

SCHEDULE 26

Amendment of the Non-automatic Weighing Instruments Regulations 2016

Insertion of regulation 32A

19. After regulation 32 insert—

“Obligations which are met by complying with obligations in the Directive

32A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “CE marking” has the meaning given to it in Article 2(19);
- (c) “Module B” means the conformity assessment procedure set out in point 1 of Annex II;
- (d) “EU-type examination certificate” means an EU-type examination certificate issued in accordance with Module B;
- (e) “harmonised standard” has the meaning given to it in Article 2(11).

(2) Paragraph (3) applies where, before placing a non-automatic weighing instrument on the market, the manufacturer—

- (a) ensures that the non-automatic weighing instrument has been designed and manufactured in accordance with the essential requirements set out in Annex I;
- (b) ensures that the relevant conformity assessment procedures that apply to that non-automatic weighing instrument in accordance with Article 13 have been carried out;
- (c) draws up the technical documentation referred to in Annex II;
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes the CE marking and the supplementary metrology marking, in accordance with Articles 16 and 17(1) to (5);
- (f) affixes the inscriptions provided for in points 1 or 2 of Annex III in accordance with Article 6(5);
- (g) affixes where required in accordance with Article 6(5) the restrictive use symbol as provided for in Article 18 and in point 3 of Annex III;
- (h) draws up an EU declaration of conformity, in accordance with Article 14; and
- (i) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 6, 9(3) and (4), 41 and 45(2) are to be treated as being satisfied;
- (b) regulations 7, 8(2), 44, 63(1)(a) to (e), 67, 68 and 71 apply subject to the modifications in paragraph (8); and
- (c) Regulations 34 to 36 do not apply.

- (4) Paragraph (5) applies where, before placing a regulated non-automatic weighing instrument on the market, the importer ensures that—
- (a) the relevant conformity assessment procedure referred to in Article 13 has been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Annex II; and
 - (c) the non-automatic weighing instrument bears the CE marking and supplementary metrology marking in accordance with Articles 16 and 17(1) to (5).
- (5) Where this paragraph applies—
- (a) the requirements of regulation 16(2)(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 23, 63(1)(a) to (e), 67 and 68 apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making a regulated non-automatic weighing instrument available on the market, a distributor ensures that the non-automatic weighing instrument bears the CE marking and the inscriptions referred to in point 1 of Annex III.
- (7) Where this paragraph applies—
- (a) regulation 27(1) is to be treated as being satisfied; and
 - (b) regulations 28(1), 28(2), 29, 63(1)(a), 63(1)(b), 67, 68 and 71 apply subject to the modifications in paragraph (8).
- (8) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (7)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (d) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedures referred to in Article 13;
 - (e) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex II;
 - (f) any reference to “type examination certificate” is to be read as a reference to an EU-type examination certificate;
 - (g) any reference to “M marking” is to be read as a reference to the supplementary metrology marking;
 - (h) any reference to “approved body” is to be read as a reference to the body that undertook any conformity assessment procedure in accordance with Article 13;
 - (i) any reference to “authorised mark” includes the CE marking and the supplementary metrology marking.

Conformity assessment procedure obligations that are met by complying with the Directive

- 32B.**—(1) In this regulation—
- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;

- (b) “EU-type examination certificate” means an EU-type examination certificate issued in accordance with the conformity assessment procedure set out in point 1 of Annex II (Module B);
 - (c) any reference to “the first stage of the conformity assessment procedure” is a reference to one or both of the following—
 - (i) all examinations and tests which are not gravity dependent and which are included in the conformity assessment procedures set out in points 2 to 5 of Annex II;
 - (ii) the examinations and tests included in the conformity assessment procedures set out in points 2 to 5 of Annex II that may be carried out at the manufacturer’s works or any other location where—
 - (aa) the transport of the instrument to its place of use requires dismantling of the instrument; or
 - (bb) the putting into service of the instrument in its place of use requires assembly of the instrument or other technical installation work that is likely to affect the instrument’s performance.
- (2) Paragraph (3) applies where, prior to the manufacture of a non-automatic weighing instrument the manufacturer has ensured that the conformity assessment procedure as set out in point 1 of Annex II (Module B) has been carried out.
- (3) Where this paragraph applies—
- (a) the reference in regulation 36(a) to “Module B as set out in point 1 of Schedule 7” is to be read as a reference to the conformity assessment procedure as set out in point 1 of Annex II (Module B); and
 - (b) regulations 6(b) and (c), 7, 16(2)(a) and (b), 63(1)(e), 67(2)(b), 68(4)(b) and paragraph 1 of Schedule 1 apply subject to the modifications in paragraph (6).
- (4) Paragraph (5) applies where—
- (a) in accordance with point 7.1 of Annex II, the procedures set out in points 2 to 5 of that Annex may be carried out in two stages; and
 - (b) the first stage of the conformity assessment procedure is carried out in accordance with any of the following points of Annex II—
 - (i) point 2 (Module D);
 - (ii) point 3 (Module D1);
 - (iii) point 4 (Module F); or
 - (iv) point 5 (Module F1).
- (5) Where this paragraph applies—
- (a) the reference in regulation 36(1)(a)(i) to “Module D as set out in point of Schedule 7” is to be read as including the first stage of the conformity assessment procedure as set out in point 2 of Annex II (Module D);
 - (b) the reference in regulation 36(1)(a)(ii) to “Module F as set out in point 4 of Schedule 7” is to be read as including the first stage of the conformity assessment procedure as set out in point 4 of Annex II (Module F);
 - (c) the reference in regulation 36(3)(a) to “Module D1 as set out in point 3 of Schedule 7” is to be read as including the first stage of the conformity assessment procedure as set out in point 3 of Annex II (Module D1);

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- (d) the reference in regulation 36(3)(b) to “Module F1 as set out in point 5 of Schedule 7” is to be read as including the first stage of the conformity assessment procedure as set out in point 5 of Annex II (Module F1);
 - (e) regulations 6(b) and (c), 7, 16(2)(a) and (b), 45(6) and (7), 63(1)(c) and (e) and 67(1)(c) apply subject to the modifications in paragraph (6).
- (6) The modifications referred to in paragraphs (3)(b) and (5)(e) are that—
- (a) any reference to “relevant conformity assessment procedure” is to be read as including—
 - (i) where paragraph (3) applies, the conformity assessment procedure set out in point 1 of Annex II;
 - (ii) where paragraph (5) applies, the relevant first stage conformity assessment procedure;
 - (b) any reference to “type examination” is to be read as a reference to the EU-Type examination certificate;
 - (c) any reference to “technical documentation” is to be read as including the technical documentation required by points 1 to 5 of Annex II (as applicable);
 - (d) any reference to “approved body” is to be read as including the body which undertook the first stage conformity assessment procedure.”.