



Notification Number: 2009/413/F

## Draft order on the production and control of thermometers used to measure the temperature of perishable foodstuffs.

Date received : 20/07/2009

End of Standstill : 21/10/2009

### Message

Message 002

Communication from the Commission - SG(2009) D/51720

Directive 98/34/EC

Translation of the message 001

Notification: 2009/0413/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200901720.EN)

#### 1. Structured Information Line

MSG 002 IND 2009 0413 F EN 21-10-2009 20-07-2009 F NOTIF 21-10-2009

#### 2. Member State

F

#### 3. Department Responsible

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#### **4. Notification Number**

2009/0413/F - I10

#### **5. Title**

Draft order on the production and control of thermometers used to measure the temperature of perishable foodstuffs.

#### **6. Products Concerned**

This draft order applies to the production, verification and use of thermometers used to measure the temperature of perishable foodstuffs.

#### **7. Notification Under Another Act**

-

#### **8. Main Content**

This order is passed in application of Decree 2001-387 of 3 May 2001 on checking measuring instruments, which establishes the French regulatory framework for measuring instruments in service.

Its purpose is to take account of the technological and normative developments concerning thermometers, and to update the accreditation requirements for entities involved in checking instruments. The essential requirements to be observed when producing such thermometers, as well as the maximum permissible errors, are set out in Article 3 and the annex to the draft order.

The order also establishes the applicable checking procedures selected from those provided for in the aforementioned decree of 3 May 2001.

a

#### **9. Brief Statement of Grounds**

The draft order applies only to thermometers used by market monitoring services as part of their duties to check the cold chain for packing, transporting, storing and selling perishable foodstuffs. These thermometers do not fall within the scope of Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments.

A mutual recognition clause is provided for in Article 6: thermometers used to measure the temperature of perishable foodstuffs, that are legally manufactured or sold in another Member State of the European Union, Turkey, or a State party to the Agreement on the European Economic Area and that provide an equivalent level of protection shall be accepted.

#### **10. Reference Documents - Basic Texts**

a) Amended Decree 2001-387 of 3 May 2001 on checking measuring instruments.

b) Amended Order of 31 December 2001 establishing the means of applying certain provisions of the aforementioned decree of 3 May 2001.



**11. Invocation of the Emergency Procedure**

No

**12. Grounds for the Emergency**

-

**13. Confidentiality**

No

**14. Fiscal measures**

No

**15. Impact assessment**

-

**16. TBT and SPS aspects**

TBT and SPS aspects

TBT aspect

b) No.

The draft does not have a significant effect on international trade.

SPS aspect

a) No

b) The draft is not a sanitary or phytosanitary measure in the sense given in Annex A of the SPS Agreement.

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Secrétaire général  
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**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
Prevention of Technical Barriers

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