
STATUTORY INSTRUMENTS

2016 No. 1153

The Measuring Instruments Regulations 2016

PART 2

**REGULATED MEASURING INSTRUMENTS –
OBLIGATIONS OF ECONOMIC OPERATORS**

CHAPTER 4

IDENTIFICATION OF ECONOMIC OPERATORS

[^{F1}Obligations which are met by complying with obligations in the Directive

33A.—(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 4(22);
- (c) “Module B” means the conformity assessment procedure set out under the heading “MODULE B: EU-TYPE EXAMINATION” in Annex II;
- (d) “Module H1” means the conformity assessment procedure set out under the heading “MODULE H1: CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION” in Annex II;
- (e) “EU-design examination certificate” means an EU design certificate issued in accordance with Module H1;
- (f) “EU-type examination certificate” means an EU-type examination certificate issued in accordance with Module B;
- (g) “harmonised standard” has the meaning given to it in Article 4(14);
- (h) “instrument-specific Annexes” means Annexes III to XII.

(2) Paragraph (3) applies where, before placing a regulated measuring instrument on the market, the manufacturer—

- (a) ensures that the regulated measuring instrument has been designed and manufactured in accordance with the essential requirements set out in Annex I and in the relevant instrument-specific Annex which applies to the regulated measuring instrument;
- (b) ensures that the one of the relevant conformity assessment procedures listed in the relevant instrument-specific Annex that apply to that regulated measuring instrument in accordance with Article 17 have been carried out;
- (c) draws up the technical documentation referred to in Article 18;
- (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 a CE marking and the supplementary metrology marking, in accordance with Articles 21 and 22(1) to (6);
 - (f) draws up an EU declaration of conformity, in accordance with Article 19; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 7(a) to (e), 48 and 52(2) are to be treated as being satisfied;
 - (b) regulations 8, 9(2), 51, 68(1)(a) to (e), 72, 73 and 75 apply subject to the modifications in paragraph (8); and
 - (c) regulations 36 to 39 do not apply.
- (4) Paragraph (5) applies where, before placing a regulated measuring instrument on the market, the importer ensures that—
- (a) the relevant conformity assessment procedures that apply to that measuring instrument in accordance with Article 17 have been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Article 18; and
 - (c) the measuring instrument bears the CE marking, and the supplementary metrology marking referred to in Article 21(2).
- (5) Where this paragraph applies—
- (a) the requirements of regulation 17(2)(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 18, 21, 23, 51, 68(1)(a) to (e), 72, 73 and 75 apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making a regulated measuring instrument available on the market, a distributor ensures that the regulated measuring instrument bears the CE marking, and the supplementary metrology marking referred to in Article 21(2).
- (7) Where this paragraph applies—
- (a) regulation 28(1) is to be treated as being satisfied; and
 - (b) regulations 29(1), 30, 68(1)(a), 68(1)(b), 72 and 73 apply subject to the modifications in paragraph (8).
- (8) The modifications referred to in 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) [F²except in relation to regulations 72 and 73,] any reference to “essential requirements” is to be read as a reference to the essential requirements referred to in Annex I and in the relevant instrument-specific Annex which applies to the regulated measuring instrument;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedures that apply to the regulated measuring instrument in accordance with Article 17;
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Article 18;
 - (g) any reference to “type examination certificate” is to be read as a reference to an EU-type examination certificate; and

- (h) any reference to “design examination certificate” is to be read as a reference to an EU-design examination certificate;
- (i) any reference to “M marking” is to be read as a reference to the supplementary metrology marking; and
- (j) 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;
- (k) any reference to “authorised mark” includes the CE marking and the supplementary metrology marking.]

Textual Amendments

- F1** Regs. 33A33D 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. 27 para. 18** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 33A\(8\)\(c\)](#) inserted (E.W.S) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021](#) (S.I. 2021/1273), regs. 1, **12(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016, Section 33A.