

Elements of a law on metrology:

OIML D1



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Topics:

- **Intention of OIML D1**
- **Elements for a law on metrology**
- **Discussion**

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Organisation Internationale de Métrologie Légale

International Organization of Legal Metrology

OIML TC 3
First Committee Draft

OIML D 1
"Considerations for a Law on Metrology"

Edition 201x (E)

8 July 2011



Prof. Manfred Kochsiek

former Vice president of PTB

and former CIML President

(this year 70s birthday)

1. Intention of OIML D1



COMMITTEE DRAFT

1CD

Revision of OIML D 1:2004
2011-07-08

OIML/TC 3:

"Metrological Control"

Secretariat: United States of America

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Circulated to P- and O-members and
liaison internal bodies and external
organizations for:

Vote (P-members only) and comment
by

8 October 2011

to the BIML, using the template
provided.

Preliminary note:

Every country has its own

- history**
- traditions**
- mentality**
- needs**

**Therefore it's not the intention of OIML D1
to prescribe anything !!!**

⇒ Collection of useful elements

Scope:

“This Document, ..., gives advice on the issues to be considered when drawing up national laws related to metrology.”

“... (maybe for) one general law covering all legal aspects of metrology or separate laws, each related to a specific aspect of metrology.”

Maybe related to:

“ ... regulation on legal units of measurement, legislation on traceability, on measuring equipment (weights and measures act), ... law on consumer protection or conformity assessment.”

Invitation to every country:

“The bodies responsible for drawing up such laws are invited to select the appropriate elements from this Document, examine their relevancy and if necessary adapt them to their needs.”

⇒ invitation to you to reflect your systems !

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Overview (36 elements):

- **national metrology infrastructure (6 elements)**
- **organisation of the authorities (5 elements)**
- legal units of measurement (2 elements)
- **transparency of metrol. information (2 elements)**
- **legal metrology (4 elements)**
- application of the law (6 elements)
- offences against the law (6 elements)
- responsibilities and duties (2 elements)
- conformity assessment, financial provisions, hierarchy of legal documents (3 elements)

2. Elements for a law on metrology

Element no. 1

The Government shall designate the government department in charge of developing and implementing the **national metrology policy**. This policy shall be submitted for approval to the Government (or Parliament) and shall commit all ministerial departments. This policy shall be implemented in coordination with all concerned ministerial departments and local authorities.

**Is there a national metrology policy ?
(covering all necessary aspects of legal metrology?)**

2. Elements for a law on metrology

Element no. 2

The Government shall make appropriate regulations in application of the law on metrology, in order to define:

- the measurements and measuring instruments subject to legal control,
- the requirements applicable to these regulated measurements and measuring instruments,
- the procedures for the legal control of measurements and measuring instruments,
- the bodies in charge of carrying out certain tasks pertaining to this legal control and the requirements applicable to these bodies.

This law and regulations shall comply with the obligations deriving from treaties such as the Metre Convention, the OIML Treaty and the Technical Barriers to Trade agreement of the World Trade Organization as well as other obligations deriving from Regional treaties or agreements (these treaties shall be quoted in the law on metrology).

**Are all these aspects appropriately regulated ?
(i.e. are all aspects covered?)**

2. Elements for a law on metrology

Element no. 3

The Government shall designate the institute or institutes in charge of:

- keeping and maintaining the national measurement standards and providing traceability to the International System of Units,
- carrying out and/or coordinating the research work in metrology,
- carrying out and/or coordinating certain tasks in legal metrology.

The designation of these institutes may be conditioned by appropriate evaluations, which may include peer assessments and/or accreditations.

**Are the tasks of the designated institute(s)
clearly defined ?**

2. Elements for a law on metrology

Element no. 4

A system of national measurement standards and reference materials shall be set up to provide traceability to the International System of Units (SI) and to provide international compatibility and acceptance. These tasks shall be allocated by a Governmental decision to a designated institute.

Are the national measurement standards and reference materials compatible on an international level ?

2. Elements for a law on metrology

Element no. 5

The regulations adopted in application of the law of metrology may require that bodies in charge of certain tasks for their implementation, be appropriately accredited.

Do responsible bodies have to demonstrate their competence ?

Shall there be any difference between private and governmental bodies ?

Accreditation of private bodies and/or supervision by governmental metrology bodies ?

2. Elements for a law on metrology

Element no. 6

The missions of the institutes designated by the Government in application of Element no. 3 shall be defined by the Government.

- those missions that are of public interest shall be funded by the State,
- the financing of activities for which the institute is in competition with commercial bodies should not cause unfair competition.

These institutes shall have the power and resources to enter in negotiation for international acceptance and recognitions in the scope of their activity

Are there sufficient resources for the public institutes ?
Are there clear procedures to prevent unfair competition (subsidiarity) ?

2. Elements for a law on metrology

Element 7

The Government shall designate a Central (National) Metrology Authority to be in charge of:

- the implementation of the national metrology policy,
- the enforcement of the legal metrology regulations at national level,
- the coordination of Local Metrology Authorities (see element no. 8)

Is there one central national authority who is designated or are the responsibilities distributed ?

2. Elements for a law on metrology

Element 9

The Government shall install an advisory board/council for metrology, to address, as a minimum, legal metrology.

Do the stakeholders participate somehow in the field of legal metrology ?

2. Elements for a law on metrology

Element no. 19

Regulations may be made by the Government to set up metrological requirements and legal control provisions applicable to measuring instruments that are used for the applications listed in Element no. 16. Measuring instruments that comply with pertinent requirements and have passed the applicable legal control shall bear a conformity marking.

These regulations shall take account of the Recommendations of the OIML and of the international standards and shall as far as possible take into account international systems for the certification of measuring instruments or for acceptance and/or recognition of evaluation results of measuring instruments.

How close is the regulation to recommendations of OIML and international standards ?

Are evaluation results from other countries accepted or recognized ?

2. Elements for a law on metrology

Element no. 20

- 1 The Central Metrology Authority may appoint bodies to perform tasks pertaining to conformity assessment, verification, or inspection in application of the legal metrology regulations. These bodies shall be competent and impartial. They shall perform their tasks in a non discriminatory manner.
Appropriate accreditations are an acceptable way to show competence and impartiality.
- 2 The bodies appointed in application of this Element shall comply with the relevant parts of Articles 5 and 6 of the WTO/TBT Agreement, with the exception of the obligation to notify proposed conformity assessment procedures.

Are the requirements on bodies taking over tasks in a national legal metrology system clearly defined ?

2. Elements for a law on metrology

Element no. 21

The Central Metrology Authority shall be in charge of organizing:

- the supervision and surveillance of the bodies to whom tasks have been assigned for the enforcement of the legal metrology regulations,
- the market surveillance (see definition no. ...),
- the post-market surveillance (see definition no. ...),
- the surveillance of the use of regulated instruments,
- the surveillance of obligations resulting from the regulations mentioned in elements no. 2, 12, 13, 17, 18, 19.

The repartition between the Central Metrology Authority and the Local Metrology Authorities, of carrying out these activities shall be laid down in the Legal Metrology Regulations made in application of element 19.

Are all tasks organised and is the repartition between the central and the local metrology authorities defined ?

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