

Brussels, 28 October 2010

**CECIP reply to the EC Public consultation on the review of Directive
2004/22/EC**

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CECIP is the voice of the European weighing industry. With its membership of 17 national associations of weighing instruments manufacturers in Europe CECIP covers the whole productive capacity of the European weighing industry and represents ca. 400 manufacturers, counting for a turnover of 3 billion Euro and employing 50.000 employees. In addition, the weighing instruments industry indirectly includes some 4000 - 5000 small and micro companies with only 1-3 employees. These companies are often service providers, which also assemble scales in limited editions in order to provide tailor-made solutions for their customers.

CECIP has been involved in the discussions on the possible revision of the Measuring instruments directive from the beginning, and has been active in the relevant discussion at WELMEC level, in particular within WG2.

Please find here below CECIP reply to the EC public consultation on the revision of Directive 2004/22/EC.

1. Are there any issues not flagged in the evaluation report which should nonetheless be included?

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2. Do you have comments on the evaluation report and the CSES recommendations?

CECIP particularly supports the conclusion outlined in the report, which states that although the MID has helped improving the operation of the internal market with the use of a single conformity assessment certificate, problems still exist mainly due to the poor quality of market surveillance in most of the Member States.

Problems still exist also on national requirements concerning functionality and specific issues related, for instance, to the use of the subassembly approach for automatic weighing instruments. The development and implementation of market surveillance plans by MSs in accordance to the New Legislative Framework need to be enhanced. We would support the recommendation of CSES which encourages the Commission to share the results and experience among the relevant bodies through the organisation of targeted discussion groups.

3. Which of the changes listed in Annex 3 should be made to the MID and why?

CECIP replies:

No. 2 Modification of the subassemblies and the complete measuring instrument in connection &

No. 21 Subassemblies

CECIP would welcome the opportunity of having official certified parts (subassemblies) which may be assembled together by an economic operator who

can draft a "declaration of conformity" for the complete instrument using the certificate of the manufacturers of the parts/subassemblies.

This would avoid that unnecessary administrative and economic burden is imposed on final assemblers, who otherwise would need to apply for a type examination certificate under their names. In addition it enforces market surveillance as it refers to the manufacturer who places the main parts of the weighing instrument on the market. This solution would prevent that disproportionate responsibilities are given to assemblers who do not have the opportunity to check for the conformity of all the part by themselves.

No. 7 Temperature limits

CECIP believes that for the suggested clarification is necessary.

Temperature ranges must fit to the actual use of instruments.

That is fully taken into account in Annex MI-006.

However, this doesn't fit with Annex I in many cases.

In summary, MI 006 allows reduced range of temperature but it is not in line with Annex 1.

In case Member States refer to Annex I in their rules this could lead to diverging interpretations and could therefore jeopardize the situation regarding type examination and for placing instruments on the market.

Moreover, this hampers new technologies and would increase the costs of our instruments.

For instance, a weighing instrument which is used in clean rooms in the pharmaceutical industry shall be used under regulated temperature conditions.

Annex MI-006 allows placing on the market of instruments with reduced temperature ranges like e.g. 20 °C.

In such a case, although a temperature range of 10 °C to 30°C would adequately fit to the conditions under which the instrument is used, this would not be in conformity with Annex I.

No. 9 Meaning of hard copy

CECIP is convinced that a clarification is necessary because different translations and interpretations currently exist in different countries regarding the meaning of hard copy. This is the reason why Member States and notified bodies face difficulties in reaching an agreement on type examination and requirements for instruments to be placed on the market. This results in lack of harmonization and legal uncertainties for the manufacturers which can lead to legal disputes.

No. 22 Verification scale intervals for single or multi-interval instruments

CECIP underlines that the MID sets different rules between single and multi-interval instruments. Such differences would lead to unfair competition concerning the two kinds of instruments. The solution should be to harmonize these rules with reference to OIML R51.

According to the current MID this is not possible.

No. 23 Category X instruments

CECIP wants to highlight that, by referring to 75/106/EEC, MID currently restricts the use of category X instruments to e-marked prepackages only.

However, the instruments are foreseen for testing prepackages in general, even in case they are not especially e-marked. A change is therefore necessary here in order to ensure regulation for non-e-marked instruments. That would otherwise hamper the use of such instruments because packers need to use the same instrument for different kinds of packages.

No. 24 High precision weighing instruments:

High precision weighing instruments of classes XI, Y(I), XII and Y(II) are used for analytical purposes and for checking the net content of pre-packed packages containing, for instance, expensive pharmaceutical products.

For these AWI instruments special regulations are needed concerning minimum number of scale intervals and minimum load. In case this is not ensured, there is no possibility to develop such instruments and market them. Although users like pharmaceutical industry and other operators would like to automate their processes to make them cheaper and more secure, under current rules they are not able to do that. This situation undermines the technological development and renders the processes unnecessarily expensive.

We therefore believe the same exceptions as those which are approved and state of the art for NAWIs since many years are also needed for AWIs.

No. 25 Dynamic setting:

CECIP believes that requirements are not clear yet. This leads to several misunderstandings, eventual conflicts and discussions with notified bodies. Clarification is therefore necessary.

4. Which of the 26 suggestions identified in Annex 3 for changes to the MID do you oppose and why? In relevant cases, why do you consider standardisation and/or guidance as better alternatives to harmonisation?

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5. Which of the sectors identified in Annex 4 should be added to the MID and why?

CECIP replies:

No. 33 Automatic weighing of road vehicles

No. 41 Weights

Both types of instruments should be part of a new annex under the revised Directive. CECIP supports the harmonization of the 2 types of instruments under the MID. In case those 2 sectors are not harmonized in the future, this could lead to trade barriers because products could present different characteristics. Standardisation and normative documents are not sufficient to provide a clear framework for these instruments unless a New Approach Directive provides a legal basis for standards and presumption of conformity to the law is therefore ensured.

6. Which of the sectors identified in Annex 4 should not be added to the MID and why?

CECIP is not aware of any actual uses of proposal n°43. CECIP therefore asks for clarification regarding this point.