**Information of the Czech Metrology Institute (CMI)**

for manufacturers of non-automatic weighing instruments (NAWIs) and for their authorized representatives

This information is provided by CMI as a Notified Body no. 1383 for conformity assessment of, among others, NAWIs.

Currently, Directive *2014/31/EU on the harmonization of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments is published, entering into force on April 20th, 2016, which will replace so far used Directive 2009/23/EC*. At the same time, the Directive stipulates that since April 20th, 2016 all the NAWIs have to be put on the EU market in accordance with this Directive 2014/31/EU.

A major challenge to manufacturers of NAWIs introduced by this Directive 2014/31/EU might present a change in the way how these NAWIs are marked. Instead of the current markings comprising of a green sticker bearing a capital letter “M”, the new inscriptions and markings as given in art. 16 of 2014/31/EU shall be used comprising of:

* the symbol „CE“ in a graphical way as given by Resolution (EC) no. 765/2008,
* the supplementary metrology marking consisting of the capital letter “M” and the last two digits of the year of its affixing, surrounded by a rectangle (the height of the rectangle shall be equal to the height of the CE marking) and
* the 4-digit identification number of the Notified Body.

Consequently, any NAWI manufacturer has to prepare its approach to an implementation of this change in the markings, especially in the time period closely preceding the date of April 20, 2016 and afterwards.

In this respect the directive expresses the will of the European Parliament and the Council that reasonable transition arrangements be adopted to allow the making available to the market and/or putting into service NAWIs that have already been placed on the market in accordance with the Directive 2009/23/EC before April 20, 2016. *Distributors should therefore be able to supply NAWIs that have been placed on the market*, namely stock that is already in the distribution chain before April 20, 2016, also after this date (see item 46 of the preamble to the Directive 2014/31/EU).

With this provision the definition of the term „*making available on the market*“ is associated – it means *any supply of an instrument for distribution or use* on the Union market in the course of a commercial activity, whether in return for payment of free of charge (see art. 2, item 3 of the Directive 2014/31/EU), and additionally the definition of the term „*distributor*“ (in connection with the use of the term „*distribution*“) which means *a natural of legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market* (see item 6 of art. R1, Chapter R1, Annex I of the Regulation of the EP and Council no. 768/2008).

From the above mentioned follows the **conclusion**:

**Commencing at the latest on April 20, 2016 (see above) it is allowed to make available on the Union market only such non-automatic weighing instruments already placed on the market in accordance with the Directive 2009/23/ES and marked according to this Directive with the supplementary metrology marking with the symbol „M“ printed in black on a green sticker which have already been before this date in the distribution chain with a distributor.**

**Non-automatic weighing instruments still with the manufacturer or the importer are not in the distribution chain!**

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