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COM(2024) 561 final

2024/0311 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Directive 2014/32/EU as regards electric vehicle supply equipment,
compressed gas dispensers, and electricity, gas and thermal energy meters**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

This proposal is a targeted technical amendment of the Measuring Instruments Directive 2014/32/EU¹ (the ‘MID’). The scope and the associated essential requirements covered by the MID were already established by Directive 2004/22/EC², of which the MID is a recast. Thus, they have remained unchanged for more than 20 years. This means that the MID does not cover new measuring instruments that are necessary to achieve the objectives of the European Green Deal³. This is notably the case for electric vehicle supply equipment and compressed gas (e.g. hydrogen and natural gas) dispensers and thermal energy meters for cooling applications. In addition, as far as electricity and gas meters are concerned, the MID does not address the growing role of digitalisation (smart metering) or the use of new gases (like hydrogen or other renewable gases as alternatives to more traditional gases) supplying households.

As a result, the absence of harmonised requirements for certain categories of measuring instruments is expected to lead to the emergence of diverging national legislations and therefore to a fragmentation of the single market. Such fragmentation leads to higher costs for economic operators and consumers. Additionally, this could also cause delays in the rollout of technologies that are key for the twin, green and digital, transition of the Union economy.

Moreover, some essential requirements of the MID are no longer technology neutral (e.g. display requirements) which prevent the use of modern solutions and their associated benefits in terms of convenience and protection for consumers.

In view of the above, and to avoid further fragmentation of the single market, a targeted technical amendment of the MID is needed.

This proposal provides for a limited update of the scope of the MID (including new essential requirements to cover this increased scope) and a limited update of some essential requirements regarding electricity and gas meters.

- **Consistency with existing policy provisions in the policy area**

The proposal does not affect the applicability of other Union legislation applicable to measuring instruments.

- **Consistency with other Union policies**

This initiative is consistent with and complementary to the existing Union harmonisation legislation, in particular the New Legislative Framework.

¹ Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (OJ L 96, 29.3.2014, p. 149, ELI: <http://data.europa.eu/eli/dir/2014/32/oj>).

² Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments (OJ L 135, 30.4.2004, p. 1, ELI: <http://data.europa.eu/eli/dir/2004/22/oj>).

³ COM(2019) 640 final.

The proposal will help accelerate the twin, green and digital, transition in line with the objectives of the European Green Deal and of the New Industrial Strategy for Europe.⁴

It will also contribute to the successful implementation of the Alternative Fuels Infrastructure Regulation (AFIR),⁵ which is a prerequisite for the rollout of clean mobility, and of Directive (EU) 2023/1791 on energy efficiency.⁶

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis of the proposal is Article 114 of the Treaty on the Functioning of the European Union (TFEU).

• Subsidiarity (for non-exclusive competence)

In line with Recital (62) of the MID, the objectives of the MID can be better achieved at Union level.

Diverging regulatory regimes in Member States create discrepancies in the single market. They generate additional costs and administrative burden; and create barriers to the free circulation of measuring instruments.

Harmonising the essential requirements for electric vehicle supply equipment, compressed gas dispensers, thermal energy meters for cooling applications; and smart meters, thus ensuring their free movement, can only be achieved at Union level.

Without Union action, the single market will remain fragmented, leading to diverging requirements for these measuring instruments across the Union through emerging national legislations.

Therefore, the creation of a harmonised regulatory framework for said measuring instruments would avoid the emergence of different regulatory regimes across the Union, improving the functioning of the single market.

• Proportionality

The proposal complies with the proportionality principle because it does not go beyond of what is necessary to achieve the objectives of ensuring the proper functioning of the single market while providing harmonised requirements for electric vehicle supply equipment, compressed gas dispensers, thermal energy meters for cooling applications and state-of-the-art requirements for electricity and gas smart meters.

⁴ COM(2020) 102 final and COM(2021) 350 final

⁵ Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU (OJ L 234, 22.9.2023, p. 1, <http://data.europa.eu/eli/reg/2023/1804/oj>).

⁶ Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955(OJ L 231, 20.9.2023, p. 1, <http://data.europa.eu/eli/dir/2023/1791/oj>).

- **Choice of the instrument**

Since the legal act to be amended is a Directive, it is appropriate that the amending act take the same form.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The Commission is carrying out an evaluation of Directive 2014/31/EU on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments⁷ (NAWID) and of the MID. Without pre-empting the outcome of that evaluation, the current proposal is a technical amendment of the MID to adapt it to technological progress, since the Directive does not cover new measuring instruments and is no longer technology neutral.

- **Stakeholder consultations**

This proposal was prepared taking into account work from the European Cooperation in Legal Metrology ('WELMEC') that gathers the EU and EFTA national authorities responsible for legal metrology.

Member States and other relevant stakeholders were invited to attend a special meeting of the Working Group Measuring Instruments⁸ on the matter on 11 January 2024. They were requested to contribute to this work by sending comments before and after the meeting. Member States and other relevant stakeholders were also invited to attend another special meeting of the Working Group Measuring Instrument on 12 September 2024. They were requested to contribute to this proposal by sending comments before and after the meeting.

On 20 September 2024, a call for evidence was published on the '*Have your Say platform*'⁹ where any interested parties were invited to provide feedback until 18 October 2024. In this context, the Commission has received 53 contributions:

- 5 from public authorities,
- 35 from business and business associations, and
- 13 from others.

The contributions received confirmed the issues previously identified by the Commission, notably the necessity for updated essential requirements supporting the roll-out of smart meters, the need for Annex V to the MID to explicitly refer to Direct Current to take into account technological developments, the necessity to harmonise metrological requirements for electric vehicle charging stations at EU level, and the request for the integration of cooling applications to the Annex VI of the MID.

⁷ Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107, <http://data.europa.eu/eli/dir/2014/31/oj>)

⁸ Working Group Measuring Instruments (E01349): <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1349>

⁹ [Measuring instruments – technical update of EU rules \(europa.eu\)](https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1349)

- **Impact assessment**

This proposal is not accompanied by an Impact Assessment, as it is a mere technical and targeted amendment of the MID to adapt it to technological progress.

Article 47 of the MID empowers the Commission to adopt delegated acts. However, this empowerment is limited in scope to punctual amendments of the instrument-specific Annexes. Thus, the MID does not include an appropriate empowerment for the Commission to amend more generally the Annexes and the scope of the MID and to adapt it to technological progress.

- **Regulatory fitness and simplification**

This proposal will help reducing the costs of certification of products for manufacturers, including SMEs, as they will have to comply with only one harmonised EU legislation instead of facing up to 27 diverging national requirements.

Lower production costs will indirectly benefit consumers.

- **Fundamental rights**

The proposal is in accordance with the Charter of Fundamental Rights of the European Union.

4. BUDGETARY IMPLICATIONS

The proposal does not require additional resources from the European Union's budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The proposal does not change the monitoring, evaluation and reporting arrangements provided for in the MID. As such, the existing mechanisms will be used for the added instruments as well.

- **Explanatory documents (for directives)**

The proposal does not require explanatory documents in relation to its transposition.

- **Detailed explanation of the specific provisions of the proposal**

This proposal includes:

- Technical adjustments to Annex I of the MID on the essential requirements applicable to all instruments covered by the directive. The adjustments to this annex will only affect the measuring instruments subject to this technical amendment;
- Technical adjustments to Annex IV of the MID on gas meters and volume conversion devices to take into account the increased use of new gases and the rollout of smart meters;
- Technical adjustments to Annex V of the MID on active electrical energy meters to take into account technological developments and the rollout of smart meters;

- Addition of a new Annex Va on electric vehicle supply equipment to include harmonised essential requirements;
- Technical adjustments to Annex VI of the MID on thermal energy meters to include thermal energy meters for cooling applications;
- Addition of a new Annex VIIa on compressed gas dispensers with harmonised essential requirements.

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) One of the objectives of Directive 2014/32/EU of the European Parliament and of the Council² on measuring instruments is to guarantee the proper functioning of the internal market. Pursuant to Article 6 of Directive 2014/32/EU, measuring instruments falling within the scope of that Directive are to meet the essential requirements set out in Annex I and in the relevant instrument-specific Annexes.
- (2) The scope and the associated essential requirements covered by Directive 2014/32/EU were already established by Directive 2004/22/EC³, of which Directive 2014/32/EU is a recast. Thus, they have remained unchanged for more than 20 years. In the meantime, new measuring instruments have appeared on the market that are not covered by Directive 2014/32/EU. That is notably the case for electric vehicle supply equipment and compressed gas dispensers, which are important for the successful rollout of clean mobility. Moreover, Directive 2014/32/EU does not cover thermal energy meters for cooling applications. In addition, as far as electricity and gas meters are concerned, Directive 2014/32/EU neither covers the use of hydrogen and other gases that can be used as alternatives to more traditional gases, nor enables to take full advantage of smart metering which plays an important role in achieving the Union climate objectives. Therefore, it is appropriate to amend the scope of Directive 2014/32/EU and the essential requirements set out in the Annexes to that Directive in order to take into account technological progress.

¹ OJ C , , p. .

² Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (OJ L 96, 29.3.2014, p. 149, ELI: <http://data.europa.eu/eli/dir/2014/32/oj>).

³ Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments (OJ L 135, 30.4.2004, p. 1, ELI: <http://data.europa.eu/eli/dir/2004/22/oj>).

- (3) Annexes I, IV, V and VI to Directive 2014/32/EU are no longer technology neutral as they do not provide essential requirements corresponding to new technologies, which provide improved protection to consumers, and should thus be amended.
- (4) Annex I to Directive 2014/32/EU should be amended in order to take into account the roll out of smart gas and electricity meters and the new measuring instruments covered by the new instrument-specific Annexes.
- (5) Annex IV to Directive 2014/32/EU should be amended to take into account the growing use of hydrogen and other gases that can be used as alternatives to more traditional gases and the rollout of smart gas meters.
- (6) Annex V to Directive 2014/32/EU should be amended to take account of the rollout of smart electricity meters.
- (7) A new Annex Va to Directive 2014/32/EU should be inserted in order to address the need for harmonised essential requirements with regard to measuring systems for electric vehicle supply equipment.
- (8) Annex VI to Directive 2014/32/EU should be amended to include thermal energy meters for cooling applications in order to avoid additional certification of such products at national level.
- (9) The increased use of compressed gases, such as hydrogen and natural gas requires the insertion of a new Annex VIIa to Directive 2014/32/EU on measuring systems for compressed gas dispensers.
- (10) Since the objective of this Directive, namely to ensure that measuring instruments on the market fulfil the requirements providing for a high level of protection of the public interests covered by this Directive while guaranteeing the functioning of the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (11) In order to enable distributors to supply stock of measuring instruments that have been placed on the market before the date of application of the national measures transposing this Directive, it is necessary to provide for reasonable transitional arrangements that allow the making available on the market and putting into use of measuring instruments that have already been placed on the market in accordance with Directive 2014/32/EU before the date of application of the national measures transposing this Directive.
- (12) Moreover, in order to provide sufficient time for manufacturers to adapt their products to the essential requirements set out in the Annexes to this Directive, it is also necessary to provide for reasonable transitional arrangements that allow the making available on the market and putting into use of measuring instruments that have been placed on the market in accordance with national certificates or for which a certificate was issued under Directive 2014/32/EU before the date of application of the national measures transposing this Directive, and that will fall in the scope of Directive 2014/32/EU as of the date of entry into force of this Directive.
- (13) Directive 2014/32/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2014/32/EU is amended as follows:

- (1) in Article 2, paragraph 1 is replaced by the following:

‘1. This Directive applies to the measuring instruments defined in the instrument-specific Annexes III to XII (‘instrument-specific Annexes’) concerning water meters (MI-001), gas meters and conversion devices (MI-002), active electrical energy meters (MI-003), measuring systems for electric vehicle supply equipment (MI-003a), thermal energy meters (MI-004), measuring systems for continuous and dynamic measurement of quantities of liquids other than water (MI-005), measuring systems for compressed gas dispensers (MI-005a), automatic weighing instruments (MI-006), taximeters (MI-007), material measures (MI-008), dimensional measuring instruments (MI-009) and exhaust gas analysers (MI-010).’;
- (2) Annex I is amended in accordance with Annex I to this Directive;
- (3) Annex IV is amended in accordance with Annex II to this Directive;
- (4) Annex V is amended in accordance with Annex III to this Directive;
- (5) Annex Va is inserted as set out in Annex IV to this Directive;
- (6) Annex VI is amended in accordance with Annex V to this Directive;
- (7) Annex VIIa is inserted as set out in Annex VI to this Directive.

Article 2

1. By way of derogation from Article 7(2) of Directive 2014/32/EU, Member States shall not impede the making available on the market and putting into use of measuring instruments that are in conformity with Directive 2014/32/EU in the version in force on [*OP please insert the date = the date of 1 day before of entry into force of this Directive*] and that have been placed on the market before [*OP please insert the date = [24 months] after the date of entry into force of this Directive*].
2. By way of derogation from Article 7(2) of Directive 2014/32/EU, certificates issued under Directive 2014/32/EU and national certificates, covering measuring instruments that fall in the scope of Directive 2014/32/EU from [*OP please insert the date = date of entry into force of this Directive*] and that have been placed on the market before [*OP please insert the date = 24 months after the date of entry into force of this Directive*], shall remain valid until the expiry of their validity, and in any case no longer than until [*OP please insert the date = 12 years from the date of entry into force of this Directive*].

Article 3

1. Member States shall adopt and publish, by [*Note to PO: insert exact date – [12 months] after entry into force of this Directive*] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from [*Note to PO: insert exact date – [24 months] after entry into force of this Directive*].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President