

## SCHEDULE 1

Regulations 2(1) and 14(a)

### ESSENTIAL REQUIREMENTS

1. The essential requirements are the relevant requirements relating to measuring systems contained in Annex I and Annex MI-005, set out in this Schedule.

#### Definitions

2.—(1) In this Schedule—

“associated measuring instrument” means measuring equipment connected to the calculator for measuring certain quantities which are characteristic of the liquid fuel, with a view to make a correction and/or conversion;

“base conditions” means the specified conditions to which the measured quantity of liquid fuel at metering conditions is converted;

“calculator” means a part of a meter that receives the output signals from the measurement transducer(s) and possibly from associated measuring instruments and displays the measurement results;

“climatic environments” means the conditions in which measuring systems may be used;

“conversion device” means a part of the calculator which by taking account of the characteristics of the liquid fuel (e.g. temperature, density) measured using associated measuring instruments, or stored in a memory, automatically converts—

- (a) the volume of the liquid fuel measured at metering conditions into a volume at base conditions and/or into mass;
- (b) the mass of the liquid fuel measured at metering conditions into a volume at metering conditions and/or into a volume at base conditions,

and includes the relevant associated measuring instruments;

“critical change value” means the value at which the change in the measurement result is considered undesirable;

“direct indication” means the indication, either volume or mass, corresponding to the measure and that the meter is physically capable of measuring;

“direct sale” means a trading transaction if—

- (a) the measurement result serves as the basis for the price to pay;
- (b) at least one of the parties involved in the transaction related to measurement is a consumer or any other party requiring a similar level of protection; and
- (c) all the parties in the transaction accept the measurement result at that time and place;

“disturbance” means an influence quantity having a value within the limits specified in the appropriate requirement but outside the specified rated operating conditions of the instrument. An influence quantity is a disturbance if for that influence quantity the rated operating conditions are not specified;

“fuel dispenser” means a measuring system intended for the refuelling of motor vehicles, small boats and small aircraft;

“influence quantity” means a quantity that is not the measurand but that affects the result of measurement;

“interruptible” means the liquid fuel flow can be stopped easily and rapidly;

“measurand” means the particular quantity subject to measurement;

“ $Q_{\max}$ ” means the maximum flowrate;

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“ $Q_{min}$ ” means the minimum flowrate;

“rated operating conditions” means the values for the measurand and influence quantities making up the normal working conditions of an instrument;

“self-service arrangement” means an arrangement that allows the customer to use a measuring system for the purpose of obtaining liquid fuel for his own use; and

“self-service device” means a specific device that is part of a self-service arrangement and which allows one or more measuring systems to perform in this self-service arrangement.

(2) In this Schedule, volume may be read as mass and “L” may be read as kg.

**Allowable Errors**

3.—(1) Under rated operating conditions and in the absence of a disturbance, the error of measurement shall not exceed the maximum permissible error (MPE) value set out in paragraph 16.

(2) Unless stated otherwise, MPE is expressed as a bilateral value of the deviation from the true measurement value.

(3) Under rated operating conditions and in the presence of a disturbance, the performance requirement shall be as set out in paragraph 17.

(4) Where the measuring system is intended to be used in a specified permanent continuous electromagnetic field the permitted performance during the radiated electromagnetic field-amplitude modulated test shall be within MPE.

(5) The manufacturer shall specify the climatic, mechanical and electromagnetic environments in which the instrument is intended to be used, power supply and other influence quantities likely to affect its accuracy, taking account of the requirements in this Schedule.

(a) Climatic environments—

The manufacturer shall specify the upper temperature limit and the lower temperature limit from any of the values in Table 1, and indicate whether the measuring system is designed for condensing or non-condensing humidity as well as the intended location for the instrument, i.e. open or closed.

**Table 1**

<i>Temperature Limits</i>				
Upper temperature limit	30°C	40°C	55°C	70°C
Lower temperature limit	5°C	−10°C	−25°C	−40°C

(b) Mechanical environments—

(i) Mechanical environments are classified into classes M1 to M3 as follows—

M1: This class applies to instruments used in locations with vibration and shocks of low significance, e.g. for instruments fastened to light supporting structures subject to negligible vibrations and shocks transmitted from local blasting or pile-driving activities, slamming doors.

M2: This class applies to instruments used in locations with significant or high levels of vibration and shock, e.g. transmitted from machines and passing vehicles in the vicinity or adjacent to heavy machines, conveyor belts.

- M3: This class applies to instruments used in locations where the level of vibration and shock is high and very high, e.g. for instruments mounted directly on machines, conveyor belts.
- (ii) The following influence quantities shall be considered in relation to mechanical environments—
- (aa) vibration;
  - (bb) mechanical shock
- (c) Electromagnetic environments—
- (i) Electromagnetic environments are classified into classes E1, E2 or E3 as follows—
- E1: This class applies to instruments used in locations with electromagnetic disturbances corresponding to those likely to be found in residential, commercial and light industrial buildings.
- E2: This class applies to instruments used in locations with electromagnetic disturbances corresponding to those likely to be found in other industrial buildings.
- E3: This class applies to instruments supplied by the battery of a vehicle. Such instruments shall comply with the requirements of E2 and the following additional requirements—
- (aa) voltage reductions caused by energising the starter-motor circuits of internal combustion engines; and
  - (bb) load dump transients occurring in the event of a discharged battery being disconnected while the engine is running.
- (ii) The following influence quantities shall be considered in relation with electromagnetic environments—
- (aa) voltage interruptions;
  - (bb) short voltage reductions;
  - (cc) voltage transients on supply lines and/or signal lines;
  - (dd) electrostatic discharges;
  - (ee) radio frequency electromagnetic fields;
  - (ff) conducted radio frequency electromagnetic fields on supply lines and/or signal lines;
  - (gg) surges on supply lines and/or signal lines.
- (6) Other influence quantities to be considered, where appropriate, are—
- (a) voltage variation;
  - (b) mains frequency variation;
  - (c) power frequency magnetic fields;
  - (d) any other quantity likely to influence in a significant way the accuracy of the instrument.
- (7) When carrying out the tests as envisaged in these Regulations, the following paragraphs apply—
- (a) Basic rules for testing and the determination of errors—
    - (i) Essential requirements specified in sub-paragraphs (1) to (4) shall be verified for each relevant influence quantity. These essential requirements apply when each influence quantity is applied and its effect evaluated separately, all other influence quantities being kept relatively constant at their reference value.

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- (ii) Metrological tests shall be carried out during or after the application of the influence quantity, whichever condition corresponds to the normal operational status of the instrument when that influence quantity is likely to occur.
- (b) Ambient humidity—
  - (i) According to the climatic operating environment in which the instrument is intended to be used either the damp heat-steady state (non-condensing) or damp heat cyclic (condensing) test may be appropriate.
  - (ii) The damp heat cyclic test is appropriate where condensation is important or when penetration of vapour will be accelerated by the effect of breathing. In conditions where non-condensing humidity is a factor the damp-heat steady state is appropriate.

### **Reproducibility**

4. The application of the same measurand in a different location or by a different user, all other conditions being the same, shall result in the close agreement of successive measurements. The difference between the measurement results shall be small when compared with the MPE.

### **Repeatability**

5. The application of the same measurand under the same conditions of measurement shall result in the close agreement of successive measurements. The difference between the measurement results shall be small when compared with the MPE.

### **Discrimination and Sensitivity**

6. A measuring system shall be sufficiently sensitive and the discrimination threshold shall be sufficiently low for the intended measurement task.

### **Durability**

7.—(1) A measuring system shall be designed to maintain an adequate stability of its metrological characteristics over a period of time estimated by the manufacturer, provided that it is properly installed, maintained and used according to the manufacturer's instruction when in the environmental conditions for which it is intended.

(2) After an appropriate test, taking into account the period of time estimated by the manufacturer, has been performed, the following criterion shall be satisfied; the variation of the measurement result after the durability test, when compared with the initial measurement result, shall not exceed the value for meters specified in line B of Table 3 set out in paragraph 16.

### **Reliability**

8. A measuring system shall be designed to reduce as far as possible the effect of a defect that would lead to an inaccurate measurement result, unless the presence of such a defect is obvious.

### **Suitability**

9.—(1) A measuring system shall have no feature likely to facilitate fraudulent use, whereas possibilities for unintentional misuse shall be minimal.

(2) A measuring system shall be suitable for its intended use taking account of the practical working conditions and shall not require unreasonable demands of the user in order to obtain a correct measurement result.

(3) Where a measuring system is designed for the measurement of values of the measurand that are constant over time, the instrument shall be insensitive to small fluctuations of the value of the measurand, or shall take appropriate action.

(4) A measuring system shall be robust and its materials of construction shall be suitable for the conditions in which it is intended to be used.

(5) A measuring system shall be designed so as to allow the control of the measuring tasks after the instrument has been placed on the market and put into use. If necessary, special equipment or software for this control shall be part of the instrument. The test procedure shall be described in the operation manual.

(6) When an instrument has associated software which provides other functions besides the measuring function, the software that is critical for the metrological characteristics shall be identifiable and shall not be inadmissibly influenced by the associated software.

(7) For any measured quantity relating to the same measurement, the indications provided by various devices shall not deviate one from another by more than one scale interval where devices have the same scale interval. In the case where the devices have different scale intervals, the deviation shall not be more than that of the greatest scale interval.

(8) In the case of a self-service arrangement the scale intervals of the main indicating device on the measuring system and the scale intervals of the self-service device shall be the same and results of measurement shall not deviate one from another.

(9) It shall not be possible to divert the measured quantity in normal conditions of use unless it is readily apparent.

(10) Any percentage of air or gas not easily detectable in the liquid fuel shall not lead to a variation of error greater than—

- (a) 0.5 % for liquid fuel of a viscosity not exceeding 1 mPa.s; or
- (b) 1 % for liquid fuel of a viscosity exceeding 1 mPa.s.,

but the allowed variation shall never be smaller than 1% of the minimum measured quantity and this value applies in the case of air or gas pockets.

(11) Instruments for direct sales—

- (a) A measuring system for direct sales shall be provided with means for resetting the display to zero.
- (b) It shall not be possible to divert the measured quantity.
- (c) The display of the quantity on which the transaction is based shall be permanent until all parties in the transaction have accepted the measurement result.
- (d) Measuring systems for direct sales shall be interruptible.
- (e) Any percentage of air or gas in the liquid fuel shall not lead to a variation of error greater than the values specified in sub-paragraph (10).

(12) Fuel dispensers—

- (a) Displays on fuel dispensers shall not be capable of being reset to zero during a measurement.
- (b) The start of a new measurement shall be inhibited until the display has been reset to zero.
- (c) Where a measuring system is fitted with a price display, the difference between the indicated price and the price calculated from the unit price and the indicated quantity shall not exceed the price corresponding to  $E_{\min}$  but this difference need not be less than the smallest monetary value.

### **Protection against corruption**

**10.**—(1) The metrological characteristics of a measuring system shall not be influenced in any inadmissible way by the connection to it of another device, by any feature of the connected device itself or by any remote device that communicates with the instrument.

(2) A hardware component that is critical for metrological characteristics shall be designed so that it can be secured. Security measures foreseen shall provide for evidence of an intervention.

(3) Software that is critical for metrological characteristics shall be identified as such and shall be secured.

(4) Software identification shall be easily provided by the instrument.

(5) Evidence of a software intervention shall be available for a reasonable period of time.

(6) Measurement data, software that is critical for measurement characteristics and metrologically important parameters stored or transmitted shall be adequately protected against accidental or intentional corruption.

### **Information to be borne by and to accompany the instrument**

**11.**—(1) A measuring system shall bear the following inscriptions—

- (a) manufacturer's mark or name;
- (b) information in respect of its accuracy,

plus, when applicable—

- (c) information in respect of the conditions of use;
- (d) measuring capacity;
- (e) measuring range;
- (f) identity marking;
- (g) number of the EC-type examination certificate or the EC design examination certificate;
- (h) information whether or not additional devices providing metrological results comply with these Regulations.

(2) An instrument of dimensions too small or of too sensitive a composition to allow it to bear the relevant information shall have its packaging, if any, and the accompanying documents required by the provisions of these Regulations suitably marked.

(3) The instrument shall be accompanied by information on its operation, unless the simplicity of the instrument makes this unnecessary. Information shall be easily understandable and shall include where relevant—

- (a) rated operating conditions;
- (b) mechanical and electromagnetic environment classes;
- (c) the upper and lower temperature limit, whether condensation is possible or not, open or closed location;
- (d) instructions for installation, maintenance, repairs, permissible adjustments;
- (e) instructions for correct operation and any special conditions of use;
- (f) conditions for compatibility with interfaces or measuring instruments.

(4) Groups of identical measuring systems used in the same location do not necessarily require individual instruction manuals.

(5) The scale interval for a measured value shall be in the form  $1 \times 10^n$ ,  $2 \times 10^n$  or  $5 \times 10^n$ , where  $n$  is any integer or zero. The unit of measurement or its symbol shall be shown close to the numerical value.

(6) The units of measurement used and their symbols shall be in accordance with the provisions of Community legislation on units of measurement and their symbols.

(7) All marks and inscriptions required under any requirement shall be clear, non-erasable, unambiguous and non-transferable.

### **Indication of result**

**12.**—(1) Indication of the result shall be by means of a display or hard copy.

(2) The indication of any result shall be clear and unambiguous and accompanied by such marks and inscriptions necessary to inform the user of the significance of the result. Easy reading of the presented result shall be permitted under normal conditions of use. Additional indications may be shown provided they cannot be confused with the metrologically controlled indications.

(3) In the case of hard copy the print or record shall also be easily legible and non-erasable.

(4) A measuring system for direct sales trading transactions shall be designed to present the measurement result to both parties in the transaction when installed as intended. When critical in case of direct sales, any ticket provided to the consumer by an ancillary device not complying with the appropriate requirements of these Regulations shall bear an appropriate restrictive information.

(5) The direct indication may be converted into another quantity using a conversion device.

### **Further processing of data to conclude the trading transaction**

**13.**—(1) A measuring system shall record by a durable means the measurement result accompanied by information to identify the particular transaction, when—

- (a) the measurement is non-repeatable; and
- (b) the measuring system is normally intended for use in the absence of one of the trading parties.

(2) Additionally, a durable proof of the measurement result and the information to identify the transaction shall be available on request at the time the measurement is concluded.

### **Conformity evaluation**

**14.** A measuring system shall be designed so as to allow ready evaluation of its conformity with the appropriate requirements of these Regulations.

### **Rated operating conditions**

**15.** The manufacturer shall specify the rated operating conditions for the instrument, in particular—

- (a) the flowrate range is subject to the following conditions—
  - (i) the flowrate range of a measuring system shall be within the flowrate range of each of its elements, in particular the meter;
  - (ii) the minimum ratio of  $Q_{\max} : Q_{\min}$  set out in Table 2;
- (b) the properties of the liquid fuel to be measured by the instrument by specifying the name or type of the liquid fuel or its relevant characteristics, for example—
  - (i) temperature range;

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- (ii) pressure range;
- (iii) density range;
- (iv) viscosity range;
- (c) the nominal value of the AC voltage supply and/or limits of the DC voltage supply;
- (d) the base conditions for converted values but this paragraph is without prejudice to the member States' obligations to require use of a temperature of either 15°C in accordance with Article 3(1) of Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils<sup>(1)</sup> or, for heavy fuel oils and methane, another temperature pursuant to Article 3(2) of that Directive.

**Table 2**

<i>Specific measuring system</i>	<i>Characteristic of liquid</i>	<i>Minimum ratio of <math>Q_{\max}</math> : <math>Q_{\min}</math></i>
Fuel dispensers	Liquid fuel other than liquefied gases and cryogenic liquids	10:1
	Liquefied gases	5:1
	Cryogenic liquids	5:1
All other measuring systems	Lubricants	4:1

**Accuracy classification and maximum permissible errors (MPEs)**

**16.**—(1) For quantities equal to or greater than 2 litres the MPE on indications is set out in Table 3.

**Table 3**

	<i>Accuracy Class</i>				
	0.3	0.5	1.0	1.5	2.5
Measuring systems (A)	0.3%	0.5%	1.0%	1.5%	2.5%
Meter (B)	0.2%	0.3%	0.6%	1.0%	1.5%

(2) For quantities less than 2 litres the MPE on indications is set out in Table 4.

**Table 4**

<i>Measured volume <math>V</math></i>	<i>MPE</i>
$V < 0.1$ L	$4 \times$ value in Table 3, applied to 0.1 L
$0.1$ L $\leq V < 0.2$ L	$4 \times$ value in Table 3
$0.2$ L $\leq V < 0.4$ L	$2 \times$ value in Table 3, applied to 0.4 L
$0.4$ L $\leq V < 1$ L	$2 \times$ value in Table 3

(1) OJ No L316, 31.10.92, p.12, repealed by Directive 2003/96/EC OJ L283, 31.10.03, p51.



<i>Measured volume V</i>	<i>MPE</i>
1 L ≤ V < 2 L	Value in Table 3, applied to 2 L

(3) No matter what the measured quantity may be, the magnitude of the MPE is given by the greater of the following two values—

- (a) the absolute value of the MPE given in Table 3 or Table 4;
- (b) the absolute value of the MPE for the minimum measured quantity ( $E_{\min}$ ).

(4) For minimum measured quantities greater than or equal to 2 litres the following conditions apply—

- (a) Condition 1 -  $E_{\min}$  shall fulfil the condition:  $E_{\min} \geq 2R$ , where R is the smallest scale interval of the indication device;
- (b) Condition 2 -  $E_{\min}$  is given by the formula:  $E_{\min} = (2MMQ) \times (A/100)$  where—
  - (i) MMQ is the minimum measured quantity;
  - (ii) A is the numerical value specified in line A of Table 3.

(5) For minimum measured quantities of less than 2 litres the condition set out in sub-paragraph 4(a) applies and  $E_{\min}$  is twice the value specified in Table 4, and related to line A of Table 3.

(6) Converted indications—

In the case of a converted indication the MPEs are as in line A of Table 3.

(7) Conversion devices—

MPEs on converted indications due to a conversion device are equal to  $\pm (A-B)$ , A and B being the values specified in Table 3.

(8) Parts of conversion devices that can be tested separately—

(a) Calculator—

MPEs on quantities of liquid indications applicable to calculation, positive or negative, are equal to one-tenth of the MPEs as defined in line A of Table 3.

(b) Associated measuring instruments—

Associated measuring instruments shall have an accuracy at least as good as the values in Table 5 and these values apply to the indication of the characteristic quantities of the liquid fuel displayed by the conversion device.

(c) Accuracy for calculating function—

The MPE for the calculation of each characteristic quantity of the liquid fuel, positive or negative, is equal to two fifths of the value fixed in paragraph (b).

(9) The requirement in sub-paragraph (8)(a) applies to any calculation, not only conversion.

**Table 5**

<i>MPE on Measurements</i>	<i>Accuracy classes of the measuring system</i>				
	0.3	0.5	1.0	1.5	2.5
Temperature	$\pm 0.3^{\circ}\text{C}$	$\pm 0.5^{\circ}\text{C}$			$\pm 1.0^{\circ}\text{C}$
Pressure	Less than 1 MPa: $\pm 50$ kPa				
	From 1 to 4 MPa: $\pm 5\%$				
	Over 4 MPa: $\pm 200$ kPa				

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<i>MPE on Measurements</i>	<i>Accuracy classes of the measuring system</i>				
	0.3	0.5	1.0	1.5	2.5
Density	$\pm 1 \text{ kg/m}^3$		$\pm 2 \text{ kg/m}^3$		$\pm 5 \text{ kg/m}^3$

### Maximum permissible effect of disturbances

17.—(1) The effect of an electromagnetic disturbance on a measuring system shall be one of the following—

- (a) the change in the measurement result is not greater than the critical change value as defined in sub-paragraph (2);
- (b) the indication of the measurement result shows a momentary variation that cannot be interpreted, memorised or transmitted as a measuring result. Furthermore, in the case of an interruptible system, this can also mean the impossibility to perform any measurement; or
- (c) the change in the measurement result is greater than the critical change value, in which case the measuring system shall permit the retrieval of the measuring result just before the critical change value occurred and cut off the flow.

(2) The critical change value is the greater of  $MPE/5$  for a particular measured quantity or  $E_{\min}$ .

### Power supply failure

18. A measuring system shall either be provided with an emergency power supply device that will safeguard all measuring functions during the failure of the main power supply device or be equipped with means to save and display the data present in order to permit the conclusion of the transaction in progress and with means to stop the flow at the moment of the failure of the main power supply device.

### Putting into use

19. Table 6 sets out the accuracy classes applicable to measuring systems but where the manufacturer specifies an accuracy class of a higher level of precision, the instrument shall fall within that accuracy class specified by the manufacturer.

**Table 6**

<i>Accuracy Class</i>	<i>Types of Measuring System</i>
0.3	Instruments in class 0.5, 1.0, 1.5 or 2.5, where specified by the manufacturer
0.5	All instruments if not differently stated elsewhere in this Table including  —fuel dispensers (not for liquefied gases),  —measuring systems for refuelling aircraft
1.0	Instruments for liquefied gases under pressure measured at a temperature equal to or above $-10 \text{ }^\circ\text{C}$  Instruments in class 0.3 or 0.5 but used for liquid fuel

<i>Accuracy Class</i>	<i>Types of Measuring System</i>
	–whose temperature is less than –10 °C or greater than 50 °C
	–whose dynamic viscosity is higher than 1000 mPa.s
	–whose maximum volumetric flowrate is not higher than 20 L/h
1.5	Instruments for liquefied gases under pressure measured at a temperature below –10 °C (other than cryogenic liquids)
2.5	Instruments for cryogenic liquids (temperature below –153 °C)

### Units of measurement

**20.** The metered quantity shall be displayed in millilitre, cubic centimetres, litres, cubic metres, grams, kilograms or tonnes.

## SCHEDULE 2

Regulations 2(1) and 8

### NOTIFIED BODIES

## PART 1

### NOTIFIED BODY CRITERIA

**1.** The body, its director and staff involved in conformity assessment tasks shall not be the designer, manufacturer, supplier, installer or user of the measuring system that they inspect, nor the authorised representative of any of them. In addition, they may not be directly involved in the design, manufacture, marketing or maintenance of the instrument, nor represent the parties engaged in these activities. The preceding criterion does not, however, preclude in any way the possibility of exchanges of technical information between the manufacturer and the body for the purposes of conformity assessment.

**2.** The body, its director and staff involved in conformity assessment tasks shall be free from all pressures and inducements, in particular financial inducements, that might influence their judgement or the results of their conformity assessment, especially from persons or groups of persons with an interest in the results of the assessments.

**3.** The conformity assessment shall be carried out with the highest degree of professional integrity and requisite competence in the field of metrology. Should the body sub-contract specific tasks, it shall first ensure that the sub-contractor meets the requirements of these Regulations, and in particular of this Schedule. The body shall keep the relevant documents assessing the sub-contractor's qualifications and the work carried out by him under these Regulations at the disposal of the Secretary of State.

**4.** The body shall be capable of carrying out all the conformity assessment tasks for which it has been designated, whether those tasks are carried out by the body itself or on its behalf and

under its responsibility. It shall have at its disposal the necessary staff and shall have access to the necessary facilities for carrying out in a proper manner the technical and administrative tasks entailed in conformity assessment.

5. The body's staff shall have—

- (a) sound technical and vocational training, covering all conformity assessment tasks for which the body was designated;
- (b) satisfactory knowledge of the rules governing the tasks which it carries out, and adequate experience of such tasks; and
- (c) the requisite ability to draw up the certificates, records and reports demonstrating that the tasks have been carried out.

6. The impartiality of the body, its director and staff shall be guaranteed. The remuneration of the body shall not depend on the results of the tasks it carries out. The remuneration of the body's director and staff shall not depend on the number of tasks carried out or on the results of such tasks.

7. The body shall satisfy the Secretary of State that it has adequate civil liability insurance.

8. The body's director and staff shall be bound to observe professional secrecy with regard to all information obtained in the performance of their duties pursuant to these Regulations, except vis-à-vis the Secretary of State.

## PART 2

### FUNCTIONS

#### **Assessment of applications for certificates or notifications**

9.—(1) Subject to paragraph 10, a notified body shall assess an application made by a manufacturer for the issue of—

- (a) a certificate of conformity;
- (b) a design or type examination certificate; or
- (c) a notification of approval of the manufacturer's quality system,

in accordance with the Annex applicable to the relevant conformity assessment procedure in respect of a measuring system.

(2) In determining such an application, the notified body—

- (a) shall have regard to the actual or usual environment of the measuring system; and
- (b) may have regard to any other standard or other technical criteria appearing to it to be relevant.

(3) Where, in the opinion of the notified body, the measuring system to which an application relates is compliant with the essential requirements, it shall issue a certificate or notification in accordance with paragraph 12.

(4) Where, in the opinion of the notified body, the measuring system to which an application relates is not compliant with the essential requirements, it shall issue a notice to the applicant in accordance with paragraph 15.

(5) Where a certificate or notification under sub-paragraph (3) is issued by a United Kingdom notified body, it shall send a copy to the Secretary of State.

### **Limitations on duties to exercise functions**

**10.**—(1) A notified body shall not accept an application for a certificate or notification in respect of a measuring system unless the application—

- (a) is in writing, in English or another language acceptable to that notified body;
- (b) is accompanied by all relevant documentation, in which all writing is in English or another language acceptable to that notified body; and
- (c) includes particulars of which applicable standards the manufacturer has applied or proposes to apply in respect of the instrument.

(2) A notified body shall not be required to determine an application for a certificate or notification where the manufacturer has not—

- (a) granted the notified body access to an instrument to which the application relates or the production facilities for the instrument (including, where applicable, the production facilities envisaged in relation to a representative instrument) to the extent that the notified body reasonably requests; and
- (b) made available to the notified body such information as it may reasonably require to determine the application.

(3) A notified body shall not be required to carry out the functions referred to in regulation 7(4) (d) if—

- (a) the person making the application has not submitted with the application the amount of the fee which the notified body requires to be submitted with the application pursuant to regulation 11; or
- (b) the notified body reasonably believes that, having regard to the number of applications made to it pursuant to its designation which are outstanding, it will be unable to commence the required work within three months of receiving the application.

### **Contractors**

**11.**—(1) A notified body may, in exercising its functions—

- (a) arrange for some other person to carry out any test, assessment or inspection on its behalf; or
- (b) require the applicant to satisfy another person with respect to any matter at the applicant's expense.

(2) But nothing in sub-paragraph (1) authorises a notified body to rely on the opinion of another person with regard to whether a measuring system is compliant with any of the essential requirements.

(3) Nothing in these Regulations shall preclude a person referred to in sub-paragraph (1)(a) or (1)(b) from charging any fee in respect of any work undertaken by him in pursuance of those sub-paragraphs.

### **Form of certificates and notifications**

**12.** The certificate or notification issued by the notified body shall be in writing and, in addition to the requirements provided for in the relevant conformity assessment procedure, shall—

- (a) be in English;
- (b) give the name and address—
  - (i) of the applicant;
  - (ii) where the applicant is not the manufacturer, of the manufacturer;

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- (c) be signed by or on behalf of the notified body and give the identification number of the notified body;
- (d) bear—
  - (i) the date of issue; and
  - (ii) the number of the certificate or notification;
- (e) give particulars of the relevant measuring system (where applicable, in relation to each variant) to which it relates sufficient to identify it, and shall state whether the instrument to which it relates is a single item or a representative, or if it covers a number of variants of that instrument; and
- (f) certify that the instrument to which it relates is compliant with the essential requirements.

#### **Conditions in certificates or notifications**

**13.**—(1) A certificate or notification may be unconditional or may be subject to such conditions as the notified body considers appropriate.

- (2) Such conditions may include—
  - (a) a limitation on the environment for which the measuring system is stated to be suitable; or
  - (b) a requirement that the instrument is only to be installed at a specific site.

(3) The conditions imposed pursuant to sub-paragraph (1) may be varied in accordance with paragraph 15 by the notified body which issued the certificate or notification and such a variation may include the imposition of new conditions or the removal of conditions.

#### **Withdrawal of certificates or notifications**

**14.** The notified body which issued the certificate or notification shall withdraw that certificate or notification in accordance with paragraph 15, if it appears that the measuring system to which it relates is not compliant with the essential requirements.

#### **Procedure where a notified body is minded to refuse to give, or to vary or withdraw a certificate or notification**

- 15.**—(1) Where a notified body is minded to—
- (a) refuse to issue a certificate or notification;
  - (b) vary a certificate or notification (other than at the request of the person to whom it was given); or
  - (c) withdraw a certificate or notification,

it shall give to the applicant, or the person to whom the certificate or notification was given, a notice in writing—

- (i) giving reasons for the refusal, variation or withdrawal;
- (ii) specifying the date on which the refusal, variation or withdrawal is to take effect; and
- (iii) giving the applicant or person the opportunity to make representations within 21 days from the date of the notice and stating that the notified body shall consider any representations made to it within that period by that applicant or person.

(2) Where a notified body, having considered representations made to it under sub-paragraph (1), remains of the opinion that—

- (a) an application for a certificate or notification should be refused; or
- (b) a certificate or notification should be varied or withdrawn,

it shall inform the applicant, or the person to whom the certificate or notification was given, of that decision in writing and give that applicant or person information about the judicial remedies available to him.

(3) Where a notice is given under sub-paragraph (1) by a United Kingdom notified body, it shall send a copy to the Secretary of State.

### SCHEDULE 3

Regulation 6(2)

#### TECHNICAL DOCUMENTATION

1. The technical documentation shall render the design, manufacture and operation of the instrument intelligible and shall permit an assessment of its conformity with the appropriate requirements of these Regulations.

2. The technical documentation shall be sufficiently detailed to ensure—

- (a) the definition of the metrological characteristics;
- (b) the reproducibility of the metrological performances of produced instruments when properly adjusted using appropriate intended means; and
- (c) the integrity of the instrument.

3. The technical documentation shall include insofar as relevant for assessment and identification of the type and/or instrument—

- (a) a general description of the instrument;
- (b) conceptual design and manufacturing drawings and plans of components and circuits;
- (c) manufacturing procedures to ensure consistent production;
- (d) if applicable, a description of the electronic devices with drawings, diagrams, flow diagrams of the logic and general software information explaining their characteristics and operation;
- (e) descriptions and explanations necessary for the understanding of sub-paragraphs (b), (c) and (d), including the operation of the instrument;
- (f) a list of the relevant national standards and/or relevant normative documents, applied in full or in part;
- (g) descriptions of the solutions adopted to meet the essential requirements where the relevant national standards and/or relevant normative documents have not been applied;
- (h) results of design calculations and examinations;
- (i) the appropriate test results, where necessary, to demonstrate that the type and/or instrument is compliant with the requirements of these Regulations under declared rated operating conditions and under specified environmental disturbances and with the durability specifications; and
- (j) the EC-type examination certificates or EC design examination certificates in respect of instruments containing parts identical to those in the design.

4. The manufacturer shall specify where seals and markings have been applied.

5. The manufacturer shall indicate the conditions for compatibility with interfaces where relevant.

## SCHEDULE 4

Regulation 12(3)

## MARKING AND INSCRIPTIONS

1. The CE marking consists of the symbol “CE” according to the design laid down in paragraph I.B(d) of the Annex to Decision 93/465/EEC(2). The CE marking shall be at least 5 mm high.
2. The M marking consists of the capital letter “M” and the last two digits of the year of its affixing, surrounded by a rectangle. The height of the rectangle shall be equal to the height of the CE marking. The M marking shall immediately follow the CE marking.
3. The identification number of the notified body concerned shall follow the CE marking and the M marking.
4. When a measuring system consists of a set of devices operating together, the markings shall be affixed on the instrument’s main device.
5. The CE marking and the M marking shall be indelible. The identification number of the notified body concerned shall be indelible or self-destructive upon removal. All markings shall be clearly visible or easily accessible.

## SCHEDULE 5

Regulation 15

## MAXIMUM PERMISSIBLE ERRORS

- 1.—(1) In this Schedule—
  - (a) “L” means litre;
  - (b) “mL” means millilitre;
  - (c) “kg” means kilogram;
  - (d) “g” means gram; and
  - (e) “MPE” means maximum permissible error.
- (2) For measuring systems which measure in mass—
  - (a) “L” shall be read as “kg”; and
  - (b) “mL” shall be read as “g”.
2. The MPEs for use for trade for quantities above the minimum measured quantity of the measuring system are set out in Table 1.

**Table 1**

<i>Column 1</i>	<i>Accuracy class of the measuring system</i>				
	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Quantity</i>	<i>MPE</i>	<i>MPE</i>	<i>MPE</i>	<i>MPE</i>	<i>MPE</i>
Less than 0.1L	+ 4.8ml	+ 8mL	+ 16mL	+ 24mL	+ 40mL
	- 2.4mL	- 4mL	- 8mL	- 12mL	- 20mL

(2) OJ No. L220, 30.8.93, p.23.



<i>Column 1</i>	<i>Accuracy class of the measuring system</i>				
	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
From 0.1L to < 0.2L	+ 4.8%	+ 8%	+ 16%	+ 24%	+ 40%
	- 2.4%	- 4%	- 8%	- 12%	- 20%
From 0.2L to < 0.4L	+ 4.8mL	+ 8mL	+ 16mL	+ 24mL	+ 40mL
	- 2.4mL	- 4mL	- 8mL	- 12ml	- 20mL
From 0.4L to < 1L	+ 1.2%	+ 2%	+ 4%	+ 6%	+ 10%
	- 0.6%	- 1%	- 2%	- 3%	- 5%
From 1L to < 2L	+ 12mL	+ 20mL	+ 40mL	+ 60mL	+ 100mL
	- 6mL	- 10mL	- 20mL	- 30mL	- 50mL
2L or more	+ 0.6%	+ 1%	+ 2%	+ 3%	+ 5%
	- 0.3%	- 0.5%	- 1%	- 1.5%	- 2.5%

3. The MPEs for use for trade for quantities equal to the minimum measured quantity of the measuring system are set out in Table 2.

**Table 2**

<i>Column 1</i>	<i>Accuracy class of the measuring system</i>				
	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Quantity</i>	<i>MPE</i>	<i>MPE</i>	<i>MPE</i>	<i>MPE</i>	<i>MPE</i>
Less than 0.1L	+ 4.8ml	+ 8mL	+ 16mL	+ 24mL	+ 40mL
	- 2.4mL	- 4mL	- 8mL	- 12mL	- 20mL
From 0.1L to < 0.2L	+ 4.8%	+ 8%	+ 16%	+ 24%	+ 40%
	- 2.4%	- 4%	- 8%	- 12%	- 20%
From 0.2L to < 0.4L	+ 9.6mL	+ 16mL	+ 32mL	+ 48mL	+ 80mL
	- 4.8mL	- 8mL	-16mL	- 24mL	- 40mL
From 0.4L to < 1L	+ 2.4%	+ 4%	+ 8%	+ 12%	+ 20%
	- 1.2%	- 2%	- 4%	- 6%	- 10%
From 1L to < 2L	+ 24mL	+ 40mL	+ 80mL	+ 120mL	+ 200mL
	- 12mL	- 20mL	- 40mL	- 60mL	- 100mL
2L or more	+ 1.2%	+ 2%	+ 4%	+ 6%	+ 10%
	- 0.6%	- 1%	- 2%	- 3%	- 5%

SCHEDULE 6

Regulation 32

ADAPTATIONS FOR NORTHERN IRELAND

1. In regulation 2(2), the reference to the Weights and Measures Act 1985<sup>(3)</sup> shall be construed as a reference to the Weights and Measures (Northern Ireland) Order 1981<sup>(4)</sup>.
2. Part III does not apply to Northern Ireland.
3. In regulation 17—
  - (a) for paragraph (1), substitute the following paragraph—

“(1) The Department of Enterprise, Trade and Investment shall enforce these Regulations in Northern Ireland.”; and
  - (b) for paragraph (3), substitute the following paragraph—

“(3) No proceedings for an offence under these Regulations shall be instituted in Northern Ireland except by or on behalf of the Department of Enterprise, Trade and Investment or the Director of Public Prosecutions for Northern Ireland.”.
4. In regulation 25—
  - (a) the reference in paragraph (3) to written information on oath shall be construed as a reference to a complaint on oath; and
  - (b) for paragraph (9), substitute the following paragraph—

“(9) In this regulation, “credentials” in relation to an enforcement officer, means an authenticated document showing that he is authorised to act to exercise the powers conferred on him by this regulation.”.
5. In regulation 31(3), the reference to section 14(1) of the Civil Evidence Act 1968 shall be construed as a reference to section 10(1) of the Civil Evidence Act (Northern Ireland) 1971<sup>(5)</sup>.

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<sup>(3)</sup> 1985 c. 72.

<sup>(4)</sup> S.I. 1981/231 (N.I. 10) and see S.I. 1982/846 (N.I. 11) and 1999/283 (N.I. 1).

<sup>(5)</sup> 1971 c. 36.