



First Committee Draft (1CD) – information document

Project: Revision of OIML D 1:2012

Existing title: Considerations for a Law on Metrology

Proposed new title: National Metrology Systems
Developing the institutional and legislative framework

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Circulated to P-members and liaison international bodies and external organizations for information only accompanying the 1CD.

Revision of D 1: Commentary on changes introduced in the 1CD

New Title

National Metrology Systems – developing the institutional and legislative framework

New Structure

Part 1 – Introduction

This incorporates much of what is in the 2012 text, but has been refocused to stress that the Document is about advice to Governments on producing policies aimed at developing their national metrology systems. A metrology law (or laws) may be an important part of how it is achieved and a model law remains an important part of D 1.

Part 2 – The importance of metrology

This incorporates much of what is in the existing Part 2 (Rationale), eg 2.1, but with the focus on the material in the current part 2.3 and 2.6. Much of the rest of the existing Part 2 has been transferred to Part 3 (The concept of a national metrology system) and Part 5 (The role of Government).

Part 3 – The concept of a National Metrology System

A lot of the material in the old 2.5 has been moved here as well as much of the text in 3.2. The presentation now takes an activity-based approach to analysing the components of a National Metrology System rather than an institution-based approach. There has been a lot of updating, most notably in what are now sections 3.2.1 (NMIs), 3.4.2 (national measurement standards) and 3.4.4 (traceability).

Part 4 – The place of a metrology system in a wider National Quality Infrastructure

This is based on a revision of the old 2.4, with a different and fuller description of the concept of a National Quality Infrastructure as it has developed in recent years and the place of metrology in such an Infrastructure. There is still a need to produce a satisfactory diagram of how the various components fit together.

Part 5 – The role of Government

A lot of the old 2.2 has been transferred here, as well as 2.7.

Part 6 – The international dimension

The existing 2.8 has been expanded considerably, using APMP/APLMP Guide 1 as a model. There is also a much fuller treatment of RMLOs.

Part 7 – Policy options

This now contains a lot of the material from the old 3.2 which has not already been transferred to Part 3, but re-ordered and expanded as follows:

- Sectoral priorities;
- Institutional options;
- Co-ordination options;

- Regulation and enforcement policy options;
- Funding options.

New material includes 7.5 on Regulatory and Enforcement options, which brings in some material from APMP/APLMF Guide 1. There is also a more explicit discussion of funding issues, which distinguishes between NMI funding and legal metrology funding.

Part 8 – Legislating for Metrology

In recognition of the significance of D 1 as providing a “Model Law”, this has been retained with very little amendment but transferred to an Annex. Part 8 is general text, containing most of the rest of the old Parts 3 and 4, designed to introduce the areas which metrology legislation should cover and the concept of general enabling powers supported by more detailed Regulations. It thus forms an introduction to the Model Law (the old Part 5) which is now to be found in the new Annex B. In addition, the “Elements”, which were previously scattered through the Document, have been brought together in another Annex (Annex A), to provide a checklist of the items that should be considered for inclusion in a law on metrology.

Part 9 – Developing a metrology system for the future

This is completely new. It is meant to cover future developments, including the regulatory challenges of “The Internet of Things”.

Other Changes

There has been some updating and simplification of the language throughout the document. Apart from the better description of the concept of a National Quality Infrastructure as it has developed in recent years, which has already been noted, the main changes of substance are:

- 1 The Document now contains a clearer explanation of the two views of legal metrology - that is (a) the application of legal requirements to metrology and (b) the application of metrology to legal requirements;
- 2 There is now a clearer explanation of the relationship between voluntary standards and compulsory technical regulation;
- 3 The concept of a National Legal Metrology Institute has been dropped as this does not really correspond to the approach adopted in most of the countries which do not look to their NMIs to carry out all legal metrology functions. The Document now talks of national (or central) legal metrology authorities, recognising the some and possibly all of these functions might be carried out by an NMI;
- 4 All the material referring to a Central Metrology Authority has been replaced with more general wording on central government co-ordination – there appear to few if any countries which have a CMA which is distinct from either a central government authority or an NMI;
- 5 Local Metrology Authorities have been renamed Local Legal Metrology Authorities, as it did not seem that any had functions outside the legal metrology area. Local Enforcement Authorities might be a better term to use.

Issues still to be addressed

- 1 There is as yet no replacement for the current section 3.1, which deals with definitions. There is a need to distinguish between (a) the approach to definitions recommended for a Law on Metrology and (b) terms used in D 1 itself which it would be useful to define for the convenience of a reader of D 1. The current thinking is that (a) is best addressed by some general guidance in Part 8, while (b) could usefully be dealt with by producing a Glossary in

a third Annex. This would allow, for instance, explanations of some terms which have presented difficulties in the past – such as Market Surveillance as used in the legal metrology context (see discussion in Annex 7 of the new D 34). Views on terms which should be included in the Glossary would be welcome.

- 2 It is recognised that more work is needed on explanatory diagrams, and indeed more may be added. Suggestions on areas where new diagrams would be helpful are welcomed.
- 3 The use of “should” and “shall” has been adjusted to reflect the fact that the Document itself consists of recommendations rather than mandatory requirements. The language in the Model Law, however, retains the use of “shall”, to simplify its use in national legislation. Usage may not be fully consistent however, and will be corrected editorially at a later stage.
- 4 Some passages taken from APMP/APLMF Guide 1 still require updating and editing – in consultation with the standardisation and accreditation bodies concerned.

Important Note

Because a lot of the material in the 2012 edition has been significantly re-ordered, only a “Clean” version of the First Committee Draft is being published. It is considered that providing a “Marked Up” copy of the 2012 edition would not be helpful, particularly as the record of the changes made is contained in two successive revisions, rather than in a single document. These revisions can, however, be made available to anyone seeking to understand which of the original text has been retained and where it has been moved to. In order to obtain these revisions, please contact the Project Group Convener.