## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations implement Directive 2014/31/EU of the European Parliament and of the Council of 26th February 2014 on the harmonisation of the laws of Member States relating to the making available on the market of non-automatic weighing instruments. These Regulations replace and revoke the Non-automatic Weighing Instruments Regulations 2000 and the Non-automatic Weighing Instruments (Amendment) Regulations 2008. Non-automatic weighing instruments are defined as instruments which require the intervention of an operator to determine mass and other things related to mass by the use of gravity. The Regulations impose requirements in relation to the manufacture of non-automatic weighing instruments which are used for determining mass for:

(a) commercial transactions;

(b) the determination of the amount of certain payments such as tolls or taxes;

(c) the purposes of court proceedings and legal requirements;

(d) the weighing of patients for medical purposes;

(e) making up medicines and other medical and pharmaceutical laboratory purposes;

(f) direct sales to the public and the making up of pre-packages.

and the determination of price on the basis of mass.

These instruments are referred to in the Regulations as "regulated non-automatic weighing instruments".

The Regulations set out what are referred to as "the essential requirements" which must be met by regulated non-automatic weighing instruments. The essential requirements are defined in regulation 2(1) as the requirements relating to non-automatic weighing instruments set out in Annex I to the Directive.

Part 1 of the Regulation contains definitions, revocations and transitional provisions.

Part 2 of the Regulations sets out the obligations of economic operators (manufacturers (and their authorised representatives), importers and distributors) in connection with ensuring that instruments placed on the market meet the essential requirements and the other requirements of the Regulations.

Part 3 of the Regulations makes provision for establishing conformity with the essential requirements. Regulation 40 sets out the conformity assessment procedures that must be used to ensure conformity with the essential requirements and the requirements to be followed and the use of notified bodies.

Part 4 contains requirements as to markings to be placed on instruments that are not required to meet the essential requirements. Part 5 contains the requirements relating to the notification by the United Kingdom of conformity assessment bodies.

Part 6 contains provisions prohibiting the use of non-automatic weighing instruments for the purposes listed in regulation 3(2) unless they have been subject to the appropriate conformity assessment procedures. Part 7 imposes certain requirements for the use for trade of regulated non-automatic weighing instruments.

Part 8 makes provision in relation to market surveillance and enforcement of the Regulations; Part 9 makes provision about the unauthorised application of marks to regulated non-automatic weighing instruments and also makes provision in relation to penalties for offences and defences.

Part 10 contains miscellaneous and supplemental provisions. A draft of these Regulations was notified to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p.18).

A transposition note and an impact assessment of the effect that this instrument will have on the costs of business, the public sector and voluntary sector is available from the Regulatory Delivery Directorate, 1 Victoria Street, London SW1 0ET. They are also available with the explanatory memorandum alongside this instrument on www.legislation.gov.uk.