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STATUTORY INSTRUMENTS

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**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

**[<sup>F1</sup>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);
  - (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.]

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#### **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)**

**Changes to legislation:**

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