

EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Internal Market for the Free Movement of Goods
Internal Market and its International Dimension

Brussels, 14 MAI 2013
ENTR.C1/DH/sv D(2013)1132923

Mrs Veronica Martens
President of Legal Metrology Group
CECIP
Diamant Building
Bd A Reyers 80
B-1030 Brussels

Subject: EC type approval certificates - The transition to the new harmonised standards for non-automatic weighing instruments under Directive 2009/23/EC

Dear Ms Martens,

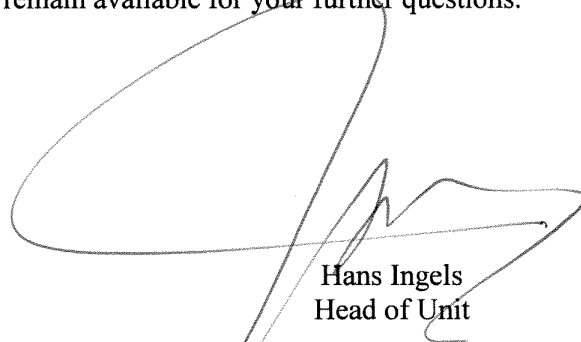
Thank you for your letter of 6 March 2013.

As regards the EN 45501 standard we expect this year to receive an updated version as requested by Mandate M/412. The next step will be to publish the new reference in the Official Journal. The publication of the new reference will not change current type approval certificates (TACs) which have been issued under the terms of the Directive and will remain valid until the end of their validity.

The update of the standard only concerns new certificates. In this context it is important to remember that as long as there is no safeguard, there is no legal basis upon which to question the fulfilment of the EMC requirement by the current standard. Should an authority have any reason to doubt whether the essential requirements are satisfied by an existing TAC, there is no informal way to proceed and the authority must follow EU law and apply the safeguard procedure as indicated in the Directive. I would advise industry to insist on the use of a safeguard in writing. The reply by the authority in question could then be used to substantiate a complaint to the Commission services and/or to bring a case before a national court.

I hope this answer is satisfactory and I remain available for your further questions.

Yours sincerely,



Hans Ingels
Head of Unit