



## Business Alert: Metric Only Requirements for the European Union begin 2010

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Beginning January 1, 2010, the European Union Council Directive [80/181/EEC](#) (Metric Directive) will allow the use of only metric units, and prohibit the use of any other measurements for most products sold in the European Union (EU). Going well beyond labeling, the Metric Directive will make the sole use of metric units obligatory in all aspects of life in the European Union, extending to areas such as product literature and advertising.

### **Conflicting Requirements of the EU Metric Directive and the U.S. Fair Packaging and Labeling Act**

In 1980, the European Council adopted Directive 80/181/EEC relating to legal units of measurement, convinced that the adoption of one system of measurement, the international system of units (SI), at the European community level was necessary to eliminate internal obstacles to trade. To ease the transition to metric units, the Directive provided for the labeling of products in both metric and other units of measurement, termed "supplementary indications", until the end of 1989. These supplementary units of measurement were specified as the legal imperial units of measurement, and this extension was given because of their usage at the time in the United Kingdom and Ireland, although the postponement also benefited American exporters. Since then, the Directive has been amended three times. Finally, the European Commission recommended a 10-year deferral of this aspect of the metric Directive prior to implementation and extended the use of dual labeling until December 31, 2009. The current postponement is considered to be the transition period and the legislation is already in place in the EU Member States to allow the Metric Directive to take effect when this last deadline expires. There will not be a delay in implementation. When the Directive becomes effective, it will become effective in all Member States at that time. Enforcement will be the responsibility of the Member States and the level of enforcement will likely vary from Member State to Member State.

The Fair Packaging and Labeling Act (FPLA), a U.S. law, was designed to encourage the use of the metric system in the United States, and requires that consumer package labels be dual labeled; that is, list both metric and [U.S. customary units](#), or imperial units. The FPLA governs the labeling requirements for most consumer products, although some goods, including cameras and automotive accessories, fall under State requirements. As of today, all but four States have changed their legislation to allow the use of metric only, but the Federal legislation preventing it remains firmly in place.

Unless the Metric Directive is amended or the implementation date is extended again, leaving U.S. customary units on a box or label will be illegal in the EU as of Jan. 1, 2010. None of the EU Member States will permit dual indications of measurement. This will apply to labels, packaging, advertising, catalogs, technical manuals, and user instructions.

When the Directive goes into force, it will end a longstanding practice in the European trade community of allowing manufacturers flexibility in how they label their products. When implemented, the Metric Directive will also create a standards inconsistency with U.S. law, as the Fair Packaging and Labeling Act will still require the labels of many consumer products to include both metric and U.S. customary units. Many companies on both sides of the Atlantic who make consumer products will have to create separate labels: one for the U.S. market, including both metric and imperial units, and another for the EU market, displaying only metric units, thus imposing additional costs on many businesses engaged in transatlantic trade.

The global nature of the marketplace means that this Directive could have a considerable impact on both U.S. and European companies. The conflicting legal requirements will force both U.S. and EU manufacturers to use two sets of labels. This incompatibility of the FPLA and the EU Metric Directive will impose additional costs on many businesses engaged in transatlantic trade in consumer goods by creating the need for separate packaging, labeling, warehousing, and inventory systems. These additional costs will result in higher prices for American and European consumers, but with no value added. A survey done in 1999, by the 82 companies and associations that formed the Transatlantic Labeling Alliance to respond to this issue, projected that the EU Metric Directive could adversely affect U.S.-EU trade at more than \$118 billion in consumer goods and \$143 billion in capital goods annually. Compliance costs were estimated to be in the hundreds of millions of dollars.

### **Call to U.S. and European Industry**

With the directive deadline less than four years away, business organizations have begun to mobilize for legislative action on both sides of the Atlantic. For example, the National Association of Manufacturers (NAM) and the European-America Business Council (EABC) have issued a [joint position paper](#) on the subject. NEMA has also issued a statement on the topic that can be read at on their [website](#). For NEMA, the issue at hand is not whether the U.S. should “go metric”. American electrical equipment manufacturers are neither opposed to the metric system nor against permitting flexibility in using the metric system or dual labeling, where appropriate. But from a NEMA and an electroindustry perspective, the electrical manufacturing industry can neither readily nor safely comply with the Directive because of what it calls “fundamental and profound differences between the U.S. and the European built environment”, such as installation codes.

U.S. industry generally prefers that the system stay as it is now; that is, for industry to be allowed sector by sector to decide when it is most convenient and advantageous to make the change to metric. Advocates for this position argue that allowing the options of either metric-only or dual-unit labeling serves the interests of both producers and consumers. Labels can be adapted to consumers’ needs and preferences, and production and marketing costs can be reduced to help keep prices down. NEMA points out that dual marking has already been successfully used for an extensive period of time without incident. NEMA proposes that the EU change the Metric Directive to permit the use of additional units of measurement, so that producers have the flexibility to use either metric-only or dual units on product labels, depending on end-user needs.

Officials in Directorate General Enterprise at the European Commission, responsible for the Directive, have made it clear that they will only respond to a call from their Member States and

from European industry to make any changes to the Directive or its planned implementation date. American associations and companies are encouraged to coordinate with their European counterparts on this issue in order to increase the likelihood that the Commission successfully revisits the issue.

So far, in Europe, ORGALIME, the European Engineering Association has issued a call to the Commission to allow the continued use of dual labeling. The Transatlantic Business Dialogue (TABD) mentioned metric labeling as an area for EU-U.S. business cooperation, and the European business federation UNICE has also publicly supported ORGALIME's position to allow business to decide the labeling issue. (See [ORGALIME's](#) statement and [UNICE's](#) statements on their websites).

## Products Covered by U.S. Federal and State Legislation

Consumer products not exempted or regulated by Federal regulation will fall under State requirements. In cases where it is not clear, please contact the [Weights and Measures Directors](#) in the individual States.

### Federal Legislation

The Fair Packaging and Labeling Act empowers the Federal Trade Commission (FTC) and the Food and Drug Administration (FDA) to issue regulations on labeling for consumer commodities under their jurisdiction.

**FTC:** The FTC requires each package of household consumer commodities under its authority to bear a label with measurements listed in both metric and imperial units. The FTC's regulations under FPLA do not apply to products distributed for industrial or institutional uses. ([See implementing regulation](#))

**FDA:** The Food and Drug Administration (FDA) administers the FPLA with respect to foods, drugs, cosmetics, and medical devices and other consumer commodities that are used or expended in the household. For these products, the FDA also requires the use of dual labeling. ([See the FDA program](#))

**Exemptions:** Products under the jurisdiction of the Environmental Protection Agency, such as insecticides and fungicides, are exempt from the FPLA. Distilled spirits and wine are regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been required to be labeled in metric-only units since the early 1980s.

### State Legislation

Consumer products not covered by superseding federal legislation will fall under individual State requirements for labeling. The National Conference on Weights and Measures (NCWM), which is composed of regulators from each of the 50 states, approved a proposal in July 1999 to amend the Uniform Packaging and Labeling Regulations (UPLR) to allow "metric-only" labeling as an option for products regulated by the states and not subject to the Fair Packaging and Labeling Act. The UPLR governs consumer products controlled by the states and not covered

by Federal regulations, so the NCWM took the position that the marketplace will be the best judge of when metric-only labeling is appropriate. As of today, 46 States have changed their legislation to allow the use of metric only, while the Federal legislation remains firmly in place. (The four states that do not yet permit metric-only labeling are Alabama, Hawaii, New Jersey, and New York).

The following products do not fall under FPLA jurisdiction and are covered by State legislation

aluminum clothesline	artificial flowers and parts	automotive motor oil and antifreeze
automotive accessories	automotive chemical products (e.g., polish, wax)	bicycle tires and tubes
books	bottled gas	brushes
brooms and mops	candle holders	cameras
china & crystal ware	Christmas light sets	cigarette lighters
clothespins	clothing and wearing apparel	compacts and mirrors
detergent without any drug or cosmetic claim	decorative magnets	diaries and calendars
durable articles or commodities	fingernail files	fertilizer and fertilizer materials
flowers, flower seeds, plants or shrubs, garden and lawn supplies	fountain pens, ball point pens, pencils, lead refills, etc.	garden tools
gift tape and gift ties, wrapping materials	glasses and glassware (disposable plastic dishes are not excluded)	gloves
greeting cards	hand tools	handicraft and sewing thread, yarn, etc.
hardware (extension cords, thumb-tacks, hose clamps, nails, screws, picture hangers, etc.)	household furnishings (including feather and down-filled products, synthetic-filled bed pillows, mattress pads, quilts, comforters, decorative curtains)	ink
ironing board covers	jewelry	lambs wool dusters
luggage	magnetic recording tape (reels, cassettes & cartridges)	metal pails

motor oil (but not household multipurpose oil)	mouse and rat traps	musical instruments
paint and kindred products	pet care supplies	pewterware
photo albums	pictures	plastic buckets and garbage cans
plastic tablecloths, place mats and plastic shelf linings (but not 'bug-proof shelf linings)	polishing cloths (unless impregnated with polish or chemicals)	rubber gloves
safety flares	safety pins	school supplies
self-stick protective felt tabs	sewing thread and accessories	shoelaces
small arms ammunition	silverware, stainless steelware, and pewterware	smoking pipes
soap bars	soap dishes	souvenirs
sporting goods	stationery and writing supplies	textiles
toys	typewriter ribbons	wire products of any type
woodenware		

### For More Information

National Institute of Standards and Technology (NIST) website on metric:  
<http://ts.nist.gov/ts/htdocs/200/202/metric.htm>

Transcripts of last year's discussions with the European Commission on the Metric Directive can be read at: <http://ts.nist.gov/ts/htdocs/200/202/EUDirective.htm>

The U.S. Commercial Service Mission to the European Union in Brussels, Belgium can be contacted on this issue via e-mail at: [gwen.lyle@mail.doc.gov](mailto:gwen.lyle@mail.doc.gov), Phone: +32 2 508-2674; Fax: +32 2 513-1228. Please visit our website at <http://buyusa.gov/europeanunion>.

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