



**TC3 / SC5 Votes on: B10 2CD**  
**Including the use of MTLs**

	<b>P- Member</b>	<b>Vote</b>	<b>Comments</b>
1	AUSTRALIA	Yes	Yes
2	AUSTRIA		
3	BELGIUM		
4	BRAZIL		
5	BULGARIA	Yes	No
6	CANADA	No	Yes
7	CUBA		
8	CZECH REP.	No	
9	DENMARK		
10	FINLAND	Yes	
11	FRANCE	Yes	No
12	GERMANY	Yes	No
13	JAPAN	Yes	No
14	KOREA		
15	NETHERLANDS	Yes	Yes
16	NORWAY	Yes	
17	P.R. CHINA	No	No
18	POLAND	No	Yes
19	ROMANIA	Yes	No
20	RUSSIAN FED.	No	No
21	SOUTH AFRICA	Yes	No
22	SPAIN	Yes	
23	SWEDEN	Yes	
24	SWITZERLAND	Yes	No
25	UNITED KINGDOM	Yes	Yes
26	UNITED STATES	No	Yes

Votes for Yes            14  
53.8%



**TC3 / SC5 Votes on: B10 2CD**  
**Votes on the draft resolution**

	<b>P- Member</b>	<b>Vote</b>	<b>Comments</b>
1	AUSTRALIA	Yes	No
2	AUSTRIA	Yes	No
3	BELGIUM		
4	BRAZIL		
5	BULGARIA	Yes	No
6	CANADA	Yes	No
7	CUBA		
8	CZECH REP.	Abs	
9	DENMARK	Yes	No
10	FINLAND	Yes	
11	FRANCE	Yes	No
12	GERMANY	Yes	No
13	JAPAN	Yes	No
14	KOREA		
15	NETHERLANDS	Yes	Yes
16	NORWAY	Yes	
17	P.R. CHINA	Yes	No
18	POLAND	No	Yes
19	ROMANIA	Yes	No
20	RUSSIAN FED.	No	No
21	SOUTH AFRICA	Yes	No
22	SPAIN	Yes	
23	SWEDEN	Yes	
24	SWITZERLAND	Abs	Yes
25	UNITED KINGDOM	Yes	No
26	UNITED STATES	Yes	Yes

Votes for Yes            18  
69.2%



**TC3 / SC5 Comments on: B10 2 B2 CD**  
**Option with the use of MTL results**

Member	Clause	Comment	Secretariat comments (with the assistance of Germany)
AUSTRALIA	General	1. We regard including MTL results in the MAA even on a voluntary basis as a second best option. We would prefer the status quo with MTL results allowed in the OIML certificate and not allowed in the MAA. This provides a clear distinction that avoids confusion for both manufacturers and utilising participants.	Will be voted on at the 46th CIML meeting.
AUSTRALIA	General	2. We see no reason to introduce the option of peer review for MTLs. We would much prefer 3 <sup>rd</sup> party accreditation by an ILAC signatory.	This would be against the agreed principle to treat all test laboratories the same.
AUSTRALIA	General	3. We are concerned about the resources required to accredit (or peer assess) MTLs. We can imagine that there may be hundreds of MTLs in Asia that would request assessment and OIML would need to provide an expert assessor.	This number is very unlikely.
CANADA	General	The proposed amendment to 2nd CD B10 that would allow OIML Evaluation Reports to include tests issued by MTLs is a good start but the document, as proposed, is incomplete. Specific sections of ISO/IEC 17065.2 to complement the amendment to 2nd CD B10 were discussed at the last TC3/SC5 meeting and forwarded in entirety by Canada (see attached); however, these were not included in the amendment.	It has been agreed by TC3/SC5 not to make ISO 17065 accreditations or other external assessments mandatory for Issuing Participants/ Authorities.
CANADA	General	Because the TC3/SC5 decided at its first meeting that it was recommended but not required for OIML Issuing Authorities (and also for OIML Issuing Participants and their Testing Laboratories) to be accredited or peer reviewed to ISO/IEC 17065, it is important to include the minimum requirements pertaining to impartiality that Canada proposed.	see comment above
CANADA	3.19	It should be noted that initially the discussions were only referring to self-test now the proposal allows for third-party testing by an MTL (see definition 3.19).	This has been added on request of the UK.
CANADA	4.4	Section 4.4 eventually should be modified to require that OIML Issuing Authorities comply with ISO/IEC Guide 17065.2 and that they show compliance through accreditation or peer review.	see comment above
CANADA	4.4	Section 4.4 eventually should also be modified to state that Testing Laboratories are required to show compliance to ISO/IEC 17065.2 because section 6.2.2.4 of ISO/IEC guide 17065.2 states: <i>6.2.2.4 The certification body shall: b) ensure that the body that provides outsourced services, and the personnel that it uses, conform to requirements of the certification body and also to the applicable provisions of this International Standard and the certification scheme, including competence, impartiality and confidentiality.</i>	ISO 17065 does not apply to test laboratories



**TC3 / SC5 Comments on: B10 2 B2 CD**  
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CANADA	4.5.5	Should MTLs be used, section 4.5.5 of the proposed amendment to 2nd CD B10 should see its last sentence be deleted and modified to read: "Several Issuing Participants may designate the same MTL."	No, this has been discussed 2008; in that special case there must be provisions to ensure full responsibility taken by one principal Issuing Participant for an MTL.
NETHERLANDS	General	The Netherlands strongly support the OIML Mutual Acceptance Arrangement (MAA) and, although not opposed to the suggested inclusion of MTL results in OIML B-10, is of the opinion that the general principle of mutual acceptance of MAA certificates should not be affected in a negative sense. Any such tendency as result of including MTL in OIML B-10, should be counteracted. In case this inclusion would endanger the acceptance of MAA certificates, alternatively implementing of MTL in OIML B-3 should be considered.	The experiences with the IECCE CB scheme have shown that Supervised Manufacturer's Testing Laboratories (SMTs), which are comparable to MTLs under the MAA, are fully aware that cheating will kick them out of the system immediately, and will lead to the cancellation of all certificates concerned, and will, in addition, damage their (worldwide) reputation. There is no risk for the MAA certificate system, because the concept of controlled supervision is strict enough to detect possible cheating and removal of a respective MTL from a DoMC.
NETHERLANDS	3.19	The definition of MTL includes a note which specifies that "A testing laboratory of a manufacturer that conducts tests only for other companies is considered as a third-party (subcontracting) test laboratory, and not as an MTL." What is still not clear is where an MTL conducts testing for other companies, in addition to testing of its own products, can it be considered as a third-party (subcontracting) test laboratory when testing other company's products? The current definition seems to imply that an MTL cannot be considered as a third-party (subcontracting) testing laboratory when it also tests its own products. The definition needs to be improved/clarified to indicate that a test laboratory of a manufacturer can be considered as both an MTL and a third-party (subcontracting) testing laboratory, and will be listed as such in the DoMC, i.e. when testing other company's products the requirements for third-party labs must be satisfied and when testing its own products the full MTL requirements must be satisfied.	Agreed. This has been considered in section 3.1 of the (revised) TC3/SC5 report on MTLs (dated 22 March 2011).
POLAND	General	Conflict of interests in activity of MTLs is still existing and additional requirements for them can only minimise risk, that MTLs results favour instruments of mother organization. The Participant that utilises OIML MAA Type Evaluation Reports should have confidence in them. Adding MTLs to MAA system is an opportunity for big manufacturers, but produces many objections for small potential users of MAA certificate. The final results will be, that many countries might not participate in DoMC in future. The main objective of the MAA is to increase confidence in OIML Certificates. Introducing the MTLs to MAA may decrease confidence to Certificates, what is against the main objective.	There are very strict safeguards foreseen for MTLs, especially the concept of "controlled supervision by the Issuing Participant" practically means a kind of witnessing of each individual test by the Issuing Authority.



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UK	4.5	<p>The document "01-TC3SC5 Report MTL" outlines requirements in the 2nd paragraph of 2.4 relating to intercomparisons before acceptance of an MTL into a DoMC. The intercomparison appears to be limited to the internal and/or subcontracting laboratory of the Issuing Participant. This creates problems when the internal and/or subcontracting laboratory of the Issuing Participant does not have the necessary capability to perform an intercomparison. At the meeting of TC3/SC5 in October 2010 it was agreed to allow an intercomparison with any testing laboratory listed in the DoMC (which appears to be the case in the 1st paragraph of 2.4). This alternative needs to be included in the document.</p> <p>The document B-10 needs to reflect the requirement specified in the above-mentioned document and this section of B-10 appears to be the best place to include this.</p>	Agreed. This has been considered in section 2.4 of the (revised) TC3/SC5 report on MTLs (dated 22 March 2011).
UK	7.5	<p>The criteria need to be revised to permit people with 'experience of <u>assessing</u> type evaluation' to be accepted as the current requirement is too restrictive. At present, the criteria only permit people who are <u>performing</u> type evaluation to become an expert. However, technical experts from NABs, who have a number of years assessing/evaluating type evaluation tests, etc., may not be deemed to be competent under the current criteria whereas they are deemed competent by the NAB. All because someone <u>performs</u> type evaluation does not necessarily mean that they would make a good technical expert/assessor. This knowledge can only be demonstrated as part of an assessment team. 'Experience' could be defined as 'a minimum of x years participating in the assessment of type evaluation on behalf of a NAB'</p>	This is not specially related to the MTL issue, but touches the criteria for technical and metrological experts under the MAA in general. It is doubted whether there is a majority for that proposal in TC3/SC5.



**TC3 / SC5 Comments on: B10 2 B2 CD**  
**Option with the use of MTL results**

Member	Clause	Comment	Secretariat comments (with the assistance of Germany)
US	General	<p>1) The NCWM has voted yes on the resolution to allow member countries to accept and utilize MTLs and test results on a voluntary basis. The NCWM will not accept manufacturer test data to issue an NTEP certificate. Please see the U.S. position below.</p> <p>2) The NCWM has voted no on the OIML B10 document with MTLs. The proposal is in conflict with the current NCWM position.</p> <p>U.S. Position:            Current NCWM NTEP Administrative Position States: "NTEP will not accept test data from manufacturers unless there is an Issuing Authority representative on-site at the manufacturer's site to supervise 100% of the testing."            The issue is not MTLs because the U.S. and NTEP have routinely utilized MTLs to conduct evaluations when deemed appropriate. The issue is the acceptance of manufacturer test data to be used toward issuing a certificate. The NCWM position clearly requires an Issuing Authority representative be present when testing is conducted and test results are recording when the results will be used to issue a certificate.</p>	<p>1) The resolution to be put forward for voting at the 46th CIML meeting will leave the freedom for any Participant in a DoMC to make, or not make, use of test data from MTLs.</p> <p>2) The implementation of certain "MTL rules" in B10 - as proposed in chapter 3 of the TC3/SC5 report on MTLs - will have to be a necessary consequence if there is a positive vote on the MTL resolution at the 46th CIML meeting. The "B10 with MTLs" vote was intended to accelerate the process of inclusion of such MTL rules in B10 after a positive CIML vote on that resolution. As there was not sufficient support for an accelerated process the MTL rules to be included in B10 will require further discussion in TC3/SC5 if the CIML votes yes on the MTL resolution.</p>



# TC3 / SC5 Comments on draft resolution for the use of MTL results

Member	Clause	Comment	Secretariat comments (with the assistance of Germany)
NETHERLANDS	General	The Netherlands strongly support the OIML Mutual Acceptance Arrangement (MAA) and, although not opposed to the suggested inclusion of MTL results in OIML B-10, is of the opinion that the general principle of mutual acceptance of MAA certificates should not be affected in a negative sense. Any such tendency as result of including MTL in OIML B-10, should be counteracted. In case this inclusion would endanger the acceptance of MAA certificates, alternatively implementing of MTL in OIML B-3 should be considered.	The experiences with the IECEE CB scheme have shown that Supervised Manufacturer's Testing Laboratories (SMTs), which are comparable to MTLs under the MAA, are fully aware that cheating will kick them out of the system immediately, and will lead to the cancellation of all certificates concerned, and will, in addition, damage their (worldwide) reputation. There is no risk for the MAA certificate system, because the concept of controlled supervision is strict enough to detect possible cheating and removal of a respective MTL from a DoMC. B3 includes already the MTL option.
POLAND	General	Poland has voted "NO" for the OIML B10 with MTLs. According to the "EXPLANATORY NOTE for CIML", which is presented in document "OIML B10 with MTLs", the MAA resolution should be voted rather in case of positive vote for the OIML B10 with MTLs. Regarding of that, the rule of accepting of certificates based on MTLs results on voluntary basis is in contradiction to general rule of obligatory certificate acceptance by participant of MAA system.  Additionally we suggest, that (in future) voting form should use strictly the same terminology as voted document. Voting form of MAA Resolution includes statement, that "OIML MAA Evaluation Reports that contain test results from MTLs may be accepted by Participants on a voluntary basis" but in OIML B10 have OIML MAA Type Evaluation Reports. Voting such delicate matter as MTLs require precise language.	The implementation of certain "MTL rules" in B10 - as proposed in chapter 3 of the TC3/SC5 report on MTLs - will have to be a necessary consequence if there is a positive vote on the MTL resolution at the 46th CIML meeting. The "B10 with MTLs" vote was intended to accelerate the process of inclusion of such MTL rules in B10 after a positive CIML vote on that resolution. As there was not sufficient support for an accelerated process the MTL rules to be included in B10 will require further discussion in TC3/SC5 if the CIML votes yes on the MTL resolution.  We are sorry for that mistake and have made the necessary correction both in the TC3/SC5 report and the resolution.
SWITZERLAND	General	METAS is fully supporting the TC3/SC5 process and efforts to obtain the recognition of MTLs. We nevertheless still think that the compromise is a bad compromise which endangers and weakens the entire OIML MAA certificate system. This is the reason of our abstention.	As the TC3/SC5 report on MTLs states in its introduction, the proposed resolution is a compromise that "will enable Participants in a DoMC to gain experiences with the new OIML MTL concept which is similar to MTL concepts used in other international certification schemes, such as the IEC CB scheme. It is expected that the second part of the resolution will be reconsidered after a certain time period when sufficient experience has been gained to take stock of the new MTL concept." The secretariat strongly believes that there is no better alternative to that "bad compromise"



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US	General	<p>1) The NCWM has voted yes on the resolution to allow member countries to accept and utilize MTLs and test results on a voluntary basis. The NCWM will not accept manufacturer test data to issue an NTEP certificate. Please see the U.S. position below.</p> <p>2) The NCWM has voted no on the OIML B10 document with MTLs. The proposal is in conflict with the current NCWM position.</p> <p>U.S. Position: Current NCWM NTEP Administrative Position States: "NTEP will not accept test data from manufacturers unless there is an Issuing Authority representative on-site at the manufacturer's site to supervise 100% of the testing." The issue is not MTLs because the U.S. and NTEP have routinely utilized MTLs to conduct evaluations when deemed appropriate. The issue is the acceptance of manufacturer test data to be used toward issuing a certificate. The NCWM position clearly requires an Issuing Authority representative be present when testing is conducted and test results are recording when the results will be used to issue a certificate.</p>	<p>1) The resolution to be put forward for voting at the 46th CIML meeting will leave the freedom for any Participant in a DoMC to make, or not make, use of test data from MTLs.</p> <p>2) The implementation of certain "MTL rules" in B10 - as proposed in chapter 3 of the TC3/SC5 report on MTLs - will have to be a necessary consequence if there is a positive vote on the MTL resolution at the 46th CIML meeting. The "B10 with MTLs" vote was intended to accelerate the process of inclusion of such MTL rules in B10 after a positive CIML vote on that resolution. As there was not sufficient support for an accelerated process the MTL rules to be included in B10 will require further discussion in TC3/SC5 if the CIML votes yes on the MTL resolution.</p>