

Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (recast) (Text with EEA relevance)

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter

This Directive establishes the requirements that measuring instruments have to satisfy with a view to their being made available on the market and/or put into use for the measuring tasks referred to in Article 3(1).

Article 2

Scope

1 This Directive applies to the measuring instruments defined in the instrument-specific Annexes III to XII (hereinafter ‘instrument-specific Annexes’) concerning water meters (MI-001), gas meters and volume conversion devices (MI-002), active electrical energy meters (MI-003), thermal energy meters (MI-004), measuring systems for continuous and dynamic measurement of quantities of liquids other than water (MI-005), automatic weighing instruments (MI-006), taximeters (MI-007), material measures (MI-008), dimensional measuring instruments (MI-009) and exhaust gas analysers (MI-010).

2 This Directive is a specific Directive in respect of requirements for electromagnetic immunity within the meaning of Article 2(3) of Directive 2014/30/EU of the European Parliament and of the Council⁽¹⁾. That Directive continues to apply with regard to emission requirements.

Article 3

Optionality

1 Member States may prescribe the use of measuring instruments for measuring tasks, where they consider it justified for reasons of public interest, public health, public safety, public order, protection of the environment, protection of consumers, levying of taxes and duties and fair trading.

2 Where Member States do not prescribe such use, they shall communicate the reasons therefor to the Commission and the other Member States.

Article 4

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (1) ‘measuring instrument’ means any device or system with a measurement function that is covered by Article 2(1);
- (2) ‘sub-assembly’ means a hardware device, mentioned as such in the instrument-specific annexes, that functions independently and makes up a measuring instrument together with other sub-assemblies with which it is compatible, or with a measuring instrument with which it is compatible;
- (3) ‘legal metrological control’ means the control of the measurement tasks intended for the field of application of a measuring instrument, for reasons of public interest, public health, public safety, public order, protection of the environment, levying of taxes and duties, protection of the consumers and fair trading;
- (4) ‘normative document’ means a document containing technical specifications adopted by the International Organisation of Legal Metrology;
- (5) ‘making available on the market’ means any supply of a measuring instrument for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (6) ‘placing on the market’ means the first making available of a measuring instrument on the Union market;
- (7) ‘putting into use’ means the first use of a measuring instrument intended for the end-user for the purposes for which it was intended;
- (8) ‘manufacturer’ means any natural or legal person who manufactures a measuring instrument or has a measuring instrument designed or manufactured, and markets that measuring instrument under his name or trade mark or puts it into use for his own purposes;
- (9) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;
- (10) ‘importer’ means any natural or legal person established within the Union who places a measuring instrument from a third country on the Union market;
- (11) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a measuring instrument available on the market;
- (12) ‘economic operators’ means the manufacturer, the authorised representative, the importer and the distributor;
- (13) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a measuring instrument;
- (14) ‘harmonised standard’ means harmonised standard as defined in point (c) of point 1 of Article 2 of Regulation (EU) No 1025/2012;

- (15) ‘accreditation’ means accreditation as defined in point 10 of Article 2 of Regulation (EC) no 765/2008;
- (16) ‘national accreditation body’ means national accreditation body as defined in point 11 of Article 2 of Regulation (EC) no 765/2008;
- (17) ‘conformity assessment’ means the process demonstrating whether the essential requirements of this Directive relating to a measuring instrument have been fulfilled;
- (18) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;
- (19) ‘recall’ means any measure aimed at achieving the return of a measuring instrument that has already been made available to the end-user;
- (20) ‘withdrawal’ means any measure aimed at preventing a measuring instrument in the supply chain from being made available on the market;
- (21) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products;
- (22) ‘CE marking’ means a marking by which the manufacturer indicates that the measuring instrument is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing.

Article 5

Applicability to sub-assemblies

Where instrument-specific annexes lay down the essential requirements for sub-assemblies, this Directive shall apply *mutatis mutandis* to such sub-assemblies.

Sub-assemblies and measuring instruments may be assessed independently and separately for the purpose of establishing conformity.

Article 6

Essential requirements

A measuring instrument shall meet the essential requirements set out in Annex I and in the relevant instrument-specific Annex.

Member States may require, if it is needed for correct use of the instrument, the information referred to in point 9 of Annex I or in the relevant instrument-specific Annexes to be provided in a language which can be easily understood by end-users, as determined by the Member State in which the instrument is made available on the market.

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Article 7

Making available on the market and putting into use

1 Member States shall not impede for reasons covered by this Directive the making available on the market and/or putting into use of any measuring instrument that satisfies the requirements of this Directive.

2 Member States shall take all appropriate measures to ensure that measuring instruments are made available on the market and/or put into use only if they satisfy the requirements of this Directive.

3 A Member State may require a measuring instrument to satisfy provisions governing its putting into use that are justified by local climatic conditions. In such a case, the Member State shall choose appropriate upper and lower temperature limits from Table 1 of Annex I and may specify humidity conditions (condensing or non-condensing) and whether the intended location of use is open or closed.

4 When different accuracy classes are defined for a measuring instrument:

- a the instrument-specific Annexes under the heading 'Putting into use' may indicate the accuracy classes to be used for specific applications;
- b in all other cases a Member State may determine the accuracy classes to be used for specific applications within the classes defined, subject to allowing the use of all accuracy classes on its territory.

For the purposes of point (a) or point (b), measuring instruments of a better accuracy class may be used if the owner so chooses.

5 At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of measuring instruments not in conformity with this Directive, provided that a visible sign clearly indicates their non-conformity and their non-availability for making available on the market and/or putting into use until they are brought into conformity.

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- (1) Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (see page 79 of this Official Journal).