

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

MODULE D and F

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 to directive 2014/31/EU in relation to module D (Conformity to type based on quality assurance of the production process) and module F (Conformity to type based on product verification). The information sheet is intended mainly for the manufacturers whose quality assurance of the production process (module D) was approved by SLM NB and for the manufacturers that intend to carry out the conformity assessment according to module F (Conformity to type based on product verification).

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.**

Approvals on quality management system of production process (module D) **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 is made, it is not necessary to rewrite Approvals on 20th April 2016 according to the new directive 2014/31/EU.**

APPROACH AND PRINCIPLES

- a) 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.
- b) **Starting on April 20th, 2016 non-automatic weighing instruments being made available on the market have to be in compliance with the requirements of new directive 2014/31/EU.**
- c) **Starting on April 20th, 2016 the transition of declaration of conformity to a new directive 2014/31/EU requires from the manufacturers an implementation of the corresponding changes as follows:**
 - implementation of the provision to take measures for the production of the measuring instrument to be in conformity with the new directive 2014/31/EU;
 - **implementation of the provision 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 the manufacturer can be contacted;
 - implementation of the provision to change **the EU Declaration of conformity to be in line with the directive 2014/31/EU and with a structure given by the mandatory template in the directive 2014/31/EU;**
 - implementation of the 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.

To achieve a continuous validity of the Approvals on quality management system of production process (module D) having been issued under the current old directive 2009/23/EC even after the date of April 20th, 2016 manufacturers shall send SLM NB following:

- 1) **a written confirmation** that the quality management system of production process has been transitioned to the new requirements of directive 2014/31/EU and
- 2) **a description of changes made to** the quality management system of production process which have been made to achieve this goal **including supporting evidence regarding these changes** (form of the declaration of conformity and the conformity marking in line with new MID directive 2014/31/EU, indication of the contact postal address on the instrument etc.)

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>

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

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