



**TC3 / SC5 Votes on: B3 3 CD**

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

Votes for Yes

19  
73.1%



# TC3 / SC5 Comments and Secretariat's Replies on: B3 3 CD

Member	Clause	Comment	Secretariat Replies
JAPAN	General	We deeply appreciate dedicated efforts by the secretariat of TC3/SC5 to revise B3 and B10. We particularly appreciate their positive and informative replies to our comments to B3-CD2 and B10-CD1.	Noted. The Secretariat thanks you for your kind remarks.
FRANCE	1.1	<p>The remaining reference to “regional bodies that approve types” in 1.1 seems in contradiction with the answer given by the secretariat to our previous comment on 1.4 (by which we asked to reintroduce the reference to regional certificates in 1.4) . The answer was “</p> <p><i>Not accepted. This paragraph refers to national bodies and not to national certifications. What is a regional metrology? Notified bodies are national bodies. Aren't they?</i></p> <p>In B 10, 3.1: National issuing authority we read National bodies issue national/regional TAC</p> <p>All this should be made coherent</p>	Agree on change of <i>national</i> to <i>national/regional</i> in the note to 1.4
AUSTRALIA	1.2	In Australia (and possibly other countries) it is an offence to sell measuring instruments that do not conform to the approved type. The sanctions are a possible fine and/or the withdrawal of the certificate. So we think the reference to a moral obligation understates the seriousness of the offence.	A Note has been added to 1.2 and 7.4: "Note: In some countries it is an offense to sell instruments that do not conform with the certified type.", and "at least" has been added in the last sentence of the paragraph.
NETHERLANDS	3.12	Suggested editorial change in note: (that means that a Declaration of Mutual Confidence (DoMC) is published for the relevant category) to: (meaning that a Declaration of Mutual Confidence (DoMC) is published for the relevant category)	Agreed. Text has been revised.



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FRANCE	3.14	The splitting of the test in several labs is only possible when it is not in contradiction of the testing procedure of the relevant IR. We suggest to add "Without prejudice of the conformity to the testing procedure of the IR " or similar wording	Agreed. Appropriate wording has been added to Note 2.
FRANCE	3.17	Please delete this definition as this word is never used in the document	Agreed
NETHERLANDS	3.19	When changing "issuing" to "issuance" the article "the" can be deleted.	Changed to "Upon issuance ..." in 3.18
CANADA	4.2	TC3\SC5 decided at its first meeting that it was recommended but not required for OIML Issuing Authorities to be accredited or peer reviewed to ISO/IEC 17065, it is important to include the minimum requirements pertaining to impartiality for the OIML Issuing Authority and their Testing Laboratories as proposed by Canada at the last TC3/SC5 meeting and as forwarded to the Secretariat. Section 4.2 should eventually be modified to require not only suggest that OIML Issuing Authorities comply with ISO/IEC Guide 17065.2 and that they show compliance through accreditation or peer review	Noted. Imposing such a requirement would be a departure of the current 'spirit' of B3, and of what has been discussed and agreed at the TC3/SC5 meetings since 2008.
FRANCE	4.2	Note 1 Thank you for the clarification of the note. However we wonder why at the same time the role of accreditation has been apparently so much reduced (in brackets) . Are now "Internal assessment reports" the preferred route ?	The intention was not to reduce the importance of accreditation; all are considered to be equal.
NETHERLANDS	5.2.2	Suggest editorial change: "...is not required..." to "...is not obliged..."	No change necessary, the two terms are synonymous here.



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CANADA	5.3.1	5.3.1 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>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>	Noted. Imposing such a requirement would be a departure of the current 'spirit' of B3, and of what has been discussed and agreed at the TC3/SC5 meetings since 2008.
NETHERLANDS	5.3.4	Suggest editorial change of: " - the recommendation given in 5.3.2 is followed by the relevant testing laboratory(ies) ..." to " - the way in which the relevant testing laboratory complies with the in 5.3.2 recommended competence issue"	Text of 5.3.4 first bullet point has been changed to read "• a statement or other evidence that the competence of the relevant testing laboratory(ies) has been assessed in accordance with the recommendation given in 5.3.2".
FRANCE	5.4.3	In o) we suggest to replace "if specified" by "as specified"	Agree in principle, but since not all OIML Recommendations contain requirements on measurement uncertainty, "if specified" is more correct.
AUSTRALIA	7.4	We believe this may mislead manufacturers and others about the seriousness of conformity with the approved type. We suggest deleting the word moral and noting in a footnote that non-conformity is an offence in many countries punishable by fines or withdrawal of the approval.	A Note has been added to 1.2 and 7.4: "Note: In some countries it is an offense to sell instruments that do not conform with the certified type.", and "at least" has been added in the first sentence of the paragraph.
NETHERLANDS	9.1.1 <b>b</b>	Not the Certificate is transferred, but the certification is transferred. Adjust as such.	Text has been modified to specify "ownership" of the Certificate.
FRANCE	9.1.6	In new 9.16 reference is made only to 5.1.2 . A reference to 5.1.1 is necessary to make sure that the transfer is not asked by the first applicant without the permission of the manufacturer.	Agreed. Last sentence in 9.1.6 has been modified accordingly.



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<b>Member</b>	<b>Clause</b>	<b>Comment</b>	<b>Secretariat Replies</b>
NETHERLANDS	9.1.6	Like in 9.1.1b not the Certificate is transferred, but the certification is transferred. Adjust as such.	Text has been modified to specify "ownership" of the Certificate.
AUSTRALIA	9.2.1	The issuing of parallel certificates may introduce equity issues. Is it intended that the cost of the original testing will be shared with the original applicant? Should the new applicant also have agreement from the original applicant based on a commercial arrangement?	A Note has been added to 9.2.2: "This includes for example the permission of the original applicant." It is felt that such inquiry would naturally raise the question of equity.