OIML TC 3/SC 2 – Metrological supervision
Revision of D 16 "Principles of assurance of metrological control"

Comments on the 2nd Committee Draft – Country Order

Country	Section Clause	Comment	Initial observation by Secretariat
Bulgaria	Page 11	on page **11** there is a reference to item 4.8**.** which does not exist**.**	Agree – changed
CECIP	Document	No comments – agreement with the document	
Germany	Document	No comments.	
Japan	**0.Introduction** the 7th line from the bottom, the 4th paragraph	<Proposed Text> "This applies to, for example, prepackages subject to metrological legislation which in many countries has become the most common method for selling goods by weight or measure. **Moreover, this applies also to various gaming machines as far as these machines are subject to metrological legislation in the countries.** ~~**To various gaming machines subject to legal control by laws on lotteries and similar games.**~~**"** <Rational> This document deals with principles of control of "**legal metrology**". In general gaming machines are not controlled by metrological legislation (ex. Measurement Law) in many countries including Japan. Moreover, the scope of this document should stay within the scope of D1 (Elements for a Law on Metrology). Taking these points into consideration, this document should refer to "gaming machines" only when these machines are subject to metrological legislation, instead of "legal control" in the countries. The word of "legal control" is too broad and does not suggest any relationship with "legal metrology."	Agree - changed
	0.Introduction the 3rd line from the bottom, the 4th paragraph	<Proposed Text> "The legal control of prepackages **based on average approach** is dealt with in OIML Recommendation R87 "Quantity of Product in Prepackages"[5]." <Rational> It should be made clear that OIML Recommendation R87 is based on the "average approach".	Agree - changed

	0.Introduction the 6th line from the top, the 7th Paragraph	<Proposed Text> **"However, it is desirable to have discussion among different stakeholders including the consumer protection organisations.** ~~Among different stakeholders the consumer protection organizations often have only little influence."~~ <Rational> When drafts of International Recommendation about prepackages (TC6) are deliberated in Japan, we welcome active participation from the consumer protection organizations in such deliberation. Moreover, in the ISO, the consumer protection organisations participate in the deliberation through Consumer Policy Committee (COPOLCO).	Agree - changed
	2.24 **"market surveillance"** **2.26** **"in-service surveillance"** alternatively **"field surveillance"**	<Comments> The three types of surveillances are not clearly defined and still ambiguous. Readers of this document can not easily understand the difference of these words. Could you provide concrete examples for easier understanding?	The extensive discussion of these terms is given in OIML D 9.
	4.7 the 5th line from the top	<Comments> It is necessary to define "total system approach" in Chapter 2 (Terminology) of this document.	Disagree – these are more or less self-explanatory terms explained in 3 (2nd principle), 4.7 and 5.1
	5.1(b) **5.2(b)** the 1st paragraph **"uncertainty"**	<Comments> The 2nd paragraph of I.1 of chapter I of Part 3of D1 (Elements for a Law on Metrology) reads as follows: *"traceability may be obtained either through evaluation of uncertainties or through compliance with stated maximum permissible errors".* Therefore, both "uncertainty" and "MPE" should be equally treated in this document.	Disagree – this is exactly what it is done in these paragraphs (both elements are on board) for the case of legal metrology

	5.2(b) the 5th line from the top, the 1st paragraph **"principle of shared risk"**	<Comments> It is necessary to define "principle of shared risk" in Chapter 2 (Terminology) in this document.	Agree - added
	5.2(d) the1st and 2nd paragraph	<Proposed Text/the 1st paragraph> "Government funded projects aimed at such data gathering and analysis **are expected to** ~~have to~~ be launched where accuracy tests…" <Rational> It should be upon government's discretion of each country whether it implements such projects. Therefore, the wording should be changed. <Proposed Text/the 2nd paragraph> "To assure metrological control, in general, one **is expected to** ~~must~~ specify in such projects the following three performance objectives at and above which performance is to be considered adequate: " <Rational> It should be government's discretion of each country what kinds of performance objectives should be specified. Therefore, wording should be changed.	Agree - changed
	6.2.1 the 9th line from the top, the 2nd paragraph	<Proposed Text> **"Furthermore, when private bodies verify the instruments, the government of each country must specify appropriate conditions for verification in the area of W&M, and impose such conditions on private bodies.** ~~Furthermore, any action of metrological supervision in this area of W&M is rendered ineffective when private bodies verify the instruments, …"~~ <Rational> It is important how the government of each country specifies appropriate conditions for verification in the area of W&M, and imposes such conditions on private bodies. Therefore, it does not follow that the verification by private bodies itself is ineffective.	Disagree – the aim and context of the sentence is different from what the comment tries to achieve

	6.2.2 the 4th line from the bottom	<Proposed Text> Delete the following sentence. ~~"From the viewpoint of feedback, this model is nearly ideal for systematic data gathering on the performance of the control system. Some States in the USA currently use this model."~~ <Rational> It is not the purpose of this document to compare and grade the models of specific countries, such as Germany, the USA and the Netherlands. Therefore, it is not appropriate to describe the expression of **evaluation of models** in this document.	Disagree – as to the names of the models, any names of the countries are as such not important here, this part simply discusses pros and cons of various existing models (not country systems). After all, the statement is true.
	6.2.3 the 3rd paragraph	<Proposed Text> Delete the following sentence. ~~"From the viewpoint of feedback, this model is the second most effective after the American model due to the fact that the frequency of supervision actions is naturally less than that of subsequent verifications."~~ <Rational> It is not the purpose of this document to compare and grade the models of specific countries, such as Germany, the USA and the Netherlands. Therefore, it is not appropriate to describe the expression of **evaluation of models** in this document.	Disagree – the same applies as above.

	6.3.4 the 8th line from the bottom	<Proposed Text> "On the other hand, a provision can exist in the general consumer protection legislation that all the packages labeled with a quantity of the product must contain at minimum the quantity on the label**, where applicable tolerable deficiency could be applied,** - a requirement stricter than the normally applied regulation for prepackages based on the average requirement." <Rational> Japan strongly supports the above sentence. On the other hand, Japan adopts the system "the minimum quantity on the label tolerable deficiency" system. Therefore, the wording of "tolerable deficiency" should be inserted.	Agree - added
	6.3.5 the 3rd line from the top	<Proposed Text> "The detail **based on average approach** are given in OIML R87 "Quantity of Product in Prepackages" or corresponding regional regulations (the EC Directives, NCWM Handbook 133 in the USA etc)." <Rational> It should be made clear that OIML Recommendation R87 is based on the "average approach".	Agree - added
	Annex 1 to 6	<Comments> The status of these annexes should be clearly stated in the appropriate section of this document. It is our understanding that these annexes are provided only for reference or information. Therefore, they do not indicate any concrete conclusion.	It is clearly stated when a reference is made to those annexes that these are only examples in support of the text – as such they imply no conclusions, the Secretariat agrees with the comment here
	Annex 1 last sentence (the 1st bullet)	<Proposed Text> Delete the following sentence. "~~regular actions of market surveillance of CSM are needed".~~ <Rational> It should be government's discretion of each country whether it adopts and regulates market surveillance of CSM. Therefore, this sentence should be deleted.	Partially agree – the wording changed

	Annex 3	<Proposed Text> The whole Annex 3 should be deleted. <Rational> Japan strongly supports the comment by the Netherlands about D16 (1CD). It is not appropriate to **cut and paste** an article of an OIML Bulletin to OIML "**Document**". The comments on Secretariat (Czech Republic) read as follows. *"The reference to the article added. That it is an example from Australia is clearly stated."* However, once Annex 3 is inserted in OIML "Document," it gives formal impression that each Member States have agreed unanimously on this point to outside readers. The Working Group on Conformity to Type is scheduled to be held in Sydney in October this year. It is not reasonable to include this Annex to this document before any conclusion is reached on this point.	In the 2nd CD arrangements have been made clearly indicating that it is only an Australian experience at the moment. Furthermore, it is not clear why articles from OIM Bulletin cannot be used or referenced in OIML D type publications where various alternatives and approaches are discussed – D16 is not a requirements-setting publication.
The Netherlands	General	In our opinion, this 2 CD is a significant improvement compared to the 1 CD. In particular we welcome the removal of the annex about the RF interference problems on weighbridges as at the moment there seems to be many details unclear about that problem. So in general, this version can be acceptable for us. As a result, our comments can be somewhat more detailed than the previous one. So please regard them merely as "suggestions for further improvement", rather than as critic.	
	General	Furthermore, we think that the concept of "Total measurement process" (considering the whole of instrument, operator, environment, procedure and special characteristics of the item being measured) could be more worked out. This concept can be a good basis for this document giving guidelines for combinations of aspects of metrological control. At the moment this is unfortunately limited to just a few examples like 4.6. In our opinion, this would be a better approach than giving personal opinions of the author (the secretary) and quoting examples of problems that are supposed to have occurred long ago.	The Secretariat would welcome any **concrete** suggestions for improvement in this respect as a maximum care has been taken to write the document along those lines. Apart from chapter 4, chapter 6 discusses various alternatives and combinations of metr.control.

	Expl.note (page 4) and Introduction	We expect that the Explanatory note is meant as a temporary "tool" during the development of this Document (see also the OIML Directives for the Technical work, Part 1 clause 3.4 and Part 2, clause 4.3), but this is not clearly indicated. So we expect that the explanatory note will be removed by the time of publication. Nevertheless we have a few remarks, in particular for the case that it is the intention of the secretary to have it included in the final publication: * 1st Paragraph: How can the protection of public interest been compromised by MAA, EU or NAFTA? We feel that the author rather refers to using quality systems and private bodies but the sentence also covers the above mentioned developments. We also fail to see the relevance of such a statement in an explanatory note and would suggest deleting this. * Second paragraph, last sentence states: "*Without compromising an effective consumer protection*". We feel this is limiting legal metrology because legal metrology is more than consumer protection. So we suggest replacing "*consumer protection*" by "*public interest*" * As it has nothing to do with metrology, we suggest removing the words *"and to various gaming machines .... and similar games"*. (The fact that in some countries metrology and gaming machines are dealt with by the same authority is not relevant in this Document)	According to the Directives... Expl.note will not be included in the Document and the Secretariat has no intention to include it there. Responses to asterisk points: 1.The wording is not that protection can be compromised – it is said that it should be studied. All those arrangements aim at simplification of putting products on the market by, among others, reducing the level of various safeguards – this by itself might result in poorer protection of public interests. 2. Accepted – changed. 3. Accepted – changed in response to Japanese comments.
	3	Lay-out: Suggest starting "The first principle" as a new paragraph. We would prefer seeing here as starting point that the assurance of metrological control depends on what one tries to achieve. If one tries to achieve the elimination of fraud, another system is needed than if ones tries to ensure correct measurements. In 4.6 the author gives an example to that extend: If correct measurements is the aim than only type-approval for liquid in glass thermometers is sufficient, However this does not protect against fraud (but fraud is not very likely in the case of thermometers). Second principle: It is not defined what "*open-loop system approach"* actually is, making it difficult to understand. From the rest of the document, we understand that feedback is provided by government funded projects aimed at gathering and analyzing data from instruments in use. Third principle: It is not explained how flexibility distributes the burden of compliance to both user and manufacturer?	Agree - changed

	4.1	In 4.1, there is a reference to 4.8 but there is no 4.8. The relevance of the statement that "*the scope of metrological control .... can be extended"*, is not clear. This is a problem that could be discussed in OIML TC 1 (it is expected that revision of the VIML will soon be started).	Agree – changed Agree – a revision of VIML has just been launched and it will be presented to TC 1
	4.2	We suggest reconsidering the wording *"... the best approach ..... is achieved"* as this can be too easily interpreted as "world-wide advertising" for the new European approach (MID). There is no explanation why this is the best approach, nor is it clear if the approach is the best approach: "best" compared to what? We would expect that different approaches would be given with the advantages and disadvantages.	The words "arguably" and "might" should make it acceptable enough but "the best" was replaced by "a recommendable"
	4.4	The draft Document describes that under certain conditions an independent testing laboratory or a manufacturer or a repair firm can also perform tests. The conditions are practical but we suggest to describe a more general approach here. For example: Manufacturers can perform type-evaluation provided that legal metrology officers can witness tests and have access to all data is an over simplification of the European "module H1". In our opinion this is confusing the issue rather than clarifying what is needed to make manufacturers perform type-evaluation. [8] Only refers to initial verification and not to type evaluation. This could be clarified in this paragraph.	4.4 is only about tests for type evaluation when CA system is not in place, not about the whole type evaluation. The wording of both paragraphs was changed to make it clearer. The reference was amended.
	4.4 + 4.5	4.4 And 4.5 seems to be a little conflicting: 4.4 States that manufacturers can perform type-evaluation and initial verification provided that legal metrology officials have access to all data and can witness tests,. But 4.5 declares the conformity assessment activities where manufacturers can be directly involved as appropriate. It is not clear if the condition mentioned in 4.4 is also valid here.	Agree – the Secretariat tried to remove that conflict: 4.4 is only about performing tests in an "old" system, 4.5 about a more broader involvement of manufacturers in a CA system.
	4.6	The sentence "is sufficient to achieve adequate control, although this cannot protect against fraud" contains in my opinion a contradiction or fraud protection is not a part of the control.	Disagree – protection against fraud should be a part of any effective metrological control system

	4.7	Total measurement process considers instrument, operator, environment, procedure and special characteristics of the item being measured. In that sense the draft is clear. But the statement that one can prove that reverification is sufficient, leads to many questions. By the way, in OIML terminology, "*reverification*" is called "*subsequent verification*" (See 2,16 of VIML); this applies also to several other paragraphs. Therefore, we suggest deleting this sentence because it confuses the issue namely that through total process control one can determine an effective approach.	There is no such statement that reverification is sufficient (there is only "the optimization of reverification periods). Otherwise, no reverification as such is used in the document.
	5.1 (b)	We suggest removing "measurements in the 1st sentence, or at least placing "measurements" in brackets instead of "tests".	Agree – changed
	5.1 (e)	How can one arrange institutional factors ? Point E also implies that manufacturers and instrument services allocate surveillance efforts. We wonder if this is true.	Partially agree – at least legal and economic conditions can be arranged (but "if possible" introduced) Agree - reworded
	5.2 (a)	We suggest replacing *"classes"* by, for instance, *"categories"* in order to prevent any confusion with "*accuracy classes*".	Agree – changed
	5.2 (b)	Item b) is confusing to us. According to the 1st sentence, uncertainties are not taking into account during assessment of conformity during verification. But then it is confirmed that ISO/IEC 17025 requires that uncertainties should be taken into account. So, should the uncertainty into account or not? By the way, in OIML TC3/SC5, there is a project p2 "Expression of uncertainty in measurement in legal metrology applications" (High Priority Project). But point c) states that the condition is fulfilled when tests on instruments are made in situ. Is it therefore necessary that all instruments should be tested in situ? Is initial verification at the manufacturer's site therefore not good practice? Does this not depend on the nature of the instrument as stated in b): *"On the other hand, when the measurement accuracy is relatively insensitive to elements other than the instrument itself, as is often the case in legal metrology, the use of a verified instrument may be sufficient to ensure correct measurements"*.	Agree – these are controversial requirements but it is the aim of the project p2 in TC3/SC5 to resolve it – the text changed. Agree – the formulation was confusing and was changed
	5.2 (d)	This d) seems to focus on determining intervals for subsequent verification rather than determining causes of non-compliance which I feel it should.	The paragraph focuses both on determining intervals for subsequent verification and causes for non-compliance

	6.1.1.	In our opinion, the word in brackets can be deleted.	Agree – deleted
	6.1.1.1	We suggest replacing "could include" by "typically includes". As, if some of these items are not included, one would not speak of a highly restrictive legal metrology control system.	Agree - changed
	6.1.1.2	The requirement that the conformity assessment bodies should have a maximum mutual recognition is rather political than a prerequisite for the good functioning of the system. It is also unclear why the manufacturer can perform verification in the factory but not in-situ (for instance weighing instruments, exhaust gas analyzers, fuel dispensers). At least that is what we understand from the texts: *"in this case an independent third party should be available to perform the initial verification"* and *"....with the exception of those which, for various reasons, have to be verified in situ (e.g. instruments of which the measuring performance can be typically dependent on the location of use, for instance the height above sea level, like non-automatic weighing instruments class I, II, sometimes III and exhaust gas analyzers - OIML R 99 [10], weighbridges, some automatic weighing instruments etc.)". In this case an independent, competent, third-party body should be available to perform the initial verification (assessment of conformity with the approved type).* The text also states that the "original model" is preferable above the variant that local legal metrology authorities carry out all initial verifications but does not explain why. Furthermore, from the text it is not directly clear where *"original model"* refers to.	These are certificates or test results that should be recognized as a principal change compared with the previous model Agree – completed by an involvement of manufacturers This part deleted to streamline the text
	6.1.1.4	The text is very general concerning the use of model as described in point 6.1.1.3. I would say that using the total measurement controls can provide arguments that for certain types of instruments the highly liberal system can be used analogue to his reasoning under point 4.6 that a type-approval for liquid in glass thermometers is sufficient and his reasoning in point 6.1.2. In 6.1.2 it is, however, stated that a solution might be to reduce the activities of metrological control in the pre-market stage to their bare essentials so that market surveillance can be strengthened. Is that not an argument for using the highly liberal system?	Agree – the text extended to catch that point

	6.1.2	The text concerning initial verification made by manufacturers seems somewhat confusing. Using the total metrology system model, we would argue that if the validity is compromised by long logistical routes or by exposure to external influence factors than the verification cannot be performed on the manufacturer's site but should be performed in-situ. 6.1.2 actually describes a combination of post-market control and pre-market control. We suggest the document to firstly describe only post-market control with his advantages and disadvantages and then discuss a combination of both because in a combination of both, as the text already suggests, a highly liberal system in combination with post-market approach could be the best solution. See end sentence of 6.1.2: *"The point of use, or end-point strategy offers a robust protection to the public, often the most vulnerable party in the measurement process"*.	Agree that the text is a bit confusing – the text therefore reworded to emphasize that it is a pure post-market approach based only on recognized initial verification made at the manufacturers´ sites wherever possible It is even more liberal than 6.1.1.3.
	6.2	The different models discussed here are part of a system. But we feel, the present text threats them as stand-alone system, which might lead to misunderstandings. We therefore suggest starting the description of the model with a brief description of the model of which they are part.	The comment is rather unclear – these are models of in-service control over instruments only which are basically independent on what happened at the market stage.
	6.2.1	It is not clear why metrological supervision would be rendered ineffective if private bodies verify the instruments. The aim of metrological control is not (only) to establish who is to blame, but primary to ensure correct measurements.	It has already been extensively discussed in the revision of OIML D 9. An effective supervision system cannot be based on a principal inability to punish anybody.
	6.2.2	Suggest adding reference to VIML in addition to the reference D 9.	Agree – made

	6.2.3	In practice, it is difficult to give a full description of the system of a particular country in such a short text. Although the present brief description of "our" system was already agreed, we suggest a few refinements and additions: * As the system is still used (and there is no tendency of changing this), we suggest replacing *"Such a system was used in the Netherlands in the last decade of the last century"* by *"Such a system is used in the Netherlands"* * Although in our country there is no system of mandatory periodic subsequent verification, subsequent verification is mandatory after repair or when seals are broken. Therefore we suggest deleting the word *"only"* from the title, and adding after the sentence *".... made by force of legislation"* a new sentence: *"In The Netherlands, however, subsequent verification is mandatory after repair or when a seal is broken."* * In our opinion, the 2nd last sentence gives a wrong impression that in "our" system the MPE's are greater than in other systems: As the MPE's "in service" are the same !	Agree – changed The Secretariat asked for clarification here – for surveillance extended MPEs should be used in all the countries but it might be expected that without periodic verification MPEs may slip beyond MPEs for verification. Any response from NL had been received by Jan.30th – the matter will be finalized in preparing the DD.
	6.2.6	The problem can be raised that when adjustments are made by government legal metrology services during verification, the user is no longer responsible for non-compliance with respect to the MPE. And this could undermine the system of subsequent verification. Therefore, we suggest mentioning this problem in the Document.	Partially agree – as stressed in 6.2.1. users cannot be held solely responsible for non-compliances in the German model anyhow , but it is applicable to the American model.

	6.2.9	The present text can be understood in such a way that there seems a connection between the “Dutch model” at the end of page 22 and the “unannounced actions” at the beginning of page 23. To prevent this potential misunderstanding, we suggest improving the separation between the last sentence on page 22 and the first sentence on page 23 by changing this for instance as follows: “*In addition, unannounced actions ... can be a remedy”* or *“As an alternative, unannounced actions ....”*	Agree - made
	6.2.10	We suggest to clarify the “status” of the last sentence by placing “*instruments shall be adjusted and corrected so as to ensure that any indication errors are as close to zero as possible”* between quotation marks.	Agree - made

	6.2.11	We welcome the removal of the previous Annex 8 about the EMC problem with weighbridges in Germany. But as we have been informed that there are still many doubts about these tests and their results, it would in our opinion be far better to remove the entire 6.2.11 as well (at least until this item has been <u>fully</u> clarified).	The Secretariat asked German representatives for an update on the matter – based on the response the decision whether to keep it or not will be made – Germany agrees with the current text.
		Is it really true that these problems are identified in <u>some</u> Member states? Why not clearly mention in which States?	Any MS do not like to be mentioned (but there is a case from Austria as well).
		In case 6.2.11 is kept, we suggest to clarify at least: * remove the words *"radio telephones"* as this gives the undue suggestion that GSM telephones (cell phones) for public networks are meant; * add the frequency and details about the modulation; * reconsider the relation between the power, the distance and the field strength (se our detailed remark on the 1CD) ; * Change: *"... the previous version of OIML R 76 of 1992 require**d** ..."* * Correct the reference to D 11 (2004): In D 11, there are in general 2 severity levels (3 V/m for "residential, commercial and light industrial environment", and 10 V/m for "industrial environment). Only for <u>digital radio telephones in the frequency ranges 800 - 960 MHz and 1400 - 2000 MHz,</u> 10 V/m and 30 V/m are suggested. With a note: *"A 2 W GSM telephone typically produces field strength of 10 V/m on a distance of 0.6 m....."* ! And in that case we suggest a text more or less like in Annex 2 (almost end of Page 32): *"The results so far demonstrate some interesting trends. But before final conclusions (of quite serious consequences) are drawn it appears that additional data should be available on larger batches have to be collected to achieve statistically reliable results."*	Agree – implemented if possible (data for 2nd and 3rd asterisks are not available to the Secretariat).
		Recently, we have heard rumors that in the meantime, there have been additional investigations. So, if this clause 6.2.11 will be maintained, the results of these new investigations should be included as well !	
		Furthermore, this is a technical problem relating to the **<u>requirements</u>** for measuring instruments as laid down in the appropriate OIML Recommendations. And it has not directly to do with "Principles of assurance of metrological control" And, generally speaking, it can be questioned whether legal requirements should try to prevent that anything might go wrong in any exceptional condition. By the way, in our country it is usual that in petrol stations it is clearly indicated that the use of radio telephones is forbidden. But it can be questioned whether this helps	It is debatable – if one goes more deeply into technical matters associated with metr.control we can get there.

	6.4.2	We suggest to clarify the sentence: *"As the pressure to reduce verification fees is mounting these tests can be dropped from the system – as mentioned above, there might be a high involvement of private bodies in making subsequent verifications."*	Agree – the text after the hyphen deleted
	Reference [10]	The current version of ISO 3930 / OIML R 99 dates from **2000** (with Amendment 2004). There is no consolidated edition. (This standard/Recommendation is currently under revision: The CD is accepted by TC16/SC1 and submitted to BIML as DR in July this year)	Agree - changed
	Annex 1	We have no problems with the tenor of Annex 1, but the wording and the lay-out could be significantly improved: * What are tables 1 and III-A ? * What is the meaning of A_c and R_e ? * References to "Vessels for commercial transaction**s**" R 138 has been published in 2007 **4.**6. Filling **requirements** **4.**6.1 Vessels with gauge marks * typing error next to picture: menis**c**us But please note: OIML R 29 is withdrawn and replaced by R 138 (published in 2007). And at the moment, there is amendment under discussion (among others, including the problem of the gauge mark). Further suggestion: adding OIML R 138 to the References.	All the possible changes have been made – tables and A_c and R_e are taken from the ISO standard (the reference added), the references added
	Annex 2	Title: ".... water meters" (split into 2 words) Tables 1 and 2: We suggest splitting the last 2 columns "non-compliance" in the numbers with error in plus and error in minus (who has the loss).	The splitting was made, the information required to split the columns is not available in a simple table form, was not pursued in this exercise. After all, there were 6 classes of non-compliances used here.
	Annex 3	Clarify here (top of page 35) that this text is an exact copy of the article referred to in [11] But, on the other hand, we should realize that the 1st half of this annex deals wit 20 years old (!) information. Therefore the secretary can consider deleting this outdated information.	The clarification was made but it seems inappropriate to the Secretariat to take parts out of the article (just 3 paragraphs).

	Annex 4 Page 38	Last paragraph: Keep in mind that this example dates back more than 23 years ago ! (D 16 was adopted in 1985, so it was drafted earlier!) At least the following text is completely out of date: *"This suggests that, to achieve assurance of metrological control for electronic devices, control techniques should take electromagnetic interference (EMI) into account. Legal requirements could specify the ability of the instrument to reject EMI. One could then evaluate instrument patterns for susceptibility to EMI and other environmental variables."* As nowadays EMI requirements and tests are usual in most OIML Recommendations! So we suggest replacing this text by for instance: "*This indicates the justification that nowadays it is generally accepted that there are EMC requirements and tests for electronic measuring instruments under legal metrological control."*	Agree – made
	Annex 5	We suggest changing: * 3rd line: *"Since **the weighing platforms of** most of these devices ...."* * 13th line: *"....operator**,** ~~and~~ the truck driver **and occasional external conditions (like wind).**"* * 27th line: "old" Annex 5 has been removed. * 39th line: *"... or dirt picked up **or lost** by the truck"*	Agree – made
	Annex 6	1st line: MPE's of fuel dispensers range from **0,2 % to 2,5 %** (Previous R 117 and MID) And finally an editorial observation: the wording *"Therefore, whether anybody likes it or not, ..."* is not quite "diplomatic" in an OIML document. So may be this might be replaced by: *"Although this may not be appreciated by all parties involved, ..."*	Disagree – the text is about fuel dispensers not for liquefied gases so that MPEs of 0.5 % are correct here. Agree - made
Poland	page 19	We suggest removing the sentence "Those organisations are not usually very enthusiastic about making life easier for Government authorities." In our view that is a little subjective opinion to be put in the document.	Agree - removed
Serbia	Document	No comments.	

Slovakia	Document	No comments.	
Slovenia	Annex 1	Annex 1 EFFECTS OF NON-HARMONISATION-CAPACITY SERVING MEASURES is needed to up-grade with information about a new OIML document concerning capacity serving measures. We suggest the following text before the last paragraph in the annex: The same provision like was stated in the OIML/CD2 by 31 October 2005 regarding filled to the gauge mark, was published in OIML R 138 (2007), chapter 4.6.1.	Agree but changes to that effect were already made in response to the NL comments.
	5.2	We agree with statement in the draft that the MPEs in-service inspection play crucial role of metrological properties of measuring instruments in use during reverification periods. For ratio MPE in service / MPE for verification is most frequently used the factor 2 but other factor like 1 and 1.5 are also found. Consecutiveness, we suggest that more concrete information will be included in the document like a separate annex for example: - The list of factor $\frac{MPE_{service}}{MPE_{verificatio}}$ for each legal measuring instrument per countries - Metrological evaluation of factor $\frac{MPE_{service}}{MPE_{verificatio}}$ for some kind of measuring instrument on base of a data gathering. Countries with “the American model” (chapter 6.2.2.) or “the Dutch model” (chapter 6.2.3) concerning the mentioned model of metrological control in service could have some evaluations.	The Secretariat does agree that it would be worthwhile to do this work but at the same believes it goes beyond the scope of this Document. At this moment such data are not available to the Secretariat and probably the issue might not be currently very deeply handled on national level as well. As announced during CIML meetings BIML would like to launch a major project into matters of metrological control where such an issue would fit more.

	Annex 6	We suggest to delete the second sentence, Annex 6, last paragraph "The same type of argument...than in accreditation."	The formulation with “can” is not very strong, after all, the statement is true: the argument is in both cases a freedom from commercial interests. The formulation was made even milder.
	Annex 6	We suggest to delete part of the first sentence in the same paragraph, namely "whether anybody likes it or not".	Agree – it was already made in response to the NL comments.
United Kingdom	General	There is some mention about ‘soft fraud’. The document should make it clear that bias away from zero error is not permitted and that instruments should always be set as close to zero as is practical both when preparing the instrument to be placed on the market and whenever adjusted.	Agree – implemented at the end of 6.2.10.
	General	A comment from the UK’s metering industry found the document rather defensive of traditional metrological control methods rather than accepting of more recent liberalised methods.	Such a general comment is difficult to handle – the Secretariat believes that the approach taken is supported by evidence and arguments.
	0. Introduction	"Legal metrological control, according to its definition, includes three main elements: - legal control of measuring instruments and of pre-packages, - metrological supervision,(of equipment) - metrological expertise." The argument goes on to say that "Any given system of assurance of metrological control is based on a combination of the first two elements, as appropriate to the local jurisdiction; the third element completes the system by enabling it to resolve disputes." It therefore should be made clear that an effective system is made up of all three elements and therefore any suggestion that goods could be controlled, but equipment not, is not acceptable and would result in a gap in a suitable system of metrological control.	Agree – accepted and used.
	2.22	Suggest amend the final part to read: ‘ the use being defined by the manufacturer.’	Agree - changed

	3	There is no reference to proportionality. Is it worth adding a note that actions taken to ensure confidence in the reliability of measurement should be costed, and the costs considered with respect to the benefits. Ultimately, the consumer pays, either through product pricing, or through taxation, for metrological control.	Agree – a note added
	3 2nd Paragraph	Suggest amend 'While a cultivation of…' to read 'While using controlling elements …'	Agree - changed
	6.2.6	When an involvement of private bodies in in-service metrological control is contemplated, attention has to be given to the issue of whether an adjustment to the measuring instrument under test can only be part of a repair, or whether it can be part of subsequent verification as well. Servicing organizations sometimes argue that no adjustments should be made by government legal metrology services during verifications, regardless of whether they have the necessary technical knowledge. On the other hand, in the related activity of calibration it is rather unimaginable that a calibration laboratory should offer only a partial service of calibration without an adjustment when applicable and necessary and agreed with the customer. Thus, adjustments are in a grey area. It is reasonable that they should be part of both operations (repair or verification) provided that both types of agency are technically competent to perform them.	Agree - used
	6.3.4	"Soft fraud" in relation to pre-packages. It may be worth noting that not all member states have implemented the batch average provision of the directive and as such those member states who have are at a commercial disadvantage as they are unable to compete effectively. Routine weights and measures checks at 'importers' have identified particular countries where the evidence points to the 'set point' being below the nominal even though the batch passes the tolerable negative errors.	Agree – the note added even if the wording of the last sentence might be challenged on the ground that no evidence is provided.
	Annexes	Could consideration be given for the case studies to be extended to include examples where the metrological control was found to be working well.	The Secretariat would implement it only if such case studies are made available to the Secretariat.