



Notification Number: 1999/193/F

Draft Order on the Metrological Testing of Breathalysers

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Message

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TELEX 002

COMMUNICATION FROM THE COMMISSION - SG (99) D/50969/2
DIRECTIVE 98/34/EC



TRANSLATION OF TELEX 001
NOTIFICATION 99/0193/F

- 3B1 : 9900969.EN

1. Structured Information Line

TLX 002 IND- 99 0193 F-- EN ----- 990420 --- ---

2. Member State

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3. Department Responsible

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4. Notification Number

99/0193/F

5. Title

Draft Order on the Metrological Testing of Breathalysers

6. Products Concerned

The Draft concerns measuring instruments used to establish
proof of behaviour under the influence of alcohol in
application of the Traffic Regulations or used in application
of the Regulations on Establishments Selling Alcoholic
Beverages and Measures to Combat Alcoholism. Breathalysers
analyse the air breathed out by an individual.

7. Notification Under Another Act

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8. Main Content

The text describes the regulatory metrological testing
applicable to breathalysers and lays down requirements
relating to their design and metrological features.

The design and metrological requirements are those for which
provision is made in Recommendation R 126 of the
International Organization for Legal Metrology (OIML).
However, in accordance with the provisions of OIML R 126, the
Annex to the Order lays down certain provisions that States
must or may specify in greater detail, taking into account



national features.

9. Brief Statement of Grounds

There are three reasons for the Draft:

- a) to effect alignment with the harmonised provisions of OIML R 126,
- b) to enable the approval of portable breathalysers, something for which provision is not made in the currently applicable provisions,
- c) to render mandatory the accreditation of laboratories responsible for carrying out checks.

10. Reference Documents - Basic Texts

- a. Traffic Regulations and Regulations on Establishments Selling Alcoholic Beverages and Measures to Combat Alcoholism. These texts state that equipment should be used to establish, by analysing the air breathed out by an individual, his or her state of inebriation. Since these texts do not contribute towards an understanding of the present Draft, they have not been notified.
- b. Amended Decree of 6 May 1988 and Order of 1 March 1990. These texts have been notified in connection with the notifications of other drafts. It is not deemed necessary to renotify them.
- c) Decree of 3 May 1961. This text has already been notified on several occasions and is only of interest as far as understanding of the present Draft is concerned to the extent that it defines the amount measured: the concentration (in this case, of the alcohol in the air breathed out).
- d) Recommendation OIML R 126. Enclosed.
- e) COFRAC Regulation 2029. Enclosed. Note: the draft makes provision for the recognition of equivalent foreign accreditations.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

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14. Fiscal measures

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C. TROJAN



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