Council Directive of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC (80/181/EEC)

COUNCIL DIRECTIVE

of 20 December 1979

on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC

(80/181/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Directive 71/354/EEC of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement[(1)], as last amended by Council Directive 76/770/EEC[(2)],

Having regard to the proposal from the Commission[(3)],

Having regard to the opinion of the European Parliament[(4)],

Having regard to the opinion of the Economic and Social Committee[(5)],

Whereas units of measurement are essential in the use of all measuring instruments, to express measurements or any indication of quantity; whereas units of measurement are used in most fields of human activity; whereas it is necessary to ensure the greatest possible clarity in their use; whereas it is therefore necessary to make rules for their use within the Community for economic, public health, public safety or administrative purposes;

Whereas, however, there exist international conventions or agreements in the field of international transport which bind the Community or the Member States; whereas these conventions or agreements have to be respected;

Whereas the laws which regulate the use of units of measurement in the Member States differ from one Member State to another and as a result hinder trade; whereas, in these circumstances, it is necessary to harmonize laws, regulations and administrative provisions in order to overcome such obstacles;

Whereas units of measurement are the subject of international resolutions adopted by the General Conference of Weights and Measures (CGPM) set up by the Metre Convention signed in Paris on 20 May 1875, to which all the Member States adhere; whereas the ‘International System of Units’(SI) was drawn up as a result of these resolutions;

Whereas the Council on 18 October 1971 adopted Directive 71/354/EEC on the approximation of the laws of the Member States in order to eliminate obstacles to trade by adopting the

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international system of units at Community level; whereas Directive 71/354/EEC was amended by the Act of Accession and by Directive 76/770/EEC;

Whereas these Community provisions have not overcome all the obstacles in this field; whereas Directive 76/770/EEC provides for the review before 31 December 1979 of the situation regarding units of measurement, names and symbols listed in Chapter D of the Annex thereto; whereas it has also proved necessary to review the situation regarding certain other units of measurement;

Whereas it is necessary, in order to avoid serious difficulties, to provide for a transitional period during which units of measurement which are not compatible with the international system can be phased out; whereas it is nevertheless essential to allow the Member States wishing to do so to bring into force as quickly as possible, on their territory, the provisions of Chapter I of the Annex; whereas it is therefore necessary to limit the duration of this transitional period at Community level while, at the same time, leaving the Member States free to curtail that period;

Whereas, during the transitional period, it is essential, particularly in order to protect the consumer, to maintain a clear position on the use of units of measurement in trade between the Member States; whereas the obligation on the Member States to allow use of supplementary indications on products and equipment imported from other Member States during this transitional period seems to serve this purpose well;

Whereas the systematic adoption of a solution of this kind for all measuring instruments, including medical instruments, is however not necessarily desirable; whereas the Member States should therefore be able to require that, on their territory, measuring instruments bear indications of quantity in a single legal unit of measurement;

Whereas this Directive does not affect the continued manufacture of products already on the market; whereas it does, however, affect the placing on the market and use of products and equipment bearing indications of quantity in units of measurement which are no longer legal units of measurement, when such products and equipment are necessary to supplement or replace components or parts of such products, equipment and instruments already on the market; whereas it is therefore necessary for Member States to authorize the placing on the market and the use of such products and equipment to complete and replace components, even when they bear indications of quantity in units of measurement which are no longer legal units of measurement, so that products, equipment or instruments already on the market may continue to be used;

Whereas the International Organization for Standardization (ISO) on 1 March 1974 adopted an international standard on the representation of SI and other units for use in systems with limited sets of characters; whereas it is advisable for the Community to adopt the solutions which have already been approved on a wider international level by ISO Standard 2955 of 1 March 1974;

Whereas Community provisions relating to units of measurement are to be found in several Community texts; whereas the question of units of measurement is so important that it is essential that reference may be made to a single Community text; whereas this Directive thereby consolidates all the Community provisions on the subject and repeals Directive 71/354/EEC,

HAS ADOPTED THIS DIRECTIVE:

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Article 1

The legal units of measurement within the meaning of this Directive which must be used for expressing quantities shall be:

(a) those listed in Chapter I of the Annex;

(b) **[**[F1]those listed in Chapter II of the Annex only in those Member States where they were authorised on 21 April 1973;**]**

(c) **[**[F2]those listed in Chapter III of the Annex only in those Member States where they were authorized on 21 April 1973 and until a date to be fixed by those States. This date may not be later than 31 December 1994;

(d) those listed in Chapter IV of the Annex only in those Member States where they were authorized on 21 April 1973 and until a date to be fixed by those States. This date may not be later than 31 December 1999.**]**

Textual Amendments

F1 Substituted by Directive 2009/3/EC of the European Parliament and of the Council of 11 March 2009 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (Text with EEA relevance).

F2 Substituted by Council Directive of 27 November 1989 amending Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (89/617/EEC).

Article 2

(a) **[**[F1]The obligations arising under Article 1 relate to measuring instruments used, measurements made and indications of quantity expressed in units of measurement.**]**

(b) This Directive shall not affect the use in the field of air and sea transport and rail traffic of units, other than those made compulsory by the Directive, which have been laid down in international conventions or agreements binding the Community or the Member States.

Textual Amendments

F1 Substituted by Directive 2009/3/EC of the European Parliament and of the Council of 11 March 2009 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (Text with EEA relevance).

Article 3

1 For the purposes of this Directive ‘supplementary indication’means one or more indications of quantity expressed in units of measurement not contained in Chapter I of the Annex accompanying an indication of quantity expressed in a unit contained in that Chapter.

[[F1]2 The use of supplementary indications shall be authorised.**]**

3 However, Member States may require that measuring instruments bear indications of quantity in a single legal unit of measurement.

4 The indication expressed in a unit of measurement listed in Chapter I shall predominate. In particular, the indications expressed in units of measurement not listed in

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Chapter I shall be expressed in characters no larger than those of the corresponding indication in units listed in Chapter I.

F3 5 . . . . . .

Textual Amendments

F1 Substituted by Directive 2009/3/EC of the European Parliament and of the Council of 11 March 2009 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (Text with EEA relevance).

F3 Deleted by Council Directive of 27 November 1989 amending Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (89/617/EEC).

Article 4

The use of units of measurement which are not or are no longer legal shall be authorized for:

— products and equipment already on the market and/or in service on the date on which this Directive is adopted,

— components and parts of products and of equipment necessary to supplement or replace components or parts of the above products and equipment.

However, the use of legal units of measurement may be required for the indicators of measuring instruments.

Article 5

International standard ISO 2955 of [F2 15 May 1983], 'Information processing — Representations of SI and other units for use in systems with limited character sets' shall apply in the field covered by paragraph 1 thereof.

Textual Amendments

F2 Substituted by Council Directive of 27 November 1989 amending Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (89/617/EEC).

Article 6

Directive 71/354/EEC shall be repealed on 1 October 1981.

[F3 . . . . .

F3]

Textual Amendments

F3 Deleted by Council Directive of 27 November 1989 amending Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (89/617/EEC).

[F4 Article 6a

Issues concerning the implementation of this Directive and, in particular, the matter of supplementary indications shall be further examined, and if necessary the appropriate

measures adopted in accordance with the procedure referred to in Article 18 of Council Directive 71/316/EEC[6].**]**

Textual Amendments

F4 Inserted by Directive 1999/103/EC of the European Parliament and of the Council of 24 January 2000 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement.

[F5 Article 6b

The Commission shall monitor market developments relating to this Directive and its implementation with regard to the smooth functioning of the internal market and international trade and shall submit a report on those developments, accompanied by proposals where appropriate, to the European Parliament and to the Council by 31 December 2019.**]**

Textual Amendments

F5 Inserted by Directive 2009/3/EC of the European Parliament and of the Council of 11 March 2009 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (Text with EEA relevance).

Article 7

(a) Member States shall adopt and publish before 1 July 1981 the laws, regulations and administrative provisions necessary to comply with this Directive and shall inform the Commission thereof.

They shall apply these provisions from 1 October 1981.

(b) As from the date of notification of this Directive, Member States shall also ensure that the Commission is informed, in sufficient time to enable it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive.

Article 8

This Directive is addressed to the Member States.