

Transition of conformity assessment under the Directive 2009/23/EC to the new Directive 2014/31/EU (NAWID)

MODULE B

Within the scope of the introduction of the new legal framework of the European Union, the current European Directive 2009/23/EC for non-automatic weighing instruments will be replaced on 20th April 2016 by the new European Directive 2014/31/EU (NAWID).

This information sheet prescribes the approach and principles of Notified Body no. 1432 (further referred to as SLM NB) to the transition of conformity assessment under current European Directive 2009/23/EC to the new one 2014/31/EU (NAWID) in relation to module B (EU- type examination) and is intended for the manufacturers whose non-automatic weighing instruments were approved by SLM NB or for new clients.

TRANSITIONAL PROVISIONS

The old directive 2009/23/EC is in force until 19th April 2016. The new directive 2014/31/EU will come into force from 20th April 2016 onwards. It means, that all instruments placed on the market after 20th April 2016 will have to comply with the requirements in the new Directive 2014/31/EU.

The declarations of conformity for non-automatic weighing instruments which are placed on the market until 19th April 2016 shall still relate to the old directive 2009/23/EC, and **declarations of conformity for non-automatic weighing instruments which are placed on the market from 20th April 2016 onwards shall relate to the new directive 2014/31/EU.**

No changes have been made to the scope or the essential requirements and therefore this alignment measure does not affect the presumption of conformity on which harmonised standards and normative documents are based.

EC-type approval certificates which have been issued according to the old directive 2009/23/EC remain valid within the scope of the respective new directive 2014/31/EU. The consequence of this is that, provided that no other modification of the measuring instrument is made, it is not necessary to rewrite EC-type approval certificate on 20th April 2016 according to the new directive 2014/31/EU.

NAWI Directive harmonised standard will become EN 45501: 2015 (with cessation of presumption of conformity of EN 45501: 1992 AC: 1993 with requirements on non-automatic weighing instruments since 20th April 2016). EC Type Approval Certificates will remain valid, but additional testing and examination may be required when the certificates are renewed or revised.

APPROACH AND PRINCIPLES

- a) The new directive 2014/31/EU implements the requirements of EU Regulation (EC) 765/2008 for accreditation and market surveillance and of EU Decision 768/2008/EC on a common legal framework for the marketing of products. In the new directive 2014/31/EU, in principle, the following amendments which are important for manufacturers have been made:
- Specification of the roles and obligations of economic operators - manufacturers, authorized representatives, importers and distributors;
 - Structure and content of the Declaration of Conformity now described in specific Articles and Annex;
 - Provision to change the conformity marking for non-automatic weighing instruments. NAWI conformity markings are now in line with the current MID markings: Green M replaced by M followed by the last two digits of the year of affixing, surrounded by a rectangle. The height of the rectangle shall be equal to the height of the CE marking. This marking shall immediately follow the CE marking.
 - Requirement for manufacturers and, if applicable, importers to indicate on the measuring instrument their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, in a document accompanying the measuring instrument and on the packaging. The address shall indicate a single point at which they can be contacted;
 - Introduction of a risk analysis and a risk assessment;
 - Improved traceability and co-operation with Market Surveillance authorities.
- b) Certification procedures and activities of SLM NB already started pursuant to the old directive 2009/23/EC and not finished by April 19th 2016 will be reviewed and finalized in accordance with new directive 2014/31/EU. The consequence of this is that SLM NB will require the manufacturers to submit additional documentation to lodged application in accordance with requirements of new directive 2014/31/EU, if needed.
- c) **Starting on April 20th 2016 measuring instruments being made available on the market have to be in compliance with the requirements of new directive 2014/31/EU.**

REFERENCES/LINKS

1. DIRECTIVE 2009/23/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 April 2009 on non-automatic weighing instruments (OJ L 122, 16.5.2009, pp. 6–27)
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0023&from=EN>
2. DIRECTIVE 2014/31/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (recast) (OJ L 96, 29.3.2014, pp. 107–148)
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0031&from=EN>
3. REGULATION (EC) No 765/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, pp. 30–47)
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0765&from=EN>
4. DECISION No 768/2008/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, pp. 82–128)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:218:0082:0128:en:PDF>
5. COMMISSION NOTICE of 5.4.2016 The 'Blue Guide' on the implementation of EU product rules 2016
<http://ec.europa.eu/DocsRoom/documents/16210>
6. Commission communication in the framework of the implementation of Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (recast) (Publication of titles and references of harmonised standards under Union harmonisation legislation) (2016/C 014/02)
[http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016XC0115\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016XC0115(02)&from=EN)

Should you have any questions please contact slmcv@slm.sk.

April 5th, 2016

Štefan Král

Director of products certification body