

20th WELMEC Committee Meeting
Castá Papernicka
Slovakia
13 – 14 May 2004

Commission statement

Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments was adopted on 31 March 2003.

It reflects the result of work for over a period of almost 14 years, first at Commission level, and subsequently at the level of Parliament and Council. It is a directive that places measuring instruments in a new and modern regulatory framework. It allows for technological flexibility. It innovates in that it allows under specific conditions for the use of OIML recommendations providing presumption of conformity alongside European standards. It offers a choice of conformity assessment procedures to manufacturers.

The Directive opens a new era for regulators and stakeholders. Implementation of a New Approach Directive is a challenging task. One will discover the need for coordination, for common interpretation, for guidance. One will have to ensure equivalent levels of market surveillance on the market. There has to be a coherent and consistent policy on conformity assessment.

Preparatory work to ensure the coordinated should start now i we are to be ready for implementation when national legislation will enter into force, i.e by end 2006. Consequently, as the Treaty entrusts the Commission with tasks to ensure the proper functioning and development of the common market, the Commission will develop a number of initiatives in this direction, aiming to ensure coherence in interpretation and coordination in implementation.

In order to facilitate the smooth and coherent implementation of the directive, the Commission intends to set up a Commission Working Group that would comprise all stakeholders. This Group would provide authorities and stakeholders a platform in order to discuss any issue in relation to the implementation. An important role of the group will be to make available guidance documents on the implementation of the directive's provisions, to be made available on the Commission's website.

It has to be acknowledged that through WELMEC, national authorities have set up an effective networking system, active in a number of fields that are directly relevant to the implementation of the MID. Cooperation of authorities through WELMEC has proven to be efficient and useful. Therefore, in organising work at the level of the Commission services, the existence of WELMEC will be taken into consideration as effective cooperation between Commission and national authorities through WELMEC is beneficial to all interested parties.

There are indeed a number of policy areas where such cooperation can take place, such as

- market surveillance
- cooperation regarding conformity assessment, including the operation on Notified Bodies
- identification of relevant OIML documents
- development of guidance documents

- the wider area of administrative cooperation

Cooperation should be based on a correct understanding of respective tasks and roles, and based on conditions of openness and transparency, in particular vis-à-vis the stakeholders. This would imply that work carried out by WELMEC on the implementation of the directive is clearly related to requests or suggestions coming from the Commission's Working Group and that WELMEC would accordingly report to the Working Group. Similarly, to the extent that WELMEC carries out preparatory work for the Working Group, and unless activities belong to the exclusive competence of authorities, such as the designation of Notified Bodies and Market Surveillance, activities in WELMEC should be open for participation by stakeholders.

One of the particular features of the Measuring Instruments Directive is the existence of an article on administrative cooperation. This would allow the Commission, within the limits of budgetary availabilities, to provide a financial support to specific activities in relation to cooperation projects or workshops with the new Member States carried out through WELMEC.

Cooperation thus outlined between Commission and WELMEC should be regularly reviewed with a view to improvement and to consider feedback from the stakeholders.

Finally, it is suggested that work of the Non Automatic Weighing Machines be placed within this same context.