

2.1 LEGAL METROLOGY DOCUMENTATION

EC Directives

EC directives oblige member states (through the Treaty of Rome) to incorporate their requirements into national law. One of the objectives is to remove barriers to free trade and promote free movement of goods and services within the EU. They also make it easier for nations outside the EU to trade with member states as there is one set of standards rather than differing regulations between each nation.

Most of the directives that apply to weighing equipment are “new approach” directives. As such, the directives are limited to specifying the “essential requirements”. Conformity with these requirements may be met through specific technical solutions identified in separate “harmonised standards” or “normative documents”. One other characteristic is the requirement for CE marking to show that the equipment conforms to the requirements each of the applicable directives.

The principle of having separate harmonised standards or normative documents allows the technical details to be produced by specialist technical groups (such as, CEN, CENELEC, ETSI and OIML) rather than having to pass through the full EU legislative procedure. There is a “presumption of conformity” in that if the equipment complies with the relevant standard or normative document, it is presumed to conform to the essential requirements of the directive. Note: The normative document route is only applicable to automatic weighing instruments.

In theory, a manufacturer has the option of not working to the specified standard or normative document but proving through other means that the equipment conforms to the essential requirements of the directive. In practice this would be a very arduous method.

Acts and Regulations

The primary legislation in the UK has traditionally come from the Weights and Measures Act 1985 for GB (with similar provisions for NI). Various sections within the Act authorise the Secretary of State to make regulations and orders for specific weights and measures matters.

For the implementation of EC Directives, these are transposed into UK law under the 1972 European Communities Act (ECA). An example of this is the Non-automatic weighing instruments regulations 2000, which implement the NAWI directive 2009/23/EC

The W&M Act and the ECA and the associated regulations and orders form the national metrological legislation. All other documentation (i.e. directives, standards, guides etc.) only have indirect legal relevance.

WELMEC

WELMEC is a collaboration of national legal metrology organisations across the member states of the EU (European Union) and EFTA (European Free Trade Association). Various committees within WELMEC address specific subjects and produce guides on the implementation of European legislation. WELMEC is consulted in the formation of European legislation and hence plays a major part in its content. Additionally, members will be heavily involved in their own national legislation.

Although the WELMEC guides have no legislative powers themselves, if the guidance within them is followed, it can be assumed that an application complies with the essential requirements of the directive. However, if an approach is adopted that does not follow the guidance or even contradicts it, any application will have to provide very thorough proof that it is compliant and undergo very rigorous examination.

OIML

The International Organisation of Legal Metrology (OIML) is an intergovernmental treaty organization consisting of the legal metrology authorities of member states, established to promote the global harmonization of legal metrology procedures. Member authorities will work to the standards defined by OIML.

The OIML website states “Cooperative agreements are established between the OIML and certain institutions, such as ISO and IEC, with the objective of avoiding contradictory requirements; consequently, manufacturers and users of measuring instruments, test laboratories, etc. may simultaneously apply OIML Publications and those of other institutions”. To illustrate this, the content of European harmonised standard EN45501 for NAWIs is taken directly from OIML R76, the International Recommendation for NAWIs, and OIML definitions are referred to directly in Directive 2009/23/EC, whereas the content of normative document on automatic gravimetric filling instruments is based on OIML R61, the International Recommendation for AGFIs.

OIML produce various publications including International Recommendations such as R76 Non-automatic weighing instruments and R60 Metrological regulation for load cells. Issuing Authorities established by OIML Member States may provide OIML certificates and test reports indicating compliance with the relevant recommendation. Any certificate must be registered with OIML and there is a fee for this registration. Although acceptance of OIML certificates by national metrology services is voluntary this is now widespread.

