

Directive 2009/3/EC of the European Parliament and of the Council of 11 March 2009 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement (Text with EEA relevance)

DIRECTIVE 2009/3/EC OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

of 11 March 2009

amending Council Directive 80/181/EEC on the approximation  
of the laws of the Member States relating to units of measurement

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(2)</sup>,

Whereas:

- (1) Council Directive 80/181/EEC<sup>(3)</sup> requires the United Kingdom and Ireland to fix a date for ending the exemptions, where they are still being applied, in respect of the units of measurement known as ‘pint’ for milk in returnable bottles and beer and cider on draught, ‘mile’ for road signs and speed indications, and ‘troy ounce’ for transactions in precious metals. However, experience has shown that, given the local character of those exemptions and the limited number of products concerned, maintaining the exemptions would not result in a non-tariff barrier to trade and, as a consequence, there is no longer a need to put an end to those exemptions.
- (2) It is appropriate to clarify that the scope of Directive 80/181/EEC is consistent with the objectives referred to in Article 95 of the Treaty and that it is not limited to any specific Community fields of action.
- (3) Directive 80/181/EEC authorises the use of supplementary indications in addition to the legal units laid down in Chapter I of the Annex to that Directive until 31 December 2009. However, in order to avoid creating obstacles for Community undertakings exporting to certain third countries that require products to be marked in other units than those laid down in Chapter I, it is appropriate to maintain the authorisation to use supplementary indications.
- (4) Directive 80/181/EEC supports the smooth functioning of the internal market through the level of harmonisation of units of measurement it prescribes. In this context, it is appropriate that the Commission monitor market developments relating to that

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Directive and its implementation, notably as concerns possible obstacles to the functioning of the internal market and any further harmonisation required to overcome those obstacles.

- (5) It is appropriate that the Commission continue to strongly pursue, in the context of its third country trade relations, including the Transatlantic Economic Council, the acceptance in third country markets of products labelled only in the units of the International System of Units (SI).
- (6) Supplementary indications could also allow the gradual and smooth introduction of new metric units which may be developed at the international level.
- (7) In 1995, the General Conference on Weights and Measures decided to eliminate the class of SI supplementary units as a separate class in the SI and to interpret the units 'radian' and 'steradian' as dimensionless SI derived units, the names and symbols of which may, but need not, be used in expressions for other SI derived units, as is convenient.
- (8) In 1999, the General Conference on Weights and Measures adopted, within the framework of the SI, the 'katal', the symbol of which is 'kat', as the SI unit for catalytic activity. This new harmonised SI unit was intended to ensure a coherent and uniform indication of units of measurement in the fields of medicine and biochemistry and, as a consequence, to eliminate any risk of misunderstanding arising from the use of non-harmonised units.
- (9) In 2007, in order to eliminate one of the major sources of the observed variability between different realisations of the water triple point, the General Conference on Weights and Measures adopted a note on the definition of the 'kelvin'. The 'kelvin' is defined as a fraction of the thermodynamic temperature of the triple point of water. The note refers to water of a specific isotopic composition.
- (10) Since the acre is no longer in use for land registration purposes in the United Kingdom and Ireland, there is no longer any need to provide for an exemption in that respect.
- (11) In accordance with point 34 of the Interinstitutional Agreement on better law-making<sup>(4)</sup>, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (12) Directive 80/181/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 120, 16.5.2008, p. 14.](#)
- (2) Legislative Resolution of the European Parliament of 29 November 2007 ([OJ C 297 E, 20.11.2008, p. 105](#)), Council Common Position of 18 November 2008 ([OJ C 330 E, 30.12.2008, p. 1](#)) and Position of the European Parliament of 16 December 2008 (not yet published in the Official Journal).
- (3) [OJ L 39, 15.2.1980, p. 40.](#)
- (4) [OJ C 321, 31.12.2003, p. 1.](#)