
STATUTORY INSTRUMENTS

2016 No. 1152

The Non-automatic Weighing Instruments Regulations 2016

PART 2

REGULATED NON-AUTOMATIC WEIGHING INSTRUMENTS
– OBLIGATIONS OF ECONOMIC OPERATORS

CHAPTER 4

IDENTIFICATION OF ECONOMIC OPERATORS

[^{F1}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) [F²except in relation to regulation 68,] 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.]

Textual Amendments

- F1** Regs. 32A-32D inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 26 para. 19** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), **2** and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 18(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in reg. 32A(8)(h) inserted (9.12.2021) by The Product Safety and Metrology etc. (Amendment) Regulations 2021 (S.I. 2021/1273), regs. 1, **11(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, Section 32A.