



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 29 March 2012**

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**Interinstitutional File:  
2011/0352 (COD)**

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COMPET 185**

**NOTE**

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from: General Secretariat of the Council  
to: Working Party on Technical Harmonisation  
No. Cion prop.: 17268/11 ENT 253 MI 591 CONSOM 182 CODEC 2121 COMPET 538  
Subject: New Legislative Framework Alignment Package  
(Implementation of the Goods Package)  
- Proposal for a Directive of the European Parliament and of the Council  
on the harmonisation of the laws of the Member States relating to making  
available on the market of non-automatic weighing instruments -  
Opinion of the Consultative Working Party of Legal Services

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DES SERVICES JURIDIQUES

Brussels, 27 MARS 2012

## OPINION

FOR THE ATTENTION OF      THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION

**Proposal for a directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of non-automatic weighing instruments  
COM(2011) 766 final of 21.11.2011 - 2011/0352 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 1 February 2012 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting<sup>1</sup>, an examination of the proposal for a directive of the European Parliament and of the Council recasting Directive 2009/23/EC of the European Parliament and of the Council of 23 April 2009 on non-automatic weighing instruments resulted in the Consultative Working Party's establishing, by common accord, as follows.

1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier act remain unchanged in the proposal, as is provided for under point 6(a)(iii) of that agreement.

2) In the recast text, the following should have been identified by using the grey-shaded type generally used for marking substantive changes:

- in Article 13(1)(a), second subparagraph, the proposed adding of the final wording "*For those instruments not submitted to Module B, Module D1 as set out in point 3 of Annex II or Module F1 as set out in point 5 of Annex II shall apply*" (marked with adaptation arrows in the recast text);


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<sup>1</sup> The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

- in Article 42(1), first subparagraph, the words "*Articles 2(3) to (19), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and Annex II*", as well as the entire text of the final sentence which reads as follows: "*They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive*";

- in Article 42(1), second subparagraph, the words "*from [day after the date set out in the first subparagraph]*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.



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