

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Economic Affairs Agency or authority designated to handle comments regarding the notification can be indicated if different from above: National Enquiry Point
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Measures, weights, weighing and measuring equipment and measuring instruments
5.	Title, number of pages and language(s) of the notified document: Bill on Rules Regarding Measures, Weights, Measuring and Weighing Equipment and Measuring Instruments (Weights and Measures Act)
6.	Description of content: The Act issues rules for the correct measuring and weighing in society and prescribes the use of suitable means of measurement (measures, weights, measuring and weighing equipment and measuring instruments). Paragraph 1 contains provisions regarding the recognised measuring units and provisions regarding the standards of such units. An establishment may be appointed by Royal Decree which is responsible for bringing the standards about and managing the same. Such establishment shall observe the provisions of the Meter Convention. Paragraph 2 prescribes the conditions which the means of measurement shall meet. Other conditions may be added by Decree and ministerial regulation. Rules have also been drawn up for having means of measurement available, supplying and using these in the trade and, under certain circumstances, when carrying out a profession or activity. The Minister may grant an exemption from this under certain conditions. Additionally, the Act prescribes the procedures for marketing the means of measurement lawfully. These include, in general, a type approval, followed by an individual inspection of the means of measurement upon which the said means is provided with a stamp.

6.	<p>Description of content: (cont'd)</p> <p>Re-inspection and the right of the owner of a means of measurement to apply for re-inspection are also subject to rules. Article 21a contains the foundation for the implementation of EC Decisions in the Netherlands via the General EEC Weights and Measures Decree. Although one establishment has been appointed which is responsible for the inspection and monitoring, other establishments may also be recognised to carry out certain inspections. Provision has been made for an appeal procedure for those which have been adversely affected by a decision made by the establishment or other recognised establishments.</p>
7.	<p>Objective and rationale: If the Bill contains quantitative import restrictions or measures of equal effect then these are justifiably protected in the interest of fairness of commercial transactions and to protect consumers. A provision concerning mutual recognition has been included in Article 10a for products from other states of the European Economical Area which meet the requirements prescribed in the country of origin.</p>
8.	<p>Relevant documents: Reference documents - criteria text - General section of the Explanatory Note to the Bill of the Weights and Measures Act 1937 (Parliamentary Documents II 1933/34, 366, No. 3) - Bill amending the Weights and Measures Act 1937 and any other acts regarding the privatisation of the administration of the Department of Weights and Measures (privatisation service of the Department of Weights and Measures) (Parliamentary Documents II 1985/86, 19 630, Nos. 1 to 3) - Bill amending the Weights and Measures Act regarding the revision of the advisory structure and coming into force of the EU Treaty (Parliamentary Documents II, 24 763, Nos. 1 to 3)</p>
9.	<p>Proposed date of adoption: 21 October 1997 Proposed date of entry into force: 21 October 1997</p>
10.	<p>Final date for comments: 20 October 1997</p> <p>The Netherlands will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time limit have been received from other Members within that time.</p>
11.	<p>Texts available from: National enquiry point [X] or address and telefax number of other body:</p>