

## **STANDARDS NOTES: European Union – April 2009**

**Units of Measurement adopted – Success!** On December 16, 2008, the European Parliament (EP) voted in favor of adoption of the common position which amends the existing "metrics only" legislation (80/181/EEC). The amendment indefinitely extends the use of supplementary units of measurement, such as pounds and inches. By granting this extension, the Commission, Council and EP are effectively removing a barrier to trade which would have seriously hampered transatlantic trade as of 1.1.2010 when the units of measurement directive was supposed to enter into force. With the adoption of the common position by the Council and the European Parliament in second reading, years of lobbying by industry and government have reached a successful conclusion. Expectations are that the final text of the adopted directive amending 80/181/EEC will be published in the Official Journal in April 2009 following formal notification of the Council/Coreper. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0785:FIN:EN:PDF>

**Energy-Using Products (EUP):** On December 17, 2008, the Commission adopted and published the first implementing measure on standby energy consumption. The measure, one of many to come under the energy-using products directive 2005/23/EC, affects a broad range of household and office appliances such as television and computers. Manufacturers will have to lower their product's energy consumption in standby mode to a certain watt level in two stages. By 2020, the Commission estimates an energy reduction by 73% as a result of the measure. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:339:0045:0052:EN:PDF>

**New Toy Safety Directive Adopted:** On December 18, the European Parliament adopted the new toy safety directive which strengthens existing safety, labeling and market surveillance requirements. The new directive bans use of certain carcinogenic substances as well as some toxic heavy metals. Any potential hazard has to be clearly labeled in order to warn children and adults. In addition, the new directive enhances the obligations of importers and distributors who will be required to verify compliance. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/2026&format=HTML&aged=0&language=EN&guiLanguage=en>

**No need for consumer safety mark:** As part of the review of New Approach, the Commission launched a consultation last year to evaluate the need of a consumer safety mark. The outcome of the consultation was published in December 2008. The report concludes that there is currently no need for a consumer safety mark. The analysis suggests that the problems relating to unsafe products are limited and that the possible solutions should concentrate on those areas where there are problems, as opposed to developing an overall new system. It also suggests that reinforcing of consumer product safety can be obtained by building upon the existing system of CE marking and reinforcing other types of

product control, e.g. border controls and market surveillance.  
[http://ec.europa.eu/enterprise/newapproach/pdf/ce\\_marking\\_en.pdf](http://ec.europa.eu/enterprise/newapproach/pdf/ce_marking_en.pdf)

**Medical Devices:** Post learned from U.S. industry sources that the Commission launched an infringement procedure against Italy because Italy requires registration of devices. For quite some time, the Commission had been sitting on the fence about taking action but now decided that the Italian measure goes beyond EU harmonized requirements. A growing number of U.S. exporters had expressed concern about Italy's measure.

They reported that in recent months other EU countries had imposed similar requirements adopting similar measures.

**Standardization and Innovation:** On September 25, the Council released its conclusions on standardization and innovation. In 29 bullets, the Council expresses its full support for the Commission's standardization policy and strategy, emphasizing active participation in international standardization, encouraging participation of SMEs and stakeholders, looking for standardization opportunities in research projects, among others. We noted that the Council takes the view that it would be "helpful" for European standardization organizations to "exploit synergies with standardization fora and consortia". With regard to intellectual property rights, the Council emphasizes the need to implement procedures which allow fair, reasonable and non-discriminatory conditions for making technology available.  
[http://ec.europa.eu/enterprise/standards\\_policy/standardisation\\_innovation/doc/councilconclusions\\_20080925\\_en.pdf](http://ec.europa.eu/enterprise/standards_policy/standardisation_innovation/doc/councilconclusions_20080925_en.pdf)

**Energy Performance of Buildings:** The European Commission launched the revision of the 2002 energy performance of buildings directive. The proposed text tightens the existing directive in a number of areas. Most notably, the scope will be broadened to cover all existing buildings undergoing major refurbishment irrespective of square meters. The buildings would have to meet minimum national standards and performance of public buildings has to be advertised (linked to square meters). The public sector will have a leading role. The text also proposes to introduce comparative benchmarking between member states. In addition, the inspection of boilers and heating systems would be improved and member states would have to introduce penalties for non-compliance.  
[http://ec.europa.eu/energy/strategies/2008/doc/2008\\_11\\_ser2/buildings\\_directive\\_proposal.pdf](http://ec.europa.eu/energy/strategies/2008/doc/2008_11_ser2/buildings_directive_proposal.pdf)

**New EUP webpage:** With the adoption of a framework directive 2005/32/EC in 2005, the European Union regulator laid the groundwork for specific "implementing measures" to be adopted next. The goal is to minimize the use of energy at the design stage and throughout production, transport, packaging, etc of a broad range of products such as televisions, computers, fans, lighting and more. Products in compliance with EUP implementing measures can be easily recognized because they will carry a CE marking. The new section on our CSEU website provides an overview of what it means and what the status is of the implementing measures.  
[http://www.buyusa.gov/europeanunion/energy\\_using\\_products.html](http://www.buyusa.gov/europeanunion/energy_using_products.html)

**Expanding the Scope of EUP:** The Commission's recently proposed recast of the 2005/32/EC framework directive expands the scope to cover "energy related products" which means that products such as windows, piping, shower heads and insulation, among others, will be subject to implementing measures in the future. On December 8, the Energy Ministers reached informal agreement on the proposed text. It is possible that the Ministers and the European Parliament will negotiate an agreement on the text between now and April 2009, when the European Parliament is supposed to discuss the subject in plenary session  
<http://www.europarl.europa.eu/oeil/file.jsp?id=5667632>

**Personnel News:** Sylvia Mohr, Standards Specialist, is out of the office until June 1, 2009. In her absence, Louis Santamaria, Standards Attaché, will be the point of contact for any Standards/CE marking question.

**Upcoming events:**

The Commission celebrates the first SME week in May by organizing a series of events/conferences.etc.  
[http://ec.europa.eu/enterprise/policies/entrepreneurship/sme-week/index\\_en.htm](http://ec.europa.eu/enterprise/policies/entrepreneurship/sme-week/index_en.htm)