

MINUTES

COMPTE RENDU

Forty-Third Meeting of the International
Committee of Legal Metrology:
Sydney, Australia, 28 & 31 October 2008



ORGANISATION INTERNATIONALE
DE MÉTROLOGIE LÉGALE

INTERNATIONAL ORGANIZATION
OF LEGAL METROLOGY



International Organization of Legal Metrology

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Forty-Third Meeting of the International
Committee of Legal Metrology:
Sydney, Australia, 28 & 31 October 2008

The International Committee of Legal Metrology was convened by its President,
Mr. Alan E. Johnston, and met on 28 and 31 October 2008
at the Star City Hotel, Sydney, Australia.



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Attendance

Member States

ALBANIA

Mrs. Myrvette Pazaj – CIML Member
Mr. Fatos Themelko
Mrs. Malinda Hoxha

ALGERIA

Mr. Brahim Lenemar

AUSTRALIA

Dr. Grahame Harvey – CIML Second Vice-President
Mr. Paul Crofts
Mr. Adrian Caster
Dr. Lawrence Beasley
Ms. Marian Haire
Dr. Valerie Villiere
Dr. Richard Brittain

AUSTRIA

Dr. Arnold Leitner – CIML Member

BRAZIL

Mr. Luiz Carlos Gomes dos Santos – CIML Member
Mr. Marcos José Hoffman de Senna

BULGARIA

Mr. Katerin Katerinov – CIML Member

CAMEROON

Mr. Hans Ela Essi – CIML Member
Mr. Diabelle Mongoleon
Mr. Elandi Mballa

CANADA

Mr. Alan Johnston – CIML President
Mr. Gilles Vinet

CROATIA

Mr. Mirko Vukovic – CIML Member
Mr. Kresmir Vrgoc

CUBA

Dr. Martin Ramirez Antunez – CIML Member

CZECH REPUBLIC

Dr. Pavel Klenovský – CIML Member
Ms. Klara Vidimova

FINLAND

Mr. Tuomo Valkeapää – CIML Member

FRANCE

Mr. Roger Flandrin – CIML Member

Mrs. Corinne Lagauterie

GERMANY

Prof. Roman Schwartz – CIML Member

Mrs. Susanne Ludwig

Dr. Kathrin Peterson

Dr. Heinz Wallerus

HUNGARY

Dr. Peter Pákay – CIML Member

INDONESIA

Mr. Amir Saharuddin Sjahrial – CIML Member

Mr. Oke Norwan

Mr. Cecep Mufti Cabyana

Mr. Rifon Ardiano

ISRAEL

Mr. Timor Zarin – CIML Member

JAPAN

Dr. Yukinobu Miki – CIML Member

Dr. Toru Kojima

Mr. Masayuki Ishikawa

Mrs. Hiroe Sakai

Mr. Yuji Okamura

KENYA

Mr. James Kiarie – CIML Member

Mr. Salesio P. Njiru

KOREA (R.)

Ms. Gyung-Hee Hu – CIML Member

Mr. Sekwang Lee

Mr. Sung Yoo Park

Mr. Sung Wook Kim

Mr. Seog Won Jeong

MACEDONIA (F.Y.R.)

Mr. Danco Pendovski – CIML Member

Mr. Pece Ristevski

NETHERLANDS

Dr. C.J. van Mullem – CIML Member

Mr. Gep Engler

Dr. Peter A. van Breugel

Mrs. Anneke van Spronssen

NEW ZEALAND

Mr. Stephen O'Brien – CIML Member
Mr. Brian Waltham

NORWAY

Mrs. Ellen Stokstad – CIML Member
Mr. Knut Lindlov

P.R. CHINA

Mr. Han Jianping
Ms. Kong Xiaokang
Mr. Han Yi
Mr. Wu Fangdi
Ms. Ding Zhiyin

POLAND

Mrs. Dorota Habich – CIML Member

ROMANIA

Pr./Dr. Fanel Iacobescu – CIML Member
Mr. Marian Buzatu
Mr. Valentin Patasanu
Mr. Dumitru Dinu

RUSSIAN FEDERATION

Pr./Dr. Lev Issaev – CIML Member
Dr. Sergey Kononogov
Mr. Sergey Komissarov

SAUDI ARABIA

Mr. Nabil Ameen A. Molla – CIML Member
Mr. Abdualziz Abdullah M. Al Gossair

SERBIA

Dr. Zoran Markovic – CIML Member
Dr. Jelena Pantelic-Babic

SLOVAKIA

Mrs. Iveta Botkova – CIML Member
Mr. Martin Halaj

SLOVENIA

Mrs. Nineta Majcen – CIML Member

SOUTH AFRICA

Mr. Stuart Carstens – CIML First Vice-President
Mr. Katima Temba

SPAIN

Mr. Fernando Ferrer Margalef – CIML Member
Mr. José Luis Manchado Trujilo
Ms. Belen Martin

SWEDEN

Mr. Kari Björkqvist – CIML Member
Mrs. Renee Hansson

SWITZERLAND

Mr. Philippe Richard – CIML Member

TANZANIA

Ms. Magdalena Peter Chuwa
Mr. Peter Samuel Masinga

TURKEY

Mr. Bekir Ozguven
Mr. Ersan Gurluk

UNITED KINGDOM

Mr. Peter Mason – CIML Member
Mr. John Goulding

UNITED STATES

Dr. Charles Ehrlich – CIML Member
Ms. Carol Hockert

VIET NAM

Mr. Tran Van Vinh – CIML Member
Mr. Nguyen Hung Diep

Corresponding Members

CHINESE TAIPEI

Mr. Joseph Chin-fa Chow
Mr. Bo-Chang Su
Mr. Brian C.S. Shu

MALAYSIA

Mr. Mohammed Roslan Bin Mahayudin
Mr. Peter J. Berinus Agang
Mr. Abdul Rashid Bin Zainal Abidin

MONTENEGRO

Ms. Asanovic Vania

MOZAMBIQUE

Mr. Geraldo Albasini

QATAR

Mr. Abdulhamid Al-Sheikh
Mr. Adel Fakhroo

RWANDA

Mr. Patrice Ntiyamira

UKRAINE

Dr. Pavel Neyezhnikov
Ms. Tatyana Omelicheva
Dr. Gorislav Sydorenko

UNITED ARAB EMIRATES

Mr. Mohammed Ahmad Al Mulla

Liaisons

CECIP, European Committee of Weighing Instrument Manufacturers

Mrs. Veronika Martens
President of CECIP Legal Metrology Group
Mr. Roland Nater
Member of CECIP Legal Metrology Group

FIVS, International Federation of Wines and Spirits

Mr. John Barker

ILAC, International Laboratory Accreditation

Mrs. Annette Dever

Metre Convention

Mr. Barry Inglis
CIPM Vice-President

OIE, Office International des Epizooties

Dr. Lyndell Post
Chief Veterinary Officer

CIML Honorary Members

Mr. Gerard Faber, CIML Past President
Pr. Manfred Kochsiek, CIML Past Acting President
Mr. John Birch, CIML Honorary Member

Observer

Mrs. Natasa Mejak Vukovic, Chairperson, WELMEC

BIML

Mr. Jean-François Magaña, Director
Mr. Ian Dunmill, Assistant Director
Mr. Willem Kool, Assistant Director
Mrs. Patricia Saint-Germain, Office Manager

43rd Meeting of the CIML

28 & 31 October 2008

Sydney, Australia

Mr. Johnston opened the 43rd CIML Meeting and delivered the following welcome speech.

Opening speech: Mr. Alan E. Johnston, CIML President

Good morning everybody. Welcome to Sydney. I trust that you had time to relax before the Meeting and that you will be in fine form.

First of all I would like to recognize the hard work and all the efforts which have been put in by Dr. Harvey and his team in relation to organizing this Meeting, and also I participated in the Asia Pacific Legal Metrology Forum. So I would like to give Dr. Harvey and his team a round of applause at this point in time for all of their efforts. Thank you.

I know that they are all sitting here on pins and needles and that by Friday afternoon they will be able to finally relax and breathe a little deeper than they have been doing for the last ten days.

Four countries have expressed an interest in becoming Member States and at least two of them will be joining the OIML very shortly. We also have one new Corresponding Member, Montenegro, and, in addition, UNIDO is considering supporting a number of countries to become OIML Corresponding Members.

In the meantime, a number of stakeholders are showing a growing interest in the OIML. Amongst interested International Organizations we are happy to welcome the International Association of Wine and Vine. We are also happy to establish new links with the International Federation of Wine and Spirits, which is represented here. I don't know about you, but I see a theme here. It starts with wine and ends with wine!

We also expect to have further discussions from the European Federation of Grain Exporters, and other stakeholders to join into our work in the future. This demonstrates a growing interest in the OIML from countries as well as other International Organizations, Development Organizations and from stakeholders in general.

To me this proves that the OIML is in good shape and it demonstrates that we are addressing the needs of the global economy when it comes to legal metrology.

We welcome a number of new CIML Members:

- Dr. Philippe Richard from Switzerland;
- Mr. Roger Flandrin from France;
- Dr. Nineta Majcen from Slovenia;

- Mrs. Ellen Stokstad from Norway;
- Mrs. Dorota Habich from Poland;
- Mr. Tran Van Vinh from Vietnam; and
- Ms. Gyung-Hee Hu from the Republic of Korea.

We have not yet received confirmation of the appointment of Mr. Mustafa Kasal from Turkey.

As is the case when the CIML Meeting takes place in conjunction with a Conference, the CIML Meeting will be shortened to one day. A number of items have been transferred to the agenda of the Conference in order to avoid duplication of presentations and discussions. This is the case for the financial issues and for the direct sanction of Recommendations by the Conference.

Although this CIML Meeting is a short one, a number of important issues will be addressed and I expect some lively discussion on these issues; in particular:

- the Certificate System and the MAA, to which amendments are essential to make the systems progress;
- we will have a discussion on developing countries issues, on which a modification of the work is being proposed;
- the OIML pension system, which is proposed not to be applicable to new contracts and to the renewal of contracts;
- the approval of a number of publications which are not to be submitted to the sanction of the Conference; and
- we shall also have a presentation on the online facilities set up for the work of Technical Committees and Subcommittees and this issue of using internet facilities is also of importance for the efficiency of our technical work.

As I say, we have a pretty full agenda today so that concludes my opening remarks. I hope you enjoy your time in Sydney. We have a number of events lined up for you as well, so please take advantage of the opportunity while you are in Sydney to enjoy both the Conference, the Meeting and of course, the weather. Thank you very much for your attention.

The agenda was unanimously approved.

1 Approval of the minutes of the 42nd CIML Meeting

The minutes of the 42nd CIML Meeting were unanimously approved without modification.

2 Member States and Corresponding Members

Mr. Magaña reported that although no new Member States had joined in the past year, a number had shown interest in joining the OIML, and two others wished to re-apply for

membership. He hoped that by the following CIML there would be at least two or even three new Member States, mainly South American or Latin American countries; an African state might be approached for discussion and this would be mentioned during the Conference. This showed an increasing interest in the OIML. There was one new Corresponding Member, Montenegro, and several other states, notably African, had shown an interest in following suit, with external financial support. The OIML's position was therefore strong and growing.

A Resolution was proposed, welcoming Montenegro, showing appreciation to the other countries which were expressing an interest, and urging the President and the Bureau to encourage and expand the work of securing new Members and as far as possible widening take-up for the OIML. The Bureau, President and Vice-Presidents already worked constantly at this task, spreading the word at seminars and regional and other meetings throughout the world. Mr. Magaña added that it had been some time since the number of Members had increased and that the present situation was therefore very encouraging.

2.3 Member State contributions and arrears

The Committee had ruled in 2004 that contributions should be calculated according to the population size and economic situation of the contributing country, and might therefore be reduced by the Committee if that country's situation deteriorated.

The Bureau examined the relevant statistics each year and the situation was reviewed at the Presidential Council. Available statistics were necessarily out of date and back-dated reductions might at times have to be made. There had been no appeals against recent increases in contributions resulting from this system; however, at the beginning of the current year Greece had applied to pay a lower category of fee. Their contribution had been increased in 2006, with effect from 2008, based on 2004 figures showing an increase in both population and GNP. Greece had appealed against this increase, stating that the increase in population was the result of a large but temporary influx of refugees. The Committee was being asked to consider this appeal, and a copy of Greece's request could be found among their papers for the Meeting.

Dr. Ehrlich opposed reconsideration of Greece's contributory class, believing that decisions should be based on the World Bank's assessment of population and income category and that to make an exception could set a bad precedent.

Switzerland proposed that for reasons of equality the demand should be refused.

Mr. Magaña summed up the Committee's opinion as rejecting a revision of the charge imposed; this accorded with the view of the Presidential Council and was agreed on. An appropriate Resolution would be drawn up.

Mr. Magaña then informed the CIML that four Member States were in arrears with their contributions. Ethiopia and Cameroon were three years in arrears, or would be by the end of the current year. The rules stated that any country three years in arrears would be removed from the list of Member States. There was a slight possibility that the arrears might be forthcoming by the end of the current year, but the balance of probability was that this would not be the case. Nevertheless, he preferred that the decision be taken before the following year's CIML, rather than allowing the countries to incur a further year's debt. He therefore

suggested a Resolution to the effect that these two countries be invited to eliminate their debts by the end of 2008, and that the President be asked to take the initiative early in 2009 to delist them or downgrade them to Corresponding Members if they failed to do so. It was of course hoped that they would be in a position to become Member States again in the near future.

The Democratic People's Republic of Korea and Zambia had had large debts in 2004 and the Conference had instructed the President and the Bureau to demand a settlement of their debts over 10 years. The DPR Korea was respecting this timetable and progressively repaying its debt as well as paying current contributions, and it was hoped that it would become a Member State again as soon as possible. Zambia, however, had paid its current contributions but had done nothing to settle its debts. It was proposed that the Committee should instruct the Bureau to remove Zambia from the list of Corresponding Members.

Dr. Ehrlich supported the call for Cameroon and Ethiopia to reduce their arrears as soon as possible but pointed out that under the Convention only the Conference could sanction delays or remissions in payments.

Mr. Magaña agreed, but stated that it was however the business of the Committee to effect expulsions. The current Resolution was for the Committee to delegate this task to the President. The debts remained outstanding: in the OIML accounts these debts were filed as a potential loss and therefore no longer remained a risk to the OIML.

The United Kingdom asked whether the situation regarding Cameroon was that it had already satisfied the conditions for being regarded as having resigned, and whether the continued membership or non-membership of Cameroon could have any impact on whether a quorum was reached at the current Committee and Conference. These factors might influence the decision.

Mr. Magaña replied that fees were payable in January, but if some countries paid somewhat later in the year they were not regarded as being in debt until the year had ended. In the case of Cameroon, the third year of arrears was not strictly speaking overdue until the end of December 2008. This date was, however, not far off. Regarding the quorum, the absence of Cameroon would cause no problem; the decision was in any case postponed until early 2009.

Mr. Magaña clarified the situation and the Resolution in response to a question from The Netherlands as to whether Members desired the debt to be allowed to go on rising until the 2009 CIML on the one hand, or the expulsion to be delegated to the President.

The Netherlands asked whether there had been any indication from Cameroon that it intended to repay the outstanding balance. Mr. Magaña replied that Cameroon had made no response to approaches from the BIML.

In response to a question from the United Kingdom, Mr. Magaña corrected his original statement in accord with the working documents issued with the Agenda, to state that Cameroon had in fact already owed 3 full years' fees by January 2008 and could be immediately delisted if the Committee so voted.

Dr. Ehrlich stated that the Convention allowed for the Committee to delist Cameroon forthwith, which seemed preferable to him, or alternatively to request a delay or remission in the future if they so desired.

South Africa supported the USA in proposing that Cameroon should be struck off the list immediately, but that they should be allowed to make representations for repayment and reinstatement at some future time if they so wished.

The Resolution was altered to instruct immediate expulsion for Cameroon with an option to discuss reimbursement and reinstatement at some future time.

Russia suggested that the motion be passed now as there was no established procedure for expulsions in January.

Mr. Magaña stated that the CIPM had recently adopted such a procedure and it was intended to offer one for consideration by the Conference; in the meanwhile the current proposal was suggested. Any request for re-admission by the delisted countries would be considered by the Conference.

Mr. Johnston clarified the two options:

- that the countries could be effectively struck off the list at the end of 2008;
- that consideration of rescheduling of the debts be considered in 2009.

He asked which option Members wished to pursue.

Dr. Ehrlich wished to adopt Russia's proposal for an immediate decision, which could be considered by the Conference in its current session, thereby giving the countries the possibility of negotiating a solution thereafter.

Mrs. Lagauterie agreed with this, as it gave the Conference the possibility of examining the countries' finances and offered the countries concerned the opportunity to negotiate their re-entry.

Mr. Magaña pointed out that any rescheduling had to be asked for by the country in question. Cameroon representatives were expected but were not yet present.

He proposed a Resolution to strike Cameroon and Ethiopia off the list of Member States in application of Article 29 of the Convention. However, these decisions would take effect only if the Conference did not decide on measures for rescheduling their debts.

Resolution no. 6 regarding Zambia was less strict, asking that country to repay its arrears as agreed in 2004, with the threat of being struck off if this did not happen. This seemed to him to conform well to the opinions expressed at the current meeting. This Resolution and all others would be voted on later during the meeting.

3 Presidential Council activities

Mr. Johnston said that most matters discussed by the Presidential Council both in March and earlier in the current week would be discussed during either the CIML or the Conference. These included:

- preparation of the budget for the next four years;
- changes to the BIML Staff Regulations;
- a proposal with relation to developing countries, which would be addressed later in the Meeting;
- an update to the Strategic Plan;
- meetings with other international organizations, such as ILAC and the Metre Convention, with discussions of a potential rapprochement between the OIML and the latter;
- the MAA and its future development;
- the financial situation of Member States.

4 Developing countries activities

Mr. Dunmill told Members that the working papers for the Meeting included a description of the proposals being made concerning developing countries and a résumé of what had happened in this regard. The Conference had certain duties to create the proposed situation and to change the situation of the Permanent Working Group, but the decision on whom to appoint could not be left to the Conference as that would entail a four year wait.

The Permanent Working Group, established four years previously, had proven to be ineffective and its Chairman, Mr. Seiler (Germany) had been undertaking the work more or less single-handed. The proposal was therefore to create a non-salaried position of *Facilitator* for the work; this entailed visiting developing countries and looking at their needs and opportunities to help them. This was what Mr. Seiler was already doing; nominating him for the position would therefore render his current activities official. During the Conference the disbandment of the Working Group and the creation of the position of Facilitator would be proposed. The CIML would then need to appoint Mr. Seiler to the position, and this constituted the first Resolution. As there was no salary involved, the only expenditure would be his travel and subsistence expenses.

Mr. Seiler had already made a number of suggestions, based on his findings in the past four years; some of these had already been put into place. The Bureau had set up a new web facility for developing countries, to enable a forum for discussion, to provide information of interest to developing countries. Mr. Seiler had also proposed the creation of an Award to encourage developing countries to publicize their efforts in legal metrology. This had been discussed the previous year, and there had been other discussions during the year; the other Resolution being proposed to the CIML was for the official creation of this Award, the exact

arrangements to be settled and publicized by the Bureau during the coming year, to show how developing countries could nominate themselves or be nominated by colleagues.

The Bureau had not undertaken much work in relation to developing countries in the past year; what had been done had been accomplished by Mr. Seiler more or less on his own and it was hoped that making his position official should make the OIML's work on developing countries more effective.

Dr. Ehrlich said the United States had no objections to the proposal but wondered whether there might be any financial implications concerning the Award and if so, whether these had been included in the budget.

Mr. Johnston said there was no cash award; the recipient might be invited to an OIML meeting for the presentation, and this had been included in the OIML budget forecast.

The Netherlands supported the Resolution and appointment. The Resolution referred to "an excellent contribution to legal metrology", which was quite a general expression; it should state specifically that candidates must come from a developing country. It should also be clarified that this Award was additional to already existing ones.

Mr. Johnston said that these excellent suggestions would be taken into account in rewording the Resolution.

Japan hoped there would be a mechanism for collecting information and recommendations from many sources.

China supported the two Resolutions and Mr. Seiler's appointment but would like some detail on the Award selection procedure.

Mr. Dunmill replied that once the detailed procedure had been worked out it would be circulated to everyone. It was deliberately imprecise, since in developing countries the outstanding service could take many different forms: it could be the way their legal metrology service had been reorganized; it could be having implemented a number of OIML Recommendations in a different way – there were a number of possibilities. For this reason the wording had been left deliberately open.

Mr. Magaña reiterated that the Award would have no significant financial implications, beyond the minor one of inviting someone to come and receive it. He considered that the Committee could delegate to the Bureau and to the Facilitator the task of drawing up the procedure.

Mr. Flandrin, France, said the criteria for the Award should be made public.

Mr. Dunmill replied that this would certainly be the case, not only for transparency but also in order to encourage potential recipients to come forward.

5 Liaisons

Mr. Magaña explained that there would be reports from Liaison Organizations at the Conference; there were reports on ongoing communication with them in the papers for the meeting, which he would briefly summarize.

5.1 BIPM

There was close and frequent contact with the BIPM and the CIPM, both at Bureau and at Presidential/Presidential Council level. A joint working program, details of which could be seen in the documents for the current Meeting, was drawn up each year by the BIPM and the BIML and examined at Presidential Council meetings. A joint web portal had been designed by the BIML and contained links to each Organization's home page plus a number of pages describing the activities and goals of each Organization. This portal would continue to be developed and enriched with a number of presentations on both the Organizations and metrology in general, theme by theme. There was a joint flyer, available in English or French, copies of which Members could ask for and use for the promotion of metrology in their own countries. The two bodies often sent a joint representative to international gatherings, who spoke about and on behalf of both of them.

Commenting on the above, Mr. Richard said the documents for the meeting referred to a rapprochement between the two Organizations. He asked for more detail.

Mr. Magaña explained that indeed a joint report had been drawn up by the two Directors, addressed to the two Presidents, detailing the implications and potential issues which would arise if the two Organizations were to merge. The report represented only the personal opinions of the two Directors and had no official status. It had been discussed at a joint meeting in March, but rather inconclusively, and a decision had been taken to keep it under consideration but not to take any action for the time being. It was not secret and there was no obstacle to Members reading it, but for the moment any talk of merging was merely hypothetical. It would be referred to more fully in the course of the Conference and could more profitably be discussed at that juncture.

Germany asked for the report to be circulated to all CIML Members, since they believed they were invited to discuss it and it was necessary first to have read it.

The relevant Resolution was amended to include the request for the joint report to be circulated to all CIML Members for comment.

5.2 ILAC/IAF

Mr. Magaña proposed to make a joint report on liaisons with these two accreditation organizations, ILAC for the accreditation of laboratories and IAF for certification of products and systems; the two were similar, worked closely together and Mr. Magaña would be making similar comments on each of them. The OIML had been working very closely with both of them, especially since the introduction of the MAA, but also concerning accreditation guides, which would be offered for Members' approval later in the day. A Memorandum of Understanding had been drawn up with ILAC, and a joint working program was drawn up

each year. A copy of this could be found among the Meeting documents. This cooperation would be extended to the IAF, which was an important partner in all matters concerning conformity assessment for measuring instruments. Relations were excellent. The BIML strongly encouraged CIML Members to set up equally good relationships and good mutual understanding with their national accreditation organizations, so that these had a good knowledge of legal metrology.

The OIML was always invited to attend the ILAC/IAF joint annual conference; this year the OIML had been represented by Mrs. Gaucher.

5.3 ISO/IEC

Agreements between the OIML and both these Organizations had been signed in the 1960's and had been more or less forgotten for about a decade and so had not had much effect. Relationships with ISO had been a little distant for a while and the BIML had been keen to improve this situation. Their advances had been well received, though the two Organizations functioned in very different ways. They were now working towards implementing the agreement, seeking synergy between the two by keeping to their natural areas of interest and avoiding producing conflicting or incompatible documents.

There were areas in common: it was not possible to draw a firm line between each Organization's areas of interest, but an attempt was being made to define these and to define the roles of their respective Technical Committees and Subcommittees. Members would soon be receiving information about this, but it was at present still very much under discussion. Once this work was done, the intention was to reproduce it for the IEC in the field of electro-technical and electronic instruments.

The Netherlands asked whether this cooperation also included joint publications.

Mr. Magaña responded that this would be the case but negotiations were not yet complete. One joint publication already existed, OIML R 99/ISO 3930, on vehicle exhaust emissions. Future possibilities included water meters. At present R 99 was not on the OIML web site because it was published by ISO, but in current discussions it had emerged that ISO would have little problem with the OIML publishing the 2008 revision electronically and free of charge. The copyright implications of how to effect joint revision of existing documents were still being explored between the two Organizations.

Dr. Ehrlich shared The Netherlands' concerns and applauded the Bureau's efforts to work with ISO on the copyright issue. He thought joint publications caused too many problems and considered that harmonized publications were preferable.

Mr. Magaña agreed that it was difficult to adopt amendments jointly and if any were made unilaterally difficulties could arise.

5.4 UNIDO

Relations with UNIDO were close and frequent. There was a good exchange of information and good liaison in UNIDO's programs for developing countries, in which metrology played an important part. There was an agreement and mutual assistance between UNIDO on the one

hand and the BIPM and the OIML on the other. A Memorandum of Understanding between the three Organizations was under discussion.

Expanding on this proposed Agreement, Mr. Dunmill said there had been a number of discussions between the three Organizations. The original proposal for wording of the text was based on one of UNIDO's existing MoUs with another organization. The text had been through numerous revisions and the wording had been submitted to the UNIDO legal department for approval. Its purpose, as stated in the text, was to establish a strategic partnership between the various organizations in the field of metrology in order to enhance the impact of industrial development on economic growth, to minimize technical barriers to trade and to assist in the beneficial integration of developing countries and Transition Economies into the global economy.

The aim was to enable the OIML to participate in UNIDO's development programs; there were quite detailed rules for the participation of other bodies in their programs. When the text was complete it would, very shortly it was hoped, be distributed to members of the Presidential Council for their comments, with a view to swift finalization thereafter. There was no commitment to any financial engagement, the main objective being to make combined use of the metrology expertise of the OIML and the BIPM and the funds available to UNIDO, either directly or through donors.

5.5 WTO

Mr. Magaña told delegates that the liaison with the World Trade Organization, and in particular with its Technical Barriers to Trade Committee, was a very important one. The OIML, as an international standard-setting Organization, had observer status on this Committee, which meant that OIML International Recommendations were accepted as standards in the same way as those of several other standardization organizations.

Members knew of course that the OIML was by no means only a standardization body, but this was one of its functions. The result of this was that its publications set up a moral obligation not only for OIML Member States but also for TBT signatories, all of whom were obliged to base their national regulations on OIML Recommendations wherever relevant. This meant that the OIML texts had an influence far beyond the limited number of its own Members.

The Agreement encourages the signatories of the TBT to take part in drawing up and participating in international conformity and mutual recognition systems. Here also the WTO played an important part in promoting the OIML and encouraging countries to consult the OIML and to participate in OIML work. As an Observer in the TBT Committee, the OIML has been invited several times to take part in regional awareness raising seminars. ISO, CODEX and other observer organizations also sometimes took part. This was a way of promoting the cause of legal metrology to those in charge of trade who might be unaware of its implications.

The Netherlands asked about the status of OIML Recommendations within the WTO. Was there any official statement of the status they held there, and was the intention for there to be an MoU, or was this not planned?

Mr. Dunmill replied that OIML Recommendations were considered as international standards in the terminology used in the TBT Agreement. This Agreement did not contain any official list of the organizations considered as international standard-setting organizations, though there was a list of those that had been accepted as Observers to the TBT Committee, but without defining in the Agreement who was on the list. However, Article 2.4 of the TBT Agreement obliged members of the WTO to use “relevant international standards” as the basis for their regulations. This was a stronger obligation than that under the OIML Convention. WTO Members were also encouraged to participate in the work of developing those standards and requirements based on the conformity assessment procedures, and guides, which should also be based on international procedures where these existed.

Mr. Magaña added that the BIML received notification of proposals for regulations addressed to the WTO; there were many of these, of which only a few were relevant to metrology. The BIML would work out the best way of passing these proposals on to CIML Members but this was a rather complex matter, which needed careful thought.

Mr. Dunmill added that one of the problems was that the WTO informed the OIML of notifications by all its member states, but these were not sorted, so it was difficult to work out which related to metrology, and a lot of sorting was required before they could be passed on to Members. They were, however, an important source of information and the relevant ones would be made available for Members’ comments as soon as these problems could be resolved.

5.6 RLMOs

Mr. Magaña said that the OIML organized a Round Table each year for all the Regional Organizations which were active in the field of legal metrology. This year's Round Table had taken place the previous day, under the chairmanship of Dr. Harvey, and almost all the RLMOs attending the CIML Meeting had taken part, along with some Presidential Council members and the CIML President.

The aim of the Round Table was an improved exchange of information between the various organizations about recent developments and to this end most of their presentations were already online.

Following this there had been discussion of a possible cooperation agreement between the Regional Organizations and the OIML. The idea behind this was that all these bodies had done important work on legal metrology, which expanded upon the OIML’s own work and there were many common aspects between them. Each of these Organizations also comprised a number of countries which were not Members or Corresponding Members of the OIML, but which might be interested in its activities. The Organizations varied in type, some concentrating on legal metrology while others covered metrology in general. In total there were some 50 countries which were members of the Regional Organizations which were not members of the OIML but which often used its Recommendations. It seemed important for the Regional Organizations to be able to act as a link between these non member countries and the OIML.

Furthermore, there might be common points in documents and in training courses being developed in different regions; if these could be shared there would be no need for the work

involved to be repeated in different places. Most of the regions were doing work on instrumentation and harmonization, which would be of more general interest. Also of common interest was a guide for developing countries on how to develop legal metrology. The OIML wanted all this to result in mutual understanding between regions and not in disagreements. The Bureau also wanted priority to be given to any work being developed by them, so that this work was not repeated in different places. In short, all the resources should be used for the common good and not scattered throughout different regions. Thus the project could be summed up as an avoidance of divergence and a pooling of information and efforts. This would also make it easier for the OIML to assess regions' needs and meet them.

The Memorandum would be developed among the regions, and it was hoped that in two years' time it would have been signed by all the regions. Some regions had felt that the differences between them were so great that it would be necessary to have a separate agreement between each one of them and the OIML, and it was possible that this might happen, but for the present the plan was to persist in seeking to establish a common agreement with them all.

Dr. Harvey added that the Round Table had also discussed its own terms of reference. It was planned that Messrs. Harvey and Carstens would develop these and upload them onto the web site for comment over the next few weeks. One essential point was that in the future the Round Table would be chaired in rotation by the regional bodies rather than by the OIML; other points would be listed in the draft terms of reference.

Mr. Magaña pointed out that several Regional Organizations were launching, or about to launch, surveys on national regulations. As the BIML had recently set up a very similar survey, they would look into how this might be put at the disposal of the regions.

The suggested Resolution would read: *The Committee took note of the report on the Round Table with the Regional Legal Metrology Organizations (RLMOs). It instructed its President and the Director of the Bureau to continue this work with a view to strengthening mutual cooperation and improving the coherence of the work and, if appropriate, the signing of an MoU.*

Germany commented that they would prefer the point to be made more clearly that the main aim was to strengthen mutual cooperation and improve the coherence of the work. They thought the existing wording could be misinterpreted.

Mr. Magaña replied that the purpose of the original wording had been to make it clear that not all the participating organizations were strictly speaking legal metrology organizations. Some might be metrology associations which had done work on legal metrology.

Mrs. van Spronssen pointed out that on the previous day it had sometimes seemed that discussion between regional bodies was more productive for them than an MoU with the OIML. At present there was often a lack of communication between one RLMO and another. The advantages of the MoU needed to be made more clear.

Mr. Magaña added that the advantages to the RLMOs varied according to the nature of the RLMOs – some had strong internal support, some might be good at training and others not. But there were advantages for all in mutual cooperation. The RLMOs were strongly encouraged to send information to the BIML as soon as it was available so that cooperation could be fully implemented.

5.7 Others

Among other contacts with International Organizations, that with the Codex Alimentarius Commission, the FAO and the WHO Food Standards Organization, was important. The OIML was trying to effect cooperation and coordination with them.

Legal metrology is also very relevant in the context of the International Association of Wine and Vine.

Normally contact with associations was made through CIML Members, but the BIML was pleased to also have contacts with other organizations. CECIP had been a partner for many years, and many other professional associations were now showing interest, among which the International Federation of Wine and Spirits. Further discussions were also planned with the European Federation of Grain Exporters, which had legal metrology problems. All these contacts were important and needed to be built up.

Dr. Leitner asked about the International Atomic Energy Agency, which he believed was also a stakeholder for the OIML. Document D 21 *Secondary standard dosimetry laboratories for the calibration of dosimeters used in radiotherapy* was now almost 20 years old and needed urgent revision. This Document referred explicitly to the IAEA/WHO network of SSDLs (Secondary Standard Dosimetry Laboratories) and needed to be revised before it made any sense.

Mr. Magaña agreed. It was some time since the Bureau had had any contact with the International Atomic Energy Agency, but they would draw this matter to the attention of the relevant Technical Committee.

6 Technical activities

6.1.1 Directives for the Technical Work

Mr. Magaña explained that this item concerned the Working Group which had convened in March 2007 to consider the revision of the *Directives for the Technical Work*, and which had considered a number of possible directions for OIML work. A second meeting had been held in March 2008.

Ian Dunmill said that at the most recent meeting the group had discussed a number of the more radical proposals suggested, regarding changing the way in which Recommendations (and publications in general) would be voted on. The WG had decided that the proposals to change the voting rules would not be pursued, which was why it had no longer been a priority to have the revision ready for a decision to be made at the current Conference. He conceded that progress since March had been less than originally intended, partly because this urgency had been removed.

The main point was still to decide what kind of structure technical work should have in the future – whether the OIML should retain the current Technical Committee/Subcommittee structure or whether to move to a structure of separate Committees for each project. There were still some slightly differing opinions within the group on this subject and that would be one of the most important matters to be considered. The next draft of this revision was almost

complete and would be circulated to members of that Working Group as soon as possible, and it should be possible to make rather faster progress in the coming year.

Mr. Klenovský asked whether any deadline had been set for the finalization of the Working Group's conclusions.

Mr. Dunmill replied there was no overall deadline; any change to the voting rules described in the OIML Convention would have had to be put to Conference. Since this was now not being proposed, the final version of the Directives could be approved by the CIML, so there was no specific deadline, but he hoped the work might be completed within the coming year.

The Netherlands asked whether, though this Working Group was no longer discussing it, consideration was still being given to changing the voting system.

Mr. Dunmill replied that the WG had decided not to change the voting rules but to accelerate the work by as many means as possible, such as streamlining the handling of drafts, and had consequently decided not to change the rules relating to percentages of votes required, etc.

The Resolution was read but attracted no comments.

6.1.2 Working Groups

For this item Mr. Magaña proposed to do a live demonstration of the interactive possibilities via the internet. Unfortunately, it had generally been found that when drafts were submitted to online voting there were frequently not enough votes, with the result that online approval of Recommendations had never yet worked properly.

The BIML had set up online discussion groups to support the Technical Committees and Mr. Magaña wished to show these in action, together with the current inquiry on the application of OIML Recommendations in OIML Member States and Corresponding Members.

Members would know that every fourth year, coinciding with Conferences, the OIML surveyed Members to find out which categories of instruments were regulated in each country and how far national regulations were compatible with OIML Recommendations. This year, instead of a paper survey, it was being conducted online. Members could enter their own data and the intention was for the inquiry to become a permanent resource for information about national regulations allowing users, industrialists and Members to know what the rules were applicable in any country and whether they were compatible with OIML Recommendations.

This was proving to be more complex to program than originally anticipated and had led to some delay in the inquiry being finished, though Mr. Magaña assured Members that it would be completed very soon.

One observation was that national legislation could be based on a previous edition of an OIML Recommendation, as regulations had often been drawn up prior to certain Recommendations being revised. It was therefore known that certain instruments were regulated according to the Recommendation in force in a certain year.

The inquiry invited Members to indicate whether an instrument was subject to regulations or not, and whether the regulations were in accord with OIML Recommendations (or subject to certain supplementary tests also being performed).

The BIML stressed the importance for Members to complete the inquiry as fully as possible, so that all this information was available for other Members. This survey would thus become a permanent source of information.

Mrs. Lagauterie asked about the column in the inquiry for supplementary tests: might that also include other requirements, such as, in Europe, the requirement to provide the necessary documentation, which was not a requirement of the OIML but which was demanded by the European authorities. This was a supplementary requirement but not a supplementary test; should that column be ticked?

Mr. Magaña replied that yes, any supplementary demand should be noted in that column. The wording of the question would be altered accordingly. He added that at the moment both Member States and Corresponding Members could fill in the questionnaire, but it was possible that it might later be made available to other countries also, though this had not yet been decided.

Mr. van Breugel asked whether, once the database was complete, it would still be password protected, or would it at that point become open information?

Mr. Magaña replied that the data entry part of the database would remain password protected but that the statistics compiled from it would be open access.

He then displayed the Members' page of the OIML web site, which gave details of all the projects submitted for online approval, with the current information on how many Members had voted. For example it could be observed that there had been 20 responses (including three abstentions and one "no" vote), out of 59 Members, to the most recent preliminary vote. It was not possible to base definite approval on disappointing responses like this and he again urged Members to vote every time a draft was submitted to online voting – indeed, CIML Members were under the obligation to vote as stipulated in the Convention.

The other internet activity which Mr. Magaña wished to demonstrate and which he hoped would be better used was that dedicated to Workgroups (<http://workgroups.oiml.org>), set up to accommodate discussion and exchanges of views. Many pages were open access, others were restricted. There was also a section reserved for the Presidential Council, a section on Regional Legal Metrology Organizations, a section on developing countries and a section for individual Technical Committees and Subcommittees.

The RLMO section contained a list of RLMOs with links to their main contacts. There was information on the 2007 and 2008 Round Tables including the lists of participants, documents, and the reasons for wanting to draw up an MoU agreement with the RLMOs.

Mr. Magaña demonstrated how to navigate round the Workgroups web site via the navigation panel on the left. Clicking on, for example TC 6 *Prepackaged goods* took one to the TC 6 Workgroup homepage where there was a certain amount of information: list of Committee members, projects in process, calendar of events, and a certain number of presentations. Members could see that TC 6 was currently engaged on two projects: p1 "OIML Certificate System for prepackaged goods", and p2 "Revision of R 79". Clicking on either of these projects led to a restricted access page.

The TC 3/SC 5 Workgroup site, on the MAA and accreditation, contained a presentation, a photo of the latest meeting, the responsibilities of this Committee, its proposals, and, on the

left hand side, information about each of the Committee's projects. Taking as an example p4, *Guide for the application of ISO/IEC 17025*, for which the Committee was seeking Members' approval, this project was almost complete, so the working documents to be found there were more in the nature of an archive than current work in progress. Members could see the second Committee Draft (both clean and marked versions). These documents were open access, since TC 3/SC 5 had considered that its documents should be open to all. Industrialists could consult them, but could not, of course, comment directly upon them; for this they must go through their national CIML Member.

Members of these TCs received an additional personal login and password which would give them access to the confidential documents of any Technical Committee of which they were a member, and the right to vote on these. Public sections were in blue and restricted access sections were in green. The page Mr. Magaña was showing was an administrator's page, where all votes were shown but Members, on accessing their page, would see only their own vote and not those of other Members.

Taking TC 17/SC 7 *Breath testers* as a final TC Workgroup site example, Members could see the open access working documents and archives and, for members of this SC only, minutes of the June 2008 meeting. The SC's Secretariat had uploaded information concerning the meeting agenda, list of participants, comments received, responses to these comments, 4th CD, etc. and against each piece of information was the name of the person who had put it on line. The SC's Secretariat and the members of the SC communicated directly by means of these pages. Members of these groups could also input documents or comments if they so wished. Other pages could be used for ongoing discussion, to which in some cases anyone might contribute; others might demand a login.

The Developing Countries Workgroup site, managed by Mr. Seiler, contained a question-and-answer section. Comments could be posted, to which others could reply. Translations of OIML Documents received by the BIML were put online on this site – indeed, Arabic and Portuguese translations of some publications were already available there. There was also information about training sessions and national regulations, questions and answers such as those on the subject of prepackaging, the result of a survey on prepackaging, and much other information useful to developing countries.

Members could try out any of these sites at their leisure and were recommended to make use of the facilities they offered. Obviously, these online groups by no means replaced face to face meetings, but they were a great help in easing problems and making preparations for meetings.

Dr. Leitner felt that the Workgroups web sites were useful, but referred to the example of TC 17/SC 7 which Mr. Magaña had used: the TC 17 /SC 7 page on the main OIML web site was not up to date, since the June Meeting (the minutes of which had already been published on the Workgroups site) was still described as "venue to be confirmed". He suggested that both the main site and the Workgroups site should be updated concurrently, and interlinked.

Mr. Magaña replied that the required work to achieve this aim was already in progress. The database for the TCs/SCs, which at the moment functioned on the internal server at the BIML, needed to be regularly updated, and the TC/SC Secretariats were asked every year to keep the Bureau informed electronically of the progress of their work. Unfortunately not enough information came in from this source for the database to be kept fully up to date. As soon as

links could be put in place between this database and the Workgroups, he wanted updating of the two sources of information to be done together and automatically by the Secretariats. However, a large degree of streamlining and harmonization of different data sources was necessary at the BIML before this became feasible; for the time being the two databases could not be synchronized.

Germany found the main OIML web site very informative and clearly structured, but the Technical Committees were mentioned twice: once under Technical Information and once under Restricted Access. This could be confusing; he suggested that it would be better if all the information on Technical Committees were moved into the Technical Information section.

Mr. Magaña agreed, and noted that the BIML Webmaster Chris Pulham had already initiated a brainstorming session amongst BIML Staff to re-design the main site menu to make navigating round the site easier, notably by better grouping together related subjects. A draft project had already been produced internally.

The Workgroups had originally been set up by Mr. Magaña as an experiment, with a separate address, and some Technical Committees had decided to use them to test out opinion. This meant there was information on TC drafts in three places; restructuring would combine all three - static pages, databases and discussion pages - under the same elements in the menus.

Mr. Flandrin asked how to find the names of the actual people (as opposed to the countries) who were participating in the various TCs.

Mr. Magaña explained that this problem was not as simple as it might appear; there were frequent changes of personnel in the many groups and the Bureau might well not be aware at any given moment of who exactly the experts were in a particular group. For this reason the database contained the names of the Member States which were contributors or observers to each TC/SC, but not the names of the people. Keeping the list of names of individuals up to date was the job of the Secretariats of the TCs/SCs. When a TC was being run by means of an interactive site, the list of participating individuals should be accessible via this site, but it would not be on the database. Ways were being sought for the Secretariats to add the names of members of the group to the database. This gave rise to questions of security and of the management of the database, but the matter was under consideration.

Mr. Dunmill added that under the current Directives it was the responsibility of the Secretariats, and not of the Bureau, to maintain the list of individual participating experts, and that was why it was only on the interactive site. The Working Group on the revision of the Directives was also considering where that responsibility was best placed, given the changes in technology and so on, but currently the Bureau kept no lists of the individual people who were members of any TC or SC.

Speaking as one responsible for the Secretariat of several TCs and SCs, Dr. Ehrlich commented that keeping this list up to date was a real difficulty for Secretariats, and he thought people tended to go to the BIML site for information. He felt it would be preferable if the main OIML site were the central focal point for Secretariats. He would strongly urge that a mechanism be provided so that membership of TCs and SCs could be managed through the BIML database.

Germany supported the suggestions of France and the United States. If they wanted to encourage TCs and SCs to work interactively with the web site, then Secretariats needed a way of keeping it up to date with personnel changes.

Mr. Magaña replied that this request had been noted and a solution would be sought, but clearly there were far too many experts and far too many Committees for the BIML to be responsible for keeping records of all of them. However, they would seek a way for the Secretariats to be able to transfer their lists of experts directly to the BIML database. The problem was that sometimes an expert changed jobs without notifying the Secretariat or changed address and it was hard to get in touch with him. It could seem to the Secretariat that that country no longer wanted to take part, when in fact it was just that a different person was undertaking the work. It was essential in these cases for either the expert or his CIML Member to inform the TC/SC Secretariat of what was happening and who the replacement expert would be.

Mr. Johnston concurred that the solution lay in finding a way for the Secretariats to input the information; this would not be perfect but it would improve the situation.

6.2 MAA & Certificate System

Dr. Ehrlich explained that the presentation on the MAA and what had been the "old" OIML Certificate System had been a joint effort between Régine Gaucher and himself. Since they served as Co-Secretariats of TC 3/SC 5, they together oversaw the documents that underpin these two related programs and Samuel Just, of the BIML, had also contributed significantly to the presentation.

There had been a meeting of TC 3/SC 5 the previous May, which several of those present had attended, and at which revision of OIML B 3 (OIML Certificate System), and B 10 (MAA) had been extensively discussed. The current presentation would include highlights of those discussions and outcomes, and also some related issues that had been raised at the meeting, including the project in TC 3/SC 5 to develop an OIML Uncertainty Document. Today's presentation would also cover the four Resolutions which had been submitted for CIML approval and which Members had seen in the CIML Meeting working documents which had come out of the TC 3/SC 5 meeting conclusions. These four Resolutions were being submitted to the CIML now, rather than waiting to go through the complete revision process for OIML B 3 and B 10, because of the urgency due to the transitional period and time deadline of the end of 2008 which existed in MAA Resolution 2006-2 for OIML Certificates on the basis of R 60 and R 76. Dr. Ehrlich would be returning to this matter later in his presentation.

Since the previous year's CIML Meeting, the R 60 DoMC had been revised in December 2007 to include NMi (The Netherlands) as a new Issuing Participant and Measurement Canada as a new Utilizing Participant. This revision was an outcome of discussions at the R 60 Committee on Participation Review (CPR) Meeting held in June 2007 in Japan, where the three so-called additional requirements put forward by Measurement Canada had been accepted by the CPR. A further revision had been issued in September 2008 to include the change in the name of the South African Utilizing Participant.

There had been no R 60 CPR meeting in 2008 but a joint R 49/R 60/R 76 CPR meeting had been announced for mid-June 2009, in Switzerland. Details about this meeting and about the R 60 DoMC in general could be found on the OIML web site.

Dr. Ehrlich reminded Members that there was a maintenance process associated with DoMCs which required an intermediate documentary assessment of the Issuing Participants at the two year mark between the full renewal of participation that occurred every four years. This intermediate documentary assessment process had started for the R 60 DoMC and it was anticipated that it would be completed by the end of 2008. During this process, a new potential Issuing Participant had taken the opportunity to submit an application so that the CPR could review the application document at the same time as the intermediate documents.

The R 76 DoMC had also been revised in December 2007 to include two new participants, SP Sweden as a new Issuing Participant, and STAMEQ (Vietnam) as a new Utilizing Participant.

The R 60 DoMC had been revised again in August 2008 to modify the scope to include the new editions of R 76-1 and R 76-2. A further revision had been issued in September 2008, including the change in the name of the South African Utilizing Participant. At the CPR meeting in 2007 in Japan it had been decided that this revision of the R 76 scope did not require any additional assessments of R 76 Issuing Participants since there were no fundamental changes to the testing procedures in the new R 76 documents.

Mrs. Gaucher had asked Dr. Ehrlich to also highlight the fact that the new editions of R 76-1 and R 76-2 allowed for the issuing of modules that were associated with nonautomatic weighing instruments, such as indicators or printers and of course load cells, which were already covered by the R 60 DoMC. She had also asked him to point out that Issuing Participants might continue to issue OIML MAA Certificates that were based on the 1992 version of R 76-1 and 1993 version of R 76-2, in the event that such Certificates were applied for by manufacturers who would like to obtain type approval in countries whose national regulations had not yet incorporated the new editions of these Recommendations. Dr. Ehrlich would revert towards the end of the presentation to the issuing of Certificates based on earlier versions of Recommendations, when expounding in detail the four Resolutions that had come out of the TC 3/SC 5 discussions in May.

Turning to R 49 on water meters, the initial R 49 DoMC had been signed in November 2007. Again there had been no CPR meeting in 2008 but R 49 CPR members would participate in the 2009 combined R 49/R 60/R 76 meeting in Switzerland. The reason for combining these was an attempt to bring more efficiency to the CPR process by having matters of common interest to all three CPRs discussed at one time and in one meeting. There would also be separate “break-out” meetings for the separate technical disciplines, although the R 60 and R 76 CPRs would continue to meet together.

Behind the statistics pertaining to MAA activities, up to the end of August 2008, MAA Certificates were already being issued and the number of participants was increasing, though not at as high a rate as originally anticipated. The reason for this had been one of the main topics of discussion at the TC 3/SC 5 meeting in May. The key contributor to this situation was identified as the fact that several potential Issuing Participants had been holding back on their participation because the MAA did not currently permit the use of test data from manufacturers’ testing laboratories not under the direct supervision of the Issuing Participant during the entire period of the testing. This had not been recognized earlier as being a

potential impediment to the success of the MAA; in fact several of those present at the TC 3/SC 5 meeting had said they had not been aware that such manufacturers' test data was being used by some OIML Issuing Authorities when issuing OIML "Basic" Certificates.

TC 3/SC 5 had now decided to call that type of non MAA Certificate a "Basic" Certificate. One of the four Resolutions drawn up at that meeting directly addressed this matter. Mrs. Gaucher had asked Dr. Ehrlich to inform Members that she was developing an OIML leaflet specific to the MAA, intended to promote the MAA among manufacturers and convince them of the added value of MAA Certificates. The leaflet was also intended to help OIML representatives and type approval bodies to promote the MAA at national level, since these people were directly in contact with the applicants and the manufacturers.

Dr. Ehrlich showed a table reminding Members of the application fees and fees for registration for the MAA Certificates for 2007 and 2008 that had been adopted at the 12th OIML Conference in 2004 in Berlin. Fees for 2009 and 2010 would be submitted at the current year's Conference the following day. The fees for peer assessments had been approved at the CIML Meeting in 2006 under Resolution 2006-1 and had not been revised to date. An increase was being proposed for the coming years and would be submitted for approval by the current year's Conference. It was proposed from 2009 to have a single fee for registration for both Basic and MAA Certificates; this was so that there would be no economic incentive to anyone for obtaining or issuing one type of Certificate rather than the other.

Beginning a detailed account, drawn up jointly by himself and Mrs. Gaucher, of the May 2008 TC 3/SC 5 meeting held at the BIPM, Dr. Ehrlich said 17 P-Members and one O-Member had attended, as well as representatives from two liaison organizations. The five main agenda topics had been:

- to start the revision of OIML B 3 on the Basic Certificate System;
- to start the revision of OIML B 10-1 on the MAA;
- to obtain enough votes to approve and send to the CIML the OIML Interpretation Document on ISO/IEC Guide 65 to legal metrology (p5);
- to obtain enough votes for the interpretation document on ISO/IEC 17025 to legal metrology (p4);
- to better define the scope of the OIML publication being worked on by Dr. Ehrlich and others, covering the incorporation of measurement uncertainty considerations into OIML Recommendations and Documents (p2).

One of the outcomes of the TC 3/SC 5 meeting had been to submit to the CIML four Resolutions for approval, in order to give direction to the TC 3/SC 5 Secretariat on how to proceed with the draft revisions of B 3 and B10-1. Since the Basic Certificate System and the MAA were to some extent intertwined – in fact the MAA could be regarded as merely an additional tool to use with the Basic System – it had been necessary at the meeting to carefully consider the two systems both separately and together. One of the new Resolutions in fact pertained only to the Basic System. These new Resolutions also had an impact on Resolution 2006-2, to do with the current transitory period for issuing R 60 and R 76 Basic

Certificates; this period was due to expire at the end of the 2008 if nothing was otherwise done.

Concerning projects p4 and p5, the necessary number of P-Members' votes had been obtained so that these interpretation documents were on the CIML agenda for voting at the current Meeting, and indeed had already been discussed. These Documents had already gone through the CIML preliminary online ballot process. The TC/SC wished to make two points:

- while TC 3/SC 5 confirmed that an evaluation of Issuing Authorities or Issuing Participants according to Guide 65 was not formally required in either of the OIML Certificate Systems, it was none the less decided to go through and finalize this work and publish the OIML Documents as it could be helpful for countries where accreditation of type approval by these was already requested on the basis of Guide 65;
- once published, the OIML Document on the application of ISO/IEC 17025 to legal metrology should be referred to and used by ILAC when ILAC assessors accredited testing laboratories in the field of legal metrology. It was expected that the same would be true for WELMEC in the interpretation of the MID in Europe.

The final outcome of the TC 3/SC 5 meeting on which Dr. Ehrlich wished to comment was the OIML Document on measurement uncertainty. It had been agreed that this Document should not dictate how to incorporate measurement uncertainty into OIML Recommendations but rather provide a suite of options, much as was done in OIML D 11 and the draft Document on software.

It had also been agreed that the Document should be something of a textbook in nature, in that it should explain the general philosophy of measurement uncertainty and how it differed from the traditional concept of measurement error, but also explain how the two could co-exist.

The difficulty in developing this Document lay in doing these things yet keeping the Document short and simple. A key way of accomplishing this would be to promote use of the so-called shared risk principle. Incorporating measurement uncertainty had in the past involved decisions when comparing measured errors with maximum permitted errors. This was frequently done already in legal metrology publications, although it was implicit and so it was not always clear that measurement uncertainty was being taken into account. But this was now necessary, for example in taking into account 17025 requirements for accreditation.

One of the activities planned by TC 3/SC 5 for 2009 was to complete a first Committee Draft of this uncertainty Document, and several TC 3/SC 5 members had offered their assistance in this project.

Other TC 3/SC 5 activities planned for 2009 included:

- a first Committee Draft of B 10-1;
- a second Committee Draft of B 3; Mrs. Gaucher was already working on both these drafts;
- the combined R 49/R 60/R 76 CPR meeting, to be held in Switzerland in June.

Turning to the four CIML Resolutions resulting from the TC 3/SC 5 meeting, Dr. Ehrlich first reminded delegates of the CIML Resolution passed in 2006, which had set an ending date of

31 December 2008 for the OIML Basic Certificate System for R 60 and R 76, but stated that this date should be revised at the 43rd CIML Meeting in the light of experience and of feedback from industry.

Based on discussions both at the 2007 CIML Meeting and at the 2008 TC 3/SC 5 meeting, both of which had included feedback from industry, Dr. Ehrlich stated that the conclusion of TC 3/SC 5 members had been that the OIML MAA Certificate System had not been as successful as had been expected in 2003, when the system had first been created, and that the deadline expressed in the 2006 Resolution should be reconsidered. The main reason for this lack of success was that the issue concerning the use of manufacturers' test data, obtained under conditions where the manufacturer was not directly supervised during all the type evaluation testing, had not been recognized as the potential problem that it had become. In order to keep the MAA System moving forward, TC 3/SC 5 was making a proposal which would become clear from the wording of their four draft Resolutions:

- Resolution 18 applied to both Systems; it had been developed to address the situation which had sometimes occurred, where an OIML Basic Certificate had been issued on the basis of an OIML Recommendation that had gone through most of the steps of development or revision, possibly including approval by the CIML, but had not been finally published on the OIML web site. TC 3/SC 5 members thought that it would be good to address this situation and the reason for this sometimes happening and by putting in place a formal process whereby draft OIML Publications that had been approved by the CIML but not yet published would be made available as such on the OIML web site immediately after CIML approval. The Resolution explained that the reason for doing this was to make the CIML approved draft version of the OIML Publications available for reference purposes, primarily in order to give both manufacturers and OIML Issuing Authorities an opportunity to begin preparing for issuing Certificates once a Publication was available. This Resolution explicitly stated that an OIML Basic Certificate could not be issued on the basis of the CIML approved draft version of the Publication, thus making the process very clear. The Resolution also explicitly stated that the official date on which an OIML Basic Certificate could be issued was the date on which the OIML Publication appeared on the OIML web site. This date should be made available in the list of publications on the web site; this was a change from what was currently done. In order to distinguish between the CIML approved version of the Publication and its actual published version, TC 3/SC 5 members suggested adopting the convention used by ISO and other standards developing organizations by designating the CIML approved version an "F" version of the Document, where F stood for Final, as in Final Draft Recommendation or Final Draft Document, similar to the ISO FDIS designation. In the case where the Publication had been included in the OIML MAA System, the date on which an OIML MAA Certificate could be issued based on that Publication was specified in the corresponding DoMC that had been revised to include the new edition of the Publication and its scope.
- Regarding Draft Resolution 19, of course, no OIML Publication could become part of the OIML Basic Certificate System until all three parts had been published, including the test requirements and the format of the evaluation report. So this Resolution proposed to automatically include in the OIML Basic Certificate System any

Recommendation as soon as all its three parts had been published. Draft Resolution 19 then addressed the matter of what to do regarding the OIML Basic Certificate System when a Recommendation was revised. TC 3/SC 5 had spent considerable time discussing this matter, which had come up in the context of the discussion on what to do with the OIML Basic Certificate System – whether to allow it to continue for a time in parallel with the MAA System. Dr. Ehrlich would return later to this point. TC 3/SC 5 had decided that, where a country had not incorporated the latest version into its national legislation, a manufacturer might want to obtain a Basic Certificate which had been based on a version of a Recommendation prior to the most current version. This turned out to be an interesting discussion, with the outcome proposed to maintain all earlier versions of Recommendations that were part of the Basic Certificate System from the relevant DoMC, together with the current version. A document comparing the requirements in the two versions of the Recommendation would no longer have to be prepared by the Secretariat responsible for that Recommendation, since Issuing Authorities should be competent to identify these differences.

- Draft Resolution 20 addressed the matter of the end of the transition period for Basic Certificates, particularly for R 60 and R 76, specified in 2006 as being the end of 2008. The need for swift action had prompted this Draft Resolution, which proposed that the OIML Basic Certificate System should be maintained in parallel with the OIML MAA System for categories under the MAA until such time as the CIML decided to stop the implementation of the OIML Basic Certificate System for a particular category of instrument. This would have the immediate effect of nullifying the 31 December 2008 termination date for the OIML Basic Certificate System for R 60 and R 76. The reason for this was the stumbling block about the acceptance of manufacturers' test data. The issuing of MAA Certificates for R 60 and R 76 was not proceeding as quickly as had been anticipated and so allowing the present transitional period to expire could result in the premature failure of the MAA System. Rather than run this risk, TC 3/SC 5 had decided that some additional time should be given to proponents of the acceptance of manufacturers' test data within the MAA System to demonstrate to opponents of this practice how it was made to work in their countries and how it could be done in a fair manner for all manufacturers who wished to participate in this way. Since it was not clear how long it would take to obtain consensus on this, TC 3/SC 5 was proposing that the CIML continue to monitor the situation and examine whether and when to stop the OIML Basic Certificate System for any particular category of instruments, rather than specify a single date for everything. The Draft Resolution further stated that even after the CIML had decided that the OIML Basic Certificate System for any particular category should be stopped, a two year time period would be given before the decision to stop was implemented. This gave all parties time to complete any type evaluation processes that had already begun. Another problem discussed was how those countries which utilized manufacturers' data could become Issuing Participants. The outcome of the discussions was in the second paragraph of Draft Resolution 20, where the proposal was that for the time being, Issuing Participants were still not allowed to issue OIML MAA Certificates if they had used results of tests outside the scope of the DoMC, such as test data from manufacturers in the Evaluation Reports; however, in this case,

the Issuing Participant would still be permitted to issue OIML Basic Certificates, which had always been allowed to include test data from manufacturers. This last fact had come as a surprise to several TC 3/SC 5 members, and might perhaps even surprise some of those present. TC 3/SC 5 asked the CIML for support in discussing this issue, with the aim of ultimately including such test results in the scope of the MAA if consensus could be reached on conditions that should be applicable to manufacturers' testing laboratories. It was hoped that the case for including manufacturers' test data would be made at the joint CPR meeting in June 2009.

- The last major topic discussed by TC 3/SC 5 was the question of the revision of OIML Basic Certificates. After the CIML had decided to stop the OIML Basic Certificate System for a certain category of instrument, where it had been determined that the MAA System was working well enough, there was still the possibility that a manufacturer would want to obtain a revised Basic Certificate, for example in order to continue selling a type of instrument into a country where the legislation was still based on a previous OIML Recommendation. The manufacturer or his agent might well want to avoid the additional expense of upgrading the instrument to meet the requirements in the later versions of the Recommendation. So the question was whether revised Basic Certificates would be allowed and, if so, who could issue them. So Draft Resolution 21 addressed this matter by proposing that, after the OIML Basic Certificate System for a particular category of instrument had been stopped, when an applicant requested a revision of a Basic Certificate, based on the same version of the OIML Recommendation as the original Certificate, a revised Certificate could be issued by the same Issuing Authority, even if it were not an Issuing Participant in the relevant DoMC, or else by an Issuing Participant in the DoMC. The final paragraph of the Resolution further clarified exactly what was meant by a revision. After the OIML Basic Certificate System for a particular category of instrument had been stopped, if a new Certificate had been applied for, based on the new version of the OIML Recommendation, an OIML Basic Certificate could not be issued any more; an MAA Certificate must be issued. This meant that an application could only be made to an Issuing Participant.

Dr. Ehrlich wished to make another point, which had been put to him just before his presentation. It had been assumed that when the CIML voted to stop the Basic Certificate System, it was because this issue of the manufacturer's test data had already been addressed, but he had been asked to say that it would be better if the language could be improved to make this quite explicit.

This concluding the presentation, Dr. Ehrlich then asked whether any of the TC 3/SC 5 members who had been present at the meeting of that Committee and were present would like to add any comments. Prof. Schwartz would then speak about the problem of including test data from manufacturers whose laboratories met ISO/IEC 17025 requirements but whose tests had not been directly supervised, and then any questions from delegates would be answered.

Prof. Schwartz thanked Dr. Ehrlich for his clear and comprehensive report, to which he had little to add. He did not wish to start a discussion on manufacturers' test data; he merely wanted to point out that he, as a proponent of using these results, wanted to seek support through discussion at the June 2009 meeting. He was sure that if this discussion were

abandoned, it would go against the success of the MAA. He had looked at the OIML database and analyzed the 2000 or so certificates issued since 1991, when Basic Certificates had started, and made certain observations:

- 80 % to 90 % of these Certificates had been issued for weighing instruments or load cells. So the MAA would only succeed if it worked for these types of instrument;
- most Issuing Authorities at the moment came from Europe – since 1991, more than 80 % of all Certificates had been issued by European Issuing Authorities. They were therefore influenced by developments in Europe and Prof. Schwartz thought it was a good development that manufacturers had been educated to use their own testing laboratories and not those of the Issuing Authorities. Over many years the manufacturers had responded to this education and now he felt this should be acknowledged by introducing into the Measuring Instruments Directive the possibility of looking at manufacturers' quality systems. The basis of this was ISO/IEC 17025. Experience with this in Europe had been good, so it could be said that these test data were in fact supervised, by a functioning quality system which was regularly supervised. It was not possible simply to say these data were unacceptable. Of course conditions had to be set; he sought the support of the CIML in supporting this resolution.

Australia supported Mr. Schwartz's comments about the education of manufacturers in the European area, over a number of years, to develop their own test procedures and their own testing facilities and they understood the argument being put forward in that area. However, they had some problems with the global acceptance of manufacturers' test results, regardless of whether they were ISO/IEC 17025 accredited or not. They also agreed that the majority of work in this area was in the fields of weighing instruments and load cells.

Australia also said they had problems with issuing Certificates based on OIML Recommendations which had been effectively superseded. He cited the case of R 117, the 1995 version of which had included a considerable checking between pulses and indicators, etc., where Recommendations prior to that did not have this. A person who obtained a Certificate against an earlier Recommendation could have a distinct advantage in the market place, causing considerable inequity.

Dr. Ehrlich agreed that this was a good point, although the Certificate would of course state which version of the Recommendation had been used. However, there had been a considerable majority in TC 3/SC 5 in favor of this decision.

Mr. van Breugel thought the decision to allow time for further discussion of the testing question was a good one, as it allowed the MAA to continue. The presentation might seem complex but was clear, and entirely based on the practical problems which had been encountered. He hoped they could arrive at a common view and a pragmatic and practical conclusion, and it was excellent that this was being attempted.

Mr. Okamura also questioned the coexistence of different versions of the Recommendations. To him this seemed to represent a double or even triple standard. Surely there should be a mechanism to stop the older versions being used. He also wished to ask whether he had understood correctly that the Utilizing Participant was allowed to choose which version he accepted. Should not the OIML ban some older versions which were no longer acceptable?

Dr. Ehrlich replied that countries could choose which version of a Recommendation they applied in their national legislation, so it was unreasonable to oblige a manufacturer to make a much better instrument than his country's market required. He agreed, however, that this went counter to the OIML philosophy.

Mr. van Breugel thought there was a practical issue here: some countries would immediately adopt a new version while in others it could take perhaps two or three years for things to change. The MAA aimed to facilitate the acceptance of test reports leading to an approval. So the Utilizing Participant made the decision as to what they accepted. All the versions had to remain possible for a while – if every country changed to a new version it would never happen that manufacturers applied for the old ones. It was not a question of keeping all versions, but of providing the manufacturer with the version his country required.

Dr. Ehrlich added that the TC 3/SC 5 meeting's philosophy had been to let the market decide what should happen rather than try to force the issue.

Mrs. van Spronsen supported Mr. van Breugel's comments; she had been pleasantly surprised to learn that all versions of Recommendations were kept available, because in The Netherlands a situation had arisen where the legislation for measuring instruments had suddenly changed, but the previous Recommendation had remained acceptable. She was much in favor of keeping earlier versions available.

Mrs. Lagauterie said that sometimes the changes to OIML Recommendations consisted of changing the level of severity of some of the tests, perhaps due to the need to consider some environmental conditions. If all older versions remained unconditionally available, in the end two levels of requirement might be applied to the same instrument. At least there should be a limit, perhaps five or ten years, which should give sufficient time for any country to update their regulations. It was no use having a new version if it was easier to keep the old one.

Dr. Ehrlich agreed that keeping old versions indefinitely would make it harder to keep track of what was happening, but on the other hand a case could be made for forcing people to change.

Mrs. van Spronsen pointed out that it was up to the government of a country to decide what its legislation should be, and not the CIML.

Mr. van Vinh had a question about Resolution 20: he understood the suggestion of accepting manufacturers' test results, but drew the Meeting's attention to the fact that some Member States would not accept these when they issued national type approvals for the domestic market. Perhaps time needed to be allowed for nations to change their type approval methods.

Dr. Ehrlich considered that this was a good point; he thought that the way events were proceeding would give extra time to allow an acceptable solution to be developed.

Mr. Richard congratulated TC 3/SC 5 on the report. He commented that all he had heard about the MAA was very interesting. He agreed that three elements were necessary: regulations, experience and feedback. The regulations were all right; experience was small, since only a handful of MAA Certificates had been issued as against a couple of thousand Basic Certificates. But the main concern was the feedback and he was afraid that at the meeting in Switzerland they might be accused of putting up technical barriers to trade. This event must be prepared for very thoroughly, otherwise it was possible that all might be lost.

Finally, he referred to a word used in the Presidential Council Meeting: philosophy. It was too early now for final decisions to be taken; they should wait until after next June's meeting and then perhaps put proposals to the 2009 CIML Meeting.

Dr. Ehrlich asked for a more detailed explanation about what Mr. Richard considered was the danger and the TBT issue. He himself wanted a presentation to be organized so that the non-believers would see the arguments and some examples. He felt that the CPR members were the people who needed to be convinced so that discussion with them seemed to be a good place to start.

Mr. Richard said it was essential to discuss accepting manufacturers' test results.

Mr. van Breugel thought nobody could predict the outcome of the discussions in June. And so long as the outcome was not known, the system could not start. The advantage of the present Resolutions was that the MAA could start, experience could start and by June they would have more knowledge. Nobody was obliged to accept the MAA, so the argument for it must be convincing. They were not looking for a majority vote, but for consensus. He did not see any danger of new barriers to trade. The old system could be kept as long as it contained options which were not available in the new system.

Dr. Ehrlich said Members should not be confused by the statistics on numbers of Certificates issued: what was being exchanged was the test data.

Mr. Kool commented that on the question of issuing Certificates on the basis of superseded Recommendations, it must be taken into consideration that OIML Recommendations were international standards and intended to harmonize requirements on a global level. If the OIML allowed earlier versions of Recommendations to be used indefinitely, this harmonization could never be achieved, and so a limit must be set to how long Certificates could be issued on the basis of older Recommendations.

6.3 Publications submitted to the CIML for approval

Mr. Kool explained that discussion on this subject would take place immediately, and a formal vote would be taken on the last day of the Meeting. He reminded Members that in some cases 80 % of Members had to be present or represented and that 80 % of the votes cast had to be in favor, and in other cases a simple majority sufficed.

Mr. Magaña stated that 44 Member States were present or had given proxies; a 45th Member was on the way and his presence was needed for a quorum. He also reminded Members of the proxies given by various countries.

DR3: Revision of R 85 Automatic level gauges for measuring the level of liquid in stationary storage tanks. Part 3: Report format for type evaluation: There were no votes against or abstentions.

DR8: Revision of R 99 Instruments for measuring vehicle exhaust emissions. Part 3: Report Format: There were no votes against or abstentions.

DD1: Guide for the application of ISO/IEC Guide 65 to assessment of measuring instrument certification bodies in legal metrology: Russia asked whether it was possible to find a way to publish this in two columns, as was the case in the draft, as it was not

convenient to have to go from one document to another. Mr. Magaña replied that this had been considered but it was not possible to reproduce more than 10 % of the Standard, for reasons of copyright. ILAC was having the same problem. The delegate said that there would be an attempt to show the Russian translation in two columns. There were no votes against or abstentions.

DD2: *Guide for the application of ISO/IEC 17025 to assessment of testing laboratories involved in legal metrology:* There were no votes against or abstentions.

DD3: *General requirements for software controlled measuring instruments:* There were no votes against or abstentions.

The Documents were therefore all provisionally approved and would be confirmed by formal vote on the final day.

6.4 TC/SC items for information

Mr. Kool said that the following items did not require a vote of the Committee but were simply for information. They would be treated as a single package and anyone who had questions about any of them should ask at the end. The items were:

- TC 3/SC 5 - This item was already presented under item 6.2;
- TC 8/SC 1 - Confirmation of R 125:1998 *Measuring systems for the mass of liquid in tanks*;
- TC 11/SC 3 - Confirmation of D 24:1996 *Total radiation pyrometers*;
- TC 17/SC 7 - Progress of the revision of R 126: *Evidential breath analyzers* (letter from the Secretariat).

Mr. Magaña commented that the previous year the Committee had instructed the Bureau to organize training for persons responsible for TC/SC Secretariats. This had been held in Douai (France) in April 2008, and had worked very well. There was a full report on the training in Annex E. Two countries remained to be trained, and Germany and Russia had decided to do their own training, based on what they had learnt in Douai.

Mr. Magaña wished to make it clear that the Bureau was always ready and happy to offer support with such training. Participants had found it very helpful and with the help of Mr. Engler some very useful templates had been developed. It had been decided that instead of Committees developing their own templates, which took too long, the Bureau would retain them and, with the help of some experienced people, give the necessary instruction themselves.

Further training sessions would be organized periodically by the Bureau, to maintain the competence of existing experts and train new experts, or to provide training in new issues such as software.

Draft Resolution 23 was read. Dr. Ehrlich said he supported the Resolution but wished to comment on the 4th bullet point, concerning TC 17/SC 7's revision of R 126. The letter handed out by the Secretariat had been noted and their difficulties could be understood, but he and his colleagues remained concerned about the time it was taking to develop this

Recommendation, and would be happy to offer any assistance that might be of use in speeding up its progress.

Mrs. Lagauterie thanked the US on behalf of the TC/SC in question, and would be pleased to accept the assistance being offered.

TC 1:

- New work item: Revision of the VIML, the *International Vocabulary of Legal Metrology*.

There were no votes against or abstentions.

TC 3/SC 2:

- Withdrawal of D 15:1986 *Principles of selection of characteristics for the examination of measuring instruments*.

There were no votes against or abstentions.

TC 5 and TC 5/SC 1:

- Change of TC 5's title and scope from *Electronic instruments and software* to *General requirements for measuring instruments* (see proposal in Annex F);
- Change of TC 5/SC 1's title and scope from *Electronic instruments* to *Environmental conditions* (see proposal in Annex F).

There were no votes against or abstentions.

TC 5/SC 1:

- Revision of D 11:2004 *General requirements for electronic measuring instruments*.

There were no votes against or abstentions.

TC 5/SC 2:

- New project: drafting of Document on *Software – Methods and means of verification*.

There were no votes against or abstentions.

TC 6:

- New project: Revision of R 96 *Measuring container bottles*: extracting and amending the requirements for measuring container bottles from R 138.

Germany commented that after speaking to experts in that field, they were not quite happy with this new work item, and especially with the new Recommendation for measuring container bottles. This was the old Recommendation R 96 and it had previously been decided to merge it into the new R 138. Only minor amendments were needed for this to be effected, and there was no need to split it again.

Dr. Ehrlich fully supported Germany's view on this matter.

Mr. Kool replied that at the last CIML Meeting the decision had been taken to transfer the responsibility for measuring container bottles from TC 8 to TC 6, since they were primarily used for pre-packages. At the TC 6 meeting held in June 2008 in the Czech Republic, it had been recognized that in order for container bottles to be properly used in an average quantity

system, as described in OIML R 87, additional requirements would be necessary, and therefore the TC 6 meeting requested a work item to revise the requirements for measuring container bottles. Revision was indeed currently under way for R 138, but this had to do with minor omissions in the indication of the units on the measuring container bottles. So they had nothing to do with the use of measuring container bottles in average quantity control systems for prepackages.

Germany said they were not opposing the idea of TC 6 doing the work, but they were against the separation of measuring container bottles from Germany's work on R 138 because it would only require two small steps to include the bottles thoroughly – they used the same definitions as for the other measures defined in R 138 and with only minor statistical tests under Annex A, they would be covered properly.

Dr. Ehrlich commented that the USA did not want to see measuring container bottles separated from R 138; this matter did not seem to warrant a new Recommendation. They could agree with the view of treating container bottles as pre-packages, in which case they could be dealt with under R 87. Definitely this did not warrant all the work involved in a new Recommendation.

Australia explained that, as they understood it, the proposal was not to separate out the measuring bottles into a new Recommendation but simply to revise those requirements within R 138.

Mr. Magaña informed delegates that measuring container bottles were not like other measuring instruments: they were not verified on the same basis. Of course there were statistical control procedures for initial control of instruments but for measuring container bottles the statistical rules were of a different kind. Additionally, in most countries, measuring bottles came under a quite different type of conformity assessment from other instruments.

Germany said this work had been decided upon some time previously and should not be stopped now that the end was in sight.

Dr. Ehrlich pointed out that the proposal was to approve the drafting of a new OIML Recommendation, so he was a little confused by the comment.

Mr. Johnston asked Dr. Ehrlich to read out the section he was referring to.

Dr. Ehrlich explained that he was referring to point G.5 in the Annex to the working documents for the CIML Meeting. But there was no need to look there: the proposal under discussion was “to approve the drafting of a new OIML Recommendation ...”.

Mr. Kool explained that the revision of R 138 had gone on without TC 6 being aware of it, and this was not fully in line with the decision that the Committee had taken the previous year, which was to say that the responsibility for measuring container bottles was with TC 6. His other point was that the main concern was for the requirements for measuring container bottles and TC 6 wanted to take up that work to enable measuring container bottles to be used under a system as described in R 87. The question of whether it should be a separate document or part of R 87 was at the moment less important. It could be simply an editorial task for the Bureau to change the publication, for instance by removing from R 138 any reference to measuring container bottles and then in R 87 inserting a separate requirement. He did not think there would be much increase in the work involved. The main thing was for

TC 6 to look at requirements for measuring container bottles and that this should be reflected in a Recommendation, whether this was separate or part of R 87.

Mr. Carstens considered that the easiest solution now would be for TC 6 to look at the requirements for measuring container bottles and initially to include them in R 138. This could be done for the short term and then the question of whether it needed a separate Recommendation could be considered at a later stage.

The matter being considered on this basis, there were no votes against or abstentions.

TC 7/SC 4:

- Allocation of responsibility for the Secretariat jointly to France and Switzerland.

Mr. Kool said that three countries – Switzerland, France and the USA – had indicated their willingness to take up responsibility for this Secretariat.

Mr. Magaña said that he had initially intended to instigate discussions between the three countries to decide how to proceed but there had not been time for this. Tripartite Secretariats were exceptional and had not in the past proved very effective. No rule existed for choosing between a surplus of candidates so he now asked the three countries for their opinions on the situation.

Mrs. Lagauterie was happy to have such discussions, but also wished to clarify that, together with Switzerland, France had indicated willingness to undertake one project with regard to vehicle speed measuring, but not to take on the whole subject matter of SC 4. There had perhaps been a misunderstanding which should now be sorted out.

Dr. Ehrlich said the three countries had in fact met, without Mr. Magaña, and had decided that a tripartite arrangement might be worth trying. They had also spoken to UK colleagues, who had indicated an interest in continuing to work on taximeters, which would be useful and would cause no problem for the USA. The main interest of the USA was in R 91, radar equipment and also in similar technologies: many types of radar equipment now existed, with a significant manufacturing base in the USA. He felt sure that between these three or four countries the work would get done.

Mr. Magaña added his summary of the above arrangement, and there were no votes against or abstentions.

Mr. Dunmill remarked that in this case the Secretariat was not changing hands. All that was happening was that a Working Group was being set up, which was not a matter for a CIML vote.

Mr. Magaña agreed that this was a matter for the Subcommittee and not for the CIML.

Dr. Ehrlich remarked that, on the contrary, France, Switzerland and the USA would jointly take on the Secretariat of the Subcommittee and the UK would form a working group to deal with taximeters. If the UK preferred to maintain the Secretariat, that would be equally acceptable to the USA, but the situation must be clear.

The UK said that the idea of the UK retaining the formal Secretariat while the major part of the work was done by others had not previously been offered for their consideration. They did

not feel ready to agree to that, though were prepared to have further discussions, but for the moment they preferred the option of relinquishing the Secretariat.

Mr. Dunmill added that whichever way the decision went, the discussions had so far dealt with only two of the three Recommendations for which that SC was responsible. The third responsibility also needed to be taken into account in the planned discussions.

TC 7/SC 4 (cont'd.):

- Revision of R 91:1990 *Radar equipment for the measurement of the speed of vehicles* as a new work item for TC 7/SC 4.

There were no votes against or abstentions.

TC 8/SC 5:

- Revision of R 49:2006 *Water meters intended for the metering of cold potable water and hot water* as a new work item for TC 8/SC 5.

Dr. Ehrlich said he was not entirely against this proposal but would like to see R 49 harmonized with the ISO document as proposed in the letter in Annex G Point 7 of the Working Document. They were, however, against a joint publication with ISO, for reasons he had elaborated earlier.

Mr. Kool said the comment had been noted and would be passed to the TC.

There were no votes against or abstentions.

TC 9:

- Revision of R 60:2000 *Metrological regulations for load cells* as a new work item.

There were no votes against or abstentions.

TC 9/SC 4:

- To cancel the TC 9/SC 4 project p1 *Density value of aqueous sucrose solutions*.

There were no votes against or abstentions.

TC 10/SC 5:

- To withdraw the OIML publications relating to hardness measurement; the list could be found in the documentation.

There were no votes against or abstentions.

- To disband TC 10/SC 5.

There were no votes against or abstentions.

TC 11/SC 3:

- Revision of R 18:1989 *Visual disappearing filament pyrometers* as a new work item.

There were no votes against or abstentions.

TC 12:

- *Instruments for measuring electrical quantities: Allocation of the Secretariat to Australia.*

There were no votes against or abstentions.

TC 16/SC 1:

- Submission of the TC 16/SC 1 draft for a new Recommendation *Instruments for continuous measuring of SO₂ in stationary source emissions* to direct online CIML approval.

Mr. Magaña pointed out that Members had already seen on the web site that this project was offered for preliminary ballot, but had not received enough votes, so it was too late to present it for Members' approval. Either there could be online approval or else the project would have to await approval the following year. He urged all Members to make the effort to vote so that the online approval could go ahead.

There were no votes against or abstentions.

TC 17/SC 1 (humidity):

- Establishment of a Co-Secretariat: China and the USA.

There were no votes against or abstentions.

TC 17/SC 1:

- To withdraw OIML R 121 *The scale of relative humidity of air certified against saturated salt solutions.*

Japan said that they were not against the proposal but many countries had need of such a Recommendation and they wondered if it might be made available, if not as a Recommendation then as some sort of Guide or advisory document. Japan found that table very useful for their internal standard.

Mr. Kool replied that he had received a number of comments suggesting that the Recommendation should be made into a Document. It seemed to him that this was a decision for the Secretariat.

There were no votes against or abstentions.

TC 18/SC 1:

- Revision of R 16:2002 *Mechanical non-invasive sphygmomanometers* as a new work item.

There were no votes against or abstentions.

Resolution 24, listing the publications now withdrawn, was then read.

Resolution 25, listing the approved new work items, and the one cancelled project, was read.

Japan asked the reason for the revision of R 16. Would there be a joint document with ISO, or a separate one? Mr. Kool replied that this was not yet known and was a question for the Secretariat.

Germany considered that the section relating to measuring container bottles was not clear: did this mean revision of the rules within R 138?

Mrs. Lagauterie said that regarding the revision of R 91, it should be put on record that the Committee wished to consider other speed measuring technology in addition to radar. Mr. Magaña agreed that the wording needed to be changed. Dr. Ehrlich said that other technologies could be listed in R 91 or developed separately. Mr. Magaña felt that this was a matter for discussion between the three countries involved. His view was that since they all related to instruments used by the Forces of Order, there should be coherence between the different technologies. Mrs. Lagauterie offered an example relating to gas: previously there had been different Recommendations for different types of gas; now there was a single Recommendation; this seemed to her to be an infinitely preferable solution. Dr. Leitner supported Mrs. Lagauterie in this. Recommendations should be applicable to any form of technology. Mr. Kool said that these comments would be passed to the Secretariat to deal with.

Draft Resolution 26 was then read.

There were no negative votes or abstentions.

Dr. Ehrlich reported that the Members for France, Switzerland and the USA had indeed met as requested. They had agreed that the USA would take the Secretariat and there would be two Working Groups. The first of these would involve all three countries in working towards the revision of R 91 on radar and other similar instruments. Currently there were no plans to do any work on R 55 (speedometers), which did not seem to be in need of revision.

Mr. Magaña said the Working Groups were an internal matter for the TC/SC, but the transfer of the Secretariat to the USA had to be approved by the CIML. There were no comments or objections.

7 Human resource matters

7.1 Amendments to the BIML Staff Regulations

Following the Conference Resolution on financing the OIML Pension Scheme, the proposed amendments to the BIML Staff Regulations were no longer necessary, since they would be dealt with under the Conference Resolution. There were some minor and non-urgent amendments to be made. In 2007 the CIML had asked for a more sweeping and juridically supervised amendment to be prepared, so in the meantime no further adjustment was necessary. More sweeping changes would take place in a year or two. The Bureau therefore proposed the removal of Item 7.1 and the related Resolution from the Agenda.

Dr. Ehrlich asked:

- whether the requirement for voting by secret ballot had been intentionally removed from Article 2; he now understood that it was to be retained.
- whether, in providing assistance for major surgical operations, the BIML bought insurance cover or contributed to specific surgery costs;

- with reference to articles 17.3 and 17.4, concerning travel regulations, why the BIML had elected not to use the French Travel Regulations.

Mr. Magaña replied that since the amendment was being withdrawn, the present system remained in force. However, in the proposed amendment, he had not removed the reference to secret ballot in the nominations for Director and Assistant Director but had simply adopted the Committee's wording. There was no problem in the President asking for a secret ballot if this was appropriate, for example in choosing between two or more candidates for a post. If it was a simple matter of approving a clear choice, it would normally be sufficient for Bureau Staff to leave the room.

Regarding the health issue, the need to meet surgical costs not covered by Social Security constituted a financial risk to the Bureau. To have this risk calculated by an actuary would cost more than actually covering the risk itself. They had therefore opted for taking out an insurance policy. He had proposed putting this in the Staff Regulations but the Bureau had already taken out the insurance.

Regarding travel expenses: the Regulations referred to the French rules, which were very unfavorable for journeys within France, and not even very relevant. For example, if they had to reimburse a foreign expert coming to France, the French rules could not be applied. It had seemed to him more appropriate to have a complete internal process for agreeing, organizing and reimbursing all BIML travel. This process would be sent to the Presidential Council for discussion with a view to approval by the President, and any Members who wished to examine it and send their comments to the President would be welcome to do so.

Dr. Ehrlich asked what would happen to the proposals within the now withdrawn Resolution.

Mr. Magaña replied that the existing rules, plus that morning's Conference Resolution, would remain in force and a major revision would take place over the coming year.

Mrs. Lagauterie pointed out that the proposed amendment had contained references to pension entitlements. The previous year, one Member of the BIML staff had asked for certain monies to be allowed for in the 2007 budget. She wished to know who had authorized the granting of these monies – the CIML or the President?

Mr. Magaña replied that this request had been made to the Accountant. The Accountant had not considered it outside the rules and had included it in an individual account. An Auditor had then assessed it in the light of a possible renouncing of pension rights. The statutes therefore needed to be changed. Such questions would now be decided by the President, with the aid of a qualified international Auditor. The President would have a certain freedom of action but would give an account of his decision to the Committee thereafter. The matter was complex; it could be considered in detail and could take up a lot of time. This was why the Conference had decided to leave it to the discretion of the President.

Mrs. Lagauterie said she fully understood that future decisions of this sort would be left to the President but it was not clear to her that this decision of the 2008 Conference applied retrospectively to the request made in 2007.

Mr. Magaña said the monies had not been paid but had been written into a separate individualized account so that it could be assessed. The decision as to whether to pay the sum or not had not yet been taken.

7.2 Renewal of the Contract of an Assistant Director

Mr. Johnston asked all BIML Staff and representatives of liaison organizations to leave the room. Member States and Corresponding Members might stay though only CIML Members had the right to vote. The ballot would be verbal rather than secret, unless any Member objected: none did so. The recording was stopped.

Mr. Johnston congratulated Mr. Dunmill on his unanimous reappointment as Assistant Director. A Resolution was drafted to confirm this.

Mr. Dunmill thanked Members for their confidence and stated that he would continue to do his work in the BIML to the best of his ability.

9 Future meetings

9.1 44th CIML Meeting 2009, Kenya

Mr. Kiarie informed the CIML that everything would be ready to welcome the 2009 CIML Meeting in Kenya. He explained that Kenya was one of the 53 countries on the African continent, located in East Africa with 500 kilometers on the Indian Ocean to the East and Lake Victoria to the West. It was bordered by Tanzania to the South, Uganda and the shores of Lake Victoria to the West and Ethiopia and Somalia to the North. It was roughly the size of France (at 582,000 km²).

Kenya straddled the Equator, making the North of it in the Northern Hemisphere and the South in the Southern Hemisphere, so it could be said to belong to both the Northern and Southern Hemispheres. There were two main languages: the official language, which was English and the national language which was Swahili. A little Swahili went a long way in Kenya and most Kenyans were thrilled to hear visitors attempt any Swahili at all.

Kenya was a package holiday destination. It had an all the year round climate that was sure to give any holiday maker a memorable experience. Although there were two main rainy seasons, the long and short rains between April and early June and the short rains during November, the rain never lasted long enough to spoil the day. Temperatures varied from 15 °C and 31 °C in different parts of the country. Most areas were warm during the day, with chilly nights making the experience very special.

Kenya's wilderness areas were famous worldwide and represented far more than could ever be expected, protecting and showcasing a broad range of habitats and species. The animals that could be seen included the fabled "big five": elephant, lion, buffalo, leopard and rhino. Others include zebras, wildebeest, cheetah, giraffe, hippo, crocodile and a wide variety of bird life. By taking a beach safari on the Coral Reef protected coast, it was also possible to encounter tropical fish, dolphins, sea turtles and much more.

There were specialized tour operators who could prepare tailor made holidays to take care of any individual's needs. Kenya's location on the Equator meant that the sun rose and set at similar times each evening, with little change in its year round temperatures. The famous annual migration of wildlife between the Kenya and Serengeti National Parks, which took

place between July and October and involved almost two million wildebeest, zebras, gazelles and other species, was Nature's greatest spectacle on earth.

Kenya was also considered to be the greatest country in Africa for bird watching, with over one thousand recorded bird species. Mr. Kiarie drew Members' attention to "A to Z lists of Kenyan Bird Species" on the website www.magicalkenya.com, run by the Kenyan Tourist Board.

Kenya offered over 500 km of spectacular white sand Indian Ocean beaches. Mombasa was the main city in this area and its airport received many international flights and also internal flights from other parts of the country and especially the capital city Nairobi.

Mombasa itself was an island steeped in East African history and culture. A walk through the old town was like a walk through time, from Arab rule to Portuguese and back to the modern day.

Kenya's Indian Ocean coast offered a typical tropical beach experience. With its fine white sand beaches, crystal clear azure waters, protected coral reefs, broad range of hotels and resort facilities, water sports and diving opportunities, year round warm temperatures, balmy breezes, local culture and history and great local cuisine including locally caught seafood.

Kenya was the home of the word safari, which meant "take a journey", to escape. In Kenya it was possible to experience a different safari every day. The country offered an endless array of activities; these included wildlife spotting by four wheel drive, horseback, camel back, walking, night game drives, hot air balloon and mountain biking.

Kenya held the world record for the most birds seen in one country in one day. At Lake Nakuru it was possible to see up to two million pink flamingos on one lake. There were 32 eighteen hole golf courses. Kenyan athletes were world renowned; they had recently been outstandingly successful in the Beijing Olympics and in the Golden Jackpot. Water sports activities included scuba diving, snorkeling, swimming with dolphins, swimming in coral reef protected waters, sailing, deep sea fishing, sun bathing on white sand beaches and more.

When it came to shopping, traditional handicraft products included beadwork, wood carving, basketry and pottery. Hiking, trekking and rock climbing could be enjoyed at a variety of altitudes, as easy or as challenging as the visitor wanted them to be. Cultural safaris could be arranged, for example a visit or home stay with a family in one of Kenya's 42 cultures. Agro Safari Kenya was the world's largest exporter of cut flowers, tea and pyrethrum. A tour of the farms could be arranged.

Kenya was a growing destination for those looking for a spectacular wedding and honeymoon venue - and with fabulous hospitality, who could blame the bride and groom for heading to this great destination!

There was just as much variety in the types of accommodation available in Kenya as in its terrain. The sheer breadth of accommodation offered would come as a pleasant surprise to those unfamiliar with what Kenya had to offer. The spectrum ran from five star hotels, to exclusive lodges and bush homes, to budget camping and all-inclusive beach resorts. Quality in the Kenyan hospitality arena had kept on improving with almost all properties being renovated or having a face lift to improve on this front. Many new properties were opening up with the latest entry being the boutique hotels which had now invaded Nairobi!

Kenya had a good network of domestic flight carriers and small airstrips which allowed easy access by air to the coast, major game parks and Western Kenya. Domestic taxes were included in ticket or charter costs. Internal domestic flights were dominated by Kenya Airways, Air Kenya and Safarilink, recently joined by Jetlink and Fly 540. There were also domestic air charter operations in Kenya which catered for individuals and groups and provided an ideal way to visit remote areas or avoid long drives between parks.

Mr. Kiarie told the CIML that visitors could drive themselves as long as they had an international driving license. Kenyans drove on the left hand side and distances were measured and signposted in kilometers with petrol and diesel sold by the liter.

Taxis were widely available in the major towns and cities all over the country, and within Nairobi and other cities and towns Kenyan buses operated on set routes and schedules and could be boarded at any stop and tickets purchased on board. Buses also run across borders into Uganda, Tanzania and Ethiopia.

To get to Kenya, delegates were advised to use an agent from their country of origin to find them a quality tour operator that met their budget and travel expectations. Kenya's Association of Tour Operators (KATO) official web site www.katokenya.org listed all its members. The Kenya Tourist Board (KTB) official web site www.magicalkenya.com provided web site links to several tour operators in Kenya. It was also possible to go to "travel & tours" sections and research these operators oneself.

Mr. Kiarie asked delegates what they were waiting for; they should make that journey to Kenya either in October 2009 or even sooner, and remain to make a safari to Kenya or elsewhere in Africa.

Mr. Johnston thanked Mr. Kiarie for his very comprehensive presentation. He asked Members whether they would endorse the plan to have the 2009 CIML Meeting at the Whitesands Resort in Mombasa, Kenya.

There were no votes against or abstentions, so the invitation was gratefully accepted. Mr. Johnston then invited Ms. Carol Hockert to speak of the 2010 CIML.

Ms. Hockert expressed her pleasure at inviting the Committee to Orlando, Florida, USA from 19 to 24 September 2010 for the 45th CIML Meeting. After considering a number of venues in the United States, Orlando had been chosen for its ease of access, its hospitable climate and for its cost effectiveness. There were a number of hotels and plenty to do.

Mr. Johnston thanked Ms. Hockert.

Mr. Ramírez Antúñez, of Cuba, said that before an arrangement to meet in the USA was made, he wanted assurances that the US Government and the OIML would guarantee that it would be possible for all CIML Members to attend. In many cases, the USA would not issue visas for Cuban citizens to attend cultural events. It was a basic condition of CIML Meetings, that they were open to all Members who wished to attend. He asked the Meeting to take note of this situation.

Ms. Hockert promised to investigate the accessibility issue but did not anticipate any visa problems arising.

Mr. Ramírez Antúñez cited the example of the ISO meeting held in the United States: Cuba had been unable to participate because in many cases entry visas could not be obtained.

Mr. Johnston said that ISO was not a Treaty Organization; the rules might be different. The USA did not anticipate any problem and had undertaken to look into the matter.

Mr. Johnston asked for votes; the motion was passed.

Mr. Johnston also announced that, subject to approval from the Canadian government, the APLMF Meeting would be held in Vancouver in 2010. It was hoped that the two meetings could be coordinated in order to reduce travel costs.

Mrs. Lagauterie asked for the dates of the Kenya CIML.

Mr. Magaña replied that dates had not yet been finalized but the last week of October seemed probable, or else, just possibly, the first week of November.

10 Other matters

Awards

Mr. Johnston stated that the first of the two Awards went to Dr. Peter Pákay, from Hungary. He had great pleasure in making this award to Dr. Pákay, whom he had known since 1994. They had enjoyed a number of good discussions, and Dr. Pákay had been an active contributor to the OIML activities over the years. He had a Ph.D, and had worked his way through the Hungarian hierarchy to become Vice-President of the OMH, which was the Hungarian National Office of Measurement. From 1982 he had been the President of the OMH and the Member of the CIML. He had promoted the implementation of OIML Recommendations and Documents within the Hungarian system. Mr. Johnston was delighted to present a certificate and medal to such an active and personable Member.

Thanking Members, Dr. Pákay said that he was surprised to receive this Award. He hoped he would still have time to work on behalf of the OIML.

Mr. Johnston then presented an award to Mrs. Hiroe Sakai, from Japan. Mrs. Sakai had entered the AIST in 1973 and had held a variety of posts with that Agency for nearly 35 years. She was said to be planning to retire in the near future, though knowing Mrs. Sakai, Mr. Johnston felt that this merely meant she would be moving on to something else. Mrs. Sakai had joined the International Relations Group NMIJ/AIST in 2001, and since then, as OIML Coordinator, she had assisted the Japanese CIML Member to coordinate opinions among METI, NMIJ and stakeholders and served as the Japanese contact for foreign countries and institutes in the field of legal metrology. She had particularly enjoyed organizing the 2003 Meeting in Kyoto and the 2007 R 60/R 76 CPR meeting in Tsukuba.

She had made a notable contribution to the start up of the MAA by establishing detailed procedures and formats in close cooperation with the BIML. Mr. Johnston had also had the pleasure of being taken care of in Japan by Mrs. Sakai who was a very organized individual; one could be sure that everything she undertook would be done well and on time. Mr. Johnston had great pleasure in offering her this Award.

Mrs. Sakai thanked all those present for the honor and joy they had given her in presenting her with this Award. She had been concerned with metrology for almost 35 years (apart from a break of about five years). For the 30 years she had been working in the field, she had been committed to both the OIML and the Metre Convention, to the promotion of metrology standards and to several programs of assistance to developing countries. The most memorable event for her had been the Kyoto CIML Meeting in 2003. In that year, under the guidance of the OIML, the MAA had been approved; she hoped that the MAA would go from strength to strength and that any problems would be overcome rapidly.

Finally, she thanked Dr. Miki, who was present, and Dr. Tanaka, the previous Japanese CIML Member, both of whom had encouraged her to work harder so it was thanks to them that she was receiving this Award. Mrs. Sakai also thanked the Metrology Policy Office of METI and Japan's legal metrology circle for the advice and support they had extended to her through those years.

Mr. Johnston also wished to acknowledge Mr. Gep Engler, of The Netherlands, whose last Meeting this was. Mr. Engler had been a strong contributor to the OIML for a long period of time and he would be missed by the CIML. However, they hoped he would return in future in the form of a private consultant. It had been an honor to know Mr. Engler and Mr. Johnston wanted to acknowledge all the hard work he had done over the years for the Organization. He was sure that the OIML would be very pleased if Mr. Engler could continue to work for it in some way after his retirement in January.

Resolutions

Mr. Kool introduced the Resolutions.

Resolutions 1, 2 & 3: Passed without abstentions or “no” votes.

Resolution 4: Mr. Magaña considered, in consultation with Members, that this Resolution need not be altered. It was passed unanimously.

Resolution 5: Altered to take account of the Conference’s ruling on the situation in Cameroon and then passed without abstentions or “no” votes.

Resolution 6: Passed without abstentions or “no” votes.

Resolution 7: Switzerland and France abstained. Mr. Richard explained that this was because the subject of the Presidential Council meeting had been passed over rather too quickly: he would have liked a written account of the Presidential Council decisions to back up the President’s oral report. Mr. Magaña said note had been taken of this comment.

Resolution 8: Passed without abstentions or “no” votes.

Resolution 9: The Netherlands asked for an addition to the text to the effect that these Awards were for developing countries. This being done, the Resolution was then passed without abstentions or “no” votes.

Resolutions 10, 11, 12, 13 and 14: Passed without abstentions or “no” votes.

Resolution 15: Mrs. Lagauterie commented that the Committee had heard some very interesting presentations from international organizations but she considered that it was regrettable that the RLMOs themselves could not have been heard even briefly.

Mr. Magaña replied that this had indeed happened in the past but that presentations had often been very formal and a number of Members had commented that much fundamental information was repeated every year. For this reason the Round Table had been set up so that the Regions could have discussions among themselves. Time was particularly short this year because the Conference reduced the time available for the CIML. There were seven or eight Regional Organizations, each of which would require 20 or 30 minutes to make a presentation, so it was easy to see how time consuming the process was. There would be further discussions on this matter, and Mrs. Lagauterie’s comment had been noted.

Mr. Birch expressed opposition to hearing the presentations of the Regional Legal Metrology Organizations at the CIML. There was a strong case for making more information available to CIML Members on the web site and through the Bulletin, but he did not feel it was useful for these presentations to be made every year during the CIML Meeting.

Mr. Magaña added that the presentations made at the Round Table were already online, and could be consulted at Members’ leisure. It was possible to disseminate much fuller information in this way than by presentations at the CIML.

The Netherlands reminded Members that when this Resolution had been discussed on Tuesday there had been more emphasis on the last part of the Resolution than on signing an

MoU, which had been described as a possible outcome rather than a major aim. The present wording seemed to place the emphasis on the MoU.

Mr. Kool read the amended wording and the Resolution was passed without abstentions or “no” votes.

Resolution 16: Mr. Flandrin stated that, possibly due to less than accurate translation, Resolution 16 did not seem quite comprehensive enough in the term it used to refer to the number of Organizations it affected.

Mr. Magaña replied that the French translation should be seen as including all possible relevant bodies.

The Resolution was then passed without abstentions or “no” votes.

Resolutions 17 and 18: Passed without abstentions or “no” votes. In the wording of Resolution 18, Mr. Valkeapää was not sure whether it was always correct to refer to the three parts of the Recommendation; surely the Test Report Format was the important thing. There was also a reference to the OIML Basic Certificate System, but this did not exist, and he felt that calling it "Basic Certificate System" made it sound less valuable.

Mr. Magana agreed that certain Recommendations had two rather than three parts. The words “all parts” or “Test Report Format” would be preferable. As for the use of the term “Basic Certificate”, this had come from TC 3/SC 5, which wished to use this terminology to distinguish this type of Certificate from those of the MAA.

Dr. Ehrlich, on behalf of TC 3/SC 5, confirmed that for the sake of clarity an adjective was needed to distinguish between the "old Certificate System" and the "new one", and that the Committee had selected this term.

Mr. Magaña said they could be described as “Certificates issued without a DoMC”, but this would make the phrasing rather cumbersome and might not be generally accepted.

Mrs. Lagauterie wondered what Issuing Authorities were expected to do – did TC 3/SC 5 expect them to include the term “Basic” on OIML Certificates?

She also raised a question on the wording in the second paragraph: she had believed that the two types of Certificate would not continue to co-exist indefinitely and she felt this was not clearly enough expressed.

Mr. Magaña thought the use of the word “Basic” could give rise to endless discussion and would best be referred back to TC 3/SC 5 and the CPR. He himself would prefer to keep the term to avoid ambiguity. As for the second paragraph, here again he thought the decision was a matter for the CPR.

Mr. Kool said he had discussed this matter with several people. He believed that the intention was to allow Certificates to be issued based on previous Recommendations as well as the latest; however, some limit should be placed on this. Either a fixed limit could be imposed, or else it could be said that not more than two versions of a Recommendation could be used. He suggested coming back to this issue at the 2009 CIML Meeting when there had been more time for thought.

Mr. Valkeapää still thought the word “all” was problematic. Some Recommendations were so old that they contained no Test Report Format, and so did not fit into the Certificate System; he suggested that the Resolution should refer merely to the Test Report Format. He also considered that if the word “Basic” were removed it could easily be identified by reference to Publication B 3, in which way it was absolutely clear what was meant.

Dr. Ehrlich, on behalf of TC 3/SC 5, said that they were looking for guidance from the CIML on this matter, because they were in the process of revising B 3 and wished to circulate a draft of this for comment before the 2009 CIML Meeting. He also asked Mr. Valkeapää to clarify whether he was suggesting that the Certificates should be referred to as "OIML B 3 Certificates".

Mr. Valkeapää said that he would be happy if this were done.

Mr. Magaña suggested that the word “Basic” be replaced by “B 3”.

Russia considered that this change was not necessary because it would necessitate many major changes in other Documents as well as to B 3. People were used to the term “Basic” so why change it?

Mrs. Lagauterie stated that if the wording of the second paragraph were not changed and no limit were stated, France would be obliged to vote against it.

Mr. Magaña said that it was going to be impossible to achieve total unanimity. A choice had to be made and he suggested that they choose the wording proposed by the Technical Committee in charge of the project.

Dr. Ehrlich said that paragraph 2 expressed the opinion of the members of TC 3/SC 5 which they had presented to the CIML and which had not given rise to sustained opposition there. He preferred the term “Basic” to “B 3”, and this had also been the opinion of the Committee.

Mr. Magaña pointed out that these were consensus proposals from both TC 3/SC 5 and the CPR. He thought they should therefore pass to the vote without spending further time on it, even if this gave rise to some negative votes.

The Netherlands suggested, with reference to Mr. Kool’s remarks, that not all previous versions should be retained, but only the latest one and the one before. This might go some way towards solving the problem. There had never been an intention to keep everything open for ever – it was a matter of how the relevant sentence was read.

Australia expressed their intention of voting, like France, against the motion, on the basis of multiple versions of superseded Recommendations remaining valid for the production of OIML Basic Certificates.

Mr. Valkeapää asked whether the title of OIML B 3 would be changed to “OIML Basic Certificate System”.

Dr. Ehrlich replied that this was the intention of TC 3/SC 5.

Mr. Valkeapää suggested that the term “immediately preceding version” be used in place of “earlier version” for the sake of clarity. He reminded the Meeting that the OIML was an Organization setting international standards in metrology regulations. The goal of harmonization could not be achieved if superseded Recommendations were retained as a basis

for Certificates. The preceding version could be allowed because not all countries were in a position to adjust their legislation immediately after a revision of a Recommendation.

New Zealand stated that they had assumed that earlier versions of Recommendations could be used during a transitional period only, to allow industry and regulators to get up to date with the new version. Perhaps they might insert something like “for a transitional period to be determined by the CIML at a later date”.

Mr. Magaña reminded Members that this matter had already been discussed the previous Tuesday, and that these were interim arrangements only, since B 3 and B 10 were due to be revised shortly, which would render the current discussion irrelevant. The matter of terminating the issuing of Basic Certificates would come up for discussion again in 2010. It was not worth discussing how long superseded Recommendations remained valid, since the situation would soon come to an end. He suggested voting on the original Resolution, despite the possibility of some negative votes.

Dr. Ehrlich seconded this proposal; the Technical Committee had taken note of Members’ views and would keep them in mind in the imminent revisions.

Resolution 19: France voted “no”.

Resolution 20: Passed without abstentions or “no” votes.

Resolution 21: Australia reiterated their objection to seeing a revised Certificate being issued on the basis of a superseded Recommendation, whether under the Basic System or the MAA. This would create an inequity in the market place.

Prof. Schwartz said the reason for including this was the need to preserve some flexibility when only minor changes, for example company names, had been made to the Publication.

Australia replied that if the changes were only minor editorial ones they saw no problem, but that this needed to be clarified in the wording of the Resolution.

The Resolution was put to vote. There was one negative vote and some comments which Mr. Magaña said would be taken into account.

Resolution 21a: France (and proxies for Belgium, Morocco and Monaco), Finland (and proxy for Denmark), Spain (and proxy for Portugal), Australia, Sweden and Cuba voted against – 11 in total. Six countries: Germany, The Netherlands, China, Austria, Russia, and Czech Republic abstained.

The Resolution was thus rejected.

Resolutions 22, 23 and 24: Passed without abstentions or negative votes.

Resolution 24: Mr. Magaña commented that approval of Resolution 24, provisionally approved on Tuesday, had been anticipated and the withdrawal of these Publications had been sanctioned by the Conference.

Resolution 25: Germany said that they were not against this Resolution but would like clarification on the requirements in R 138, so that it said clearly that it was a revision of the said Recommendation and not a new one. As it stood, it could be interpreted either way.

Mr. Kool recalled that the discussion on Tuesday had come to the conclusion that the first priority was to look at revising the requirements, after which a decision could be made as to

how best to proceed – by including it in R 87 or in R 138 or by having a separate Recommendation.

Dr. Ehrlich said that, though he agreed with what Mr. Kool had just said, he shared Germany's opinion that the existing words were rather ambiguous.

Mr. Magaña commented that if the wording were changed, the wording in the Conference Resolution would also have to be changed, which could not be done without re-convening the Conference. The point seemed to him very theoretical. TC 6 would revise the requirements and then either propose a new Publication or not. This would take time and there could be further discussion later.

Germany did not think the problem lay with the Conference Resolution. The Secretariat had promised to look again at the wording and improve it in the light of the CIML discussion. If no change were made, Germany would vote no.

Mr. Carstens answered that he had agreed to revise the requirements in R 138 so that it would be up to date and relevant. If there proved to be a need, they could propose a new Recommendation. He did not think they had the right suddenly to decide on a new Recommendation, and thought the agreement alluded to above should suffice.

Mr. Magaña commented that it seemed to him that the wording as it stood referred to the wording of R 138 within R 138. This seemed to him to respond perfectly to the wishes of both Germany and the USA. If, in the course of this work, TC 6 were to come to the conclusion that a new Recommendation were necessary, this request would be brought to a future CIML Meeting as a new project.

Mrs. Lagauterie said that for R 91 it had been decided that the revision did not limit the TC to studying only radar – a change of title might be needed. She hoped this did not inconvenience anyone.

Mr. Magaña said the title of R 91 would not change, whatever was studied.

Mr. Kool reminded delegates that the present voting was meant to be an endorsement of matters already discussed and decisions taken. This was not the moment to return to the detail of these decisions.

Germany voted against; there were no abstentions. The Resolution was therefore passed.

Resolution 26: Passed without abstentions or negative votes.

Mr. Valkeapää pointed out that the Conference had decided on the revision of D 1. He wondered if the CIML should take note of this, or take any further action on it.

On the basis of this, a new **Resolution 27** was drafted, read and passed without abstentions or negative votes.

Resolution 28 having been deleted, **Resolution 29** was read and passed without abstentions or negative votes.

Resolution 30: Passed without abstentions or votes against.

Resolutions 31 and 32: Passed without abstentions or negative votes.

Mr. Johnston asked whether any Member wished to bring up any other matter. He thanked Messrs. Magaña and Kool, and also thanked Members for their participation. He said he had taken note of the advice on improving the sending of information to Members. He wished everyone a good trip home, said he looked forward to seeing them the following year in Kenya, and closed the Meeting.