

L.N. 395 of 2002

THE METROLOGY ACT
ACT NO. XXV OF 2002

Measuring Instruments Regulations, 2002

IN exercise of the powers conferred by regulation 19 of the Metrology Act, the Malta Standards Authority has made the following regulations :-

1. (1) The title of these regulations is the Measuring Instruments Regulations of 2002. Citation and commencement.

(2) These regulations shall come into force on such date or dates as the Authority may by notice in the Gazette appoint and different dates may be so appointed for different purposes and different provisions of the Notice.

2. For the purposes of these regulations, all the definitions in the Malta Standards Authority Act shall apply, and in addition, in these regulations, unless the context otherwise requires: Definitions.
Cap. 419.

“EEC initial verification” refers to the verification of a measuring instrument which has not been verified previously as referred to in regulation 11 (1);

“Verification of a measuring instrument” is the procedure which includes the examination and marking and/or issuing of the verification certificate which ascertains and confirms that the measuring instruments complies with the statutory requirements.

3. (1) These regulations apply to goods referred to as instruments, which include measuring instruments, components of measuring instruments, additional devices and measurement equipment. Scope

(2) These regulations also apply to units of measurements, the harmonization of methods of measurement and metrological control and, where appropriate, the means required for application of such methods.

Further aims

4. (1) These regulations also apply to the prescription, methods of measurement, metrological control and marking of quantities of pre-packaged products.

The same value shall be attached to EEC pattern approval and EEC initial verification as to the corresponding national measures.

(2) The separate regulations concerning the subjects referred to in regulation 3 shall specify in particular, the measurement procedures and characteristics of, and the technical requirements for, their design and functioning as regards the products referred to in regulation 3 (1) and the requirements concerning regulation 1 (2) and (3).

EEC Pattern Approval.

5. (1) EEC pattern approval of instruments constitutes their admission to EEC initial verification and, where the latter is not required, the authorization to place them on the market and, or put them into service. If the separate regulations applicable to a category of instruments exempt that category from EEC pattern approval, the instruments in that category shall be admitted directly to the EEC initial verification.

(2) If its control equipment so permits, the Authority shall grant the EEC pattern approval for every instrument which satisfies the requirements laid down in these regulations and the separate regulations relating to the category of instruments in question.

(3) An application for the EEC pattern approval may be made only by the manufacturer or his representative established in Malta. For one and the same instrument, application may be made in Malta only.

(4) When the Authority has granted the EEC pattern approval, it shall take the necessary steps to ensure that it is kept informed of any modification or addition to the approved pattern.

(5) In case of any such modification or addition to the approved pattern, the Authority shall inform the other Member States of such alterations.

Additional approval from the Authority.

(6) Modifications or additions to an approved pattern must receive additional EEC pattern approval from the Authority, where such changes influence or might influence measurement results or the prescribed conditions for use of the instrument.

(7) However, in the case of a modified pattern, the new EEC pattern approval shall be granted instead of an addition to the original

EEC pattern approval certificate, if the pattern is modified after the provisions of these regulations or of the relevant special regulations have been amended or adapted in such a way that the modified pattern could be approved only pursuant to the new provisions.

(8) The Authority shall grant the EEC pattern approval in accordance with the provisions of these regulations and of the relevant separate regulations.

7. (1) If its control equipment does not permit the granting of EEC pattern approval, and in any other case, the Authority shall recognise pattern approvals issued by other EEC type approval bodies.

Recognition of
other pattern
approvals.

(2) When an instrument has successfully completed the EEC pattern approval examination laid down in paragraph 2 of Annex 1 and in the separate regulations relating to it, the Authority shall draw up a certificate certifying the EEC pattern approval, hereinafter called the "EEC pattern approval certificate" and forward it to the applicant. In the cases provided for in regulation 14 or in a separate regulations, the applicant must, and in all other cases he shall be entitled to, affix or cause to be affixed on each instrument and all ancillary equipment conforming to the approved pattern the approval sign shown in this certificate.

8. (1) The EEC pattern approval shall be valid for 10 years. It may be extended for successive periods of 10 years and the number of instruments which may be manufactured in accordance with the approved pattern shall not be limited.

Validity

(2) EEC pattern approval is granted on the basis of the provisions of these regulations and of separate regulations relating to it and shall not be extended after the date of the entry into force of any amendment to, or adaptation of, these provisions, in cases where such EEC pattern approval could not have been granted on the basis of these new provisions.

(3) When the EEC pattern approval is not extended this approval shall nevertheless continue to apply to instruments which would have already been approved and are already in service.

(4) If its control equipment so permits, where use is made of new techniques not provided for in separate regulations, the Authority may grant EEC pattern approval with limited effect after consultation with other type approval bodies.

(5) It may include the following restrictions:

(a) limit on the number of instruments which may be covered by the approval,

(b) obligation to notify the competent authorities of the place of installation,

(c) restrictions on use,

(d) special restrictions concerning the technique used.

(6) However, the Authority shall refuse to grant the limited EEC pattern approval unless:

(a) the separate regulations for that category of instruments has come into force,

(b) no derogation has been made from the maximum permissible errors laid down in the separate regulations.

The period of validity of such approval shall not exceed two years. It may be extended by up to three years at most.

(7) In the event that the Authority has granted the limited EEC pattern approval referred to in Subregulation 4 of these regulations, it shall take all necessary steps to ensure that adjustment to technical progress is made to the Annexes to these regulations, and, where appropriate, to the separate regulations as soon as it considers that a new technique has proved to be satisfactory.

Special Signs

9. When EEC pattern approval is not required for a category of instruments which meets the requirements of separate regulations, the manufacturer may, on his own responsibility, affix to the instruments in this category the special sign described in paragraph 3.3 of Annex I.

Withdrawal of
pattern approval.

10. (1) When the EEC pattern approval has been granted, the Authority may withdraw it:

(a) if instruments for which this approval was granted do not conform to the approved pattern or to the provisions of the relevant separate regulations;

(b) if the metrological requirements specified in the certificate of approval or the provisions of subregulation (4) of regulation 8 are not met;

(c) if it ascertains that approval was granted in an improper manner.

(2) When the EEC pattern approval has been granted, the Authority must withdraw it if the instruments constructed according to an approved pattern reveal in service a defect of a general nature which makes them unsuitable for their intended use.

(3) If the Authority is informed of the occurrence of one of the cases covered by subregulations 1 and 2 of these regulations, it shall likewise take the measures provided for in those subregulations.

(4) (a) If the Authority declares in writing that the case referred to in subregulation 2 of these regulations has arisen it may forbid the placing on the market and putting into service of the instruments concerned until further notice. The Authority shall give the reasons underlying its decision in its declaration. The same procedure shall apply in the cases mentioned in subregulation 1 with respect to instruments which have been exempted from EEC initial verification, if the manufacturer, after due warning, does not bring the instruments into line with the approved pattern or with the requirements of the relevant separate regulations.

(b) If the Authority declares that the case referred to in subregulation 2 of these regulations has arisen it may forbid the placing on the market and putting into service of the instruments concerned until further notice. It shall immediately inform the other interested parties, stating the reasons on which its decision is based. The same procedure shall apply in the cases mentioned in subregulation 1, with respect to instruments which have been exempted from EEC initial verification, if the manufacturer, after due warning, does not bring the instruments into line with the approved pattern or with the requirements of the relevant separate regulations.

(c) If the body which granted the approval disputes that the case referred to in subregulation (2) of this regulation of which it has been informed has arisen, or disputes that the measures taken in pursuance of subregulation (4) are justified, the body concerned and the Authority shall endeavour to settle the dispute.

11. (1) EEC initial verification constitutes the examination of a new or reconditioned instrument and the confirmation of its conformity to the approved pattern and, or to the requirements of these regulations and the separate regulations relating to the instrument in question; it is certified by Authority EEC initial verification mark.

EEC Initial
Verification.

(2) The EEC initial verification of instruments may be carried out by a method other than unit checking in the cases specified in the separate regulations and in accordance with the procedures adopted.

12. (1) When an instrument is submitted to the Authority for EEC initial verification, the Authority shall determine whether:

(a) the instrument belongs to a category exempt from EEC pattern approval and, if so, whether it satisfies the technical construction and functioning requirements laid down by the separate regulations relating to that instrument;

(b) the instrument has received EEC pattern approval and, if so, whether it conforms to the approved pattern, and to the separate regulations relating to that instrument, in force on the date of issue of the EEC pattern approval;

(c) the examination carried out in the course of EEC initial verification relates in particular to and in accordance with the separate regulations:

(i) the metrological characteristics;

(ii) the maximum permissible errors:

(iii) the construction, in so far as this guarantees that the measurement characteristics are not likely to deteriorate to any great extent under normal conditions of use;

(iv) the presence of prescribed inscriptions and stamp plates or provisions for Authority verification marking.

Verification Marks.

13. When an instrument has successfully undergone Authority EEC initial verification, in accordance with the requirements of these regulations and of the separate regulations, the Authority partial or final verification marks described in Annex II to these regulations shall be affixed to that instrument in accordance with the rules laid down in that Annex.

Affixing of symbol to instruments.

14. When the EEC initial verification is not required for a category of instruments which meet the requirements of a separate regulations, the manufacturer shall, on his own responsibility, affix to the instruments in that category the special symbol described in paragraph 3.4 of Annex I.

15. The Authority shall take all necessary measures to prevent the use on instruments of marks or inscriptions liable to be confused with the Authority signs or marks.

Provisions for EEC
pattern approval and
EEC initial
verification.

16. (1) The Authority shall notify all interested parties of the services, agencies and institutes which are duly authorized to carry out the examination specified in these regulations and in the separate regulations, to issue the certificates of EEC pattern approval and to affix the Authority EEC initial verification marks.

(2) The separate regulations shall specify the control requirements for instruments in service which bear signs or marks and in particular the maximum errors permitted in service.

(3) Notwithstanding the provisions of regulation 3 (1), an instrument in service which bears Authority signs or marks but does not satisfy the requirements of the relevant separate regulations, in particular with regard to maximum permissible errors, may be banned from service in the same way as an instrument bearing national marks.

17. All decisions taken pursuant to these regulations and of the separate regulations regarding the instruments in question and refusing to grant or extend the EEC pattern approval, withdrawing such approval, refusing to carry out the EEC initial verification or prohibiting the placing on the market or entry into service shall state the reasons on which they are based. Such refusal, withdrawal or prohibition shall be notified to the party concerned, who shall at the same time be informed of the remedies available to him under the laws at the time in force in Malta and of the time limits allowed for the exercise of such remedies.

Final provisions.

ANNEX I

EEC PATTERN APPROVAL

1 Application for the EEC pattern approval

1.1. The application and the correspondence relating to it shall be drawn up in English. The annexed documents shall be written in English.

1.2. The application shall contain the following information:

- the name and address of the manufacturer or the firm, or of his or its authorised representative or of the applicant,
- the category of instrument,
- the intended use,
- the measurement characteristics,
- the commercial designation, if any, or the type.

1.3 The application shall be accompanied by the documents necessary for its evaluation, in duplicate, and in particular:

1.3.1 A description in particular of :

- i. the construction and operation of the instrument,
- ii. the protecting arrangements ensuring correct working,
- iii. the devices for regulation and adjustment,
- iv. the intended locations for :
 - a. verification marks
 - b. seals (where applicable).

1.3.2 General layout drawings and details of important components.

1.3.3 A schematic drawing illustrating the principles of operation and, if necessary, a photograph.

1.4. The application shall be accompanied, where appropriate, by documents

relevant to the national approvals already granted.

Examination for EEC Approval

- 2.1. The examination shall comprise:
 - 2.1.1 Study of the documents and an examination of the measurement characteristics of the pattern in the laboratories of the metrological service, in approved laboratories or at the place of manufacture, delivery or installation
 - 2.1.2 If the measurement characteristics of the pattern are known in detail, only an examination of the documents submitted is required.
- 2.2. The examination shall cover the entire performance of the instruments under normal conditions of use. Under such conditions, these instruments must maintain the measurement characteristics required.
- 2.3. The nature and scope of the examination mentioned in 2.1 hereof may be specified by separate regulations.

3 The EEC certificate and sign of approval

- 3.1. The certificate shall give the results of the examination of the pattern and shall specify the other requirements which must be complied with, if any. It shall be accompanied by descriptions, drawings and diagrams necessary to identify the pattern and to explain its functioning. The sign of approval provided for in regulation 4 of these regulations shall be a stylised letter E containing :

- in the upper part, the sign for Malta. 
- in the lower part, a designation to be determined by the metrological service which granted approval (an identification number).

An example of this approval sign is shown in item 6.1.

- 3.2. In the case of the limited approval, the letter P, having the same dimensions as the stylised letter E, shall be placed before this letter.

An example of this limited approval sign is shown in item 6.2.

- 3.3. The sign mentioned in regulation 6 of these regulations is the same as the Authority approval sign, except that the stylized letter E, is reversed symmetrically about a vertical axis and bears no other indication unless the

separate regulations stipulate otherwise.

An example of this sign is shown in item 6.3 hereof.

- 3.4. The sign mentioned in regulation 11 of these regulations is the same as the authority approval sign is a hexagon.

An example of this sign is shown in item 6.4 hereof.

- 3.5. The signs mentioned in the previous items and affixed by the manufacturer in accordance with the provisions of the regulations must be affixed at a visible point of each instrument and all ancillary equipment submitted for verification, and must be legible and indelible. If their affixation presents technical difficulties, exceptions may be made in separate regulations or accepted after the Authority considers the individual case

4 Depositing of a sample instrument

In the cases mentioned by separate regulations, the service which granted the approval may, if it considers this necessary, request the deposition of the sample instrument for which approval has been granted. Instead of this sample instrument, the service may authorise the depositing of parts of the instrument, of scale models or of drawings, and will mention this on the Authority certificate of approval.

5 Announcement of approval

- 5.1. EEC pattern approval and limited EEC pattern approvals shall be published in a special Annex to the Gazette. The same applies to the Authority additional EEC pattern approvals.
- 5.2. At the same time as the party concerned is notified, copies of the Authority certificate of approval shall be sent to the commission and to the other Member States; the latter can also obtain copies of the reports of the metrological examinations if they wish.
- 5.3. Withdrawal of EEC pattern approval and other communications concerning the extent and validity of EEC pattern approval shall also be subject to the announcement procedure mentioned in items 5.1. and 5.2 hereof.

6 Signs relative to EEC pattern approval

- 6.1. Sign of the EEC pattern approval

Example :

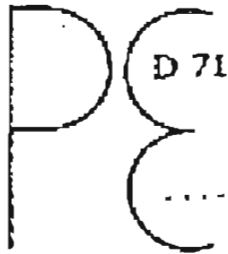


EEC pattern approval granted by the Metrology Directorate of the Republic of Malta in 2002 (see item 3.1. first indent)

Identification number of the EEC pattern approval (see item 3.1. second indent)

- 6.2. Sign of limited EEC pattern approval
(see item 3.2.)

Example :



Limited EEC pattern approval granted by the Metrological Service of the Federal Republic of Germany in 1971.

Identification number of the limited EEC pattern approval.

- 6.3. Sign of exemption from the EEC pattern approval
(see item 3.3.)

Example :

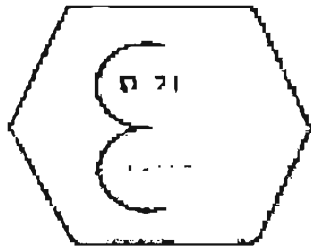


- 6.4. Sign of pattern of approval for instruments exempt from EEC initial

B 5910

verification (see item 3.4.)

Example :



EEC pattern approval granted by the Metrological Service of the Federal Republic of Germany in 1971.

Identification number of the EEC pattern approval .

ANNEX II**EEC INITIAL VERIFICATION****1. General points**

- 1.1. The EEC initial verifications may be carried out in one or more stages (usually two).
- 1.2. Subject to the provisions of the separate regulations:
 - 1.2.1. The EEC initial verification shall be carried out in one stage on instruments that constitute a whole on leaving the factory, that is to say instruments which, theoretically, can be transferred to their place of installation without first having to be dismantled.
 - 1.2.2. The EEC initial verification shall be carried out in two or more stages for instruments whose correct functioning depends on the conditions in which they are installed or used.
 - 1.2.3. The first stage of the verification procedure must ensure, in particular, that the instrument conforms to the approved pattern or, in the case of instruments exempt from EEC pattern approval, that they conform to the relevant provisions.

2 Place of the EEC initial verification

- 2.1. If the separate regulations do not specify the place where verifications is to be carried out, instruments which have to be verified in only one stage shall be verified at the place chosen .
- 2.2. Instruments which have to be verified in two or more stages shall be verified
 - 2.2.1. The last stage of verification must be carried out at the place of installation.
 - 2.2.2. The other verification stages of a verification shall be carried out as laid down in item 2.1 hereof.
- 2.3. In particular, when the verification takes place outside the office of verification of the Authority, it may require the applicant :
 - i. to make available standards, appropriate means in material and personnel for the execution of the verification.
 - ii. to provide a copy of the Authority certificate of approval.

3 Marks of the EEC initial verification

3.1. Marks of the description of EEC initial verification .

3.1.1. Subject to the provisions of separate regulations, EEC initial verifications marks which are affixed in accordance with item shall be as follows :

3.1.1.1. The final verification mark shall be composed of two stamps:

(a) the first consists of a letter 'e' containing :

- in the upper half, the distinguishing capital letter of the State where the EEC initial verification is carried out, together, where necessary, with one or two numbers identifying a territorial subdivision;

- in the lower half, the identification number of the verifying agent or office;

(b) the second stamp shall consist of the last two digits of the year of the verification, in a hexagon.

3.1.1.2. The mark of partial verification shall consist solely of the first stamp. It shall also serve as a seal.

3.2 Shape and dimensions of marks:

3.2.1. The attached drawings show the shape, dimensions and outline of the letters and numbers for the EEC initial verification marks as laid down in item 3.1 hereof ;

3.3. Affixing the marks

3.3.1. The final verification mark shall be affixed at the appointed location on the instrument when the latter has been completely verified and is recognised to conform to the EEC requirements.

3.3.2. The partial verification mark of the Authority shall be affixed:

3.3.2.1. When verification is made in several stages on the instrument or part of an instrument which fulfils the conditions laid down for operations other than those at the place of installation, at the place where the stamp-date is affixed

or in any other place specified in the separate regulations.

3.3.2.2. In all cases as a seal, in the places specified in the separate regulations.

