COUNCIL DIRECTIVE

of 26 October 1983

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

(83/575/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the purpose of Directive 71/316/EEC (4) is to ensure the free movement of measuring instruments within the Community by harmonizing the divergent national laws relating to metrological control and by establishing for this purpose adequate EEC pattern approval and initial verification procedures and EEC methods of metrological control;

Whereas the experience gleaned in recent years in the measuring instrument sector makes it necessary to amend certain Articles of the said Directive;

Whereas the methods of control applied at present make it possible for EEC initial verification to be carried out differently from the unit checking of instruments;

Whereas it was not possible for Directive 71/316/EEC, when it was adopted, to take these developments into account; whereas, since then, certain Member States have incorporated provisions into their national laws which take account of these developments;

Whereas it is advisable, in consequence, to amend and supplement the text of the European provisions currently in force in order to be able to harmonize the national laws adopted for that purpose,

(1) OJ No C 42, 15. 2. 1979, p. 9.
(2) OJ No C 127, 21. 5. 1979, p. 80.
(3) OJ No C 247, 1. 10. 1979, p. 22.
(4) OJ No L 202, 6. 9. 1971, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 71/316/EEC is hereby amended as follows:

1. Article 1 is replaced by the following:

'*Article 1*

1. (a) This Directive applies to goods referred to as instruments, which include measuring instruments, components of measuring instruments, additional devices and measurement equipment.

(b) This Directive also applies to units of measurement, the harmonization of methods of measurement and metrological control and, where appropriate, the means required for application of such methods.

(c) It also applies to the prescription, methods of measurement, metrological control and marking of quantities of prepackaged products.

2. No Member State may, on the basis of this Directive and the separate directives relating to it, prevent, prohibit, or restrict the placing on the market and/or entry into service of an instrument or of a product described in paragraph 1 if that instrument or product bears EEC marks and/or signs in accordance with the conditions laid down by this Directive and by the separate directives relating to the instrument or product in question.

3. Member States shall attach the same value to EEC pattern approval and initial verification as to the corresponding national measures.

4. The separate directives concerning the subjects referred to in paragraph 1 shall specify:

— in particular, the measurement procedures and characteristics of, and the technical requirements for, their design and function-

ing, as regards the products referred to in paragraph 1 (a),

— the requirements concerning paragraph 1 (b) and (c).

They may fix the date on which the existing national provisions are to be replaced by Community provisions.'

2. Article 2 is replaced by the following:

'Article 2

1. EEC pattern approval of instruments constitutes their admission to EEC initial verification and, where the latter is not required, the authorization to place them on the market and/or to put them into service. If the separate directive(s) applicable to a category of instruments exempt(s) that category from EEC pattern approval, the instruments in that category shall be admitted directly to EEC initial verification.

2. If their inspection equipment so permits, Member States shall grant EEC pattern approval for every instrument which satisfies the requirements laid down in this Directive and the separate directives relating to the instrument in question.

3. An application for EEC pattern approval may be made only by the manufacturer or his representative established within the Community. For one and the same instrument, application may be made in one Member State only.

4. A Member State which has granted EEC pattern approval shall take the necessary steps to ensure that it is kept informed of any modification or addition to the approved pattern. It shall inform the other Member States of such alterations.

Modifications or additions to an approved pattern must receive additional pattern approval from the Member State which granted EEC pattern approval, where such changes influence or might influence measurement results or the prescribed conditions for use of the instrument.

However, in the case of a modified pattern, a new EEC pattern approval shall be granted instead of an addition to the original EEC pattern approval certificate, if the pattern is modified after the provisions of this Directive or of the relevant special directive have been amended or adapted in such a way that the modified pattern could be approved only pursuant to the new provisions.

5. Member States shall grant EEC pattern approval in accordance with the provisions of this Directive and of the relevant separate directives.'

3. Article 4 is replaced by the following:

'Article 4

When an instrument has successfully completed the EEC pattern approval examination laid down in this Directive and in the separate directives relating to it, the Member State which carried out that examination shall draw up an EEC pattern approval certificate and forward it to the applicant. In the cases provided for in Article 11 or in a separate directive, the applicant must, and in all other cases he may, affix or cause to be affixed on each instrument conforming to the approved pattern the EEC approval sign shown in this certificate.'

4. Article 5 is replaced by the following:

'Article 5

1. EEC pattern approval shall be valid for 10 years. It may be extended for successive periods of 10 years; the number of instruments which may be manufactured in accordance with the approved pattern shall not be limited.

EEC pattern approvals granted on the basis of the provisions of this Directive and of a separate directive may not be extended after the date of the entry into force of any amendment to, or adaptation of, these Community provisions, in cases where such EEC pattern approvals could not have been granted on the basis of these new provisions.

When EEC pattern approval is not extended, this approval shall nevertheless continue to apply to EEC instruments already in service.

2. Where use is made of new techniques not provided for in a separate directive, EEC pattern approval with limited effect may be granted, after prior consultation of the other Member States.

It may include the following restrictions:

— limit on the number of instruments which may be covered by the approval,

— obligation to notify the competent authorities of the places of installation,