annex II to Council Directive 71/316/EEC of 26 July 1971, as last amended by Council Directive 83/575/EEC of 25 October 1983.

8.3. However, by derogations from point 3.1, the EEC initial verification mark may consist of the lower-case letter 'e' in a hexagon, the letter 'e' containing in its upper half the upper-case letter or letters identifying the Member State in which the EEC initial verification took place and in its lower half the year of verification. An example of the mark is shown at point 12.

8.4. The choice of one or the other form of mark is left to the discretion of the department responsible for EEC initial verification.

10. **EEC pattern approval and EEC initial verification**

EEC pattern approval and EEC initial verification of material measures of length shall be carried out in accordance with the procedure laid down in Directive 71/316/EEC.

10.1. *EEC pattern-approval examination*

Apart from the study documents, the examination shall consist of a check to ensure that the pattern submitted is in conformity with points 2, 3, 4, 5, 6 (except for point 6.4), 7, 8 and 9.

10.2. *EEC initial verification checks*

10.2.1. The EEC initial verification checks shall be carried out either on all the measures of length submitted or on lots composed of measures in accordance with point 11.

10.2.2. The EEC initial verification checks shall consist of a visual inspection of the measure of length to ensure its conformity with the approved pattern ; this concerns in particular the provisions of points 3.6, 4.1 and 4.3.