TRANSPOSITION NOTES

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

1. This Transposition Note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how the 2014 Directive is implemented in the UK by the Measuring Instruments Regulations 2016.

2. This instrument is being made in order to implement the provisions of the recast EU Measuring Instruments Directive ("MID") (2014/32/EU), the majority of the provisions of which came into force on 20 April 2016.

3. This instrument will replace and repeal fifteen current Regulations and two amendment Regulations.

4. The instrument re-enacts provisions relating to the use for trade of measuring instruments which were contained in the repealed Regulations which do not relate to the requirements of the Directive. These are in Part 6 of the 2016 Regulations.

5. The Secretary of State is responsible for taking measures to implement the 2014 Directive.

TRANSPOSITION TABLE FOR DIRECTIVE 2014/32/EU

Article	Objective of Article	Implementation
1	States high-level objectives of the Directive.	No implementation required in national legislation. The policy objectives of the legislation are set out in the Explanatory Memorandum.
2(1)	The Directive applies to measuring instruments of the following kinds: Water meters, gas meters and volume conversion devices, active electrical energy meters, thermal energy meters, measuring systems for continuous and dynamic measurement of liquids other than water, automatic weighing instruments, taximeters, material measures, dimensional measuring instruments and exhaust gas analysers.	Regulation 3
2(2)	Directive is a specific directive in respect of requirements for electromagnetic immunity within the meaning of Art 2(3) of Directive 2014/30/EU	Requirement will be covered by UK implementation of Directive 2014/30/EU
3(1)	Member States may prescribe the use of measuring instruments for measuring tasks where they consider it justified for reasons of public health, public safety, public order, protection of the environment,	Unnecessary to implement this provision

Article	Objective of Article	Implementation
	protection of consumers, levying of taxes and duties and fair trading.	
3(2)	Reasons for non-prescription to be communicated to the Commission and the other Member States.	Unnecessary to implement this provision
4	Definitions	Regulation 2
5	Where essential requirements are laid down for sub-assemblies, the Directive applies mutatis mutandis to sub-assemblies which may be assessed independently and separately for the purposes of establishing conformity.	Regulation 3(1)(b) and (d)
6	Measuring instruments to meet the essential requirements set out in Annex 1 and in the relevant instrument-specific Annex Member States may require information required by the Annexes to be provided in a language which can be easily understood by end users.	Unnecessary to implement this provision explicitly. This obligation is implemented by implementing the substantive obligations in the Directive and ensuring that they are enforced.
7(1)	Obligation not to obstruct free movement of measuring instruments which satisfy requirements of the Directive.	Unnecessary to implement this requirement explicitly. This provision is implemented by ensuring that domestic legislation does not obstruct free movement.
7(2)	Member States to 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 the Directive	Unnecessary to implement this provision explicitly. This provision is implemented by implementation of the substantive obligations of the Directive and ensuring they are enforced.
7(3)	Member States may impose requirements on measuring instruments which are justified by local climatic conditions	No implementation required
7(4)	More accurate instruments may be used than prescribed by the Directive or national law	No implementation required
7(5)	Exception from the Directive allowing showing and use of measuring instruments at trade fairs, exhibitions, demonstrations.	Regulation 5
8(1)	When placing measuring instruments on the market, manufacturers must ensure that they have been designed and manufactured in accordance with the essential requirements	Regulation 7(a)
8(2)	Manufacturers must draw up technical documentation and have a relevant conformity assessment procedure carried out. Once a measuring instrument has, by means of a relevant conformity assessment, been demonstrated to be in conformity with the requirements of the Directive, the manufacturer must draw up an EU declaration of conformity and affix the CE marking and the supplementary metrology marking	Regulation 7(b) to (e)

Article	Objective of Article	Implementation
8(3)	Manufacturers must keep technical documentation and EU declaration of conformity for 10 years after the measuring instrument has been placed on the market	Regulation 8
8(4)	Manufacturers obligations to ensure that measuring instruments manufactured by series production remain in conformity with the requirements of the Directive.	Regulation 9
8(5)	Manufacturers must ensure that measuring instruments in the market are labelled with type, batch or serial numbers (or this is included in a document and on packaging where the instrument is too small).	Regulation 10
8(6)	Manufacturers must indicate their name registered trade name or registered trade mark and postal address on measuring instruments in a language easily understood by end-users and market surveillance authorities. Where it is not possible to do this, the information must be put on packaging or in a document accompanying the article.	Regulation 11
8(7)	Manufacturers must ensure that a measuring instrument is accompanied by EU declaration of conformity and instructions in a language which can be easily understood by consumers and other end-users as determined by the Member State concerned.	Regulation 12
8(8)	Obligations of manufacturers who consider or have reason to believe that they have placed on the market a measuring instrument not in conformity with the Directive	Regulation 13
8(9)	Manufacturers' obligations to provide information to and co-operate with competent authorities.	Regulation 14
9	A manufacturer may appoint an authorised representative who may carry out tasks on behalf of the manufacturer except the design and manufacture of measuring instruments and the preparation of the technical documentation. Authorised representatives must be able to carry out certain tasks.	Regulation 15
10(1)	Importers must place only compliant measuring instruments on the market.	Regulation 17(1)
10(2)	Before an importer places a measuring instrument on the market and/or puts a measuring instrument into use, he must ensure that the manufacturer has satisfied certain obligations and that the instrument is accompanied by the required documents. Where an importer considers, or has reason to believe, that a measuring instrument is not in conformity with the essential requirements he must not place it on the market. Where the measuring instrument presents a risk, the importer must inform the manufacturer and the market surveillance authorities.	Regulation 17(2), 17(3) and 18

Article	Objective of Article	Implementation
10(3)	Importers must indicate their name, registered trade name or registered trade mark and address on the measuring instrument.	Regulation 19
10(4)	Importers must ensure that a measuring instrument is accompanied by instructions and information in a language which can be easily understood by end-users, as determined by the Member State concerned.	Regulation 20
10(5)	Importers must ensure that while a measuring instrument is under their responsibility, storage and transport conditions do not jeopardise its compliance with the essential requirements.	Regulation 21
10(6)	When deemed appropriate with regard to the performance of a measuring instrument, importers must, upon a duly justified request of a competent authority carry out certain monitoring activities and keep a register. Importers must keep distributors informed of monitoring activities.	Regulation 22
10(7)	Obligations of Importers who consider or have reason to believe that they have placed on the market a measuring instrument not in conformity with the Directive	Regulation 23
10(8)	Importers must keep the technical documentation and a copy of the EU declaration of conformity for 10 years after the measuring instrument is placed on the market.	Regulation 24
10(9)	Importers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a measuring instrument with the Directive in a language which can be easily understood by the market surveillance authority. Importers must cooperate with the authority on action taken to eliminate risks posed by measuring instruments placed on the market.	Regulation 25
11(1)	When making a measuring instrument on the market available on the market and/or putting it into use, distributors must act with due care.	Regulation 27
11(2)	Before a distributor makes a measuring instrument available on the market and/or putting it into use, he must ensure that the manufacturer and importer have satisfied certain obligations and that the article is accompanied by the required documents and bears the CE mark and the supplementary metrology mark. Where a distributor considers, or has reason to believe, that a measuring instrument is not in conformity with the essential requirements he must not make it available on the market. Where the measuring instrument presents a risk, the distributor must inform the manufacturer or the importer and the market surveillance authorities.	Regulation 28 and 29

Article	Objective of Article	Implementation
11(3)	Distributors must ensure that while a measuring instrument is under their responsibility, they do not jeopardise its compliance with the essential requirements.	Regulation 30
11(4)	Distributors who consider, or have reason to believe, that a measuring instrument which they have made available on the market or put into use is not in conformity must make sure that corrective measures are taken to bring that article into conformity, withdraw it or recall it. Where the measuring instrument presents a risk, the distributor must immediately inform the competent national authorities of the Member States in which they made the measuring instrument available.	Regulation 31
11(5)	Distributors must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a measuring instrument with the Directive. Distributors must cooperate with the authority on action taken to eliminate risks posed by measuring instruments made available on the market.	Regulation 32
12	Importers and distributors to be treated as manufacturers where they place a measuring instrument on the market under their name or modify it in a way that affects its compliance with the Directive.	Regulation 6(2)
13	Economic operators must, on request identify other economic operators in the supply chain. They must be able to do this for 10 years after the supply of a measuring instrument occurs.	Regulation 33
14(1)	Measuring instruments are presumed to be in conformity with the essential requirements to the extent that they are in conformity with a harmonised standard covering those requirements.	Regulation 38(1)
14(2)	Measuring instruments are presumed to be in conformity with the essential requirements to the extent that they are in conformity with normative documents	Regulation 38(2)
14(3)	Manufacturers may choose any technical solution that meets the essential requirements When relying on the presumption of conformity solutions mentioned in harmonised standards or normative documents must be correctly applied	Regulation 37(c) and regulation 38(3)
14(4)	Member States must presume compliance with appropriate tests mentioned in harmonised standards and normative documents if the tests are undertaken in accordance with those standards/documents and the test results ensure compliance with the essential	Regulation 38(4)

Article	Objective of Article	Implementation
	requirements.	
15	Commission has power to identify and publish normative documents.	Article does not require implementation
16	Commission has power to withdraw or modify references to normative documents.	Article does not require implementation
17	Conformity assessment of a measuring instrument to be carried out by the application at the choice of the manufacturer, of one of the listed conformity assessment procedures. Linguistic requirements as to records and correspondence relating to conformity assessment procedures	Regulation 39
18	Requirements as to technical documentation	Regulations 44 and 45
19	Requirements as to the EU declaration of conformity.	Regulation 47 and 48
20	Requirement to mark instrument with CE marking and supplementary metrology mark	Regulation 50
21	Principles applicable to the CE marking and supplementary metrology marking	Definition of “M marking” in regulation 2 and 51
22	Requirements as to the fixation of the CE marking and the supplementary metrology marking and the identification number of the notified body, where that body is involved in the production control phase.	Regulation 52
23	Member States must notify the Commission and other Member States of bodies authorised to carry out third-party conformity assessment tasks.	Regulation 55(1) and 57
24	Designation of a notifying authority which is to be responsible for assessment and notification of conformity assessment bodies and the monitoring of notified bodies. Delegation of the authority’s functions	Regulation 54
25	Requirements applicable to notifying authorities	It is not necessary to implement this explicitly. The Secretary of State meets the requirements
26	Member States must inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies.	Regulations 54(7) and 57(2)
27	For the purposes of notification, a conformity assessment body must meet certain requirements	Regulation 54(4) and Schedule 5
28	Where a conformity assessment body demonstrates its conformity with the criteria laid down in relevant harmonised standards, it is to be presumed to comply with the requirements set out in Article 27 in so far as the applicable harmonised standards cover those requirements.	Regulation 56
29	Requirements where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it must ensure that the subcontractor or the subsidiary meets the requirements set out in Article 25 and must inform the notifying authority accordingly.	Regulation 41
30	Accredited in-house bodies	Regulation 40

Article	Objective of Article	Implementation
31	Applications by conformity assessment bodies to the notifying authority of the Member State in which it is established.	Regulation 52, 53(2), 55(1) and 57
32	Notification procedure	Regulation 55 and 57
33	Commission obligations in respect of bodies notified to it.	It is not necessary to implement these obligations because these are obligations on the European Commission
34	Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 27 or that it is failing to fulfil its obligations, the notifying authority must restrict, suspend or withdraw notification, depending on the seriousness of the failure. The notifying authority must immediately inform the Commission and the other Member States. In the event of a restriction, suspension or withdrawal of notification, or where the notified body has ceased activity, the notifying Member State must take appropriate steps to ensure that the files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities.	Regulation 60
35(1)	The Commission must investigate any doubts regarding the competence of a notified body or whether the body is fulfilling its responsibilities.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
35(2)	The notifying Member State must provide the Commission, on request, with information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	It is not necessary to implement this obligation explicitly. The Secretary of State will satisfy this obligation by providing any such information that is requested.
35(3)	The Commission must ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
35(4)	Where the Commission ascertains that a notified body does not meet, or no longer meets, the requirements for notification, it must adopt an implementing act requesting the notifying Member State to take the necessary corrective action.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
36(1)	Notified bodies must carry out conformity assessments in accordance with the conformity assessment procedures set out in Annex II in a proportionate manner etc..	Regulation 39(2) and Schedule 4
37	Member States must ensure that an appeal procedure against decisions of the notified body is available.	Schedule 4 paragraph 6
38(1)	Notified bodies must inform the notifying authority of: (a) any refusal, restriction, suspension or withdrawal of a certificate; (b) any circumstances affecting the scope	Schedule 4 paragraph 7

Article	Objective of Article	Implementation
	or conditions for notification; (c) any request for information received from market surveillance authorities; and (d) on request, conformity assessment activities performed etc.	
38(2)	Notified bodies must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same measuring instruments with relevant information on issues relating to negative and, on request, positive conformity assessment results.	Schedule 4 paragraph 8
39	The Commission must provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
40	Obligation 1: The Commission must ensure that appropriate coordination and cooperation between notified bodies are put in place. Obligation 2: Member States must ensure that the bodies notified by them participate in the forum.	Obligation 1: It is not necessary to implement this obligation because it is an obligation on the European Commission. Obligation 2: Regulation 50 and Schedule 6, paragraph 15
41	Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 apply to measuring instruments.	Regulation is directly applicable
42	Action where market surveillance authority considers instrument presents a risk	Regulation 62
43	Union safeguard procedure where non-compliant instruments present a risk	Regulation 63
44	Procedure where compliant measuring instruments present a risk	Regulation 64
45	Requirement to require certain acts of non-compliance by economic operators to be brought to an end	Regulation 67
46 to 48	EU Committee procedure	Does not require transposition as the provisions relate to action at EU level
49	Penalties	It is not necessary to implement this obligation explicitly. This obligation is met by having appropriate enforcement mechanisms.
50	Transitional provisions	Schedule 4
51	Requirement to transpose directive	Obligation does not require transposition into UK law but is met by the transposition of the operative parts of the Directive
52	Repeal of earlier provisions of EU law	Does not require transposition. Obligations met by transposing the new Directive
53	Entry into force	It is not necessary to implement this obligation explicitly.
54	This Directive is addressed to Member States.	It is not necessary to implement

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		this provision.
Annex I	Essential requirements.	Definition of essential requirements in regulation 3 and Schedule 1
Annex II	Conformity assessment procedures.	Regulation 39(1) (by cross-reference to the Directive)
Annex III to XII	Instrument specific requirements	Definition of essential requirements in regulation 2 and Schedule 1
Annex XIII	EU declaration of conformity	Regulation 47(1)(c) (incorporated by reference)
Annex XIV	Repeals	It is not necessary to implement this provision
Annex XV	Correlation table.	It is not necessary to implement these provisions.