II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 19 November 1973

on the approximation of the laws of the Member States relating to non-automatic weighing machines

(73/360/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;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas in the Member States the construction and methods of control of non-automatic weighing machines are subject to mandatory provisions which differ from one Member State to another and consequently hinder trade in such instruments; whereas it is therefore necessary to approximate these provisions;

Whereas the Council Directive of 26 July 1971 (1) on the approximation of the laws of the Member States relating to provisions both for measuring instruments and methods of metrological control has laid down the EEC pattern approval and EEC initial verification procedures; whereas, in accordance with that Directive, the technical requirements for the design and functioning of non-automatic weighing machines should be laid down,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This directive applies to non-automatic weighing machines.

Such machines are defined in points 1.2 and 2.1.1.2 of the Annex.

Article 2

Those non-automatic weighing machines which may bear EEC marks and symbols are described in the Annex.

They shall be subject to EEC pattern approval and shall be submitted to EEC initial verification.

Weighing machines listed under item 13 of the Annex shall however be exempt from EEC pattern approval.

Article 3

No Member State may refuse, prohibit or restrict the placing on the market or entry into service of non-automatic weighing machines bearing the EEC

(1) OJ No L 202, 6. 9. 1971, p. 1.

pattern approval symbol where required, and the EEC initial verification mark.

Article 4

1. Member States shall put into force the laws, regulations and administrative provisions needed in order to comply with this Directive within eighteen months of its notification, and shall forthwith inform the Commission thereof.

However, in the case of Ireland and the United Kingdom, this period shall be extended to five years.

2. Member States shall ensure that the tests of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 19 November 1973.

For the Council

The President

Ib FREDERIKSEN

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CHAPTER I

GENERAL

1. GENERAL DEFINITION

1.1. Weighing

Determination of the value of the mass of a body.

1.2. **Weighing machines**

Machines which serve to determine the value of the mass of a body by using the action of gravity on this body.

They may also be used to determine other quantities, magnitudes, or characteristics in terms of mass.

In this Annex the term 'weighing machines' is abbreviated to 'machines'.

2. TERMINOLOGY

2.1. **Classification of machines**

2.1.1. — *according to their method of operation*

2.1.1.1. Automatic machines

Machines accomplishing a weighing operation without intervention by an operator and setting in motion an automatic process characteristic of the machine.

2.1.1.2. Non-automatic machines

Machines which require the intervention of an operator during the weighing process, especially to deposit on and/or remove from the loadreceptor of the machine the loads and also to determine the result.

2.1.2. — *according to their method of indication*

2.1.2.1. Non-graduated machines

Machines not fitted with a scale calibrated in units of mass.

2.1.2.2. Graduated machines

Machines enabling a direct reading of the complete or partial result of the weighing to be taken.

2.1.3. — *according to the method of obtaining equilibrium*

2.1.3.1. Non-self-indicating machines

Machines in which the position of equilibrium is obtained entirely by the operator.

2.1.3.2. Self-indicating machines

Machines in which the position of equilibrium is obtained without the intervention of the operator.

2.1.3.3. Semi-self-indicating machines

Machines in which the operator only intervenes above a certain range, called range of self-indication or printing, in order to re-establish the function of self-indication.