MINUTES
COMPTE RENDU

Forty-Fourth Meeting of the International Committee of Legal Metrology:
Mombasa, Kenya, 27–30 October 2009

Organisation Internationale de Métrologie Légale

International Organization of Legal Metrology

International Organization of Legal Metrology

Secretariat:

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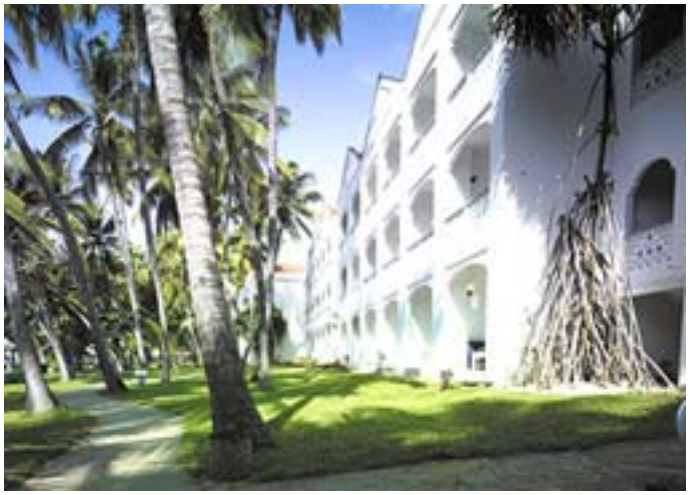
The International Committee of Legal Metrology was convened by its President, Mr. Alan E. Johnston, and met from 27–30 October 2009 at the Whitesands Resort, Mombasa, Kenya.



Contents

Attendance list

Member States

Delegate	*Position*	*Body*
ALGERIA		
H.E. Ali Benzerga	Ambassador to Kenya	
Mr. Mourad Amokrane	First Secretary, Nairobi	
AUSTRALIA		
Dr. Grahame Harvey	Acting General Manager, Legal Metrology CIML Member	National Measurement Institute
Dr. Valérie Villière	General Manager, Legal Metrology	National Measurement Institute
AUSTRIA		
Dr. Arnold Leitner	Director of the Metrology Service, CIML Member	BEV
BRAZIL		
Mr. Luiz Carlos Santos	Director of Legal Metrology, CIML Member	INMETRO
Dr. Marcos José Senna	Assessor of Legal Metrology	INMETRO
CANADA		
Mr. Alan Johnston	President, CIML President	Measurement Canada
Mr. Gilles Vinet	Vice-President, Program Development	Measurement Canada
CROATIA		
Eng. Krešimir Buntak	Director, CIML Member	State Office for Metrology
Eng. Krešimir Vrgoè	Assistant Director	State Office for Metrology

CUBA		
Dr. Martin Antunes Ramirez	Director of Metrology, CIML Member	Oficina Nacional de Normalizacion
CZECH REPUBLIC		
Dr. Pavel Klenovský	General Director, CIML Member	Czech Metrology Institute
Dr. Klara Vidimova	Metrologist, Metrology Department	Czech Office for Standards, Metrology and Testing
EGYPT		
Prof. Dr. Mohamed Mokhtar Ahmed Ali Sharaf	Vice President of National Institute for Standards, CIML Member	National Institute for Standards
FINLAND		
Mr. Tuomo Valkeapää	Chief Engineer, CIML Member	Tukes (Safety Technology Authority)
FRANCE		
Mr. Roger Flandrin	Chef du Bureau de la Métrologie CIML Member	MEIE
Mrs. Corinne Lagauterie	Adjointe au chef du Bureau de la Métrologie	MEIE
HUNGARY		
Dr. Peter Pákay	Director of Metrology, CIML Member	Hungarian Trade Licensing Office (MKEH)
INDIA		
Mr. Radhakrishnan Mathurbootham	Director Legal Metrology, CIML Member	Department of Consumer Affairs, Government of India

INDONESIA

Mr. Charles Sagala	Director, CIML Member	Directorate of Metrology
Mr. Rifan Ardianto	Head of Section of Metrological Cooperation	Directorate of Metrology
Mr. Cecep Mufti Cahyana	Head of Sub Directorate of Metrological Facilities and Cooperation	Directorate of Metrology

IRAN

Eng. Abbas Akavan	General Director, Metrology, Weights and Measures	ISIRI

IRELAND

Mr. Patrick Farragher	Director of Legal Metrology, CIML Member	Legal Metrology Service, NSAI

ISRAEL

Mr. Timor Zarin	Director of Legal Metrology Department CIML Member	Ministry of Industry, Trade and Labour

JAPAN

Dr. Yukinobu Miki	Director, Research and Innovation Promotion Office, CIML Member	AIST
Mr. Masayuki Ishikawa	Deputy Director, Metrology Policy	METI
Dr. Tsuyoshi Matsumoto	Assistant Director, International Metrology Cooperation Office	NMIJ - AIST
Mr. Kazuo Neda	Director, Legal Metrology Division	NMIJ - AIST

KAZAKHSTAN

Mr. Gabit Mukhambetov	Chairman, CIML Member	Committee for Technical Regulation and Metrology
Mr. Vassily Mikhalchenko	Director General	RSE
Mr. Svyatoslav Nogay	Director General Deputy	RSE
Mrs. Zhanar Yeleuissizova	Senior Expert	RSE

KENYA

Mr. Salesio P. Njiru	Director of Weights and Measures, CIML Member	Weights and Measures Department
Mr. John Wamwana	Senior Weights and Measures Officer	Weights and Measures Department
Mr. Nicolas Kiai	Legal Metrologist	
Mr. Youstone Kihamba	Legal Metrologist	
Mr. Bernard Kimeu	Legal Metrologist	
Mr. Joel Kioko	Acting Director	Kenya Bureau of Standards
Ms. Dinah Machora	Legal Metrologist	
Mr. Kalama Masha	Legal Metrologist	
Mr. Elias Mburu	Legal Metrologist	
Mr. Denis Moturi	Head of Metrology Laboratories	
Mr. Francis Mutibo	Legal Metrologist	
Mr. John Mwaura	Legal Metrologist	
Mr. Philip Naibei	Legal Metrologist	
Mr. Mathew Ndungi	Metrologist	
Mr. Michael Ngaari	Legal Metrologist	
Mr. Benson Njoroge	Legal Metrologist	
Mr. Tobias Nyakiamo	Legal Metrologist	
Mr. Dominic Ondoro	Head of Mechanical Laboratories	
Mr. Yusuf Osman	Legal Metrologist	

KOREA (R.)

Mr. Iksoo Kim	Director, CIML Member	KATS
Dr. Ha-Uk Nam	Senior Researcher	KATS
Mr. Sung-Wook Kim	MPI	

NETHERLANDS

Mr. George Teunisse	OIML Contact Person	Verispect
Mrs. Anneke Van Spronssen	Policy Adviser	Ministry of Economic Affairs

NEW ZEALAND

Mr. Stephen O'Brien	Manager, CIML Member	Measurement and Product Safety Service

NORWAY

Mr. Knut Lindløv	Director Legal Metrology	Justervesenet, Norwegian Metrology Services

P.R. CHINA

Mr. Pu Changcheng	Vice Minister, CIML Member	AQSIQ
Ms. Kong Xiaokang	Director General, Department of International Cooperation	AQSIQ
Mr. Han Jianping	Director, International Cooperation Department	AQSIQ
Mr. Han Yi	Director General, Department of Metrology	AQSIQ
Mr. Du Yuejun	Director, Department of Quality Management	AQSIQ
Mr. Duan Yuning	Deputy Director	National Institute of Metrology (NIM)
Mr. Huang Xuhe	Director General	Fujian Province Bureau of Quality and Technical Supervision
Mr. Ma Chunliang	China Metrology Publishing House	
Mr. Zhang Zhuo	Deputy Director	Heilongjiang Province Bureau of Quality and Technical Supervision
Dr. Zhang Chao	Asia-Pacific Legal Metrology Forum	
Mr. Zhang Zhengguo	Director General	Jilin Province Bureau of Quality and Technical Supervision

POLAND

Mrs. Dorota Habich	Vice-President, CIML Member	Central Office of Measures (GUM)

ROMANIA

Mr. Dumitru Dinu	Deputy General Director	Romanian Bureau of Legal Metrology
Mr. Valentin Patasanu	Deputy General Director	Romanian Bureau of Legal Metrology

RUSSIAN FEDERATION

Prof./Dr. Lev Isaev	Deputy Director, CIML Member	VNIIMS
Mr. Sergey Komissarov	Head of International Department	VNIIMS
Dr. Sergey Kononogov	Director	VNIIMS

SAUDI ARABIA

Mr. Abdulaziz Abdullah M Al Gossair	Director of Metrology Specification Department	SASO

SERBIA

Dr. Zoran Markovic	Assistant Director, CIML Member	Directorate of Measures and Precious Metals
Mr. Boris Lastro	Assistant Director	Directorate of Measures and Precious Metals

SLOVAKIA

Mrs. Iveta Botková	CIML Member	Slovak Institute of Metrology
Dr. Martin Halaj	Director, Department of Metrology	Slovak Office for Standards, Metrology and Testing
Dr. Olga Ďuráková	Senior Officer in Metrology	Slovak Office for Standards, Metrology and Testing

SLOVENIA

Ms. Nataša Mejak Vukovic	Head of Department of Metrology WELMEC Chaiperson	MIRS

SOUTH AFRICA

Mr. Stuart Carstens	General Manager, CIML Member	NRCS
Mr. Katima Temba	Manager	NRCS

SPAIN

Dr. Fernando Ferrer Margalef	Director, CIML Member	Centro Espanol de Metrologia (CEM)
Mrs. Belen Blasco	Technical Advisor	Centro Espanol de Metrologia (CEM)

SRI LANKA

Mr. Salgaduge Dinesh Indika Dias	Assistant Director	Measurement, Units, Standards and Services Department

SWITZERLAND

Dr. Philippe Richard	Vice-Director, CIML Member	Federal Office of Metrology METAS

TANZANIA

Ms. Magdalena Chuwa	Acting Chief Executive Officer, CIML Member	Weights and Measures Agency
Mr. Deogratius Maneno	Business Support Manager	Weights and Measures Agency

TUNISIA

Mr. Mohamed Laouini	Directeur Général, CIML Member	Sous-Direction de la Métrologie Légale
Mr. Mourad Ben Hassine	Président de MAGMET Agence Nationale de Métrologie	

TURKEY

Mr. Mehmet Cetin Gulcur	Engineer (MS)	Ministry of Industry and Trade, DFG Measurement and Standards

UNITED KINGDOM

Mr. Peter Mason	Chief Executive, CIML Member	National Measurement Office
Mr. John Goulding	Assistant Director International	National Measurement Office

UNITED STATES

Dr. Charles Ehrlich	Group Leader, International Legal Metrology Group CIML Member	NIST

VIET NAM

Mr. Thang Ngo Tat	Deputy Director	STAMEQ
Mr. Diep Nguyen Hung	Director	STAMEQ

Corresponding Members

Delegate	*Position*	*Body*
BOTSWANA		
Mr. Ditlhake Tau	Manager - Trade Metrology	Botswana Bureau of Standards
CHINESE TAIPEI		
Mr. Bo-Chang Su	Specialist	BSMI
JORDAN		
Eng. Osama Melhem	Director of Metrology Department	Jordan Institution for Standards and Metrology
Eng. Ja'far Rababah	Inspector	Jordan Institution for Standards and Metrology
QATAR		
Mr. Johar Alabdulla	Calibration (electronic) Manager	Qatar Armed Forces Calibration Center
Mr. Adel Fakhroo	Director Calibration Center	Qatar Armed Forces Calibration Center
SEYCHELLES		
Mrs. Amy Quatre	Chief Executive Officer	Seychelles Bureau of Standards (SBS)
Mr. Charles Celestine	Public Relations Manager	Seychelles Bureau of Standards (SBS)
SUDAN		
Mr. Omar Ibrahim Mohamed	Manager of Precious Stones and Metrology Unit	SSMO
UKRAINE		
Dr. Goryslav Sydorenko	COOMET President, General Director	NSC "Institute of Metrology"
Ms. Tetiana Omielicheva	COOMET Assistant	NSC "Institute of Metrology"
UNITED ARAB EMIRATES		
Eng. Mohammed Al Mulla	Director of Metrology Department	Emirates Authority for Standardization and Metrology

Observer Countries

Delegate	*Position*	*Body*
CONGO		
Mr. Kamana Viki Mbuya	Directeur, Département Métrologie et Contrôles	Office Congolais de Contrôle Techniques
NIGERIA		
Mr. Olg Foundation		
Mr. Chidi Izuwah		

Honorary Members

Delegate	*Position*
Mr. John Birch	CIML Honorary Member
Mr. Gerard Faber	CIML Past President
Prof. Manfred Kochsiek	CIML Past Acting President

Liaisons

Delegate	*Position*	*Body*
BIPM		
Dr. Pedro Espina	International Liaison	BIPM
ILAC / IAF		
Mr. Thabo Julius Chesolokile	Field Manager	SANAS, South Africa

Individuals

Delegate	*Position*	*Body*
Dr. Eberhard Seiler	Developing Countries Facilitator	
Mr. Håkan Källgren	Swedish Metrology and Quality AB	
Mr. Byung-soo Youn	General Manager Dept. of Education	KASTO, Korea
Ms. Agnes Mundia	Secretary	Ministry of Trade, Kenya
Ms. Irene W. Ngure	Secretary	Ministry of Trade, Kenya
Dr. Milcah Choka	Interpreter	CEAJ
Mr. Deo Gumba	Interpreter	CEAJ
Mr. Jean Tshamulamba	Interpreter	CEAJ

BIML

Mr. Jean-François Magaña	Director
Mr. Ian Dunmill	Assistant Director
Mr. Willem Kool	Assistant Director
Mr. Jean-Christophe Esmiol	Systems Engineer
Mrs. Patricia Saint-Germain	Office Manager

44th CIML Meeting - Agenda

Opening speeches - Roll call - Approval of the Agenda

1 Preliminary item: working language

2 Approval of the minutes of the 43rd CIML Meeting

3 Liaisons
- 3.1 BIPM
- 3.2 ILAC / IAF
- 3.3 Standardization bodies
- 3.4 UNIDO
- 3.5 Codex Alimentarius
- 3.6 WTO
- 3.7 Other organizations

4 Member States and Corresponding Members
- 4.1 New Member States and perspectives
- 4.2 New Corresponding Members
- 4.3 Member State contributions and arrears

5 Presidential Council activities
- 5.1 Report of the CIML President

6 Round Table on Metrological Control

7 Report on the Seminar "Stakes and priorities of legal metrology for trade"

8 Activities of the Bureau
- 8.1 Publications
- 8.2 Technical activities
- 8.3 Support to Regional bodies
- 8.4 Liaisons
- 8.5 Promotion of the OIML
- 8.6 General

9 Financial matters
- 9.1 Pension system
- 9.2 2008 Accounts

10 Developing Country activities

11 Technical activities

11.1 General
11.2 OIML Certificate System and the MAA
11.3 Publications submitted to the CIML for approval
11.4 TC/SC items for information
11.5 TC/SC items for approval

12 Human resource matters

12.1 Term of the mandate of the CIML President
12.2 Term of the contract of the BIML Director

13 Future meetings

13.1 45th CIML Meeting, 2010
13.2 46th CIML Meeting, 2011

14 Other matters

15 Decisions and Resolutions

16 Closure

44th CIML Meeting
Mombasa, Kenya

Opening Speech

Salesio Paul Njiru
Director of Weights and Measures, Kenya
CIML Member for Kenya

The Honourable Minister of Trade,
The Permanent Secretary, Ministry of Trade,
The President of the CIML,
Your Excellency the Ambassador of Algeria,
Other Distinguished Guests,
Fellow colleagues - Metrologists from the Member States,
Ladies and Gentlemen,

At this juncture I would like to warmly welcome the Permanent Secretary of the Ministry of Trade to invite the Honourable Minister who will officially open the 44th CIML Meeting. Before that, as CIML Member for Kenya I personally wish to welcome all of you to this very important meeting and to our great nation – Kenya.

Kenya became an OIML Member in 1973 and since then we have benefited greatly from this membership and have participated in numerous CIML Meetings. We have continually revised our Weights and Measures Act which was first introduced in 1912, basing it on OIML Recommendations in order to ensure that we have in place a document that will help us reduce barriers to trade, since we trade internationally.

We have also developed technical procedures in the field of legal metrology. The Ministry of Trade has developed curricula for training Weights and Measures personnel, notably to enhance the level of professionalism in our service delivery. All the above has harmonized our nation's legal metrology system with that of other nations of the world, thus facilitating trade with other nations.

I wish to assure you that Kenya is committed to legal metrology and to prove that, I invite you to note that we have high ranking government representation here today, among which the Honourable Minister who has kindly set aside some time out of his busy schedule to open this great event. Indeed I wish to inform this gathering that the encouragement to bid for the hosting of this CIML Meeting came from the office of the Permanent Secretary; throughout the preparations his office has monitored progress very closely to ensure that no details were left aside.

With those introductory remarks I now take this opportunity to welcome the Permanent Secretary of the Ministry of Trade to address us, and also to invite the Minister of Trade to officially open this 44th CIML Meeting.

Opening Speech

Eng. Abdulrazaq Ali

Permanent Secretary, Ministry of Trade

I would like to take this opportunity to thank the International Committee of Legal Metrology for choosing Kenya as the venue for its 44th Meeting. I wish to extend a warm welcome to you all to Kenya and to Mombasa city, a city well known all over the world as a wonderful destination for tourism.

I am aware that during the CIML Meeting you will deliberate on metrology standards for the provision of credible measurements for various sectors including trade, health, safety, the environment and law enforcement.

As you may be aware, one of the mandates of the Ministry of Trade of the Republic of Kenya is to ensure fair trade and consumer protection, a mandate that is well articulated by the Weights and Measures Department of the Ministry. You will agree with me that fair trade and consumer protection is not possible without standards and an elaborate system of regulation of measurement.

The Government of Kenya recently launched a new blueprint for its economic development. This blueprint, commonly known as Edition 2030, envisages an economic growth rate of 10 %. To achieve this growth rate, we will be engaging the global economy through exports and imports. Our expectation is that we will consolidate our exports in realizing uniformity of measurements that will help, guide and simplify both national and international trade.

With these few remarks, may I now invite the Minister for Trade of the Republic of Kenya, the Honorable Amos Kimunya, to make his remarks and declare the CIML Meeting open. Thank you.

Opening Speech

Hon. Amos Kimunya, MP

Minister for Trade

Thank you very much, Permanent Secretary.

Alan Johnston, President of the International Committee of Legal Metrology, distinguished delegates, ladies and gentlemen:

It is indeed a great pleasure for me to join you this afternoon and to welcome you to the 44th Meeting of the International Committee of Legal Metrology that is being held in Mombasa, Kenya.

As you know, Mombasa city is a gateway and a major port to East and Central Africa. It is also a leading tourist destination with all kinds of entertainment and therefore at the very outset I wish to invite you to take full advantage of your being here to tour the city, to tour the environs, to relax on the beaches, to swim in the deep sea (there are no sharks!) and explore the coral reef whilst sampling some of Kenya's best tourism sites beyond Mombasa.

And perhaps, at the end of all that, since you are here as the experts on weights and measures, in line with the modern trends in the world, to start looking at other measures, other indicators of development. You may wish to come up with a measure of happiness, so that we have now a standard measure for happiness which will come from your own experience in Mombasa. We may well wish, Mr. President, to call it the Mombasa Standard, as a measure of happiness. That will become legally enforceable, so that we can now start looking at development from how happy people are, based on the Mombasa Standard!

Now, ladies and gentlemen, I am sure you are the experts in this field. I do not want to get into the technical issues of measurements or why they are important, why they are not. I would just want to take this time to look at it from a user's perspective, representing all the various people who are affected and impacted on by the work you do.

To just put it into perspective, hordes of people out there may be affected. But before that, let me also reiterate that Kenya is honored to be hosting this event this year and we do look forward to hosting it again at some time in the future. I am pleased to note that this is also the second time that this Meeting is being held on the African Continent. And this is very significant because Africa requires opening out to the standards and reinforcement of standards more than other places; you all come from places where standards are taken as the way of life, but we require a lot of that, together with enforcement and indoctrination. And holding this conference within Africa, within this region, is, to us, sending the signal and bringing that awareness that we all need, in terms of the need for conformity to the work that you are educating.

I am aware that this forum will provide an opportunity for those countries which are not yet Members to attend and share the experiences and the knowledge with the larger international community and I do wish to encourage all those that are here today that perhaps it is time they moved now from the observer status, or invited status, to actually becoming Members so that we can grow into an even bigger international organization that will have representation by right in every country on the globe.

You are here to deliberate on metrology standards for the provision of credible measurements for trade, health, safety, environmental protection and law enforcement. The expected outcome of this high profile meeting is obviously the adoption of international

Recommendations. They will then guide national and international trade in goods and services.

Allow me to clarify the well known fact that fair trade will not drive without standards and regulations in measurement. The role of the OIML in developing metrology standards, therefore, cannot be ignored, since it champions fair trade practices and consumer protection by realizing uniformity of measurement. I wish to assure you that conformity by the business community to these Recommendations will ensure them access to international markets with reduced technical barriers. National domestication of the Recommendations through legislation will be a big motivation for investors to venture into the national markets, thereby creating more jobs for our youth.

Ladies and gentlemen, as you all know, the regime has greatly been affected by the OIML in supporting national enforcement authorities. This involves assessment of resources and facilities in terms of metrology that are not always available in all countries. Yet if done independently this would be very costly for the individual countries. Now such facilities include obviously the international systems for the evolution of measuring instruments as well as international systems for individual certification of the measurement results. The OIML also offers exchange of knowledge and confidence to its Members, through accessing technical information concerning new measurement technologies, their performance, reliability, test and evolution methods for measuring equipment. Furthermore, the OIML has a broad program for supporting Developing Countries with the following objectives.

First, and I believe the most important, facilitating the participation of the developing countries in the work of the OIML, taking account of specific developing countries' needs in OIML work, providing developing countries with appropriate credence for the development of legal metrology and facilitating developing countries' access to assistance and development programs for legal metrology. That is why I emphasize the fact that this Meeting is taking place within Africa, and I do hope there will be many more Meetings taking place in all the various corners so that the work of the OIML can actually be brought and be seen. Because, as we are talking here this week, there are so many Kenyans who know there is a difference between metrology and meteorology. Initially when we were discussing hosting of this Meeting, everyone was saying, "Why is the Minister for Trade interested in matters to do with the weather? That should be the Ministry of the Environment." But, as reality struck that there is a clear difference between metrology and the work that you do, and what the weather men do, which is a different technology but sounds the same, people get to understand the importance of those measurements in terms of promoting fair trade and in terms of ensuring that people get full value for the goods and services they are purchasing, and, indeed, on all the other health and safety issues that you are spending so much time working on the standards for.

In terms of the forum, I think it also allows the legal metrology services, the laboratories and factories, to have access to information on legal metrology in Member States and Corresponding Members. Through the OIML, countries obtain information on national legal metrology regulations, procedures to access markets, and the organization of national legal metrology systems. It also addresses the national and local responsible bodies and national conformity assessment procedures and markings. For the economy, legal metrology reduces both disputes and the need for duplicating measurements, while protecting those trading partners who have neither the skills nor the facilities to perform their own measurements. It contributes to fair trade and more generally facilitates both domestic and international trade. And this is a key factor for economic development.

Turning to Kenya, and the results of our membership within the OIML: Kenya has continuously established through the Weights and Measures Act, which is the law governing weights and measures, various legislation on various categories of measuring instruments, based on the implementation of OIML guidelines. We are committed as a country not just to participate but to domesticate whatever it turns out at national and international level, because, partly in addition to all we do within our own borders, Kenya is a gateway to the way that the trading blocks of the East African Community, the Common Market for East and Southern Africa, COMESA, as well as the wider Africa, and we believe that we have been given that opportunity to be a gateway, but that opportunity also comes with some searching responsibility to play the role of big brother in terms of being the first to implement what comes out; and we hope with your support we will be able to domesticate as much as possible and then to ensure that it cascades to our sister states and neighboring blocks.

The Government has also ensured that its instruments meet international specifications for metrological performance and testing. The adoption of OIML guidelines has helped our domestic markets to operate effectively and increase our competitiveness, as well as providing an excellent source of technology transfer. For the last few years, technology has been advancing rapidly; many areas, including communications, automation, software and measurement instrumentation. There have been major changes in the ways in which the world communicates, trades and generally does business. Accordingly, the role of the OIML is becoming increasingly important in this new age of technology. I note that the OIML has observer status on the Committee on Technical Barriers to Trade, the TBT Committee of the World Trade Organization, and consequently, its Recommendations, or model regulations, are critical to national and international trade. By hosting this Conference, the Government of Kenya is indicating its continued support for international cooperation in metrology. It is also saying we are committed to fair trade, through ensuring that our measures and weights conform to an international standard. This collaboration with the OIML is critical in supporting the ability of nations to provide and to trade products and services globally.

As I conclude I wish to reiterate that the authorities which include the above responsibility in each country should work for the benefit of the business community and consumers in general. This forum is therefore a great opportunity for us to address international metrology issues that may have hampered trade in the past, I believe. That is why I want you to go around, go and see the chaps selling their curios on the beach, and see between any two traders, what measure they are using. Let us bring it down to that basic level, because 80 % of business, for example, in this country, is carried out by the micro and small to medium enterprises. They are not sophisticated. They do not have calibration to micro something. But how do we ensure that the customer at the other end is actually getting value, and on a consistent basis? And I believe that is the challenge I want to throw to this group of experts who have been drawn from all around the world, so that even as we think of that international standards, let us think of how these standards will benefit and apply to the welfare of the very lowest as they are moving out of the range of economic development. In what we are doing today, how can the work of the OIML be mid-streamed to ensure that those people benefit and feel that benefit into the future?

I could go on and on. I must remind you that, probably by the end of Friday, I will be asking from Cairo whether the Mombasa Standard on Happiness has been developed, because we believe that in all this there should be something that we should be telling people - “people are now happier than they were last year because of A, B, C, D …” Think about it. And I think with these remarks and those challenges it is my pleasure to declare this 44th Meeting of the International Committee of Legal Metrology officially open and to wish you all the very best

during your seminars, during your meetings, during interactions and I do hope that output of the Mombasa Meeting will change this world one way or the other. I wish to thank you very much and I will be with you for the rest of the day. I was told that because of the slight delays I have been forced to have lunch, which I have gladly accepted, and then I also have some time in the afternoon for any interaction you might wish to have, and then I will leave you to continue with your technical work. So thank you and welcome to Mombasa and to Kenya.

Opening Speech

Alan E. Johnston, CIML President

Good afternoon everybody and welcome to Mombasa. I would like to thank our hosts for the excellent organization of this meeting and also the Minister of Trade for his Opening Remarks yesterday.

Earlier on today during lunch, the Minister told me that he had had to go to Cabinet level to obtain approval to hold the CIML Meeting in Kenya. He explained that the procedure was to first present the project to a small Cabinet Subcommittee, chaired by the Prime Minister. At this meeting, one of the other Ministers asked why the Minister of Trade was presenting information concerning a conference not on metrology, but on meteorology! It transpired that in a previous role, the Prime Minister was the head of the Kenyan Standards Organization – he then proceeded to explain to everybody in the room (including to the Minister) why the CIML Meeting was important, and why standards were important. So the moral of the story is that you never know who and where your friends are, and you should therefore treat everybody as if they were a potential friend. The Minister indicated to me that this had been the easiest Cabinet presentation he had ever made in his life!

Yesterday, we had a very interesting Seminar and I think the presentations, as well as the exchange of views, will be very useful in relation to our discussions during this CIML Meeting. I was particularly pleased with the level of participation during the Question and Answer period. My thanks to John Birch, Hakan Kallgren and Peter Mason for their presentations.

In terms of new OIML Member States, Colombia is in the process of ratifying the OIML Treaty, as well as the Metre Convention and I hope this membership will be official within a few months, so another important South American country will join us.

In terms of Corresponding Memberships, we welcome two economies: the Dominican Republic and the UEMOA, Union Economique et Monétaire Ouest Africaine. This is the first time a group of countries have become a Corresponding Member and is an interesting innovation for the OIML.

We congratulate a number of new CIML Members:

Mr. Philippe Antognelli, Monaco
Mr. Salesio Paul Njiru, Kenya
Mr. Iksoo Kim, Republic of Korea
Mr. Frans Deleu, Belgium
Mr. Krešimir Buntak, Croatia
Mr. Charles Sagala, Indonesia
Mr. Dimitar Parnardziev, Macedonia
Mrs. Magdalena Chuwa, Tanzania
Dr. Tanasko Tasic, Slovenia
Mr. K. Premasiri Kumara, Sri Lanka
Prof. Dr. Mohamed Mokhtar Ahmed Ali Sharaf, Egypt
Mr. Israfil Celik, Turkey.

I would also like to thank the BIPM (Dr. Pedro Espina) and ILAC (Mr. Thabo Julius Chesolokile) for attending, as their support is extremely important to us.

Unfortunately we do not have the usual stakeholders in attendance at this meeting, as most of them are facing travel budget restrictions due to the economic crisis. You can obtain further insight into this matter if you read the report sent to us by CECIP. Of course we will continue to consult with stakeholders and include them in our work; this is a priority for the OIML.

This morning we had a meeting with Regional Legal Metrology Bodies where we discussed how to develop and improve mutual information about their respective work and matters of interest in legal metrology. We must continue to facilitate this exchange of information and views.

A number of important issues will be addressed in this CIML Meeting. We have a small number of new or revised publications to adopt, but the following matters will be of particular interest to Members:

First we will report to you about the discussions we had in the Presidential Council Meeting and then with the BIPM concerning the rapprochement between our two Organizations. This issue raised significant interest on the part of CIML Members and we will take some time to discuss this report.

Secondly tomorrow we will have a Round Table session, chaired by Manfred Kochsiek, concerning legal metrological control and our discussions should result in some direction related to the revision of D 1 and other OIML publications related to metrological control and supervision. I hope you will take an active part in these discussions tomorrow morning.

The financial issues are also a very important issue in this CIML Meeting. Following the Resolutions of the 43rd CIML Meeting, a new external auditor was appointed and she carried out both a financial and management audit of the accounts of the BIML. She also examined the rules proposed for accounting for the OIML pension scheme and agreed these rules can be used pending a revision of the OIML Financial Regulations. This topic is also likely to generate some discussion.

We will also have, for the first time, the Award for contributions to legal metrology in a developing country. We hope this new Award, which was adopted at the last CIML Meeting, will provide recognition to legal metrologists in developing countries who work towards the improvement of their legal metrology system.

That concludes my opening remarks. I hope that you will enjoy your time in Mombasa. Thank you very much for your attention.

Roll Call

The roll call was taken:

- 41 Member States were present; and
- 12 proxies were noted, as follows:
  - Austria for Albania and Slovenia;
  - Canada for Cyprus;
  - Croatia for the Former Yugoslav Republic of Macedonia;
  - Finland for Sweden and Denmark;
  - France for Belgium and Monaco;
  - Russian Federation for Belarus;
  - Serbia for Bulgaria;
  - Spain for Portugal; and
  - Switzerland for Germany.

Thus, 53 Member States were either present or represented, meaning the required quorum was reached.

Approval of the Agenda

The agenda was unanimously approved after the addition of an item asking for authorization to proceed to online approval for one Recommendation.

1 Preliminary item: working language

Mr. Magaña explained that, as set out in the Convention, proceedings at CIML Meetings were translated between French and English or not, depending on the country in which the Meeting was held. For example, there had been translation in Sydney but not in China. Largely it depended on how easily local interpreters could be found. French-English translation was provided for the current Meeting, so French-speaking colleagues who wished to continue to be able to speak in French, which was their prerogative, would be able to do so. In 2010 also, in the USA, it was expected that there would be French-English simultaneous translation. But thought must be given to having a clear policy on the matter since French was the official language of the OIML and English was considered the working language, especially in the TCs. What had to be decided was whether the CIML was an official or a working function. As this was a matter of interpretation of the Treaty, it was the role of the next Conference to resolve the question. A Resolution to this effect was proposed.

2 Approval of the minutes of the 43rd CIML Meeting

Mr. Flandrin requested that on Page 51 it should be added that France as well as Switzerland had abstained on Resolution 7.

The Minutes and relevant Resolution were amended accordingly and unanimously approved.

3 Liaisons

3.1 BIPM

For the BIPM, Mr. Pedro Espina thanked the CIML for inviting him and emphasized the importance of maintaining links between the two Organizations. He also thanked the Kenyan Ministry of Trade for hosting the Meeting in their beautiful country. He apologized for not being in a position to speak of any rapprochement between his Organization and the OIML, though he would be happy to listen to comments on that matter.

Mr. Espina told delegates that he would speak on the membership of the BIPM, comment on a couple of items of news which he thought would be of interest to them, summarize some current common activities between the BIPM and the OIML and give notice of some future events which might be of interest.

The BIPM currently had 53 Members, 47 of which had signed the CIPM MRA. Croatia and Kazakhstan had both become Members in December 2008, and Kenya would become a Member from January 2010. Associates of the General Conference included new Members Peru, Paraguay and Ghana, all of whom had been welcomed in the current year.

BIPM countries were organized in 5 regional Metrology Organizations: SIM in the Americas, AFRIMETS (shared with the OIML) in Africa, EUROMET in Europe, COOMET for Eastern European and Asian Countries and APMP in the Asian Pacific region. There were currently no Members or Associates in the Gulf States but work was in progress with colleagues in the Gulf States to change that.

The CIPM had met in October at the BIPM. A number of items had been considered; two of special interest to the OIML were:

- Professor Michael Kühne from Germany had been appointed Deputy Director and Director Designate from December 2009, with the result that Professor Ernst Göbel from the PTB would have to resign as President, since the Metre Convention did not allow the President and Director to be of the same nationality. Dr. Barry Inglis from Australia had been elected President in his stead.

- Regarding the definitions of the SI, the redefinition of four of the base units was currently being considered. These were the kelvin, the ampere, the mole and the kilogram. The CIPM had noted that: “the consensus on the redefinition of the kilogram in the near future would be based on the Planck constant. Some of those present might know that there had been a dispute between results from the Planck constant experiment, the Watt balance, and those from the Avogadro experiment, the silicone sphere. The CIPM had felt that it was more appropriate to do the three definitions based on the Planck constant”.

  Previous possible rival units had now been rejected. Future SI definitions would be expressed in terms of explicit constant definitions as opposed to their present status as explicit unit definitions. The difference was subtle but important. Definitions would no longer be talking about units of measurement but about universal constants - the electron charge, the Boltzmann constant, the Avogardo number, the Planck constant. Four definitions would thus be changed.

- The CIPM had decided that they will allow, for the purposes of participation in this CIPM MRA, two paths for the definition of traceability of calibration and measurement capabilities:

1) a primary realization of the unit of measurement in the applicant's own laboratory, or

2) traceability from someone else who had a primary realization of the unit of measurement.

Mr. Espina then invited Members to read more of the details in their own time. Caveats were listed in the notes and he said that Members could raise points with him later in the week if they wished.

- World Metrology Day, shared by the OIML and the BIPM over the last number of years, was 20 May, the date upon which the Metre Convention was signed in 1875. The 2009 campaign had been on the subject of Measurement in Commerce, with the slogan *Metrology Underpinning Economic Development*. 50 posters, in 25 languages, had been produced for 50 different countries, as well as a web site and leaflets. There would be partnership again for the 2010 campaign, which was to be on the topic Measurement in Science and Technology, with the slogan *Metrology, a Bridge to Innovation*. Members might like to note the date so that they could prepare national events to coincide with the international ones. It had been decided that there would be just one poster, available in English and French, not posters for individual countries. Graphics and software would be made available for countries wishing to make their own posters.

- The OIML and the BIPM had a joint program with UNIDO and AFRIMETS for the strengthening of metrology, both legal and scientific/industrial, in Africa. This project, known as the AFRIMETS UNIDO project, was bringing in almost a million US dollars to try to support the infrastructure of AFRIMETS, specifically to set up the comparisons that were needed in Africa to prove the equivalency of measurement between the various countries and to develop the committee structure of AFRIMETS. A two week long metrology school was being planned for 2011, to be held in Kenya for the benefit of metrologists from all countries in Africa, who would be invited to learn about various topics in metrology. Some Members might have seen a survey the previous week about their measurement and training needs, upon the results of which the curriculum would be based. The OIML and the BIPM had co-written the appeal sent by AFRIMETS to UNIDO which had secured funding for the project.

- Members might recall that the joint OIML-BIPM Action Plan called for the creation of promotional documents in four areas of metrology. These were: applications of metrology to the environment, to trade, to safety and to health. They were grateful to the South African NMI for lending them Sara Prins, their deputy director for science and technology, who would be in Paris until early December working on the development of these four leaflets with the BIML and himself. These would be A4 sheets folded into four sides, in language tailored for talking to government officials about the importance of metrology in those four areas, so it was not documentation for those present, who all knew metrology very well, but for those who empowered metrologists' work at government level.

- Future events of possible interest to those present included:
  - In November, at the BIPM, a workshop on physiological quantities and the SI units, with the purpose of coming to grips within the metrology community with how to develop the SI in the future to accommodate physiological quantities. At present, the

only physiological quantity that existed among the base units was the candela, which was tailored to a response of the human eye; but metrology was of importance in many other aspects of the human body, and this would be discussed during that workshop.

- In February, at the BIPM, there would be a workshop on metrology for nanoscale; this was a hot topic in many countries and the BIPM wanted to understand the metrological needs that would empower the development of the industry in nanotechnologies of the future.
- In March each year they hosted joint meetings at the BIPM, attended by the OIML and ILAC; in 2010 for the first time, ISO would also be invited.
- Soon thereafter, excitingly, there would be a joint conference with the WMO, so finally metrology and meteorology would come together with a common purpose. They would be talking about the metrology that was needed to enable future investigations on climate change. If policy makers were going to be taking steps at national, regional or global level, they needed to be reassured that the data they were using to come to those decisions was sound and that it had sound metrological practices at its heart - how could traceability and uncertainty concepts be brought into measurements taken to monitor climate change at the global level.

Mr. Espina explained that at the meeting for physiological quantities the topics would be optical radiation, radio waves and microwaves, ionizing radiation, sound and ultrasound, magnetic fields, and the World Health Organization standards for these physiological quantities.

In the nanotechnology workshop topics would include, among others, toxicology, nanomaterials, nanobiotechnologies and aerosols, which were also very important for climate change.

In the conference with the WMO on climate change, discussion would mainly be on satellite based measuring platforms, earth surface platforms, and albedo studies of the salinity of the oceans.

Mr. Espina said he would be glad to answer questions, either immediately or in the course of the coming week.

Mr. Richard asked about the CIPM redefinition of units referred to by Mr. Espina. This was important to the OIML, for example for OIML R 111 on weights - did Mr. Espina know what the CIPM meant by “in the near future”?

Mr. Espina replied that they were fairly certain at the moment that a redefinition would not be ready in time for the General Conference in 2011. This would delay their decision until 2015, which had the advantage that results of the Watt balance experiments in Canada, recently taken over from the UK, and in the USA might be available by that time, as well as those from the BIPM experiments. Mr. Espina did not know the situation regarding experiments being carried out in China and in France. There would thus be many more points of data by 2015, which would make the transition a more comfortable one.

Mrs. Villière thanked Mr. Espina for his presentation. She informed the Meeting that 20 May 2010 would be a significant date for Australia. On 1 July 2010 they were launching the national trade measurement system; this had formerly been managed by the states and territories and was becoming a national system. For the six weeks prior to launching, i.e. from 20 May, they had decided to start involving the community, in terms of what trade

measurement meant in the country. Her Director had attended the BIPM Meeting where the topic for 20 May had been announced. She asked how the topic was decided on and had the OIML been involved in the decision?

Mr. Espina replied that the concept typically first appeared on the blackboard of his office, where ideas were exchanged. They had considered metrology in chemistry as the current year's topic, but as 2010 would be the International Year of Chemistry, they had decided to postpone that topic for a year. Mr. Espina tried to talk to Ian Dunmill, his counterpart in the OIML, about every other week, and ideas were exchanged between them. He added that in the past a number of countries had been invited to be partners in this effort, and if Australia would like to be involved in this year which was significant to them, they should speak to Mr. Dunmill or Mr. Espina, who would be glad to incorporate their ideas and input in the project.

Mrs. Villière mentioned that other countries, notably France, would be invited to participate in their project. They would be speaking to the French Ambassador about it. She invited any other interested countries to discuss participation with their ambassadors to Australia, who would shortly be contacted on the subject.

Mr. Birch expressed interest in the effect that redefinition of the units would have upon definition of the standards.

Mr. Espina ascertained that by this Mr. Birch meant the *mise en pratique*, and said that this matter had been discussed at length at Consultative Committees of the CIPM in the past year. They were clear that now that they were moving more towards definitions that were constant definitions as opposed to explicit unit definitions, the *mise en pratique* would have a much deeper meaning for the metrology community in the future. The definition of the units would be a more academic issue but the *mise en pratique* would be the practicality of it. Each of the Consultative Committees was currently wrestling with the question of what it meant for the particular unit that they dealt with. So the answer regarding mass would be completely different from the answer on electricity, chemistry or temperature.

Mr. Birch commented that one of the areas of interest was the ability to write the redefinitions into legislation. He wondered whether this had been taken into account in the work of the BIPM.

Mr. Espina replied that Member States of the BIPM were sovereign nations and the BIPM did not interfere in any way in their legislative processes, even with suggestions. NMIs would be the ones to take their knowledge back to their countries and advise their governments on legislation.

Mr. Issaev added that acceptance of the redefinition of units was related not only to legislation but also to new technologies and to the new challenges of science, for example nanotechnology. Another problem was the necessity to be closer to fundamental physics. Part of the problem was the need to eradicate contradictions in electricity, because it was known that the situation in this area was slightly strange.

Mr. Espina added that if the General Conference on Weights and Measures in 2011 would like to make a recommendation to all Member States, they could do that. This would not, however come from the BIPM but from the Member States to themselves.

Mrs. Van Spronssen asked for clarification of what the redefinition of units meant. Did it mean that the world was moving towards using the same SI units? Or would redefinition lead to a situation where different units were used?

Mr. Espina used an example to answer this enquiry. The kilogram was the last unit to be based on an artifact. When the kilogram was cast in 1889 it was cast at the same time as six other kilograms, and a random one was selected to be the international prototype. All seven resided in a vault. They had been compared three times – in 1889, in 1946 at the end of the second world war, and in 1989, 100 years after they were cast. It had been found that over the years the seven artifacts had deviated in weight from each other. It was not possible to know which had gained or lost weight. So the kilogram might be changing weight as a function of time, in which case all the mass standards in the world could be fluctuating as a function of time. This was not a comfortable situation for anybody. It was therefore planned to redefine the kilogram based on the Planck constant on one day in the near future. From that day on, the value of the Planck constant would be held as a universal constant and then if the mass of the international prototype fluctuated in comparison with the Planck constant it would not matter. They were therefore applying new science that came into their hands to try to provide more stable definitions of the base units for all science and technology in the future. This had been their purpose since 1889, when the metre and the kilogram had both been cast.

Mr. Birch expressed interest in the mole and in particular in the difficulty of maintaining national standards for it. He wondered what effect the definition might have on that particular problem.

Mr. Espina said that he was not a chemist, and would therefore tread very carefully in answering this question! The mole would have to be redefined, because, as his listeners might know, the seven units were base units; they were not basic units and were not independent of each other. So as soon as one of them was redefined, some of the others were also affected. For example, if the second was redefined, the speed of light being a constant of the universe, every redefinition of the second caused a redefining of the metre. Similarly, redefinition of the kilogram would also have an effect on the definition of the mole. He did not wish to go into more detail.

Mr. Birch said he had been interested to hear of the BIPM-WMO Conference. Mr. Inglis had reported on the decisions of the CGPM in 1999 and 2007 at the OIML Conference in Sydney in 2008, and there had been interest in the planned WMO Meeting. One of the concerns that had been expressed in various circles was the fitness for purpose of the measurements used for determining the global temperature, whereas the focus of the Conference seemed to be more on satellite observations.

Mr. Espina said that putting together the Conference with the WMO was one of the most exciting periods he had had in his 5 years at the BIPM. The observation systems that existed in the world today had been designed for measuring the weather, not for measuring climate. The difference in definition between what was weather and what was climate was the time of observation of the measurement. Weather was a matter of daily or weekly events; climate referred to anything over a month. The problem was that the uncertainty of the measurements on the platforms that were in use at present for measuring climate and weather was of the order of magnitude of the signal in the climate change that was being observed. So it was impossible to assert with absolute certainty that what was being observed was a change, because it was within the uncertainty margins of the equipment being used to observe it.

It had turned out that satellite systems were built with a lead time of between 7 and 8 years before they were launched. So if the design process of the new satellite systems which would be launched was to be affected, it would be in satellites which would be put into service in a decade's time. It was time, therefore, for the meteorology community and the metrology

community to begin talking to each other, so that the future systems that would be used for monitoring climate could actually meet the specifications that were needed. Among their requirements, they would need to have on board calibration systems, because it was not possible to bring them back to Earth to recertify their calibration.

There being no further questions or comments, Mr. Johnston thanked Mr. Espina, and Mr. Magaña read out the proposed wording for Resolution No.3, and the President agreed that there would be further discussion of some points in the course of the week, leading to possible minor alteration, as suggested by Mr. Flandrin.

3.2 ILAC / IAF

Mr. Chesolokile of ILAC informed Members that he worked for SANAS, the accreditation body in South Africa. He had been asked to give a brief update on ILAC and IAF activities between September 2008 and October 2009.

He said that in June 2009, progress had been made during meetings held in London towards establishing the ILAC/IAF MLMRA for inspection. Subsequently, ILAC and IAF had invited the current recognized regional cooperation bodies to apply for evaluation to join the IAF and ILAC inspection MLMRA. ILAC also continued to focus on enhancing a more widespread understanding of the socio-economic benefits of the Arrangement among the international community. Mr. Chesolokile felt that this decision would help a lot because there had been some confusion as to exactly where inspection bodies fell.

Like any other organization, ILAC liked to acknowledge the growth in its membership. Currently there were 65 full members from 50 economies, 25 associates from 24 economies and 20 affiliates from 18 economies, and obviously the four regional cooperation bodies, one regional coordination body and 25 stakeholders. ILAC membership, as of 18 September 2009, now totaled 140 bodies from 88 economies, and approximately 53 000 laboratories and over 6 000 inspection bodies via the 90 ILAC full members and associates.

IAF also continued to enjoy steady growth and now had 83 members, made up of 57 accreditation body members, 15 associate members, as well as the four regional groups, for special recognition the EA, the IAC, the APLAC and of course SADCA, and one member and six observers.

The current status of the ILAC MRA stood at 61 full members, representing 47 economies, which were signatories to the ILAC Arrangement. Currently the MRAs of three of the four regional cooperation body members of ILAC were recognized by ILAC, EA, APLAC and the IAC, so obviously SADCA still had some work to do, and it was hoped that in the future tremendous progress would be seen in that regard.

Recognition of a region was achieved after successful peer evaluation by ILAC; each recognized region underwent re-evaluation every four years. So those three regional bodies would be evaluated every four years. The MRA sought to recognize regions underpinning the ILAC Arrangement. Signatories to EA, APLAC and IAC MRAs that were also members of ILAC were also entitled to become signatories and full members to the ILAC Arrangement.

In line with the IAF strategic plan, strategic objective number one committed the IAF to improving its outcomes. This had resulted in the establishment of the User Advisory Committee, which had been formed under the chairmanship of Guenther Beer, Head of Regulation and Conformity Assessment for Siemens, and IAF Director for Industry.

At a meeting in Stockholm in October 2008, the IAF objectives, strategy, motivation and goals had been discussed; a subsequent meeting had been held in London and had consisted of a presentation by Mr. Doherty, the IAF Technical Committee Chairman, covering global confidence in certification, which had been developed by the Head of Communications and Marketing to help those not directly involved with accreditation and certification.

Feedback would be appreciated on cooperation between ILAC, IAF and the OIML, which would probably interest those present. Two such matters were the nomination of lead assessors in the field of legal metrology and also the inquiry on the number of accredited legal metrology laboratories. The OIML MAA would also provide guidance as to how this would be achieved. This MAA basically used two mechanisms: ISO/IEC 17025 and OIML D 30 as a guide for the application for the assessment of testing laboratories involved in legal metrology. This was obviously used to look at the competence of these laboratories, which had to be demonstrated by either accreditation or peer evaluations. The MoU originally signed in 2006 had been renewed to include the IAF in October 2007, to establish close ties between the three organizations.

Nomination of lead assessors in the field of legal metrology was in the MoU and its associated joint ILAC/OIML working program for 2008 and 2009. ILAC had been invited to draw up a list of lead assessors who would be ready to participate in OIML peer assessments. That list had already been compiled and would be used as a basis for future cooperation between the OIML and ILAC, together with the corresponding list of OIML technical assessors when conducting assessments of legal metrology laboratories. Obviously, these assessors would require to be trained and the BIML had put together a training program which would be given to these people, and they would also need to familiarize themselves with OIML D 30 plus the requirements of ISO/IEC 17025.

The training program had been reviewed at the OIML/ILAC/IAF meeting in March. Training would be free, and if a request was made for a lead assessor to carry out a peer assessment, the OIML would carry the cost and pay a daily rate.

Regarding the OIML's and ILAC's wish to know the number of accredited legal metrology laboratories, this had now been established. A questionnaire to that effect had been sent out, replies being required by the end of April 2009. The OIML would make results available to CIML Members and Corresponding Members.

Regarding the implementation of cooperation between ILAC and the OIML through the MAA, Mr. Chesolokile assessed progress as follows:

1) lead assessors qualified by accreditation body ILAC full members - this was in place;
2) technical and metrological experts qualified by the OIML; this was in process;
3) improvement of communication between the national accreditation bodies and national legal metrology bodies;
4) training for lead assessors from accreditation bodies, ILAC full members, as indicated earlier, this would be done in 2010;
5) procedures for assessment in the field of legal metrology: some of the Documents drafted by the OIML had been noted and would be used in the process of training technical assessors and lead assessors;
6) the guide for ILAC full members was one of the Documents to be drafted by the OIML in conjunction with ILAC. This would be prepared by the BIML;

7) the survey of CIML Members and cross body members was on-going. Mr. Chesolokile mentioned a deadline of January 2010;

8) the survey among accreditation bodies of ILAC full members would be circulated among ILAC full members. This had been planned for June 2009 but there had been a delay; an OIML liaison officer with the ILAC accreditation committee was supposed to have been registered as a member of that committee.

Future development plans included the agreement at the Joint General Assembly in 2008 in Stockholm to establish a task force whose role would be to examine a number of issues highlighted by members as requiring further investigation before deciding to follow a particular direction. Composition of the Task Force included the chairs and vice chairs of IAF and ILAC, the chair of the nominated representatives from each of the four regions, stakeholder representatives from three areas, namely the IAF industrial representative, the IAF conformity assessment bodies and the ILAC laboratory committee; and a representative from the OIML. Their terms of reference had been developed and sent off to all IAF and ILAC members in mid-January 2009.

Their second meeting had been held in May 2009, when documents had been produced under the titles of *Tasks and objectives of the international infrastructure; Compiled comments and options; Cost considerations; Future of ILAC and IAF; Summary of responses to questions.* These had been done at the request of the Task Force meeting held in Paris. At the meeting of the Joint Committee on closer cooperation in June, it had also been agreed that the JGA in Vancouver would be asked to consider the following three possible options, with a view to going ahead with one of them. These options were:

1) the current situation;

2) two legal entities, with partial integration;

3) a single entity.

Last but not least, Mr. Chesolokile would talk about Accreditation Day. The first International Accreditation Day had been held the previous year, on 20 June, with great success, to celebrate the achievements of both ILAC and IAF. This year, there was the very interesting theme of competence, something upon which much emphasis was placed in accreditation. Invitations had already been issued for the following year. Members had received a list of possible themes and were asked to express their preferences. Further information could be obtained from the Secretariats of ILAC and IAF. His role was that of messenger.

Mr. Johnston thanked Mr. Chesolokile.

Mr. Magaña pointed out that the talk, and the accompanying written presentation (available in the Working Document), contained an answer to a question raised earlier on the qualification of assessors in legal metrology; Members could see that this mutual training program to make lead assessors in accreditation and in legal metrology more aware of each others' specificities was already under way. It would also be possible to see all the presentations on line.

Draft Resolution No. 4 was drawn up and read.

Mr. Richard pointed out that for Switzerland and Germany the difference between accreditation and peer assessment was very important. He said he would like to add to the Resolution, after the words "CIML Members are invited," the words "within the applicable national legal framework and regarding the responsibility of the relevant national bodies," and then continue the existing text. After the words "promote the use of accreditation", he would

like to add, "or peer assessment using appropriate technological and metrological experts and lead assessors".

Mr. Valkepää referred to the table on use of accreditation given in the working papers. On behalf of Denmark he wished to point out that they had not received the questionnaire so had not been able to answer it. They further wished to add that all notified bodies' test laboratories within legal metrology in Denmark had been accredited, and they would like this to be noted. Also, he wished for discussion later on another point concerning the MAA. There were concerns about the ILAC/OIML list of experts in OIML Recommendations, the application of this list and what other possible experts might be used – in other words, he wanted some flexibility on the use of this list. These comments came from the three Scandinavian countries.

Mr. Magaña suggested adding to the Resolution the fact that some countries had not been able to complete the questionnaire. Mr. Valkepää thought this would be a good idea. Mr. Magaña read a draft of an amended Resolution.

3.3 Standardization bodies

Mr. Magaña then summarized some points on liaisons with other organizations:

- With ISO, the MoU had been revised and signed. Information on this MoU could be found on the web site. At ISO's request its full text had not been published, but its main points were on the OIML web site. Tables of correspondence had been drawn up with ISO between the TCs and SCs of ISO and the OIML. OIML SCs were registered in ISO as Type A liaisons so that ISO and OIML members (via the BIML contact persons) could have access to each others' draft publications. As far as he knew, this was working correctly. Any Secretariats which had problems with ISO should contact the Bureau, where the problem could easily be solved. Things were going well between the two organizations; Mr. Magaña had met the new ISO Secretary General informally at a BIPM reception, and he was keen to cooperate with the OIML: he wanted to meet the CIML President, and this was scheduled for March. There was also a good relationship with ISO CASCO, for conformity assessment issues, where ISO wished to experiment with working with regulators, and they believed legal metrology was the right place to start on this. Relations were good also with ISO DEVCO for Developing Countries issues. The OIML attended ISO meetings and General Assembly. The relationship with DEVCO might well be mentioned in the report on Developing Countries.
- Work had not yet begun on a similar MoU with the IEC, but they also seemed willing to have a good and fruitful cooperation with the OIML, so work would soon begin upon this.

Mr. Magaña read a draft of Resolution No. 5.

Mr. Ehrlich raised several questions about the meeting documents pertaining to ISO:

- He wanted reassurance that all OIML publications developed jointly with ISO were still available free on the OIML web site;
- the text of the document stated that the next stage in the implementation of the MoU was to undertake a review of those OIML publications that had been withdrawn, to ascertain whether or not it might be appropriate to publish them as ISO Standards. This seemed

curious, and he would like some information as to why withdrawn OIML Recommendations would be published by ISO; and

- the text referred to a table in Annex C which discussed the relation between OIML Recommendations and ISO Standards; Mr. Ehrlich would like to suggest that this table be circulated to the OIML TC and SC Secretariats for confirmation, because he believed that some of the liaisons shown in it might need some modification.

Mr. Magaña replied that there had been discussions with ISO, especially about OIML R 99/ISO 3930 on exhaust gas analyzers. Previously this had been a joint publication with the two numberings. There was now an agreement with ISO that in the future the two references would not be put on the cover page: a joint Recommendation would be agreed but then it would be approved separately by both bodies independently, and then published with each using only its own reference number.

R 99 had therefore been published free of charge on the OIML web site, with a statement on its introductory page that it was identical to the corresponding ISO Standard. ISO would publish ISO 3930 with a similar statement that it was identical to OIML R 99. But the ISO Standard might contain other sections which were not relevant to legal metrology and therefore not contained in the OIML publication.

Mr. Magaña agreed the tables Mr. Ehrlich had referred to should be sent to TC and SC Secretariats for confirmation. A resolution to this effect would probably be added.

For the moment no withdrawn OIML publications were being used by ISO but in a meeting ISO had been told that the OIML might occasionally withdraw a publication because it was no longer considered to belong in the field of legal metrology; in such a case, if ISO did not already have a Standard, the OIML would have no problem in allowing ISO to take it over as a draft or working document to speed up their own work.

Mr. Richard asked for more precision in the words “along the same lines” in the present Draft Resolution 5.

Mr. Magaña explained that this meant that the new Memorandum with ISO should be proposed to the IEC for discussion, with “IEC” substituted for “ISO”.

Mr. Dunmill added that apart from the actual words used in the MoU, the BIML had worked closely with ISO in setting up the table of correspondences between TCs and SCs. A similar process of improved cooperation would take place when the current old and rather general MoU with IEC was renewed. The process might not be mentioned in the wording of the MoU but would be going on in the background.

Mr. Ehrlich reiterated his point about joint publications, which was that such joint publications did not really work and the suggested language on the subject should not be included in the MoU. The basic problem lay with keeping the review cycles together, so, although he believed in working closely together with ISO and other organizations on the development of Recommendations and standards, he felt that the MoUs should not encourage the use of joint publications.

Mr. Magaña answered that he agreed with Mr. Ehrlich, and that it was not his intention in practice to have many joint publications, because it was probably to some extent a duplication of work. For the moment there was one publication, R 99, jointly developed with ISO, and only one with the IEC, which was sound level meters. There were no plans to produce more joint work, but, when it seemed that a category of instrument was clearly within the scope of

legal metrology and when there was an IEC standard, then the OIML should try to be consistent with the IEC. In principle, however, a publication from just one of the two organizations should in most cases be sufficient for both.

3.4 UNIDO

Mr. Dunmill told Members that an MoU also existed between the OIML, the BIPM and UNIDO, the United Nations Industrial Development Organization. Signed in December 2008, its aim was to promote closer cooperation between UNIDO, the BIPM and the OIML and to provide a good technical input to UNIDO's work in developing countries where metrology was concerned, normally as part of a larger quality infrastructure project.

Some early activities of this cooperation had included:

- a publication on industrial metrology laboratories, which should be completed at the beginning of 2010; although this largely concerned how to set up industrial laboratories, it contained several references to OIML publications. It was quite a thick book, and was currently at the stage of verification by the OIML and the BIPM. It had been written by a UNIDO consultant a couple of years previously but never published, so it was now being verified that the information was still up to date and relevant;
- another booklet, for which it had been necessary to engage a consultant to produce the initial text, on the importance of legal metrology to Developing Countries. It was intended that this could be published bearing the logos of all three organizations; it could be used nationally for awareness raising activities among politicians, industry and consumers. More case studies needed to be included in order to show politicians and consumers why they needed to have a good metrology system;
- as mentioned by Mr. Espina, there was also the AFRIMETS program to strengthen metrology throughout Africa, and the OIML was working on this also, along with the BIPM and UNIDO. Legal metrology was a significant part of the road map which was being established, and the latest news from UNIDO in the current week was that funding for the project to go ahead would begin to become available in November of the current year. Initially, they were making a detailed assessment of the needs of different African countries, which had significantly different capabilities;
- there was also a proposal that the OIML should hold a regional workshop in West Africa with UNIDO, dealing with metrological supervision. The exact scope of this seminar would depend on the funding which UNIDO managed to allocate to it, and whether the donor of that funding tied any conditions to it, but it would be something related to metrological supervision and it had been decided to hold this first workshop in West Africa; if the format worked well, it was hoped to repeat it in other regions of the world.

3.5 Codex Alimentarius

Mr. Kool reminded Members that information on liaisons with Codex was in the working document. The OIML's main interest in the work of Codex had to do with the issues current in TC 6 for prepackaged products. The Codex Alimentarius Committee was responsible for international standards for food safety, but among their objectives they also had the term "ensuring fair practices in trade", which meant they were also concerned with food labeling

and the quantity of product in prepackages. This was where there was an overlap between the OIML Recommendations, particularly R 87 and R 79, on the quantity of product in prepackages and the labeling of prepackages respectively, and the Codex standard on food labeling.

Besides the Commission itself, which was the main body, Codex contained four committees of particular interest:

- food labeling;
- food import and export inspection and certification systems;
- general principles; and
- methods of analysis and sampling.

In the past two years, BIML staff had attended Codex meetings and tried to establish general liaisons. Issues currently identified included interpretation of definitions, as there seemed to sometimes be differences of interpretation. The definitions which the OIML used, particularly in R 87, and the definitions in the Codex Standard on Food Labeling were not quite the same, and they had in the past led to differences in interpretation; one of the purposes of the liaison was to try and resolve these discrepancies.

3.6 WTO

Mr. Dunmill informed the Meeting that most of his information was contained in the paper which Members had received. The OIML had participated in a workshop held in March 2009 in association with the regular TBT Committee meeting, which had looked at the role of international standards in economic development. A report on that could be found on the WTO web site. They also attended TBT committee meetings regularly as an observer.

His additional point was that the BIML wanted to look at the possibilities for making a more proactive approach to their relationship with the WTO during the coming year. The OIML had previously participated in a number of their capacity building activities, which took place in different parts of the world. About three of these took place each year, but their content was member-led, meaning the members said what they wanted on the program. In the past few years, it appeared, these WTO members had had no desire to see metrology as part of the program, either because they already knew everything about metrology or because they were unaware of their own areas of lack of knowledge. The OIML was therefore looking at ways of encouraging them to include metrology more. He asked Members to try to ensure that they had a good relationship with the WTO Enquiry Point in their country, because one of the major problems was the lack of communication, in both directions, between metrology departments in Member States and the WTO Enquiry Points, which were not necessarily under the same ministries and might not even know that the other existed. So he asked Members to contact their WTO/TBT Enquiry Point when they got home and at least make them aware that they existed. The BIML would also be trying to follow that up from the other direction, to get WTO offices to contact OIML Members.

Mr. Magaña added that, on the WTO's TBT web site, there was a search engine enabling a search among notifications sent by countries. Members were aware that when a new regulation or a revision of an existing regulation was prepared, it had to be notified to the TBT Committee, and there was a process of consultation whereby other countries might send comments. The database was open to all. Metrology was a key word to search for and

Members could see there all draft regulations notified to the WTO over a period of time, and could send comments to their national TBT Enquiry Point for forwarding to the TBT Committee. The name and address of the person in each country to whom comments should be addressed were to be found on the same web site. This information would also be put on the OIML web site so that Members could see what was going on in the rest of the world.

Mr. Ehrlich referred to the last sentence in the working document, which stated that there was a change in focus of the WTO regional workshops in the current year; could Mr. Dunmill expand on that statement?

Mr. Dunmill explained that until a couple of years previously, subjects listed on the WTO web site for their capacity building activities had always included contributions from the standards bodies. ISO, the IEC and the OIML in particular had all contributed at the same events. During the last year, Codex had been involved in most of the activities, and the IEC in one, but there seemed to have been a shift away from standardization activities. The OIML (which was regarded by the WTO as a standard-setting body because it published Recommendations) had not been invited.

Mr. Dunmill also made the point that all notifications placed by WTO members on their web site should have used an international standard for the basis of their regulations, providing that such a standard existed, because in the terms of the TBT Agreement, members should use relevant international standards when developing their own national regulations. He asked OIML Members to keep an eye on this and make comments if it was not done, because in any of the fields covered by OIML Recommendations, the latter should be used as the basis for national legislation.

3.7 Other organizations

Mr. Magaña referred first to a mention in the working document of an informal group of other organizations based in Paris, and with which the OIML had some coordination on administrative issues, such as relations with the French Government. This was a useful forum for informal discussion of problems. One of these organizations had the previous year organized a very interesting seminar on the application of international accountancy standards.

Two other organizations were of particular interest: NCSLI had proposed a Letter of Intent with the OIML, to promote closer relations between the two. This would shortly be discussed, but it seemed to Mr. Magaña to offer a good opportunity to promote the OIML and legal metrology worldwide. The organization was American but also international and their Congress was widely attended.

The second organization was the FIVS, or International Federation of Wine and Spirits, who were very much concerned with many issues pertaining to legal metrology, because in each country many categories of instruments and many measurements were covered by legal metrology, so of course there were issues of quality of wine, promotion of wine, regulation of alcohol and so on, but also there was activity in weighing, in measurement of alcohol and of sugar content, etc. They were very interested in having relations with the OIML and they kept in touch. They had not been able to attend this CIML, but it was an interesting contact.

Mr. Magaña concluded by telling delegates that, as they probably already knew, reports from the various liaison organizations had been posted on the Workgroups web site, in the folder

"CIML 2009", in which might be found presentations from liaisons and regional organizations and also from the seminar, some of which were already on line.

Mrs. Lagauterie wished to return to a question concerning the liaison with Codex, particularly the discussion paper proposed by the BIML. Members would know that the question of prepackages in Europe was dealt with in the European Directives which all Member countries had to adhere to. Those who failed to do so could be taken to court. Any re-examination of this matter must be undertaken with great care, because Europeans were not allowed to diverge from these Directives. She wondered whether the TC dealing with prepackages had received this discussion paper prepared by the BIML and whether it could be made available to other CIML Members.

Mr. Magaña responded that this problem arose from the fact that there were some arrangements regarding labeling which seemed contradictory between what some Codex colleagues were doing and the OIML's R 79. This situation where two international organizations had contradictory regulations had to be resolved, so the OIML would approach Codex for discussions to settle the matter. This was the purpose of the discussion paper.

Mr. Kool added that the paper as such had not been circulated. Its purpose had been to open discussions with the Codex committee on food labeling. The committee had looked at the paper and made comments, some of which related to whether the differences were really of terminology or just of interpretation. Mr. Kool had agreed with the committee on food labeling that a revised discussion paper would be prepared; this one would be discussed beforehand with at least the members of TC 6. The fact that R 87 was going to be revised was also closely linked with the discussion paper.

4 Member States and Corresponding Members

4.1 New Member States and perspectives

Mr. Magaña told Members that there had not been any new Member States in the past year. Last year he had reported that two or three countries were interested in becoming Member States; of these, the Colombian Parliament was in the process of ratifying the OIML Treaty, which had already passed its second reading, and the process was expected to be completed by April 2010. It had taken longer than expected because a small amendment to their constitution had been needed. Mr. Magaña had visited Colombia to assist the process and had met representatives of both the House of Delegates and the Senate, who were very keen to join both the OIML and the BIPM.

Mr. Magaña would make another attempt to contact the other country which had expressed interest in membership but changes in personnel there had meant that his contact with them had been lost.

4.2 New Corresponding Members

The Dominican Republic was now a Corresponding Member. This was a very special case, because the Dominican Republic had been one of the signatories at the origin of the Treaty, and thus among the countries which had founded the OIML, but at that time they had not ratified the Treaty, and so had never become a Member State. They had asked for

Corresponding Member status because of the cost of full membership for a small country. The OIML was very happy to welcome them.

The other new Corresponding Member was also an unusual case: it was the UEMOA (*Union Economique et Monétaire Ouest Africaine* or Economic and Monetary Union of West Africa), a group of French speaking countries in West Africa, which had asked to become a Corresponding Member as a group. Mr. Dunmill had been in contact with them in connection with the UNIDO program. They were setting up regional regulations and a regional Legal Metrology infrastructure.

4.3 Member State contributions and arrears

Every year, following the decision taken in 2005, the CIML looked at the economic data of countries and reviewed the contributory class of Members. In the current year, due to the economic crisis, it had been decided that no contributions should be increased. There had not been any significant arrears; no state was more than two years in arrears and where this had happened it was often due to administrative delay. However, the situation continued to be monitored carefully, as the Committee had decided that when a country had three years of arrears it would automatically be struck off and the debt would not be allowed to increase beyond that point. There was no such problem at the moment.

Two countries had arrears:

- The Democratic People's Republic of Korea had asked to step down to the status of Corresponding Member. They had done their best to pay their arrears as Member State and in addition to their Corresponding Member lump sum subscription they had also paid part of their arrears.
- Zambia had been struck off the list because of arrears; unfortunately this country was therefore now neither a Member State nor a Corresponding Member. It had made no reimbursement, though the BIML would continue to ask for this.

Mr. Magaña added that it was not easy for a country such as Zambia to repay, but that a Resolution had to be made to ensure the utmost was done to recoup the payments.

5 Presidential Council activities

5.1 Report of the CIML President

Mr. Johnston explained for the benefit of new Members the role of the Presidential Council. It was first and foremost an advisory council to the President. It was made up of the President, two Vice-Presidents and Members appointed by the President for a term specified by him. He commented that this represented a lot of power for the President. Also in attendance were the Director and the two Assistant Directors, to provide support and advice to the Presidential Council.

The Council met twice a year, once in conjunction with the CIML and the other, primary and more lengthy, meeting in March; this time was chosen so that they could have liaison meetings with other organizations such as the BIPM and ILAC. The purpose of the Council was to try and provide advice to the President, and to try and determine what options might be

available on any issue that arose. These options would then be brought to the CIML and presented to the membership with a view to obtaining their feedback and eventual decision.

An example of one such issue was the suggested rapprochement with the BIPM. Members would remember that at the previous Meeting they had been asked for comments on the potential rapprochement. A number of comments had been received from various Member States, which the Presidential Council had reviewed at the March 2009 Meeting. Mr. Johnston had invited Mr. Richard from Switzerland to attend that portion of the Council meeting with a view to obtaining as much input as possible from Member States. There had then been a meeting with the BIPM. The outcome of these discussions was in the working document distributed to Members; however, time had been set aside the following afternoon for further discussions on the subject, on which occasion Members' comments would be welcomed.

Time was also set aside at these March meetings of the Presidential Council for a review of the work of the Technical Committees. They looked for issues that needed to be resolved, or any problems, for example any Committees that might be falling behind. Basically, it was an annual review to know where things stood and to offer help if any TCs needed it. He personally found it very useful to familiarize himself with the work of the TCs in this way.

The Award for Developing Countries had been brought to the Council the previous year. The Presidential Council had put together a procedure and reviewed it, and the Award would be given for the first time during the current week.

One of the issues which had been under discussion for some time was conformity to type, and another discussion on the same subject had been held in the current week. Mr. Magaña had given a presentation, which he would repeat during the coming CIML Round Table discussion. Depending on comments heard then, the work would then be allocated to the appropriate TC/SC to begin. Mr. Johnston expressed appreciation for Mr. Harvey's leadership on this issue over a number of years.

In March the Presidential Council had met the BIPM. There was a very good working relationship between the two organizations, with open discussion in which they could agree or disagree without acrimony, while continuing to work closely together. Mr. Espina had mentioned that the OIML and the BIPM had worked closely together for International Metrology Day in 2009, and they would also be involved in similar projects in 2010 and subsequent years. The Directors of the two organizations had presented the roles of the two organizations at a metrology day in Dubai, Mr. Magaña had made a presentation at the CIPM/MRA event, which Mr. Dunmill had also attended.

The MoU signed with ILAC and the IAF had been quite constructive, as they all now seemed to understand each other better. A work plan was developed into an action plan, which had been examined in the March meeting to make sure some progress was being made. Mr. Johnston tried when possible to attend the ILAC and IAF General Assemblies, and at the current year's Vancouver Meeting he had given a presentation on some of the issues the OIML was facing and a general update. At this meeting he had met the new Secretary General of ISO, whose presentation had demonstrated a different attitude from that of his predecessor.

Members would also recall that a new Auditor had been appointed to audit the accounts of the BIML. This lady, Madame Cordier, had presented her perspective on the financial statements to the Presidential Council. Mr. Johnston had then decided that he would ask her to perform a management audit in addition to the normal financial audit, in order to ascertain whether

Members' money was spent well and wisely as opposed to whether the figures were correct. This audit had been carried out in July 2009.

The audit report had highlighted a relatively large number of issues which needed to be corrected by the BIML Director. Mr. Magaña had seen the report and had given Mr. Johnston a list of corrective actions that he was undertaking or about to undertake. The Auditor had reviewed these comments also and had felt that they did respond to the questions she had raised during the audit; Mr. Johnston was now in the process of reviewing the action plan resulting from this process, with the purpose of being able to respond to another management audit which he was planning for the following year. This process had been very productive and seemed to him to be a good thing for an organization such as the OIML to undertake, and he might well make it an annual process. The audit had brought to Mr. Johnston's attention various issues, one of which was the need for stronger administrative procedures.

Mr. Johnston stressed again that the Presidential Council was advisory, helping the President to bring matters for decision by the CIML or Conference. It might at times take a position on something, which occasionally might not be in line with the opinions of a majority of Members. He himself found it very useful to be able to send out a message to the Presidential Council asking for opinions and advice on matters which might arise. It was on his initiative that the two Assistant Directors had been added to the group – he had felt that otherwise it would frequently be necessary to find one of them in order to ascertain necessary information, as the Assistant Directors worked both with certain TCs and with certain other international organizations.

Mr. Richard thanked Mr. Johnston for inviting him to the March meeting and for the idea of the management audit. He asked whether the report from this could be made available to CIML Members.

Mr. Johnston explained that there were some privacy issues in the report, including one or two names which could not be released. However, he had asked Mr. Magaña to provide a summary of the audit observations and the recommendations on dealing with it; this would be made be available as quickly as possible.

Mr. Mason pointed out that Mr. Johnston's report had indicated a wide range of topics discussed at the Presidential Council Meeting; he wondered whether it might be possible for minutes of it to be made available. Obviously it would be difficult to do this for the meeting which took place at the same time as the CIML but there might be benefit in having the sort of minutes that were produced for the CIML, which would help Members in their preparation for the CIML Meeting.

Mr. Johnston agreed that this might be possible, obviously excluding any item that might be confidential, though it was rare for there to be any such item.

Moving on, he reminded Members that he had promised to allocate them time to express their opinions on the subject of a possible rapprochement with the BIPM.

This matter had been under discussion for a long time and the possibilities ranged from closer cooperation to a full merger. A number of comments had been received, as requested, from various countries after the discussion at the Sydney CIML Meeting. After obtaining permission from the writers of the comments, these had been sent to the BIPM, following which the Presidential Council had discussed the matter in March, Mr. Richard having also attended that portion of the meeting.

After the Sydney Meeting, the conclusion had been reached that certainly closer cooperation would be an excellent idea and the two Organizations should work towards that. There did not seem to be an appetite for a full merger - indeed the Presidential Council discussions in March had reached the same conclusions. The following day the meeting with the BIPM had taken place, and on that occasion rapprochement had been the first topic on the agenda.

Mr. Johnston reminded Members that it had been the BIPM that had initially broached the idea of a rapprochement, so everything had evolved from there. At the meeting, Mr. Johnston had opened the discussion with the information he had earlier provided to the BIPM, plus the conclusions from the Presidential Council Meeting. It then transpired that the position of the BIPM had changed by 180°, in that while everybody agreed that closer cooperation was a good thing, they no longer wished to discuss merger or even formally to discuss any operations that might be combined. The discussion was very short. Mr. Johnston had tried to raise the matter again later in the meeting, and was again informed that the BIPM was not interested in it at that time. Naturally, discussions between Directors and Assistant Directors continued as before whenever time allowed.

So the present position was one of endorsement of the present close contacts, such as the Directors' joint presentation in Dubai, and when one Organization was attending a meeting and the other was not, if a joint presentation was a possibility they tried to arrange that. But no discussions on further rapprochement were currently in progress.

Mr. Johnston was not against the idea of rapprochement; long term objectives would need to be set out, together with the means of achieving them, but in any partnership both sides needed to be working towards the objective, and that was not the present situation.

Mr. Klenovský said that he was also chairman of an NMI, and had had a very similar experience at a recent meeting with the BIPM, which seemed to have completely lost interest in any negotiations with the OIML; the BIPM had in fact stated that it had put forward some proposals but that the OIML had not responded.

There had then been discussion of a linear accelerator, expensive equipment for purposes of achieving traceability of medical measurements used for treating tumors, replacing Cobalt 60, and there was a question of whether this was a matter of legal metrology or not, and what would be the procedure for verifying those instruments. This case clearly demonstrated that there was a close connection between traceability matters, which were the responsibility of the BIPM and regulation, which was that of the OIML, so this showed that "in-between areas" certainly existed. For those who represented their country in both Organizations, it was very difficult to know what they should say to their government about negotiations.

Mr. Johnston said that he was not aware of any outstanding proposal from the BIPM which had not been responded to; Mr. Klenovský responded that other directors of NMIs would bear him out, but Mr. Johnston reiterated that if he had received any such proposal he would certainly have replied to it.

Mr. Leitner said that he too, as an NMI Director, had received the impression that it was for the OIML to respond to a BIPM proposal.

Mr. Johnston replied that at the March meeting, attended by several OIML personnel, there had been neither discussion nor proposal. He himself had been pressing for further discussion, to carry out the wishes of the CIML, but had achieved nothing thereby. He assured Members that it was not the OIML which had shut the door.

Mrs. Vukovič, speaking on behalf of WELMEC rather than Slovenia, said that she had read the comment that that rather than a top-down approach they would prefer a bottom-up approach, meaning that at a regional level organizations such as WELMEC and EUROMET should cooperate more on scientific and technical work between their working groups. She felt that at European level, not enough was made of these potential resources for the benefit of international metrology. She and others were already at work on improving such cooperation, and were discussing the draft memorandum together. The problem had been identified at European level.

Mr. Mason said that he also had attended the meeting in Paris and could confirm Mr. Johnston's account of what was being said at an official level. However, he had had a number of bilateral discussions, during which he had received the impression that the BIPM was interested in working together, but that their position was better understood if it was realized that to date what they had been thinking of was a merger of the institutions.

Mr. Richard thought that to speak of merger of the two Organizations was a mistake which had been made in the past and should not be repeated. It was also their responsibility to think about the needs of legal or scientific metrology for the future, but from a very strategic point of view.

Mr. Richard returned to the discussions of rapprochement in the Presidential Council meeting reported in Annex A2 of the working document. He first expressed thanks for publishing the Members' comments in Annex A1. This gave all Members a good opportunity to see what others had said.

On the subject of Draft Resolution No. 3, Mr. Richard said that during his careful reading of Annex A2 he had noted, and would quote, seven elements of special interest in the report on the Presidential Council Meeting, as follows:

- It was necessary to identify future needs for both legal metrology and scientific metrology (A2.1).
- Lines between the two had moved a lot in the last 50 years (A2.1).
- The ongoing evolution of metrology and of the two Organizations would bring their work closer together (A2.1).
- The issue of rapprochement should be considered after consultation with the stakeholders (A2.5).
- The issues of rapprochement are mainly strategic in nature (A2.6). This point was very important and had not been the case in the report seen the previous year.
- The President would discuss with the BIPM how to develop a practical, global, consistent image of international metrology (A2, conclusion).
- As a conclusion, Mr. Magaña had been asked to prepare a draft report on the rapprochement in order to inform Members of the two Organizations about this issue. This report would be discussed with Andrew Wallard, the BIPM Director, and then sent to Members by the two Directors (A2, final paragraph).

Mr. Richard found these elements very interesting and promising. He thanked the Presidential Council for its excellent work in analyzing these issues, for its good contacts with the BIPM and for its desire to anticipate the evolution of metrology and especially legal metrology, as

already partly discussed during the Seminar earlier in the week in response to Peter Mason's presentation.

It was time to take a decision that the possibilities must be analyzed in great detail, not with a view to immediate merger but thinking of the strategic future. If after very deep and strategic analysis the Committee or the Conference came to the decision that a merger was not the right solution for the future of the OIML's needs, that was not the problem. But the discussion had to start at once in order to strengthen the position of the OIML.

In this regard, Mr. Richard would like these elements to be included in Draft Resolution No. 3, and suggested that the first part be worded in the following way, which was similar to the wording of Resolution No. 10 of the previous year's CIML, for the first part:

"The Committee expressed its appreciation for the excellent cooperation between the Presidential Council and the Bureau of the CIPM as well as between the BIML and the BIPM".

For the second part, Mr. Richard proposed considering the comments from the report of the Presidential Council in the following way:

"The Committee asked the Bureau to prepare a draft report on the rapprochement in order to inform the Member States of the two Organizations about this issue and encourage further discussions during the 45th CIML Meeting. This report is to be mainly strategic in nature and to consider the point of view of stakeholders of both Organizations as well as the comments received from CIML Members. This report will be discussed with Michael Kühne, the future BIPM Director, and then sent to all Member States by the two Directors".

Mr. Mason expressed strong support for Mr. Richard's proposal. He added that after the Paris Meeting he had had the impression that many organizations, not just the BIPM but also ILAC, IAF and ISO wished to move more closely together in the way that they tackled some of the common problems, and to develop a common approach to the needs of the global economy. In his view, there was a real danger that the OIML could be left behind if they were not seen to be taking the initiative. He agreed that it was right to talk about a strategic approach but they also had to enter into detailed proposals about exactly where and in what way they were going to work together.

Mr. Flandrin said that he supported the views of his Swiss and British colleagues. He was appreciative of having received, among the documents given to all the Members, all the comments received from Members and the résumé of Presidential Council discussions. These formed a concrete and useful basis upon which to proceed with discussion and make proposals. He agreed with both previous speakers on the need to move in the direction of rapprochement. The French delegates from both the BIPM and the CIML were very much in favor of this. He also agreed with Mr. Richard that it was important to identify specific areas for cooperation before moving closer to the BIPM, but he considered that this could be done without difficulty.

His final remark concerned the personnel in the two Organizations concerned in this matter. It was quite clear that the President, at the behest of the CIML, was in charge of the OIML's side of any negotiations, but it was less obvious who was leading them on the BIPM side. It did not seem to be the CIPM, since as a Member of that he had not been consulted, yet it was vital that the Member States should be involved in such a process.

Mr. Magaña said that discussions in March had been held with the Bureau of the CIPM. This had a somewhat similar function to the OIML's Presidential Council, and was composed of

the CIPM President, Vice President and Secretary, the Director and Deputy Director of the BIPM and perhaps one or two additional experts. The CIPM Bureau did not officially represent Member States. The CIPM was a group of appropriate experts who were appointed by the General Conference on Weights and Measures, and was composed of 19 people appointed as experts and not as representatives of their country. They were a small team which worked with the CIPM President to advise the President and the BIPM Director on various issues. These people represented themselves, and not the Member States, who were represented by the General Conference, which took place every four years. The next time this met would be 2011, so unless other processes were used to consult Member States, that would be the next occasion on which they might be informed.

Mr. Johnston proposed that, rather than try to put Mr. Richard's rather lengthy proposal on the screen at once, it should be transmitted to Mr. Kool for preparation in time for Members to study it before the review of the Resolutions in the last session of the CIML.

6 Round Table on Metrological Control

Since the majority of delegates had attended the Round Table, and in view of the lack of time available during the CIML Meeting, it was not deemed necessary to review or comment on the Round Table discussions. The CIML President informed Members that a summary would be published (see Annex), and so unless there were any specific questions he proposed to move onto Item 7.

7 Report on the Seminar "Stakes and priorities of legal metrology for trade"

Mr. Magaña said that most Members had themselves attended the Seminar and that there had not yet been time to make a summary of it. He merely wished to say that all the presentations were already online on the OIML web site or would shortly be there, and that they could be downloaded from there; he had taken some notes, from which he would also make a summary of the discussions in the Seminar. It had also been recorded, and its full proceedings would be published as soon as possible (see OIML S 5:2010).

8 Activities of the Bureau

8.1 Publications

Mr. Magaña informed Members that all the publications that had been approved had been published and were available in English online. The French versions were not yet all available. R 85 and R 138 had been translated into French and were also available on the web site, and three other publications (D 31, R 76 and R 117) were being translated either by the Bureau or contracted out to experts. These would be available as soon as possible. As often happened in the course of translation, some questions had arisen, especially on R 117, which had to be checked with the TC Secretariat in case an erratum or amendment was needed.

8.2 Technical activities

The following status report was given to Members:

- This year again there had been a training course for Secretariats of OIML Technical Committees. As with the first one the previous year, it had been held in Douai, in France, and had worked extremely well. There was a report on this in the working document. All the participants had been very satisfied.
- There had been a Smart Meters Seminar, upon which delegates would hear a presentation later in the Meeting.
- The Bureau had continued with its normal work of following up the work of the TCs and SCs, which were currently developing a number of important issues.
- The Bureau had given help to TCs in writing down requirements in software, based on D 31. In a number of cases the Bureau had provided proposals for consideration and inclusion by the TCs.
- Concerning the MAA, there had been meetings of the Committees on Participation Review; this had been a joint meeting for the three Declarations of Mutual Confidence and had been held in Berne. There would be further information later both on the MAA and on the CPR meetings.

8.3 Support to Regional bodies

The Bureau had attended the General Assemblies of all the regional bodies and also a number of their working groups which the Bureau had considered to be of considerable strategic importance.

8.4 Liaisons

The Bureau had attended the main meetings of the WTO/TBT Committee, Codex Alimentarius, ISO CASCO, ISO DEVCO and had also been represented at the ISO General Assembly. They had also had some contacts with the Smart Meters Coordination Group, a European group of standardizers and industries which was addressing issues affecting smart meters. They had had a joint work program with ILAC and IAF, which had been implemented and then reviewed at a joint meeting with ILAC in March. Liaison with the BIPM, as previously stated, had been very fruitful and constructive; there had been joint representation of international metrology in various regions and countries.

8.5 Promotion of the OIML

The OIML had participated in a number of workshops, one in Amman, in Jordan, one in Dubai in conjunction with the BIPM; they had participated in an Asian seminar on mutual recognitions in Indonesia, where they had given a presentation on the OIML MAA; they had attended the Milestones seminar in the Netherlands; and they had participated in the International Congress of Metrology in Paris, which took place every two years.

8.6 General

The Bureau had reviewed its databases with a view to making a number of changes following decisions taken at the previous year's CIML regarding how categories and publications in the Certificate System should be registered. It had carried out the online survey on the implementation of Recommendations, which had already been presented in the Seminar. This was a very important step. The survey would shortly be improved to make it more user friendly, but had already led to good progress. Preparation for the CIML Meeting of course always occupied much time, and financial issues had been time consuming in the past year, because of the audit already mentioned. For the new type of audit, the auditor had gone deeper into the operation of the Bureau and the Director had been obliged to furnish a large number of answers and explanations and take a number of immediate corrective actions.

Mr. Magaña invited comments on the Draft Resolution

Mr. Vinet suggested that a PDF version of the inquiry concerning the implementation of Recommendations should be made available to everyone and put on the web site. Very often, to receive responses the inquiry had to be sent to many people. At present there was restricted access via a special password, and he felt that a PDF version would make things much simpler for Members.

Mr. Magaña replied there would be no problem in this. At the moment the survey was sorted by publication; to answer for gas meters it was necessary to answer for R 31 and then R 137, which was in another place. To make it more user friendly he would group questions by category of instruments so that at least gas metering would be found in one place and other categories in another. Another issue that had been mentioned was that when a new category appeared, Member States had to go through the whole questionnaire to find it. He would address these changes and would also provide a PDF as requested by Mr. Vinet.

Mr. Issaev thanked the Bureau for the second training session, which he had found very interesting and very important. Russia now had five trained TC Secretariat leaders. He wondered whether there were plans for other training sessions; for example they had some difficulties with the MAA. He wondered whether it might be possible for some seminar or similar training on that subject to be made available.

Mr. Magaña replied that no training for TC Secretariats was planned for 2010 but in the future there would be updates of training and training for new Secretariats. Concerning other issues, this could be considered. He was not sure whether there was a need at present to train for the MAA; the experts who worked for the CPRs for the peer assessment had received sufficient training and information for their task, and they were working with ILAC to make ILAC lead assessors aware of legal metrology. No formal training sessions were currently envisaged but if a need arose, it could be considered. The idea of summer schools had been raised at the Seminar. He would discuss the matter with the BIPM because they found that preparation of a summer school required enormous work, taking a heavy toll on resources. It would be necessary to find high level lecturers; those attending would have to pay for all this, which might raise budgetary problems for them.

Mr. Espina said that the BIPM had run two summer schools, in 2003 and 2008, and that their preparation indeed had entailed tremendous work. The average cost of participation was about 5 000 € per student, on top of which visiting lecturers had to stay in Paris for about two weeks. The whole process was so onerous that it prevented the BIPM from doing anything else for a couple of months.

Regarding the summer school idea, Mr. Richard wondered if it might be possible to have a legal metrology session at the BIPM Summer School. He also asked whether it was the case that some Recommendations withdrawn the previous year still figured in the questionnaire.

Mr. Magaña confirmed that some withdrawn Recommendations had been kept in the list because some countries had legislation which was still based on these. Electricity meters were in the inquiry so that people answering could state that they regulated electricity meters. Other countries stated that the old Recommendation was not appropriate for them.

Mr. Richard suggested that in that case the inquiry should show which of the Recommendations mentioned were active and which were withdrawn, and the withdrawn ones should not be counted in the statistics.

Mr. Magaña said this could be done. The figures were a rough estimate and not a scientific calculation, but Mr. Richard's suggestion would be looked at.

9 Financial matters

9.1 Pension system

Mr. Magaña said that he had given an explanation of the pension system the previous year at the Conference. It had been noted that the international standards on accountancy made it mandatory in principle to record the rights acquired by the personnel for ever, without any time limit. As a result, the provision for pensions, previously rather limited, had become very high and absorbed most of the reserves. Also the annual contribution to endow this provision was very large, due to the fact that all the rights acquired, and all the pensions that would be paid over the course of 40 years, had to be accounted for, none of which had previously been the case.

Mr. Magaña had therefore suggested to the Conference that they should step back and consider making pension provisions which would cover the medium term but not the very long term. The Conference had instructed the President and Director to examine the issue with an appropriate expert and take provisional measures until a decision could be taken by the 2012 Conference.

The provisional rules on pensions stated that:

- provision for paying a certain number of years' pensions should be covered. Mr. Magaña had chosen a period of five years, so that each year provision was made to cover the next five years' pensions. This was for the medium term and more than covered the four-year period between Conferences;
- the totality of rights acquired by the personnel, without any limit of time, would still be evaluated by an actuary and presented to the Conference as an informative annex to the accounts. This annex would therefore state what pension rights would be due to the personnel in the case of the OIML being dissolved. This was also done in other organizations similar to the OIML;
- the Member States were liable for these acquired rights but the OIML had some resources, in the form of its very valuable building, the purchase of which was now almost fully depreciated. The value of the building would also be evaluated and presented to the Conference so that Member States could see that the totality of rights acquired by the personnel was covered by the value of the building. This also was done in a number of other organizations, and meant that the total pension rights acquired by

the staff need not feature in the annual accounts, since they were fully covered by the OIML's assets. The only event in which the totality of rights would have to be paid was the dissolution of the OIML. Otherwise the pensions to be paid every year could be balanced by the five year provision.

This plan was not strictly in conformity with the International Standards on Public Accountancy (IPSAS), but it had been discussed with the external auditor, who was from the *Cour des Comptes*, the body in charge of auditing French public bodies and a member of the board of IPSAS, so she was very knowledgeable about these issues. She was also external auditor to two other Paris based international organizations, the OIE and CIHEAM, which were about the same size as the OIML. She had informed Mr. Magaña in discussion that although the international accountancy rule had been adopted, a number of countries were rather reluctant and already saying that they would apply it in the way which Mr. Magaña had just explained. She considered his proposed rule acceptable. This rule of course needed to be inserted in the revision of the Financial Regulations and submitted to the Conference but in the meanwhile it would be reasonable to work on that basis.

The new rule had therefore been applied in the 2008 Accounts. The previous year, provision for long term pension rights had had to be included in the accounts, but for 2008 provision only needed to be made for five years, with the result that about 1 million euros could be returned to the reserves. Pension provision covered more than the four-year financial period and would be updated every year, and the situation could be discussed at every Conference with a decision being made as to whether to continue on the same system. The finances of the OIML were in no danger. A full revision of the Financial and the Staff Regulations of the OIML would have to begin at once, to substitute the new arrangements for the old ones. The new regulations would be presented to Conference in 2012 but interim reports would be given to the 2010 and 2011 CIML Meetings.

Mr. Johnston informed Members that Peter Mason had graciously agreed to assist with the work of revising the Financial Regulations, particularly where it related to pensions. Mr. Johnston had felt guilty asking for this since Mr. Mason had told him that his workload had doubled but his salary had not, but Mr. Mason had agreed to offer his expertise, for which Mr. Johnston was very appreciative.

Mr. Issaev asked how many people the fund covered. He knew that the former Director, Mr. Athané, was not among them.

Mr. Magaña said there were 4½ people on pensions, or four plus the widow of one, and two people actively contributing to the pension system. It had been necessary to ask an actuary to calculate the rights acquired, and the actuary had made very complex calculations based on statistics and life-expectancy, upon which the evaluation would be based, although calculations based on four persons were not statistically reliable.

Mr. Richard said that although this Resolution would be submitted to the next Conference, he had had a firm mandate from his ministry and the Swiss Ministry of Finance to refuse this Resolution, for two reasons: they did not agree with Mr. Magaña's interpretation of Article XXXI of the Treaty; and if an obligation existed for the States they wanted this to be explicitly stated in the Resolution.

Mr. Magaña replied that his interpretation might have gone beyond what was written. The exact words of the Convention were: "In case of dissolution of the OIML, the assets and the product of the sale of the assets is distributed to Member States after having taken out the rights acquired by personnel". So, if the assets could not cover the pensions, there would be a

problem. But in fact the assets covered all the pensions to be paid and all the rights acquired. Member States would receive what was left after taking out the rights acquired by staff. It did not explicitly state that States were liable for these rights, but they would only get back the money that was left after the rights had been satisfied.

Mr. Mason said he was looking forward to examining this issue in more detail. The question that occurred to him, if the Member States did have this liability, was whether Member States themselves should recognize that liability. If there was a 40 year liability for pensions and they were only providing for five years of that in the OIML accounts, then the question raised for all Member States was whether they should recognize the balance of that liability. He would want to address this question and discuss it with his Finance Ministry. The reason for having international financial standards being introduced was so that all countries could have a common understanding of how their liabilities were calculated. The matter would have to be looked into further, but hopefully they had three years until the next Conference for this to be done.

Mrs. Van Spronssen agreed with the proposition that Members' liability for pension rights be made explicit in the Convention. She also raised the point that if the decision had not been taken yet to put the reserve from the pension fund into the general reserve, she would like to see if it was possible to put it in a reserve specially for pensions until the Conference, so if the Conference made a different decision, the money would still be there and would not have been used for something else.

Mr. Magaña replied that what was written in the old Staff Regulations was that a fund had been set up for the payment of pensions. This fund was accounted as an asset. On moving to the international standard, two things had to be considered: first, what rights should be recorded – all rights for ever, or the charges due in the medium term; and second, whether there should be a dedicated asset for this. If the IPSAS rule, which was the same as the rule for the private sector, the IAS, was applied strictly, all the rights acquired should be shown in their accounts, and there should also be an asset which was dedicated for the payment of this charge and which could not be sold. They had come to the decision that in the event of their having to pay all these rights, which would occur only on the dissolution of the OIML, the liability of Member States had to be clarified. On the other hand, the building was an asset which was recorded for almost nothing, because it had virtually been reduced to nothing through depreciation, but which in fact was capable of covering the cost of the pensions. It was the interpretation of this fact which had led to the proposal being framed in the words used. He had considered having the building re-valued, but if that was done it would have to be shown in the accounts as depreciating over 50 years, thereby automatically making a charge on the accounts which was not a real charge, and not producing any advantage.

Mr. Magaña read the proposed Resolution.

Mrs. Blasco told delegates that she considered that both rights and assets should be accurately recorded. If the building had a higher value, this too should be shown in the accounts.

Mr. Magaña replied that about 70 000 € per annum were paid out as pensions. If they were to record all rights acquired for ever, it would be necessary to make provision for some 400 000 €, to plan for expenses which would occur only in the very long term. This would create an apparent deficit of more than 300 000 € for the OIML for expenses which were not due in the medium term. It did not seem reasonable to him to have to show this charge in the annual accounts. If this had to be done, other issues would have to be considered in the OIML accounts so that these could balance. He wanted to avoid having to request that drastic

measures be taken such as a decrease in the number of Bureau staff, because the number of staff seemed reasonable to him. The operating costs were correct; the only way of meeting the costs of the pension scheme if long term liabilities had to be shown, would be to raise Members' contributions, and this was not the right time to take such action.

Mrs. Blasco said that the deficit had to be taken into account, because it did exist, whether it were shown in the figures or not.

Mr. Magaña commented that the pension scheme had started at a time when in France and in many other countries all pensions were based on the principle of repartition. There had never been any valuation of all the rights acquired. This situation had only arisen on transfer to the new accountancy. The new rules had drastically changed the OIML's economy, and, although there were arguments to the contrary, many countries, such as France, were taking the view that because the State was liable for them, it was not necessary to account for all the rights acquired. Mr. Magaña felt that the OIML was in a position to take a similar path. The Convention was not very clear on the question of liability.

Mr. Mason asked whether the opinion of the external auditor had been obtained on the question of revaluing the building. It seemed to him that the normal way to apply accounting rules would be to show the actual value of this asset. This whole issue concerned the liability of Member States to meet obligations over a period of time; they were looking for a way to understand what their commitments might be in future years, and the current value of the building, together with its future depreciation costs, seemed to him to be a vital part of that understanding.

Mr. Magaña said that the question of revaluing the building had not been discussed formally with the auditor; he himself would put its value at about three million euros. The two possibilities were either to revalue the building, put it in the assets and depreciate it all over again over 50 years, or to revalue it annually. Depreciation of such a building had little meaning since in practice it did not lose its value. He thought this question should perhaps be examined with the external auditor.

Mr. Mason pointed out that as well as this there were other uncertainties which had been identified, including the meaning of Article 31. There might also perhaps be other possible ways of showing Member States' liability, perhaps as the equivalent of uncalled capital. In view of the existence of other unexplored possible approaches to the problem, he considered that it was premature for the current Committee to agree on the provisional rule to be used until the next Conference.

Mrs. Van Spronssen said she had been thinking along the same lines. There was no doubt that Member States were liable for pensions. The employees had earned them and must have the security that they would be paid. The decision to be made was in what manner this obligation was to be fulfilled. If the Member States decided not to put aside the full reserve to pay the pensions, then there must be an asset to set against the cost of them. The Member States would either have to accept their liability or else put the full cost in the accounts. She agreed that this Draft Resolution was premature because there were still a number of avenues to be explored.

Mr. Magaña had two questions: should the building be revalued and put in the assets to show that this was the fund that would cover liability for the pensions; and should all the rights acquired into the distant future be recorded among the liabilities, which would mean adding about 350 000 euros to the Bureau's deficit.

Mrs. Van Spronssen said Mr. Magaña had asked what should be done. She thought that nobody could answer those questions at the moment. She suggested that the draft Resolution should be altered to apply Mr. Magaña's rule for one year only, and in the course of that year more detailed research should be done into alternative ways of dealing with the problem, and its results brought to the flowing year's CIML.

Mr. Magaña said that this had been the President's advice also. Perhaps a decision could be postponed, and a complement of study set up consisting of experts and some interested Members, and the 2008 accounts revised in the light of the discussions and brought back in 2010 for approval. These 2008 accounts had been drawn up according to this rule, which had been approved by the external auditor. If the rule was changed, the accounts had to be changed. A couple of years previously approval of the accounts had been postponed for a year because it had been discovered that they had contained an error.

Mr. Johnston asked whether Members were in favor of postponing the review of the financial statement until after this review had been completed.

This Resolution was passed without objections.

9.2 2008 Accounts

Mr. Magaña pointed out that although approval of the accounts had been postponed, everything contained within them was correct. Operating income and charges were valid. He could still answer any question that might be asked. Of course, in the accounts, the charges were now not correct as they included the reduced endowment to pensions. He asked whether Members nevertheless wished to go through other elements of the accounts.

Mr. Mason suggested that the accounts might be discussed and provisionally approved, since it was important for the Bureau to know what its financial position was, and it should be possible to hold a discussion on this, provided that it was remembered that the presentation of the accounts might change when they were submitted to the Conference.

Mr. Magaña pointed out that part of the accounts would not be changed, but if they returned to showing all the rights acquired, the assets and liabilities would change because most of the reserve would go back into pensions and the endowment would dramatically increase the liabilities and the deficit. It was possible to discuss staff costs and some operating costs but the final result was not now valid.

Mr. Johnston asked whether Members would like to do this. The result was positive.

Mr. Magaña said that Members' contributions had increased substantially between 2007 and 2008. This was due to the fact that the procedure for revising the contributory class of Member States, which had been adopted in Berlin, had taken effect in 2008. A number of increases according to the rules had been notified in 2006 and collected for the first time in 2008. Provision for doubtful debt had been made in the case of two nations. Certificates, fees etc. brought in a negligible amount compared with this; the main part of the operating income came from Member States' contributions. As mentioned earlier, these had not been increased for the current year.

Staff costs had slightly decreased, for two reasons. Normally they increased because of inflation and progression up the salary scale, but in 2007 the new Assistant Director had started seven months before the departure of the previous one so there had been duplication

which had not of course recurred in 2008. Secondly, one person had been on long term sick leave and 40 % of her salary had been reimbursed by the French Social Security.

Mr. Magaña pointed out that in the 2007 accounts, where all acquired pension rights had been shown, the endowment for this had been 433 000 euros, plus 70 000 euros of payments of pensions. On the now postponed 2008 accounts, only five years, or 30 000 euros, had been shown as pension endowment, plus again the 70 000 euros for actual pensions, which meant that more than 1 million euros returned to the reserves.

Travel costs had increased by about 40 000 euros, or 30 %, in 2008. It was difficult to refuse invitations to events in distant countries. For 2010, planned travel was being looked at with a view to reducing travel costs; staff would perhaps not attend all the meetings which might be interesting, and visits to TCs and Regional Working Groups might also have to be cut down. The issue of travel costs would have to be considered at the next CIML Meeting and possibly the 2012 Conference. The need to travel was increasing in line with the activity of the OIML. As an international Organization they had to keep in touch with their Members, regional organizations and stakeholders, so travel was a necessity. The need for travel had possibly been underestimated in the budget for 2008 and would need to be reviewed for the 2012 budget.

Mrs. Van Spronssen asked Mr. Magaña to explain what was charged under the heading of meetings. The cost of travel had gone up but in Annex E it could be seen that the cost of meetings had gone down, so the total of the two had changed very little and was very similar to the budget voted for.

Mr. Magaña said the costs for meetings were the costs of organizing the CIML, TC meetings and so on. The amount had been higher in 2008 than 2007 but still well below budget. He pointed out that when the budget had been approved in 2004 they did not have the new accountancy rules and standards. Meeting costs were budgeted on the basis of the old accountancy, under which the meeting costs included travel of the staff to CIML Meetings. In the new accountancy system, travel was under a separate heading. This duality of accounting systems had been a difficulty in all the accounts between 2004 and 2008. But the budget voted in 2008 (for 2009–2012) was in line with the new accounting rules and software.

Mrs. Van Spronssen pointed out that travel costs were higher than budget, and meeting costs were lower and that the two should be seen together.

Mr. Magaña felt that the difference in meeting costs was not significant.

Mr. Johnston agreed with Mrs. Van Spronssen's point but felt that it was important to plan travel annually, deciding where priorities should lie. That way, if they went over budget they could explain exactly how and why.

Mr. Klenovský asked whether there were any plans to change the class of travel permitted.

Mr. Johnston replied that he had asked Mr. Magaña to draft a Travel Regulations policy which would specify when business class might and might not be used. He had seen the first draft already.

Mr. Magaña said that this was one of the comments made by the external accountant. Members might remember that the previous year he had proposed a couple of small modifications to the Staff Regulations to say that travel expenses would be paid on the basis of an internal note to be elaborated by the Director and approved by the President. This would be based on practice in other organizations. But the Committee had preferred a revision of the whole Staff Regulations and not only one or two sentences. The auditor had told him that the

Staff Regulations stipulated that rules should be based on practice in the French Administration, which had not previously been the case. This realignment meant that economy class should be used for short and medium range flights and business class for journeys of over seven hours. This was now being implemented and a couple of other issues in the travel regulations were now also being aligned on French Administration rules. The relevant paragraphs in the amended draft Regulations were almost ready and would shortly be sent to the President for approval.

Mr. Flandrin wished to return to the subject of the Resolution shown to Members. The working document circulated before the Meeting had referred to a résumé of the Auditor's report. This report had not been received so the Resolution could not be accepted as it stood.

Mr. Magaña replied that the Resolution was rather loosely worded, as the report in question had been written by the Auditor for the President and had not been designed for wider distribution.

Mr. Johnston had indicated to Members that he would look at the issue of privacy. He would do this in the light of comments received. He was not trying to conceal anything but needed first to consult an international lawyer.

Mr. Magaña said that he was able to tell Members what corrective actions had been decided on as a result of the report. These included the following:

- as they had been late in preparing the accounts, they had had to recruit an accountant for the purpose. The following year the accounts would be finalized on time;
- a note on travel expenses had been drawn up and was being implemented, as already mentioned; and
- there were matters regarding reimbursements or loans by one or two staff members: the auditor had advised that any repayments must be directly deducted from salary; this gave full security.

Mr. Magaña had made a draft synthesis of the Auditor's report, noting comments and corrective actions taken; he believed that this version might be suitable for general distribution.

Mr. Johnston said he would look at the privacy issues in this with a lawyer when he had the opportunity.

Mr. Johnston wished it to be put in the Minutes that he would communicate with Members by 15 December 2009 with reference to distribution of a version of the Auditor's report.

Moving onto another topic, Mr. Johnston said that a number of Members had raised the issue of an association of countries, as opposed to an individual country, having jointly become a Corresponding Member. Some concerns had been raised as to what principle had been applied here and what the impact might be if this were to become common. Members had wanted to know what would happen if a group of countries applied to become a Member State. He invited comments from the floor.

Mr. Mason said he thought it was a very positive development to have opened up participation to the Economic and Monetary Union of West Africa (UEMOA); his remarks should not be regarded as in any way critical of that very good development. But he wished to raise three points:

- how confident were they that the present Convention allowed for Corresponding Members to take this form? However, he imagined that the Bureau had already looked at this;
- he considered that the OIML should be looking forward to a time when associations of this type could become fully participating Member States, for which reason he would like some thought to be given to what changes might be made in preparation for the possibility that this or any other group might come forward with a case to become a Member State;
- if Membership of unions of countries was being allowed, was there a clear position on the questions of other economic and monetary unions, such as those which were to be seen in Europe. For example, it would surely not be acceptable for unions of countries which contained states which were already OIML Members to achieve double membership in this way.

Mr. Magaña said there was nothing very detailed in the Convention as to who might become a Corresponding Member.

Mr. Dunmill pointed out that in Article 5 of the Convention there was a reference to "States who are Members of the Organization", and it then said, "Apart from Members, the following may take part in the Conference as Corresponding Members: (1) states or territories which cannot or do not yet wish to become parties to the Convention; (2) international unions pursuing an activity connected with that of the Organization". It had been felt that Economic and Monetary Union of West Africa, as an international union that was currently establishing regional legislation and regional structures in metrology, fitted this second category. The question of what fee was appropriate was for the Committee to discuss, but their admissibility seemed to be covered by the Article he had just read.

Mr. Magaña said that there was a need to discuss the meaning of the expression "international union". He thought no great problem was raised by Corresponding Membership, for which the fees were not high, there were no voting powers, and it offered encouragement. This was a union of countries which had a common policy and a common interest in metrology. They were setting up common regulation, with a common Institute of Legal Metrology, so this seemed to him to be a good example of the type of group referred to in the Article. He did not, however, see any way in which the group could become a Member State. These had to be countries which were able to sign the Treaty, which could not be the case for a group of countries. It was stated in the EU Constitution that the EU could sign Treaties; of course, the EU would not be applying to join the OIML, but if another group did so, lawyers from the French Ministry of Foreign Affairs would have to be consulted, because the application would have to go through diplomatic channels and there was no provision for anything other than recognized countries to become Member States.

Mr. Johnston considered that there would have to be close study of the implications before any group such as the present one could be allowed to move to being a Member State. He would ask Mr. Magaña to look more closely into the matter and report back to the Committee at the next Meeting, where more informed discussion could take place.

10 Developing Country activities

Mr. Seiler introduced himself as OIML Facilitator on Developing Country Matters, a non-salaried position created at the Sydney Meeting the previous year. This report on the previous year's activities was his first.

He began by explaining his mode of operation. As a private person with virtually no support from any institution or organization, he worked from his home base, using mainly his computer and the internet. On starting the work, he had addressed representatives of developing countries and other interested persons, asking them whether they would be prepared to participate in this type of work and whether they would like to receive e-mails from time to time. The response to this had given Mr. Seiler a list of about 60 addresses. One of the activities was that he sent regular e-mails, about once a month, informing recipients about recent developments, raising questions and problems, and so on.

He received requests for answers to some technical questions and also regarding the state of development of International Recommendations, and these he usually passed on the Bureau for answers. He also tried to stimulate contributions for the OIML Bulletin, especially reports on developing country issues and on special subjects. He had had some success in this direction, and hoped that the results had been of interest to the whole legal metrology community.

Another of Mr. Seiler's activities had been preparation of a proposal for a Workshop, to be organized in conjunction with UNIDO. He had sent this proposal in April to the BIML and UNIDO, which had shown some interest but the project had been postponed several times. He had heard the previous day that it would most likely take place in, and for, West African countries at the beginning of 2010.

Recently, Mr. Seiler had prepared some documentation on a special measurement standard for checking the pressure indication of blood pressure instruments; this had been done at the suggestion of a former colleague of his at the PTB who was a specialist in blood pressure instruments, and the idea was to use a water column instead of a mercury column as the reference. The advantage of this was that water was available everywhere and was not toxic, and the equipment needed cost less than 10 euros to build. The idea had been that this might be a possibility for checking this kind of blood pressure instruments, which nowadays mainly used pressure gauges that were sensitive to mechanical shocks and so on, to check their behavior. These required special arrangements, and, especially in remote areas, doctors had no access to regular metrological services. Mr. Seiler had set up apparatus which showed the simplicity of the procedure and he would be happy to demonstrate it to any interested Members. There was also documentation in the Developing Countries section of the OIML web site, and a special folder named H_2O manometers.

Mr. Seiler had also spent some of the year working on the OIML Award. Criteria had now been agreed and, fortunately, three applications had been received. This was quite a good response in view of the fact that the Award had been announced only one year before.

Prior to the present Meeting, Mr. Seiler had sent his colleagues an e-mail proposing a special form to be used for phrasing reports, which would enable them more easily to formulate their problem, giving some information about the conditions they were working in, what they wanted to achieve and so on. He was interested in holding discussions with anyone who wanted to set up a project or obtain some support, which he might be able to facilitate, and he invited colleagues to contact him at any time. Some people had already contacted him to ask for financial support. For African countries, Mr. Seiler had learned the previous day about an

AFRIMETS project, in cooperation with UNIDO. He himself had no direct connection with this, but he advised those wanting financial help to contact the BIML or Metre Convention representative Mr. Espina, or Mr. Carstens the South African representative, or to address the secretariat of AFRIMETS or to go through their own government. Mr. Seiler was not very familiar with the correct procedure, but it did seem to offer an opportunity for African countries to express their needs and try to take part in this project.

Mr. Seiler would continue to do similar work in the future. He had also had the honor to be invited to take part in Presidential Council discussions, and would use this opportunity to raise his concerns about the impact of OIML work on the developing countries and their interests and their expectations from the work of the Organization. At the end of an extensive discussion he had undertaken to elaborate some written guidelines or strategy as to how the activities of the OIML, and specifically OIML cooperation with other international organizations such as UNIDO, BIPM, ILAC and others, could be used to further the interests of developing countries. He would present these guidelines to Presidential Council in March 2010 to see what future strategy could be agreed on.

Part of this strategy must certainly be ways of creating awareness, particularly on the part of governments, and Mr. Seiler took the present opportunity to congratulate colleagues from Kenya, who had given the impression that they had been very successful in gaining the support of their government. The presence of the Minister, and the number of officials present at the Ministry reception the previous day, were clear signs of their success, and perhaps others could learn from this how to involve these very important people.

Of course, as had been learned during previous meetings, it was always necessary to put forward arguments as to why legal metrology contributed to many aspects of daily life, to the facilitation of trade, thereby increasing the income and raising the wealth of the people. There had been some very good examples which could be used in this regard, and, in addition, the ideas of those present would be appreciated. All were invited to send their suggestions and comments to Mr. Seiler's e-mail address, and, if they would like to add their names to his mailing list, to contact him.

Mr. Dunmill wished to add a couple of points. Regarding the UNIDO/AFRIMETS cooperation, it was vital for African countries to benefit from this important initiative. His understanding was that the road map for it was still being established and there was still some fluidity in the program, which could be used, so African countries which were OIML Members should try to ensure that their needs, especially in legal metrology, were taken into account. This was an overall, and not only legal, metrology project and it was essential to ensure that legal metrology was promoted within it.

The other project, to hold a UNIDO/OIML Seminar in West Africa, had been delayed, largely, he understood, due to UNIDO having trouble agreeing the program with the donor organization which would be funding it. If this Seminar was a success it was hoped that others, held in other regions, might follow it.

JCDCMAS had not yet been mentioned. This was a committee which coordinated projects of the various standard setting organizations. It was finding little to coordinate at the moment. There was an annual meeting at which it had been concluded that its name was not quite right and that its terms of reference needed to be looked at again. It provided a useful opportunity for the international organizations to discuss matters of common concern, but in fact it was not really coordinating much developing country activity through that committee. The

Secretariat of it was currently with the BIPM, and would pass the following year, probably, to one of the standard setting organizations, ISO or IEC.

Mr. Espina wanted to add to the foregoing that he had just received an e-mail from UNIDO to the effect that the funding for the AFRIMETS project would be available in November, so it should be possible to start in a few weeks time.

In regard to JCDCMAS, the plan was to pass the Secretariat to both ISO and the IEC, who would for the first time co-share it from November. He also said that the original charter for JCDCMAS had indeed been for joint activities, but experience had shown that coordinated activities were very difficult to organize without a coordinating body, and since there was no such body, the terms of reference were being changed to sharing objectives.

Mr. Temba added that on the UNIDO/AFRIMETS project, African Members should work through their sub-regional bodies to acquire more information, because each sub-region had a representative in AFRIMETS.

Mr. Klenovský said that much of the support for the AFRIMETS project was in kind. It was largely run by the Director of the South African National Metrology Institute and a majority of the finance came from the Norwegian Development Agency and that it was not strictly accurate to call it a UNIDO project. The Czech Republic had also been approached by some African countries for assistance with the project.

Mr. Birch wondered to what extent the JCDCMAS Committee had taken up the concept of technical infrastructure as an overarching concept for their organization. As a result of changes in the economy in the last year, however, many countries had now decided that they had underinvested in infrastructure and needed to spend more. Technical infrastructure was very important, both in itself and in supporting the development of capital infrastructure.

Mr. Espina said that the term “technical infrastructure” was not in current use in JCDCMAS. What they talked about was the development of coherent quality infrastructure. Above everything else the Committee hoped to achieve was that they had been playing a role in the general assemblies of those organizations trying to bring to light the other aspects of quality infrastructure. Typically, in ISO and ILAC meetings, either the OIML or the BIPM would be representing metrology, and the same happened in the meetings hosted by them.

Concluding this item, Mr. Magaña mentioned that all the presentations from the Round Table could now be found on the web site and would also be published.

Presentation of the Developing Countries Award: First OIML Award for Excellent Achievements in Legal Metrology

CIML President Mr. Alan Johnston announced the winner of the first *OIML Award for Excellent Achievements in Legal Metrology in Developing Countries*.

The President handed over a special certificate to the winner, Eng. Osama Melhem, Director of the Metrology Department of the Jordanian Institution for Standardization and Metrology, for his outstanding contributions to the organization of metrology in Jordan and the development of legal metrology in particular.

As part of the Award ceremony Mr. Seiler, OIML Facilitator for Developing Country Matters, explained the facts on which this decision was based. The examples he mentioned clearly showed the benefits for consumers and the contributions to fair trade in Jordan. Some of the

methods are most certainly of interest to other legal metrology services, which could in turn benefit from the Jordanian experience.

The Facilitator referred to the April 2009 issue of the OIML Bulletin in which an illustrated description was published of the current situation of metrology in Jordan.

An additional project of special interest to Arabic-speaking countries (and indeed regional cooperation in general) was his translation of various OIML Publications into Arabic, including the International Vocabulary of Legal Metrology and the brochure on the International System of Units, printed by the Jordanian Institution. The BIML has made these translations freely available on its Developing Countries web site.

In his words of thanks Mr. Melhem stressed the fact that the progress his country had made in legal metrology over recent years would not have been possible without the extraordinary commitment of his collaborators, who therefore also had their share in this Award.

Besides the special certificate, the Award also includes participation in an international metrology event, chosen by the winner and financed by the OIML as a mark of appreciation.

The President presented a Letter of Appreciation for Mr. N.K. Singhania of Shanker Wire Products Industries, to the CIML Member for India. Mr. Singhania is a producer of weights, and among other activities with regard to legal metrology he regularly informs the metrology community in India about new achievements in the OIML, specifically with regard to weights and weighing instruments by producing and distributing a special news letter.

At the end of the Award ceremony the Facilitator lauded the high standard set by the first winner. He expressed his expectation that the Award will encourage others to strengthen their activities in legal metrology and called for applications for the 2010 Award.

Summary of the Round Table on Regional Legal Metrology Organizations

Mr. Magaña told Members that 12 bodies had been represented at the Regional Legal Metrology Organizations Round Table. The terms of reference of this group were discussed first; these could be seen on the web site. Each body would now be asked to appoint an official representative to this group so that its composition would be clearer, and these representatives would be invited to its meetings. If observers wished to attend, they would have to ask for an invitation.

Concerning the activities of the Round Table, a number of issues had been noted for consideration by the group. These included:

- the development of legal metrology in other new regions where there was not yet any formal legal metrology organization;
- investigation of the special needs of each region;
- improvement of the relationship with donor bodies.

A number of regional bodies had made presentations, all of which were available on the OIML Workgroups web site.

The conclusions were:

- multiplicity of national requirements in legal metrology in these countries was a burden for developing countries; the OIML had an important and beneficial role in harmonizing these regulations;
- the question of a formal Memorandum of Understanding was discussed but it had been decided that this would be too formal, and was not needed;
- it was agreed that the Bureau and the regional bodies would be asked to provide information about their sources of funding for metrology development projects; Mr. Magaña would try to gather this information and make it available;
- the Bureau would collect and make available a list of training courses organized by the regions. They had some information already and would summarize this and publish it in a clearer way;
- it was also noted that the Worldwide Wine Trade Group, which had an interest in legal metrology and was of interest for many regions, would be contacted to identify the barriers to trade that they came up against;
- Mr. Magaña had briefly presented the inquiry on the implementation of OIML Recommendations. Some regional bodies were planning inquiries along similar lines. The Bureau would provide a summary of the inquiry results sorted by regions and also the inquiry would be made available for regional purposes. For the moment, the inquiry was open to Member States and Corresponding Members, but in the regions it might be extended to other countries beyond these limitations;
- developing countries had prepared or should be preparing some national development strategies arising from the millennium development goal strategy, so members of this group had been asked to report on whether metrology had been identified in their countries' national development strategy, and the Bureau would report on these replies as soon as possible.

Mr. Leitner referred to the mention in Mr. Magaña's report of improving relations with donor bodies. Mr. Leitner felt that this should be done in close cooperation with the BIPM, or, in the case of regions, through their national organizations. It did not make sense, especially in developing countries, to approach donor bodies for one aspect of metrology without the other. When a laboratory was established, it did not matter whether instruments were being calibrated or verified, the technical requirements were the same.

Mr. Magaña agreed. The regional bodies' recommendations had been addressed to the Bureau, but of course the work would be done in conjunction with the BIPM. He would bring out this point when drafting the Resolution.

11 Technical activities

11.1 General

11.1.1 Revision of the Directives

Mr. Dunmill told the CIML that he wished to explain in greater detail than had been possible the previous year what was happening about the revision of the Directives. This important project had now been underway for some time, with a Working Group, some of whose members were present.

The background was that in 2006 the BIML had prepared a first working draft, including some proposals they had produced during some brainstorming sessions on what was wrong with the current working methods of the OIML for its technical work. A Working Group had met in June 2007, discussed the matter and come up with some more ideas, which had been put before the Presidential Council in 2008. The BIML had continued to work on this and had produced a second working draft. These proposals had been discussed at another Working Group meeting, which had quite significantly changed a number of the points in the draft. In March 2009, the Presidential Council had again discussed the Directives and had set some principles for the way in which the Directives should go forward. The Working Group had met again in June. Following this meeting, Mr. Dunmill had prepared a third working draft, which had been sent to the Working Group members in September 2009. This working draft was the basis of what Mr. Dunmill was now about to explain.

Before talking about the Directives themselves, Mr. Dunmill explained that the present TC/SC structure had been set up in the early 1990s to replace the Pilot Secretariat and Reporting Secretariat format which had existed before that. Once again it was felt that the structure needed some revision, because it was becoming increasingly difficult to allocate certain measuring instruments to the existing TCs or SCs, some of which had a lot of work while others had no projects at all. One of the major problems (about which a number of Member States had complained) was the working method whereby one Committee might have a number of projects, meaning that a Member State had to become a P-Member of that Committee and, unless they changed their status every few months, they had to participate and to vote even though they might not be interested in some or even most of the projects being undertaken by that Committee, but possibly only in one of them.

The present two tier structure, with TCs responsible for a wide range of topics, and SCs underneath them, had been taken over from the previous structure, in which the higher level Committee had had a management function over the lower ones. The current TCs did not exercise management functions over the SCs. This function had been abolished in order to speed the work up, so that drafts did not have to pass from the SC to the TC and then to the CIML. So it had been proposed that a new system would be needed in order to distribute the work more evenly and to encourage Member States to participate actively, but in such a way that they only needed to participate actively where they had an interest in the subject.

The proposal of the Working Group was that there would still be TCs which would be responsible for producing and developing OIML publications. Mr. Dunmill explained that he was using publications as an umbrella term – the Committees could be producing Recommendations, Documents, Vocabularies or Basic Publications (such as, for example, that on the MAA or the Certificate System). The proposal was for a flat structure, i.e. not a two tier system of TCs with SCs under them, but simply a series of TCs. Members could still choose to be a P- or O-Member in the activities of that Committee, but each Committee would only be responsible for one publication. So instead of a Committee being responsible for a subject area, for example automatic weighing instruments, in which there were six different publications, that would now become six separate Committees. They might have entirely the same membership, or they might not. That would depend upon where the Member States' interests lay. Each Committee would be fully responsible for one publication, even if it had several parts – the metrological requirements, the testing procedures, test report format, all formed part of the same publication and would come under the aegis of one TC.

In order to make it easier to know which Committee was responsible for any particular publication, a matter which had been extensively discussed in the Working Group meeting in

June of the current year, it had been proposed that the TCs should each be named after the publication for which they were responsible. It was often a problem at the moment that people did not know where to look, or which Committee was responsible for a particular Recommendation, particularly in the case of those which were less frequently used. Under the proposed system, there was no arbitrary numbering system and it was immediately evident.

It was proposed that on the OIML web site a number of different classifications could be used to help in identifying which Committees were involved in a particular domain of metrology, for example all the mass Secretariats would have a tag to say that they were related to mass measurement, and the same for volume measurement, flow measurement and so on. It would also be possible to allocate to the Committees a whole series of other labels, for example whether they were related to measurements for utilities, for protection of the environment, for medical matters, for road safety and so on, or also some structural or administrative type of allocation, for example, whether they were related to verification methods or certification, even those which fell under the scope of the MID. So the web site could be searched for any of these subject areas and each Committee could be allocated to as many of these as necessary. This was just a method of searching the web site to find all the relevant Committees for what was being sought. As an example, R 49 on water meters could fall into the categories of flow measurement, of utility measuring instruments and of instruments covered by the MID.

The only remaining problem was what should be done with completely new publications which were under development. The proposal there had been that the TCs should be given the letter "n", for "new", in the numbering, so TC n1, TC n2, etc., until the publication was approved, at which point that Committee would receive its final publication number. Consideration had been given to allotting the Recommendation number at the beginning, but that would lead to some holes in the numbering system if a publication never reached the end of its development, and also, the finalized publications would not be in a logical, chronological order.

As an example Mr. Dunmill showed a slide of the existing structure of TC 16/SC 4, which was responsible for two Recommendations, one Document and three projects. Its Secretariat was currently in the USA, and had 6 P-Members and 16 O-Members. In the new structure, there would still be the three existing publications, but they would be in separate Committees. Nominally, on changing the system over, the same countries which were running the Secretariats would be allocated to the new ones. This need not be the case, but for the sake of simplicity they could be transferred over in this way initially and then adjusted later if necessary. Similarly, initially the list of P-Members and O-Members could be taken from the old system into the new one and then adjusted according to countries' interest in the particular projects. Mr. Dunmill pointed out that in the illustration there were two TC n Committees instead of the previous three. This was because the third project in TC 16/SC 4 at the moment was the revision of an existing Document which would be covered by the TC covering D 22.

Mr. Dunmill then moved on to the Directives themselves. The aim of having new Directives was that they should be rather better adapted to the size of the OIML as an organization and the kind of work done by it. The existing Directives were basically a copy of those used by ISO for producing their standards, but ISO was a much larger and more complex organization covering a lot more standards, and in many cases they had a heavier approach than was necessary in the more modestly sized OIML.

The Working Group had also looked at how work could be speeded up. There were always complaints that Recommendations and other publications took too long to reach completion, so they had also looked at the procedures from this point of view. The Directives should also be simpler and easier to follow, which should encourage people to follow them more closely than was the case at the moment. In a number of cases Secretariats were not following them, and States were not following them in commenting on draft Recommendations. The current draft of the new Directives was fairly similar to the existing ones – there was no intention to change the structure. It talked of the scope of the Directives, the kinds of publications it covered, the structures of the OIML (meaning the Conference, the CIML, the TCs, the President and the BIML) and what they did in relation to the technical work. It then explained how the TCs should operate, what the procedure was for developing a publication, how progress was reported so that the CIML was aware of what was going on, and, finally, the process for appealing against any decisions which people were not happy with. There was currently an appeals procedure in the Directives, though Mr. Dunmill was not aware of any case in which it had been used, but it was an important part of the necessary feedback. There were also a number of flow charts to show in graphic form how the work would proceed.

Regarding the operation of the TCs, Mr. Dunmill would not go into all the relevant points but the TCs would be set up in a similar way to what happened at present, beginning with a call for interest in a particular subject for which a TC was about to be set up. They would still have a Secretariat, P-Members, O-Members and liaisons; the proposal was that there would need to be at least six Member States interested in being P-Members, and those six countries should come from different regions, in order to prevent the OIML from developing publications of only regional interest.

The terms of reference for each TC would be discussed by that Committee and then be approved by the CIML President and, as at the moment, P-Members would be obliged to vote. However, slightly stricter procedures would be put into place to ensure that those who did not actively participate would have their status changed to that of O-Member for at least 12 months. This was to try and speed up the progress by ensuring that people did participate when called upon to do so, and did not hold up the advancement of the publication by not voting. Also, the Secretariat would be allocated for an initial three-year period and then the TC itself would vote on the renewal of that mandate as Secretariat every three years.

Regarding timing, the Directives would say that the Committee draft should be produced within six months of the Committee starting work on the subject. The time allowed for commenting on Committee drafts would remain at three months. The possibility of reducing this time, in order to accelerate the work, had been much discussed, but a number of people had felt that, given the need in many cases to translate drafts, to distribute them to industry within each country and to get comments back from them, collate the comments and re-translate them, three months had to be allowed. It was proposed that the time between Committee drafts should be no more than eight months, and the final draft should be sent to the BIML within three years of starting the project. It was hoped that this would prevent projects from rolling on for many years without reaching a conclusion.

Similar rules were envisaged for decisions taken by TCs, whether those decisions were taken during or outside a meeting. These rules were basically the same as the ones operating at the moment, the main idea being that when decisions were taken outside a meeting, all members of the Committee were consulted. It was not always possible for everyone to attend a meeting and decisions taken in meetings could cause problems later if not enough members had been present. Again, P-Members who abstained or voted no on a draft would have to make

explanatory comments. Comments could be given with a yes vote; but the Working Group wanted to try to encourage people to vote no where appropriate. At the moment, a lot of people voted yes but then added very substantial technical comments. The Working Group wanted to create a situation where voting yes meant the person was happy for their comments not to be taken into account. It would no longer be acceptable to vote yes but make it a condition that a long list of technical comments be taken into account. A person who had a long list of comments was in effect not happy with the draft, and should vote no. It was hoped that this point would be reinforced in the Directives.

Regarding management of the technical work, many issues were currently divided between the CIML President and the BIML. Most of the management decision functions would rest with the CIML President, who would normally appoint a small committee of CIML Members to assist him. This was similar to what happened at present, it was merely being formalized. This would make the President formally responsible for all the long term programming of work, approving projects, approving the establishment of a TC once the procedures had gone through to seek interest in a new TC and to see if there was a Secretariat that would be willing to take on the work. The President would be responsible for allocating the initial Secretariat; the TC was responsible for re-electing it, but it had to be appointed in the first place and allocated to one of the interested countries. He would also be responsible for approving the initial terms of reference and then for trying to identify alternative resources if progress made by a TC was not very good. In some Committees, there came a point where work tended to stagnate, and it might be possible to find some other means of achieving some progress, possibly by employing a consultant or using experts in another country.

The President would also confirm the CIML voting results since when a vote was held, somebody had to declare whether it had passed or failed. He would also be responsible for the resolution of disputes between TCs or within TCs. There would probably be a small committee of CIML Members to help with these tasks. The BIML would then take care of a number of the administrative and procedural matters which would arise from the Directives.

The procedure for developing a Recommendation or publication of any kind was basically the same as at present; there would be an initial project proposal, it would then go through a number of working drafts and committee drafts to a final draft, following which there was the existing approval and sanction by the CIML and the Conference, followed by publication. There would be the same five-year review period as under the present system.

The one area where there would be a slight difference would be at the level of the final draft, where, once the committee draft had been approved by a TC, the final comments from TC members would be added by the Secretariat. The Working Group also wished to encourage the Secretariats to set up a small editing committee to ensure that the draft which they sent to the BIML was as good as it could be – at present, drafts sometimes arrived in which the language was very much in need of editing. The BIML would then undertake the final editing, layout, etc. of this final draft, and that would then be made publicly available as a final draft Recommendation, much as ISO standards appeared as Final Draft International Standards. It would normally be expected that no technical changes would be made to that draft. This should mean that at the stage when it went for CIML approval, the answer would be either yes or no. There might be some small editorial changes but there would be no technical input because the countries that were interested in that project should have been involved in it during its development and should not be bringing technical comments to the Recommendation at that late stage.

It was also proposed to abolish the current preliminary online ballot. This dated from the time when all voting had been done by post and was used to gauge support for a Recommendation before it was brought before a CIML Meeting. In the current arrangements it had no function other than to confuse people, who had the impression that they were voting twice on the same publication. Doing away with this now superfluous duplication would save a considerable amount of time.

Finally, Mr. Dunmill explained, the approval procedure which was used would depend upon the type of publication in the same way as at present. For example, Recommendations had a different procedure from that used for Documents. Details could be found in the full Directives. The Conference would then sanction a report produced by the BIML on all those Recommendations approved since the last Conference.

CIML approval would normally take place during a Meeting, with the possibility of using online approval between Meetings, as was currently the case, but of course, if this happened, it was absolutely essential for Members to vote. At present there was a significant problem with Members who did not vote in the online voting process. If the necessary majority was not reached, the project had to be presented to the next year's CIML Meeting.

While writing the last draft it had occurred to Mr. Dunmill that it might be possible to apply the same rules to the approval of everything. It complicated the Directives to have a series of different voting procedures, and people had to remember which procedure was being used at any one time. The procedure for Recommendations in the Directives was the only OIML decision procedure which was given in the Convention at all; those used for approving Documents, by a lesser majority, had been agreed on at a later date. Mr. Dunmill was of the view that this should be considered, as it would make the Directives so much easier to follow. After the final draft stage, all publications would be openly available, so seeking a higher majority would not cause any delay. The Conference would then simply have a list of all the publications which had been approved since the last Meeting and would vote on that report.

Concerning publication, if there was a final draft which could not have technical changes made to it, this meant that the formal and final publication of a publication was possible immediately after it had been approved by the CIML, since there was no extra work for the BIML to do at that stage – it had been done at an earlier stage. As was currently the case, it was proposed that no more than two amendments could be made for technical or editorial reasons – the publication would have to be republished after that – and that a five-year review period be used, as was the case at present.

Mr. Dunmill said that the purpose of explaining all this to Members at the current Meeting was to make them more aware of some of the details of what was involved. The document he was explaining was the culmination of work done by the BIML and by the Working Group over several meetings. It would be sent out to all CIML Members for detailed consideration and comment but he had believed it important to give them the chance to hear about it at this point so that any initial reactions or questions could be discussed while everybody was present.

Mr. Johnston opened the floor to questions.

Mr. Miki asked how the so called flat structure consisting of perhaps more than a hundred committees would be managed, and what would be the exact position of the working committee assisting the President.

Mr. Dunmill replied that there were at present between 60 and 70 SCs. There would be about 160 TCs under the proposed new system. The review and management was currently done by the President, Vice-Presidents, Bureau staff and sometimes one or two other people, and involved going through every project on the books to see what progress there had been, just to see what was or was not happening. Under the proposed new system, there would be a similar management review but more formalized and with more powers.

Mr. Miki asked for confirmation that the roles of the BIML and the President and Vice-Presidents would remain the same under the proposed system.

Mr. Johnston said that this was not necessarily the case; there might be a small working group made up of other Members. The practice had been to take advantage of the Presidential Council Meeting in March to perform the review, but this was not a hard and fast rule, and if others were interested in participating in the work, that could be looked at.

China commented that at present some TCs had no work for several years, which was a waste of resources. Under the new system, a TC might be working on a project for three or four years and then have no work in hand, possibly for several years. How would this be addressed?

Mr. Dunmill agreed that a TC for a particular Recommendation might not have much to do. They might have work to do in answering inquiries and so on because they would still remain responsible for that publication, so any enquiries received by the Bureau during the five-year review period would be passed to that Committee. As far as not having any work to do, it could still be that the same people were responsible for a number of the new TCs. As in the example of TC 16/SC 4, a Committee might be responsible for several different kinds of publications. Initially at least, each of the same people would be responsible for each of the new TCs. The same people would be working on the same projects as at present but within what were nominally separate Committees. Having separate Committees was a way of ensuring that only countries really interested in each project were participating in it. There was nothing to stop anyone being responsible for the same publications as at present.

Mr. Lindlov thought the proposed structure was a good one which, in a small organization like the OIML, would enable Members to concentrate on the items which really interested them rather than work in several sectors. However, in some areas, such as the example of automatic weighing instruments mentioned by Mr. Dunmill, where there were several Recommendations, they might end up with six or seven Secretariats responsible for the topic. He anticipated that in most cases the same experts would like to participate in these activities, in which case such a person would have six different meeting schedules. He wondered whether the BIML had thought of any kind of practical cross cooperation in this sort of situation.

Mr. Dunmill agreed that this was one of the administrative and procedural matters for which the Bureau would be responsible. In practice, he did not think the problem would arise, because when projects were handed over the Secretariats would probably remain the same for a while, but it would be necessary to ensure that there was good cooperation between Secretariats working on related projects. If, for example several publications on automatic weighing instruments were being revised at the same time, and they were under different Committees, then there would be not only the problem of scheduling meetings and so on, but also of ensuring that the Recommendations did not diverge from each other. That problem already occurred in the existing structure, because some requirements were common between Recommendations and the BIML tried to ensure that these were harmonized. The Bureau

would be responsible for handling meeting schedules. He did not think the number of meetings and amount of work in progress was such as to lead to a major problem, but if there were any, the BIML would be responsible for managing them.

Mrs. Lagauterie expressed appreciation for the efforts being made to improve the work and its results. She thought the ideas were on the right lines. She had two questions. The first concerned the reference, under the heading of "President's responsibilities" to appointing small committees: she would like reassurance that the leaders of the TCs, and in particular representatives of any conflicting groups within TCs, would not be excluded from these small committees. If the small committees excluded members of the TCs, for example consisting mainly of Bureau staff, this could be removing responsibility from the TC Secretariats to the President.

The President replied that the intention had not been to have the committee made up just of Bureau staff. This was a review done each year just to ensure that progress was being made, and to bring any issues to the attention of the TC. He had no hard and fast idea of the composition of the committee, merely that it should be kept at a manageable small size. Practice in the past had been to meet after the March Presidential Council and go through the output of each TC and SC, asking the Bureau to contact any Secretariats where there were issues.

Mrs. Lagauterie's second question concerned the adoption of Guides. She had read in the working document that Guides might be drawn up by the BIML and approved directly by the President, apparently without CIML Members even being informed that such work was in progress. This made her wonder whether the President and Bureau were extending their powers at the expense of CIML Members.

Mr. Kool said there were references in Guide G 16 to two kinds of Guides. Those prepared by TCs or SCs went through the normal processes and were approved by the CIML for final publication. There were also Guides which were not developed by the OIML but were published by the OIML, for instance those from the Joint Committee for Guides in Metrology, which was responsible for the Guide on Uncertainty and the VIM. These were prepared within the JCGM, and in their preparatory stage they were distributed to the OIML for comments, and once finalized they were published by the OIML as OIML Guides, which required the approval of the President.

Mr. Magaña added that there were some Guides which were just compilations, like the Guide for CIML Members, which was just a compilation of other documents, with nothing to vote on.

Mrs. Van Spronssen asked whether there was some shift of responsibility from the CIML to the President.

Mr. Dunmill replied that some responsibilities would shift to the President under the new system, including approving projects. Currently the CIML approved new projects, but this caused problems because it could only be done once a year, at a CIML Meeting. The question was whether, having identified a need, approved the setting up of a TC to undertake a project, expressed their willingness or otherwise to participate, and supervised the setting up of a Secretariat, it was absolutely necessary for the CIML also to re-approve the project. Responsibility had thus shifted to a minor extent, but it was a question of how the CIML's time was most profitably spent – the project had by this time already passed through a set of rules approved by the CIML. The Directives would contain rules to set out how many

countries were required, the procedures to be applied, and how many countries were required to set up a new project and therefore a new TC. The CIML would approve these Directives at some point. If the required number of countries were interested, the question was whether it was necessary for the CIML to re-approve the setting up of the Committee. The task was now one of confirming that the rules approved by the CIML had been properly followed in the setting up of the Committee, and the Working Group had felt that it was sufficient for this to be done by the President.

Mrs. Van Spronssen thanked Mr. Dunmill for his explanation and asked him to elaborate also on the setting up of the TC: CIML Members surely should have an opportunity to comment on the membership of the TC.

Mr. Dunmill pointed out that there was a CIML approval stage, but explained that the Working Group was hoping to avoid too many technical comments being made at this stage, which would cause changes in the draft already seen and perhaps lead to other Members to be unhappy with it. They wanted Member States who were interested in the work to participate in the TC and not to allow those who had not been prepared to involve themselves in the TC's work to introduce technical comments at the CIML approval stage. They could vote no if they were not happy with the Recommendation, and should be encouraged to do so, but should not have the chance to demand that their comments be included. Recommendations would of course go to all CIML Members for a three-month comment period. There might be editorial problems at that stage, but there should not be technical problems.

Mr. Issaev had problems with the item "final draft and CIML approval with no preliminary on-line ballot". He felt that it would be better to use the wording "as a rule no on-line ballot", because, as discussed before, sometimes it was necessary to consult different countries before it came to the stage of final ballot.

Mr. Valkeapää said that he was opposed to the Russian proposal: with the new system it was possible to go straight to the final vote, and then if it was not passed it would have to be elaborated further. It general he warmly welcomed the clarification of decision making. This would harmonize OIML practice with other international organizations such as ISO and the IEC where voting no was not negative, it merely indicated that a Member had something to say. Then when it came to the stage of final draft, when only editorial and no technical changes could be made, Mr. Dunmill had referred to no more than two amendments being made. He wanted to know whether these amendments would be made after publication, or would be related to the editorial changes referred to.

Mr. Dunmill said that, as he believed was the case with ISO standards, the amendments referred to were after publication. When there were small changes to be made for some technical reason, as with Recommendations at present, two amendments could be made to a publication but after that there had to be re-approval of the whole text.

Mr. Issaev said that in making his proposal he had had in mind another item, concerning TC decisions. The last sentence of this was "the yes vote means that they are happy that the TC draft may be accepted as it is. There is no guarantee that comments will be accepted".

Mr. Dunmill said that he had forgotten to mention one matter which had a bearing on the Resolution about to be shown. This was that the current Directives consisted of two parts, the procedural part, which was what had just been discussed, and a second part, on the presentation of Recommendations – how they appeared on the page, what the rules were for presenting the information and so on. As well as approval of the first part, the Resolution was

to include the setting up of a small Working Group to manage the presentational aspects. CIML approval was necessary for the procedural section, because this affected how all its work was done, but the presentation of Recommendations did not need such approval.

Mr. Ehrlich thanked Mr. Dunmill for his clarification. He said that on first reading the wording of Draft Resolution No. 13 he had not been sure what it referred to, and he proposed that the second part, relating to the presentation of the work, be modified to say explicitly "Directives Part 2".

Mr. Dunmill said that he had not done this because it had not been clear whether the final version of the Directives would have two parts or three. This was because of the Model Recommendation which had been used for the training of TC/SC Secretariats. If this became a third part of the Directives, it would be in the same position as the presentational section; for this reason, the Resolution read "part(s) of the Directives", and refrained from giving a number to the presentational part. This could be changed if preferred.

Mr. Ehrlich said that he would prefer the wording "Part 2 and possibly a new Part 3", as the original wording remained confusing for those who had not heard the explanation of it.

Mr. Valkeapää considered that the Directives for technical work were of the highest importance and should be approved by the CIML, including the presentational part, since it would be binding. He was not sure what was gained by making approval so complicated.

Mr. Johnston agreed to take this point into consideration.

Mr. Miki said that he saw no particular reason to include the words "as soon as possible" in the Resolution.

Mr. Johnston agreed to remove these words, though he still hoped that the proposal could go out to Members and be put in place with the least possible delay.

Mr. Kool explained that in response to the comment made by Finland he had changed the wording of the draft Resolution. This now read that approval of parts 2 and 3 would follow the procedure for Guides, which only required the approval of the CIML President. Finland had commented that these parts should be considered mandatory and therefore should be decided by the CIML. The BIML felt, however, that the amendments to the presentation of publications might be ongoing, with the possible addition of templates, changes in international standards, etc. It had to be realized that this part contained general principles for the drafting and presentation of Recommendations. It did not touch on their content. It was a sort of style book – it said "this is how you shall write units", "this is how you shall write symbols of units", "this is the structure of a Recommendation", and things like that. The suggestion was that wording should be found for the Resolution which said that the issues or subjects which would be in the style book would be part of the decisions of the CIML but the BIML would then develop the necessary presentational guidelines. That way the BIML would be free to change presentation when necessary.

Mr. Valkeapää mentioned that his comment had been made on behalf not only of Finland but also of the two other countries he was representing.

11.1.2 Training for TCs/SCs

Mr. Magaña reported that a training session had been held in 2009, as in 2008 and a number of Secretariats had attended. Most Secretariats had now been trained, and online workgroups had been provided, which some Secretariats were already using very efficiently. A number of issues had been discussed during the training. These included especially templates for the presentation of Recommendations, including the normal order in the headings, how the numbering should be done, etc. He understood that some countries wanted to vote on this in the CIML, but at least templates were in the course of preparation. No training session was planned for 2010, though more training would take place on an ad hoc basis when there were new TCs or new issues, such as software. Several people had expressed their appreciation for the training.

Draft Resolution No. 14 was read.

Mr. Ehrlich commented on two points from the working document on this topic. Mr. Magaña had just said that most Secretariats had now been trained, but the paper gave the figure as 26 out of 54.

Mr. Magaña agreed that not all Secretariats had been trained, but almost all those with active projects had attended.

Mr. Ehrlich also wished it to be stated that the templates being prepared were suggested formats rather than requirements. He would like there to be some flexibility in their use.

M. Magaña replied that a small ad hoc working group had been set up consisting of people who were very experienced in drafting Recommendations. The templates would be available for comment in an open and transparent way.

11.1.3 Smart Meters Seminar

Mr. Kool would have liked to thank the Croatian State Office for Metrology for their hospitality during this Seminar but the Croatian delegation was unfortunately absent at the time of speaking. The Seminar had been very successful, with a lot of different stakeholders. In total, 50 experts from 23 countries had attended.

Although they had begun by trying to define what a smart meter was, and what kind of additional functionalities could be identified, during the course of the Seminar it had been decided that this was not the route to follow for legal metrology. Instead, it had been said that legal metrology should look at the measurement result and study what was the scope of legal metrology, what were the technologies used in obtaining that measurement result and in adding functionalities. They would then see what the influence of those technologies could be on the measurement result, and from there would move on to develop requirements and, if necessary, tests. This was the main outcome of the seminar.

It was also considered appropriate that there should be some follow-up activities, so a small Working Group was set up to develop some guidance for OIML TCs on what they should think about in terms of extra requirements, for instance with software, or extra tests that could be included in existing OIML Recommendations. In order to speed up the process and to keep the momentum, they had thought that it would not be appropriate to have a Document, such as D 11 for example, which would have to go through the approval procedure, but that it would be more appropriate to have a small group of experts give their opinion, and for the OIML to

publish that in the form of an Expert Report, which could then be considered by whoever wanted to – Secretariats, but also national authorities if they decided to develop technical and metrological requirements for smart meters.

All the information about the Seminar, with all the presentations (except one commercial presentation), was on the Seminars section of the OIML web site, together with the main conclusions from the discussions and the conclusion of the Seminar.

Mr. Mason asked about the expected time scale for the work being undertaken. The smart meters debate was developing very quickly, and if the OIML was going to make a substantive contribution, it would have to keep pace with those developments.

Mr. Kool agreed. The Convenor, Mr. Teunisse from The Netherlands, was able to devote some time to the project, and there were some other experts from the Seminar and some additional people who were interested in participating in the work. The intention was that a first draft of a guidance document should be ready very shortly, and that when the comments on this had been taken into account, to publish it as soon as possible. The holiday period had meant that it had taken longer than Mr. Kool had hoped, but efforts were being made to keep the momentum, and it was hoped that by the end of 2009 or early in 2010 there would be something to publish.

11.2 OIML Certificate System and the MAA

Mr. Magaña said that there was a lot of information on these issues in the working document, which he would merely summarize.

The Certificate System continued to work without any problems. 48 categories of instruments were now covered, with 31 Issuing Authorities, and more than 2000 Certificates had been issued. The system was continuing to develop. The figures Mr. Magaña was quoting were from 1 July 2009, and at the time of speaking the number of Certificates had risen to about 2150.

It was necessary to mention that B 3, the OIML Basic Publication governing the operation of the Certificate System, was currently under revision in TC 3/SC 5 to clarify a number of issues, though the changes would not be fundamental.

Concerning the MAA, as Members knew, there were now three Declarations of Mutual Confidence (DoMC) for water meters, load cells and non-automatic weighing instruments, and over all three categories there was now a total of 11 Issuing Participants and 21 Utilizing Participants. MAA Certificates were now beginning to increase in number; there were 35 at the time of speaking, but a large rise in this total was expected over the coming months and years, because a number of countries had joined the DoMCs.

Members had been consulted about a new DoMC which was being launched, for R 51, automatic catch weighers. Consideration was being given to the possible launch of a DoMC for R 117, on petrol pumps, plus R 118. These projects would be submitted to Members for comments and advice. The issue was that Part 1 of R 117 had recently been revised, but Parts 2 and 3 were not yet available, though there was a strong demand for an MAA on petrol pumps, so the idea was to consider the new version of R 117 in conjunction with the existing R 118, and to try to start a DoMC on this basis as soon as possible.

Mr. Valkeapää said, on behalf also of Denmark and Sweden, that it was likely that they would abstain from this Resolution. They thought that it was premature to begin this work before the remaining two parts of the new Recommendation were available, and they were likely to vote no if the Resolution stayed.

Mr. Teunisse said that the opinion of the Netherlands was in line with that of Norway and Denmark, as mentioned by Finland.

There had been a combined meeting of the three Committees on Participation Review (CPRs) in Berne in the current year, which had addressed a number of issues for the life of the DoMCs, but also the issue of manufacturers' test results, which had been evoked at the previous CIML and on many other occasions. It had been decided that study of this issue should continue. Two manufacturers of weighing instruments had undergone an audit according to the MAA requirements and procedures. This had been presented and discussed in the CPR meeting, and the conclusion had been that these had been transferred to TC 3/SC 5, with the comments, for them to look at the issue and consider it further.

Mr. Ehrlich added that, as Mr. Magaña had said, manufacturers' test data had been discussed at the CPR meeting but the matter had not been settled. Further comments were to be sent to Régine Gaucher in November, after which the Technical Committee could set to work. Basically the comments dealt with the problem of how much willingness there would be to accept an auditor's report on a manufacturer's testing facility. Once that information had been received, Mr. Ehrlich and Mrs. Gaucher would consider how it could be incorporated into B 3 and B 10.

Mr. Harvey said that Australia believed that it was not a matter of auditing the abilities of manufacturers, many of whom were extremely capable. The main issue was the possibility of a conflict of interest. He did not see how this could possibly be addressed, and took the view that Australia could not possibly accept manufacturers' test results under the MAA.

Mr. Ehrlich said it seemed as though there were two parallel conversations going on, both of which he would like to address. Regarding Mr. Harvey's comment on the MAA, he was quite sure that this would be part of the information which would come in to be addressed by the TC. The CPR had been gratified to note that the Basic Certificate System and the MAA continued to work successfully in parallel and that this had allowed some countries to enter the MAA. Consideration would have to be given to whether in the future it would be possible to combine the two, or to continue to operate them in parallel. This was what was complicating the revision of B 3 and B 10.

Regarding the Resolution concerning R 117, Mrs. Gaucher was convinced that this could work without significant extra workload for the Secretariat. There was concern that it might be confusing to establish a DoMC that contained part of one Recommendation and part of another, but, despite some reservations, they were willing to support it.

Mr. Valkeapää apologized for his earlier comment. He then referred to a matter he had already raised earlier in the week. This was the list of experts in OIML Recommendations, which seemed to be causing some problems, at times serious ones. He considered that there should be a way of making the list more flexible so that names could be added more easily, in some kind of regular meeting. Some countries already used accreditation systems very extensively, and in a large organization there could be at the same time testing activities, certification activities and calibration activities. If the MAA review or assessment was also then added, it could easily happen that there were several assessments in a single day or

during a certain period, but not at the same time. It was in practice very difficult to avoid duplication of work, as the same things would be assessed by different experts. This comment was coming from both Finland and Denmark, based on their experience of current practice. He hoped that something could be done to remedy the situation.

Mr. Magaña responded that Mr. Valkeapää's comments had been noted and the matter would be looked at very seriously. When the MAA had begun, only a couple of experts had been needed, because there were few peer assessments to carry out. Now, however, it had been agreed with ILAC that a list of experts should be drawn up which could be used by all the accreditors, the members of ILAC, for any legal metrology accreditation task. Candidacies for experts had been called for, but they still had to be validated in the CPR to be able to guarantee their quality. The procedure could seem heavy. Mr. Magaña would see what could be done, and also it might be possible to organize audits when there were several of them, and to look into the question of whether some experts could cover several fields in their audit.

Mr. Mason said the UK would support the draft Resolution, as it was important to maintain the momentum for extending the MAA. This seemed to him to be a pragmatic way of approaching the extension of the MAA into this area.

Mr. Issaev said that Russia also supported the draft Resolution.

Mr. Teunisse said that the Netherlands could support the draft Resolution if it were all based on OIML R 117:1995 and not the additional part, R 117-1, because that would be very confusing for those performing the tests.

Mr. Magaña said that thought had been given to this solution because of course R 117:1995 and R 118 formed a consistent set of Recommendations. However, R 117:1995 was now outdated; it would not answer the needs and requirements of most countries, particularly in Europe. It was important for the OIML to have the most recent requirements for a number of issues like this. It was true that R 118 was not tailored to fit the new version of R 117, but, on the other hand, it was not expected that the three parts of R 117 would be completed within the next month, and many Members considered that it was urgent for something to be done. It was not an ideal solution, it needed some interpretation for the completion of test procedures and test report format with the requirements of the new version, but the BIML and some Members had considered that it was possible. It was not an ideal solution but it met the demand for immediate action on petrol pumps.

Mrs. Lagauterie said that at the moment in Europe the Normative Document was currently based on the 1995 version of R 117 and part of D 11. However, this would not be valid for long because a new Normative Document was to be adopted the following week, based on the 2007 version of R 117 with the Table of Correspondences with the requirements of the Directive. It was important therefore that the 2007 version was the one used because otherwise it would not be valid.

Mr. Johnston said the Resolution would be voted on in the final session.

11.3 Publications submitted to the CIML for approval

Mr. Kool referred delegates to the working document, which contained all the relevant information. He reminded members that for new or revised Recommendations the voting rules were that there should be a quorum of 75 %; this had been established; that 80 % of CIML

Members present or represented had to cast a vote; and that 80 % of those votes were in favor. According to the roll call, 53 CIML Members were present or represented.

The first publication to be approved was the Amendment to OIML R 138, *Vessels for commercial transactions*. The online provisional ballot on this had not received enough votes, so strictly according to the procedures it should not have been brought to the present Meeting. However, it had been felt that the work of the TC/SC should not go to waste just because a number of Members had failed to cast a vote.

The Amendment was approved.

The next publication was a new Draft Recommendation (R 143): *Instruments for the continuous measurement of SO_2 in stationary source emissions*. Here again there had not been enough votes online but they did not want the publication to suffer because of this.

This Recommendation was also approved unanimously.

Mr. Kool referred delegates to an addendum to the working document concerning the request for direct CIML online approval of the revision of R 106-1 *Automatic rail weighbridges Part 1, metrological and technical requirements and tests*. Members were being asked to vote on whether or not this revision should go to the direct CIML approval procedure.

There were no abstentions or negative votes.

Mr. Dunmill added that, as he had mentioned earlier when talking about the Directives, there had been a problem with this online ballot. Three separate reminders had been sent to Members asking them to vote, and even following this, ten countries had made no response at all – e-mails had apparently not even been opened. He reminded Members that it was essential to respond to online approval requests within the deadlines set, or, at the very least, in response to reminders. The BIML intended to follow this more closely in the future – it was an obligation of CIML Members to respond to online ballots and if this was not done it was impossible for work to be speeded up. Voting performance would be reported on at each CIML Meeting.

Mr. Ehrlich remarked that the handout that had come with R 106-1 stated that the Secretariat had now considered Members' comments and taken them into account where possible. He wondered whether these were the comments submitted during the postal ballot, because the US had submitted comments at that point.

Mr. Dunmill confirmed that these were the comments referred to, and that all comments received had been taken into consideration as far as was possible without significantly changing the draft. He could show Mr. Ehrlich later exactly what alterations had been made.

Mr. Goulding said that the Secretariat had taken account of these comments and carried out many minor changes. Unfortunately they had not felt that they could make significant technical changes to the final draft in material which had been consistent throughout the drafts up to that point.

11.4 TC/SC items for information

Mr. Kool pointed out that details of all these items could be found in the working document. They were:

- confirmation of the three parts of R 75 following the periodic review;
- confirmation of R 84;
- confirmation of R 48;
- confirmation of R 14; and
- confirmation of R 124.

Draft Resolution No. 17 was shown.

Mr. Valkeapää referred to the voting result on R 75. There had been 6 yes votes out of 9 votes cast, so only 6 countries out of over 50 P Members had made their opinion known. Finland was of the opinion that, instead, this Recommendation should be revised to bring it into line with more modern standards.

Mr. Kool replied that the voting rules required a majority of votes cast. If a P Member did not vote, it was not counted as such. Mr. Valkeapää would have to seek the support of others for his request.

Mr. Ehrlich pointed out that the draft Resolution did not contain the approval of R 14.

Mr. Kool apologized and said he would correct it.

11.5 TC/SC items for approval

Mr. Kool said that a large number of decisions had to be taken, mainly in connection with new projects. Some Documents were to be withdrawn. The items were:

- to approve as a new project the revision of OIML R 63 *Petroleum measurement tables*: there were no abstentions or negative votes;

- to approve as a new project the revision of R 119 *Pipe provers for testing of measuring systems for liquids other than water*.

Mr. Ehrlich said that the US supported both these projects but could not remember ever seeing any inquiries about adding these as new work items. He supported both projects but felt that correct procedures had not been followed.

Mr. Kool was not sure.

Mr. Magaña commented that he supposed that if a Secretariat decided that it wanted to revise a Recommendation that meant that there had been an inquiry within the TC.

Mr. Kool asked what Mr. Ehrlich meant by an inquiry, as there had been a vote in the TC, the result of which was in the working document.

Mr. Ehrlich was satisfied with this answer. There were no abstentions or negative votes, so the Meeting passed to the next item for approval:

- to approve confirmation or updating of OIML R 120 *Standard capacity measures for testing measuring systems for liquids other than water*. Mr. Kool explained that the

periodic review had not resulted in a majority of P-members for either confirmation, revision or withdrawal of the publication. A majority wished for it to be retained and either confirmed or revised, but it contained some outdated references within it. The proposal was for the TC 8 Secretariat to submit to the BIML a list of updated references and for the BIML to be instructed to publish the list of updates and an updated version of the publication. There were no abstentions or negative votes;

- to approve a similar arrangement for OIML D 25 *Vortex meters used in measuring systems for fluids*. There were no abstentions or negative votes;
- to approve a similar arrangement for D 26 *Glass delivery measures – automatic pipettes*. Again, there were no abstentions or negative votes;
- to approve the withdrawal of OIML R 70. Mr. Kool explained that the periodic review had not resulted in a majority for confirmation, revision or withdrawal. However, the BIML had assessed its content. The result could be found in the working document. Based on this assessment, the BIML proposed to withdraw R 70. There were no abstentions or negative votes;
- to approve the withdrawal of OIML R 73 *Requirements concerning pure gases intended for the preparation of reference gas mixtures*. There were no abstentions or negative votes;
- to approve as a new project: the revision of OIML D 30 *Guide for the application of ISO/IEC 17025 to the assessment of Testing Laboratories involved in legal metrology*. There were no abstentions or negative votes;
- to approve as a new project: the revision of OIML R 87 *Quantity of product in prepackages*. There were no abstentions or negative votes;
- to approve as a new project: a new publication on the determination of actual quantity in prepackages, in collaboration with WELMEC Working Group 6. This had mainly to do with test procedures for drained weight, etc. At present, these procedures were in informative annexes to R 87, and the intention was to put them in a separate Document, and if possible to harmonize these procedures with the WELMEC document on the same matter. There were no abstentions or negative votes;
- to approve the withdrawal of OIML D 7 *The evaluation of flow standards and facilities used for testing water meters*. There were no abstentions or negative votes.

Mr. Kool showed the relevant draft Resolution No. 18 on withdrawals, draft Resolution No. 19 on new work items and draft Resolution No.20 about the Documents where there would not be revision but simply updating of some references.

12 Human resource matters

12.1 Term of the mandate of the CIML President

Mr. Johnston explained to Members that his term as President would expire just before the 2011 CIML Meeting. Soon after the current Meeting a call would be sent out for candidates to run for President. Candidates would be considered and voted on at the Orlando CIML

Meeting in September 2010, and the individual selected would begin his or her duties at the beginning of the 2011 CIML Meeting.

Mr. Kool read the relevant draft Resolution No. 21.

12.2 Term of the contract of the BIML Director

All guests, BIML staff and observers were asked to leave the room; only CIML Members were allowed to stay. Mr. Johnston proceeded to give Members information concerning the report drawn up and submitted to the President by the external auditor who had audited the 2008 BIML accounts and also the management of the BIML during that same period. As a conclusion, the CIML voted to advertise the position of BIML Director in 2010 with the aim of either appointing a new Director or reappointing the present Director.

13 Future meetings

13.1 45th CIML Meeting, 2010

Mr. Johnston asked Mr. Chuck Ehrlich to speak.

Mr. Ehrlich said that it was his privilege to re-confirm the invitation of the United States to host the 45th CIML Meeting in Orlando, Florida. The dates were September 20th to 24th 2010, a Monday to Friday, at the Doubletree Hotel at the entrance to Universal Studios. This was in the South West part of Orlando, in the direction of the Disney Complex.

In general, Orlando had good international flight access, which had been one of the reasons for choosing this venue, so Mr. Ehrlich hoped that delegates would be able to get there without problems. The hotel was a 15 to 20 minute drive from the airport. Holding the Meeting in Orlando would be less expensive than doing it in Washington DC or other major USA cities. The hotel rate was $99 + tax per night, which was a good rate for that area.

Orlando was generally known as a tourist destination, as was Mombasa. While Mombasa was right on the ocean, Orlando was located about one hour's drive from the beaches, in the center of Florida, which was in the East of the USA. The weather was likely to be warm to hot. Besides the beaches there were many other tourist destinations in the vicinity of the hotel, and the hotel had a tourist desk which could assist delegates in making arrangements. Mr. Ehrlich had brought some tourist brochures, which delegates were welcome to look at.

The Kennedy Space Center was also in the Orlando area, and Mr. Ehrlich hoped to arrange a visit to it. He also hoped that a speaker from the NASA centre would come to the Meeting and give a talk on metrology at NASA. A space shuttle launch was scheduled for that week, but could not be guaranteed as there were often delays in space programs.

Mr. Ehrlich looked forward to welcoming delegates and hoped that the USA would be able to keep up the high standard of hospitality they had received in Mombasa.

13.2 46th CIML Meeting, 2011

Mr. Johnston said that an informal invitation had been received for 2011: Mr. Klenovský was pleased to announce that the Czech Republic was prepared to hold the 46th CIML Meeting in Prague in 2011. The dates should probably be adjusted in view of the fact that from

October 17 to 21 there would be a CGPM Conference in Paris, and some delegates might wish to attend both events. The preliminary intention was therefore to organize the CIML the week before the CGP.

14 Other matters

Mr. Birch, at the President's invitation, told Members that the additional Draft Resolution 25 summarized many of the points he had made in his presentation to the Seminar and which had also been fully discussed in the Regional Organizations' Meeting the following day. It had the main purpose of facilitating global trade for developing countries, particularly in the area of prepacked goods, where these could add value to the exports of high value products. Developing countries encountered the difficulty of having to meet a multiplicity of requirements. The World Wine Trade Group was proposing to make changes to labeling requirements for wine which were not in conformity with OIML requirements and which, Mr. Birch believed, would not facilitate global trade. The proposed Resolution attempted to address those issues by pointing out the increasing importance of prepackaged foods and beverages, the problems that developing countries had in meeting model requirements, the review of the long-standing OIML R 79, arising from the World Wine Trade Group labeling agreement and the 2006 OIML Seminar on prepackaging. It was recommended that the OIML Recommendations on prepackaged goods be universally adopted to facilitate global trade and to provide a level playing field for developed and developing countries, and that OIML Members bring this Resolution to the attention of their national WTO/TBT Enquiry Point.

Mr. Richard stated that he did not understand what "universally adopted" meant for OIML Recommendations.

Mr. Birch replied that he meant that these Recommendations should be adopted without amendment and by all Member States.

Mr. Mason said that he found himself in some difficulty here; the Resolution was one which he would wish to support, but he had experts within his own agency that he would want to consult before agreeing to such a Resolution. If he had had 24 hours' notice he would have been able to conduct such a consultation, but, not having had this opportunity, and not knowing whether giving support might give rise to difficulties for his country with their obligations within the European Union, he could not do other than abstain.

Mr. Richard said that Switzerland and Germany would also abstain for the same reason; Mr. Miki said that Japan would have the same problem. Mr. O'Brien pointed out that TC 6 was already reviewing R 87 and R 79, so it seemed to him premature universally to adopt Recommendations which were not fixed at the moment. Mr. Ehrlich also supported the UK's view.

Mr. Valkeapää said the three countries he was representing had the same problem, not having had time to consult experts.

Mrs. Lagauterie said France was in the same position, though of course supported the principle involved.

Mr. Johnston told the Meeting that, based on the comments that had just been heard, he recommended that the Resolution should be withdrawn. He invited comments on his proposal – it could be withdrawn at once or formally voted on later in the Meeting. Based on the reaction of those present, he took the option of withdrawing the Resolution.

15 Decisions and Resolutions

Mr. Johnston began by taking a roll call.

Mr. Kool declared that 53 Member States were found to be present or represented. 80 % of this number would be slightly under 43, so 43 positive votes were needed to pass a Resolution.

Resolution No.1

Mrs. Lagauterie thanked the President and interpreters on behalf of Mr. Flandrin for the excellent French translation. Mr. Flandrin asked that for the next Conference the documents should be offered in French as well as in English.

The Resolution was Passed without any 'no' votes or abstentions:

> ***The Committee instructed the CIML President and the BIML Director to prepare a detailed note on the use of French and English, to be submitted for approval at the 14th Conference in 2012.***

Resolution No. 2

Passed without any 'no' votes or abstentions:

> ***The Committee approved the Minutes of the 43rd CIML Meeting with the following modification:***
>
> ***On page 51, Resolution 7, after "Switzerland", insert: "and France".***

Resolution No. 3

Mr. Mason queried the use of the word "excellent", in view of what had been heard about some misunderstandings between parts of BIPM and parts of OIML.

Mr. Kool suggested deleting the word "excellent".

Mr. Richard proposed replacing "excellent" by "good".

Resolution No. 3 was then without any 'no' votes or abstentions:

> ***The Committee expressed its appreciation for the good cooperation between the Presidential Council and the Bureau of the CIPM, as well as between the BIML and the BIPM.***
>
> ***The Committee asked the Director of the Bureau to prepare a draft report on the rapprochement in order to inform the Member States of the two Organizations about this issue and to encourage further discussion during the 45th CIML Meeting. This report should be mainly strategic in nature and should consider the point of view of stakeholders of both Organizations, as well as consider the comments received from CIML Members.***

This report will be discussed with the BIPM Director.

The Committee recommends that the report be sent to all Member States by the two Directors.

Resolution No. 4

Mr. Teunisse expressed puzzlement about the words "contacting National Accreditation Bodies" and "to promote to them". In his view, it was the national authorities, and not the national accreditation bodies, which should be contacted by the OIML.

Mr. Kool replied that it had been the view, when the Resolution was drawn up, that the Member was not only the representative of his country in the OIML but also the representative of the OIML in his country. Usually the Member was part of the administration of that country, and in that quality he should be able to address the national accreditation body and to promote the use of qualified lead assessors in the OIML systems.

Czech Republic abstained; the Resolution was therefore passed with one abstention and without any 'no' votes:

The Committee expressed its appreciation for the continued cooperation with ILAC and the IAF. In order to develop this cooperation at national level, CIML Members are invited, within the applicable national legal framework and regarding the responsibilities of the relevant national bodies, to contact their National Accreditation Bodies and promote the use of appropriate technical and metrological experts and lead assessors and the associated requirements in the OIML Systems in accreditation or peer assessment wherever appropriate.

Resolution No. 5

Passed without any 'no' votes or abstentions:

The Committee instructed the Bureau to start a revision of the OIML/IEC Memorandum of Understanding and develop cooperation with the IEC similar to that followed for the revision of the OIML/ISO MoU.

Resolution No. 5a

Passed without any 'no' votes or abstentions:

> ***The Committee instructed the Bureau to circulate the "Table of correspondence between OIML and ISO TCs" to OIML Technical Secretariats.***

Resolution No. 6

Passed without any 'no' votes or abstentions:

> ***The Committee welcomed the Dominican Republic and the UEMOA - Union Economique et Monétaire Ouest Africaine (West African Economic and Monetary Union) - as new Corresponding Members.***
>
> ***The Committee instructed its President and the Bureau to continue to raise the level of awareness of the advantages of OIML Membership, in order to encourage the widest possible participation in the International Legal Metrology System.***

Resolution No. 7

Passed without any 'no' votes or abstentions:

> ***The Committee requested Zambia to resume reimbursing its arrears and to pay back all its arrears as soon as possible.***

Resolution No. 8

Passed without any 'no' votes or abstentions:

> ***The Committee took note of the report given by its President.***

Resolution No. 9

Passed without any 'no' votes or abstentions:

> ***The Committee took note of the report on the activities of the Bureau.***

Resolution No. 10

Mrs. Van Spronssen asked for an explanation of the final sentence of the Resolution.

Mr. Kool explained that the next accounts would in any case be presented in the same form as the accounts presented for the year 2008. Mr. Mason and perhaps some others would look at the issue and offer a proposal. If this proposal were different from what was currently being suggested, then this would additionally be presented to the CIML, so that there would be two types of reporting of the accounts, and the CIML could decide which to follow.

Mr. Klenovský said that he seemed to remember also an intention to review the pension system, which was related to the question of how to show it.

Mr. Kool responded that there had not been discussion of the pension system in the current Meeting.

Mr. Johnston concurred that the pension system as such had not been discussed, but that the work of the proposed Working Group might possibly affect it.

Mr. Kool reminded Members to limit their comments to Resolutions resulting from discussion which had taken place in the course of the current Meeting.

Czech Republic abstained; the Resolution was passed without any 'no' votes:

> ***The Committee asked that further work be carried out to establish the best way of reporting the OIML's pension liabilities, having regard to the obligations of Member States, with a view to proposing a new rule in a draft revision of the OIML Financial Regulations (B 8) to be submitted to the Fourteenth Conference in 2012 for approval.***
>
> ***The Committee did not approve the "BIML Accounts for the Year 2008" pending a decision on this new rule.***
>
> ***The Committee agreed that in the meantime the rule for recording the Provision for Pensions in the OIML liabilities used to draw up the 2008 accounts, should also be used for compiling the draft accounts for 2009.***

Resolution No. 11

The original intention was to delete Resolution No. 11, however the French delegation offered a substitute wording, which Mr. Kool read. Kenya agreed that in view of the wording of Resolution No. 10, it was important to reintroduce Resolution No. 11, because this would give direction in the decisions to be made by Member States.

The reinstated Resolution was passed without any 'no' votes or abstentions:

> ***The Committee took note of the oral information about the report on the management and the accounts of the Bureau and confirmed the need for the President to provide the written report, or at least a resumé of the report (if necessary for the protection of privacy without names) and the follow-up of actions taken.***

Resolution No. 12

Passed without any 'no' votes or abstentions:

> ***The Committee took note of the report on Developing Country activities and expressed its thanks to the Facilitator for Developing Countries.***

Resolution No. 13

Mr. Ehrlich appreciated that this draft Resolution had been modified in response to his comments, but felt that the modification should go a little further. He found the second sentence confusing and wished to add, after the word "presented", the words "in Part 2 of the current Directives". This was to make it clear that this was the part being referred to.

Mr. Dunmill said that the reason for not putting "Part 2" was that it was not certain whether there would only be two parts in the future; they had wanted to cover both eventualities so as to avoid having to come back to the Resolution later. There was doubt over the status of the template which had been used for TC/SC training so far, which was a model of how a Recommendation should be written and what it should include; it was possible that it might eventually form a third part of the Directives, in which the words Mr. Ehrlich was referring to might belong. Currently Part Two was the only part which dealt with how Recommendations should be written, but it was possible that a future third part might go further with this.

Mr. Valkeapää thanked the Bureau for partially taking into account the comments made the previous day. However, he thought more things should be altered. For example, in the first paragraph, the wording no longer reflected the fact that in the past this project had several times been seen as a priority. He would like to see in the first paragraph a demand that this revision should be completed in time to be presented to the 2010 CIML. He also still found it artificial that one part would be approved by the President and another by the Committee. He wanted to propose that the Directives be in one part only, any other parts to be labeled "guidance documents", with links to the Directives, in which case it was acceptable for them to be approved solely by the President. But any part which was mandatory should require approval by the Committee.

Mr. Miki was also concerned about the method of approval. He felt that the first check of the whole document should be done by the CIML. He found it confusing which part would be checked by whom.

Mr. Kool suggested that in the second paragraph, instead of the word "parts", a term such as "guidance documents" should be substituted. The words "second part" would be deleted, and in the third paragraph the words "the contents of these guidance documents will be defined in the Directives".

Mr. Dunmill did not think it was important whether the guidance section was or was not considered to be part of the Directives. It was only there because it had arrived in that form from the ISO Directives upon which this document had been based. But there should be no doubt that the sections dealing with presentation and format were intended to be mandatory for all Secretariats.

Mr. Kool read the amended Resolution.

Mr. Valkeapää asked for the word "supplementary" to be added to the second paragraph; also he would still prefer mention to be added of the necessity of presenting the finished Directives to the CIML for approval at its 2010 meeting.

Mr. Kool asked whether this would be acceptable.

Mr. Ehrlich asked whether it was the case that the guidance documents would supplant the Directives Part 2.

Mr. Dunmill agreed that that seemed to be what was proposed. He was concerned that something called "guidance documents" should be mandatory. The only reason for these sections not being approved by the CIML was to make their progress faster – for example, if there were a decision to change the style of presentation, that would not have to go back to the CIML for approval. The idea was indeed that they should replace the existing Part 2 and possible Part 3, so that the current Part 2 would be called a guidance document and if there were a new template, instead of being called Part 3 it would also be a sort of guidance document. But if they were compulsory he was not sure the term "guidance documents" should be used.

Mr. Ehrlich felt that matters were proceeding in a dangerous direction. These were fundamental documents, they needed CIML approval, and this should not be sacrificed in the interests of saving time. In his view the Committee should say that they wanted to see the work on the Directives Part 1 proceed and that the Directives Part 2, and Part 3 if there were one, should be prepared by the BIML and subjected to CIML approval.

Mr. Kool commented that Part 2 of the present Directives would not be replaced solely by the guidance documents – there would also be, within the Directives, a list of issues to be described in the guidance documents, and this fact would make the use of the guidance documents mandatory for TC Secretariats in certain situations. The situation was similar to that used in WELMEC, where there were guidance documents which became mandatory in certain actions, such as a notified body doing a type approval. As he saw it, there were two options, either to follow what was on the screen or to forget the idea of different ways of approval and have the full Directives approved by the CIML.

Mr. Dunmill said that he considered the second of the above options to be clearer and preferable.

Mr. Kochsiek thought the proposal needed more consideration. He suggested retaining only the first sentence and deleting the others.

Mr. Ehrlich said he had been on the point of making an identical proposal.

Mr. Dunmill asked for clarification as to whether, in that case, only Part 1 of the Directives was at issue; further parts were not yet prepared as they had been waiting for completion of the first part. He did not want to guarantee that Part 2 would be ready in time for the 2010 CIML.

Mr. Valkeapää said he would be happy with the use of the first paragraph alone, but in view of Mr. Dunmill's statement about possible delays to the preparation of further parts, he wondered whether it would be possible to use Part 1 before the remainder was ready. Thought should be given to the practical matter of structures.

Mr. Kool saw no problem with this and Mr. Dunmill agreed. The amended Resolution 13 was read and passed without any 'no' votes or abstentions:

The Committee took note of the progress on the revision of part 1 of the Directives for OIML Technical Work and requested the Bureau and the Working Group to complete this revision with a view to submitting it to the CIML at its meeting in 2010 for approval.

Resolution No. 14

Passed without any 'no' votes or abstentions:

The Committee expressed its appreciation for the training provided to TC/SC Secretariats and instructed the Bureau to continue to develop formats and templates for use by the TC/SC Secretariats.

Resolution No. 15

Mr. Valkeapää said that if the Resolution remained in its original form, Finland would abstain and Sweden and Denmark would vote no. He had expressed his opinion earlier.

Mr. Lindlov expressed similar misgivings on behalf of Norway – they did not like the mixture of old and new documents and could not see why it was not possible simply to speed up the work on new one.

Mr. Mason expressed support for the motion as it stood – it was merely launching a process and was a good way of speeding up the extension of the MAA.

Mrs. Van Spronssen supported the opinion of Norway and Finland.

Mr. O'Brien said that if the MAA were to survive it would have to learn to deal with complexity of this type. In the case of the R 76 DOMC it had been necessary to deal with a version change while the agreement was in place. In his opinion, therefore, the systems could only evolve by taking on a certain amount of complexity and establishing processes to deal with it. Versions would always need to be changed and updated.

Mrs. Lagauterie agreed with the UK that launching the process before the document was complete was not so difficult; she had confidence in the situation as it was, in the knowledge that it was temporary only and that the documents in question would soon be complete. It was also an opportunity to test out the process of using unfinished documents, when the changes being made in the Recommendation were minor ones.

Mr. Klenovský also supported the opinions of the UK and France.

Finland, Norway and the Netherlands abstained.

Denmark and Sweden voted against the motion.

The Resolution was therefore passed with two 'no' votes and three abstentions:

The Committee approved the launching of an R 117 DoMC limited to fuel dispensers and based on OIML R 117:1995 and R 118:1995, including the requirements of OIML R 117-1 edition 2007 as additional requirements.

Resolution No. 16

Passed without any 'no' votes or abstentions:

> ***The Committee approved the following publications:***
>
> ***- Amendment to R 138 "Vessels for commercial transactions";***
> ***- R 143 "Instruments for the continuous measurement of SO_2 in stationary source emissions".***

Resolution No. 16A

Passed without any 'no' votes or abstentions:

> ***The Committee approved the proposal to submit the DR of the following publication to direct CIML online approval:***
>
> ***- Revision of R 106-1 "Automatic rail-weighbridges. Part 1: Metrological and technical requirements – Tests".***

Resolution No. 17

Passed without any 'no' votes or abstentions:

> ***The Committee took note of the confirmation of the following publications:***
>
> ***- R 14 "Polarimetric saccharimeters graduated in accordance with the ICUMSA International Sugar Scale";***
> ***- R 48 "Tungsten ribbon lamps for the calibration of radiation thermometers";***
> ***- R 75-1 "Heat meters. Part 1: General requirements";***
> ***- R 75-2 "Heat meters. Part 2: Type approval tests";***
> ***- R 75-3 "Heat meters. Part 3: Test Report Format";***
> ***- R 84 "Platinum, copper, and nickel resistance thermometers (for industrial and commercial use)";***
> ***- R 124 "Refractometers for the measurement of the sugar content of grape musts".***

Resolution No. 18

Passed without any 'no' votes or abstentions:

> ***The Committee approved the withdrawal of the following publications:***

- R 70 Determination of intrinsic and hysteresis errors of gas analyzers;
- R 73 Requirements concerning pure gases CO, CO_2, CH_4, H_2, O_2, N_2 and Ar intended for the preparation of reference gas mixtures;
- D 7 The evaluation of flow standards and facilities used for testing water meters.

Resolution No. 19

China felt that, as with Resolution No. 10, it was important for this work to begin as soon as possible.

Passed without any 'no' votes or abstentions:

The Committee approved the following new work items:

- TC 3/SC 5: Revision of D 30 "Guide for the application of ISO/IEC 17025 to the assessment of Testing Laboratories involved in legal metrology";
- TC 6: Revision of R 87 "Quantity of product in prepackages";
- TC 6: New publication on methods to determine the actual quantity of product in prepackages (drained weight, etc.) in collaboration with WELMEC WG 6;
- TC 8: Revision of R 63 "Petroleum measurement tables";
- TC 8: Revision of R 119 "Pipe provers for testing of measuring systems for liquids other than water".

Resolution No. 20

Passed without any 'no' votes or abstentions:

The Committee noted that the outcome of the periodic review by TC 8 on the confirmation, revision or withdrawal of the following publications:

- R 120 Standard capacity measures for testing measuring systems for liquids other than water;
- D 25 Vortex meters used in measuring systems for fluids; and
- D 26 Glass delivery measures - Automatic pipettes

was indecisive, but that for each there was a majority of P-members in favor of retaining the publications.

The Committee further noted that a number of references in these publications are no longer up-to-date and that this was the reason for some P-members to vote for a revision.

The Committee, therefore:

- requests the secretariat of TC 8 to submit to the Bureau listings of updated references for these publications; and
- instructs the Bureau to publish the lists of updated references and updated versions of these publications.

Resolution No. 21

Passed without any 'no' votes or abstentions:

The Committee took note of the information given on the election of a President to be held in 2010 and reminded CIML Members that candidacies must be sent to the Bureau at the latest by the end of May 2010.

Resolution No. 22

Mr. Johnston asked for all BIML staff and observers and everyone except CIML Members and Honorary Members to leave the room and for the recording to be turned off. An in depth discussion then took place on the management of the Bureau and on the options that should be considered with a view to putting out a call for candidacies for the position of BIML Director. The following Resolution was passed without any 'no' votes or abstentions:

The Committee noted that the term of the BIML Director will expire at the end of 2010.

The Committee decided to advertise the position of Director of BIML in 2010 with the aim of either appointing a new Director or reappointing the present Director.

Resolution No. 23

Passed without any 'no' votes or abstentions:

The Committee thanked the USA for its presentation on the venue of the 45th Committee Meeting to be held in Orlando (Florida), USA from 20–24 September 2010.

Resolution No. 24

Passed without any 'no' votes or abstentions:

> ***The Committee thanked the Czech Republic for inviting the Committee to hold its 46th meeting in the Czech Republic in 2011, and accepted this invitation.***

Resolution No. 25

It had earlier been decided that Resolution No. 25 should be withdrawn. However, the Kenyan delegation had asked for the first part of the Resolution to be maintained, the second part still being deleted. There would therefore be no recommendation, but simply a Resolution to note as outcome of the Seminar on *Stakes and priorities of legal metrology for trade*, the issues of international standards.

Mr. O'Brien said that he certainly could not agree with the first recommendation but he considered the second one to be a good one and worthy of consideration. It would be quite valuable for CIML Members to bring to the attention of the WTO/TBT Enquiry Points in their economies the fact that there were OIML Recommendations on prepackaged goods and they should be aware of them and be looking out for where regulation was not consistent with them.

Mr. Kool summarized this as meaning reinstatement of the second recommendation.

Mr. Mason said that as one of the first to express reservations about the original Resolution, he felt that the UK could support it in this form, for the reasons given by the New Zealand delegate.

Mr. Kool read out the amended second part of the Resolution. Mr. Miki did not know what was meant by WTO/TBT Enquiry Point. Mr. Dunmill explained that it was a contact point for notification in all WTO States, often part of a Ministry of Trade or Commerce. Addresses could be found on the WTO web site.

Germany and Switzerland abstained. There were no votes against the Resolution:

> ***In the seminar on "Priorities for Legal Metrology for Trade", the issue of international standards to facilitate trade was raised.***
>
> ***The Committee noted that:***
>
> ***- the increasing importance of prepackaged foods and beverages in global trade now accounts for over 75 % of agri-foods exports;***
> ***- developing country exports are particularly disadvantaged by having to conform to a multiplicity of international requirements; and***
> ***- the review of the longstanding OIML R 79 arising from the World Wine Trade Group Labeling Agreement and the 2006 OIML seminar on prepackaging have not resulted in an exemption for wine labeling.***
>
> ***The Committee recommended that CIML Members bring this resolution to the attention of their national WTO-TBT enquiry point.***

16 Closure

Mr. Johnston thanked the hosts, the Kenyan government and all the people involved with the Kenyan Standards Organization. The warmth and hospitality of the people was obvious, and the meeting had been a success. Mr. Johnston regretted that the demands of duty had prevented him from joining the visit to the villages.

Thanking CIML Members for their attention and patience, he wished those who were staying on a good time and those who were leaving a good journey, and looked forward to seeing everybody again in Orlando the following year.

He added that the Permanent Secretary to the Ministry of Trade had expressed a wish to make some closing remarks but that he had unfortunately been called away at the last moment, which made this impossible. The Permanent Secretary had wished to thank Members for coming to Mombasa and hoped that delegates had very much enjoyed their stay in Kenya.

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Round Table
on
Metrological Control

Annex to the Minutes
of the 44th CIML Meeting

Mombasa, Kenya
Wednesday 28 October 2009

Round Table
on Metrological Control

Chairing the Round Table, Mr. Kochsiek began by mentioning that he had spent many years as CIML Member for Germany. Almost 40 years previously, he had begun to learn what metrology was. At that time, metrological control had been a national task, but, as was well known, at present and in the future it would be a regional and a world wide challenge, and this was why the OIML had to deal with these developments.

Another reason was that a number of OIML publications were being revised. Among these were:

- D 1 *Elements for a law on metrology*;
- D 16 *Principles of assurance of metrological control*;
- D 19 *Pattern evaluation and pattern approval*; and
- D 20 *Initial and subsequent verification of measuring instruments and processes*.

All these Documents dealt directly or indirectly with metrological control.

Mr. Magaña had written down some reasons why it was necessary to discuss metrological control at the Round Table. These were:

- total systems approach to metrological control: should measurements be regulated rather than measuring instruments? This had already been discussed at the Seminar – what was important, the result of the measurement or the measuring instrument?
- metrological control in the future: moving the center of gravity from pre-market to post-market control, and whether the different operations could be carried out independently, for example, type evaluation and production evaluation;
- the delegation of certain operations to private bodies versus keeping them in state or state run bodies; discussion of current systems of in-service metrological control; possibilities of accepting first part conformity evaluations, test results and all declarations of conformity by manufacturers, repairers or others; it was very important to discuss this question;
- how to maintain a satisfactory level of knowledge and control over the actual overall quality of instruments and service;
- the meaning of the maximum permissible errors at different stages of the life of an instrument, from the design stage, production stage, before and after the first installation, at inspection, in service, after repair, and use of the uncertainty evaluation in these cases.

Mr. Kochsiek's proposal for the organization of the Round Table was to start with five presentations, each of 10 to 15 minutes:

1. **Conformity assessment: a new approach (Mr. Magaña);**
2. **Metrological control in developing economies within Africa (Mr. Carstens);**
3. **Metrological control today and in the future (Mr. Klenovský);**
4. **The European approach, the expected role of manufacturers, notified bodies and Member States (Mrs. Lagauterie); and**
5. **The evolution of legal metrology (Mr. Magaña).**

After the five presentations, there would be an opportunity for questions and discussion, and then Mr. Magaña would make a conclusion. Later Mr. Kochsiek would write an article for the Bulletin, all the presentations would be put on line and there would also be a summary.

1 Conformity Assessment: a new approach (Mr. Magaña)

Mr. Magaña said that in recent years the OIML had had numerous discussions about conformity to type, and how the instruments that were produced could be linked to the type that was approved, or to the OIML Certificate. This question had been raised many times. In traditional legal metrology, and in OIML Documents, there were two steps for the control of instruments: type approval and initial verification. Type approval was the object of the Document, and also the Certificate System might be a step towards type approval; and then initial verification usually consisted of two things: assessing conformity to type and assessing conformity to the requirements. This was the traditional scheme, which existed in many countries. Type approval had as its result a type of instrument which was defined and at initial verification it was necessary to address these two aspects: requirements for the instrument, MPEs and so on, and conformity to type so the instrument could be released on the market and used.

The problem was that, as everyone knew, at initial verification when one was in front of an instrument which had been produced and which had been presented for initial verification, it was impossible to evaluate conformity to type in all the important aspects. It was not possible to check the materials of which the instrument was made, or the quality of the components, or all the software; so it had long been considered in Europe that traditional initial verification could not give confidence in conformity to type. There had been discussions on this point with the European Commission some 10 years previously. In the future, in Mr. Magaña's opinion, three operations should be considered for the assessment of instruments. These were:

- type approval, which could one day become some sort of OIML Certificate, with appropriate improvement in the Certificate System;
- a procedure for conformity to type which was different from type approval and different from initial verification; and
- initial verification.

In this scheme, there would be these three operations, and initial verification would no longer consist of assessing conformity to type, but rather compliance of the instrument with appropriate requirements, not necessarily all the requirements that existed for that type of instrument. So there should be type approval, conformity to type and initial verification, which were three complementary procedures.

Regarding conformity to type, the first question to be asked was what was meant by a type of instrument - OIML Documents did not make this clear enough. As he understood it, a type was a concept which should represent the production which was envisaged, and conformity of production had to be assured with this type. A type of instrument was not simply one sample of an instrument which had been tested and kept in a laboratory; this was not an appropriate definition. A type should include some design documentation, including specification of supplies, because electronic components might vary and this was sometimes very difficult because suppliers of electronic components made changes in the specification of components without even informing the industry. This was a difficult issue but was part of the definition of a type, as also were the manufacturing processes. An instrument which was a prototype might be what was known as a golden instrument, and if the manufacturing processes were different, there could be no certainty that the production would still have the same behavior in temperature, in vibrations and EMC testing and so on. The manufacturing processes should be known at the stage when the type was defined. All these elements, which were mainly a question of documentation, should allow the type approval bodies to conclude that if the product conformed to the type, a certain number of properties of the instrument would comply with requirements, providing that it had been tested alongside the sample. Members knew that if the casing of an instrument was made according to the specifications and the plans, the EMC protection should be the same in production as for the type. In this case, at initial verification, if it was known that instruments complied with all these, there would not need to be a re-test for climatic conditions, EMC testing, vibrations, and a number of other influence factors. Initial verification might be rather simple.

So when there was type approval, three things had to be evaluated:

- the first was whether the instruments being examined were representative of the production. This was always difficult because, as everybody present knew, at the stage of type approval, production had in many cases not yet begun. But it was nevertheless necessary to consider this issue and to evaluate whether the instrument complied with requirements which would be inherited by the production if there was conformity to type. This notion of what was inherited from the type to the production was important;
- also in the type approval process there was a need to include some examination of whether the instrument was representative of the type. This was not at the moment carried out in the OIML Certificate System. Mr. Magaña was also compelled to admit that in national type approvals it was done as far as possible but this was not always easy;

- design examination should also be included, not only testing but also design examination, especially for a number of issues such as software, where it was only possible to assess the software based on documentation; and having tests carried out on a number of instruments.

So there were three components of type approval, not all of which were yet represented in the OIML systems. These systems included the OIML MAA, which formalized mutual confidence in test results. The MAA also took into account some aspects of design examination, but probably not all. It did not for the moment include various aspects of design examination, nor some of the requirements of the Recommendations relating to design. It would be necessary to elaborate some concepts for design examination which would give mutual confidence in this area.

What was meant by representativity of the instruments examined was an issue which was not addressed in the OIML Certificate System; some requirements and representative procedures should be drawn up on this subject.

Regarding conformity to type, the purpose of this was to give confidence and reasonable evidence that the production met the type, meaning that there should be confidence that a number of qualities of the instrument would comply with the requirements and that the qualities inherited from the type in the design and construction were satisfactory and did not need further checking. If there could be a procedure for conformity to type which gave a high level of confidence in this aspect, then this could result in a conformity marking on the instrument which would say the instrument had been type approved, the product met type, and then the instrument could be placed on the market – not always put into service but at least placed on the market. It was important to understand this concept, which was important also in EU Regulations. An instrument might be put on the market even if it had not been verified against the MPEs, but some additional conditions had to be fulfilled before it could be brought into service. For elimination of barriers to trade, the first thing to look at was placing the instrument on the market. If an instrument was made in one country, for it to be imported into another, confidence in type approval and conformity to type were necessary. National authorities would then set up and carry out a simplified version of initial verification.

So, for conformity to type, what was needed was a good definition of the type, which in itself needed a more complete documentation than was commonly to be found with a Certificate or a test report. The only way to have confidence in the conformity of production was to assess and reassess the manufacturer's quality system to ensure that it was reliable. It was not possible to achieve this merely by examining and testing examples of the production, it was too complicated. All this documentation of the type, specification of supplies, manufacturing processes, had to stay with the manufacturer, and could not be separated, the more so as it might contain confidential elements. So if it was possible to rely on the manufacturer's quality system, then there could be a good confidence in the conformity of the production. Both the manufacturer's quality system and the instrument itself had to be assessed, examined and reassessed. Following this, initial verification could be simplified as it did not need to address conformity to type, and should mainly address compliance of features of the instrument which did not derive from the type. If it was

known that the instrument would not be sensitive to EMC, then it would not be necessary to test for EMC; the testing would be mainly metrological and examination of MPEs and a couple of other things not only MPE. After this verification it could be seen that the instrument was fit for use and could be put into service, and this was not a type approval mark but a verification mark which allowed the instrument to be put in service. This was how the various procedures complemented each other, the first starting from a type, conformity to type, inherited compliance and authorization for placing on the market, and the second, initial verification, looking at the non-inherited features and allowing the instrument to be put in service.

2 Metrological control in developing economies within Africa (Mr. Carstens)

Mr. Carstens intended to cover the points in the proposal from the perspective of the developing countries in Africa, which were the ones that he knew. He would start with their concept of metrological control, total systems approach, then move onto pre-market versus post-market, state versus private competence, MPEs and a conclusion.

The African developing countries did not know what others meant by metrological control but had come to the conclusion that for them it included type approval verification, inspection and metrological supervision, and the traceability of measurement. If they looked at the total systems approach they thought that this could probably work in the pre-packed goods market, because it would then be possible to control the instruments used for internal pre-packaging control, using proven test procedures. Processes would be verified, records would be controlled, a sample would be verified and inspections would be planned which would bring benefit to the pre-packer. These could form the basis for an MAA which would give effect to obligations to the WTO, and would increase market access and the removal of TBTs. It would meet the principle of one test, one time, one place. This approach seemed to them to bring clear benefits to the developing world as well as developed economies, as goods being imported would comply and therefore resources could be more effectively used without having to run from one shop to another. However, they felt that for instruments which were used for measurements at the time of sale, of which there were still numerous examples in the African continent, the total system approach would not work. The consumer would need accurate and reliable measurements at the time of sale, therefore the type approval, verification and inspection vehicles currently in use would meet their needs.

Looking at pre-market versus post-market, they had felt that to look at instruments in the pre-market it was probably necessary to have technical regulations based on OIML Recommendations and Documents. There would be a test regime, with certificates of approval, and then an initial verification program. In a post-market system, there would be a need for a generic requirement for accuracy and protection against influences and disturbances and then a deemed-to-satisfy requirement for proving compliance, which most probably would once again be based on OIML publications. There would need to be a verification regime and a conformity to type regime. In a developing economy, a pre-market system of type approval was in itself expensive and was not always possible. If they

now entered the post-market, conformity to type became the problem because of lack of facilities, of laboratories, and in most cases of staff with the competence to do conformity to type inspection. For commodities, pre-market, technical regulations were a necessity, as were procedures, quality assurance mechanisms, planned inspections, registration of packers and a possible Mutual Acceptance Arrangement if needed. Post-market, the need was for technical regulations, approved procedures, and ad hoc inspections. There were no quality assurance mechanisms but importers and packers still had to be registered.

So, to sum up, a post-market system could work for instruments but needed a well resourced regulator. Again, within the developing world this did not always exist, and therefore having pre-approval of a mixture of pre- and post- on instruments would work, type approval being the pre-approval and verification and inspection the post-approval. It was felt that encouraging developing economies to join the OIML as Corresponding Members and then possibly getting them into the MAA on type approved goods would be beneficial to the OIML and also to these economies as they could then accept those pre-approved instruments and allow them onto their market.

As far as commodities were concerned, a post-market system had some challenges, as it would necessitate visiting all retailers, which was inefficient, ineffective, extremely expensive, bearing in mind the distances that would have to be traveled in Africa, and not adequately protective of consumers, as in most cases the batches were not clearly defined, therefore if something were found to be short, it might be 20 items but the bigger picture might be 200 000 items which had been put onto the market. A pre-market system had clear advantages. It was cost effective, efficient, effective, facilitated trade, needed a smaller and leaner regulator and offered the consumer the necessary protection.

Regarding state versus private institutions for verification, the opinion was that on the state side it would be necessary to have political commitment, resources including finance, personnel, equipment, etc.; there would have to be relevant legislation, policies and procedures, a sanctions system and then a well resourced and supported regulator. It was felt that if the business were handed over to private enterprise, as had been experienced in South Africa, the system would start to come apart unless there was a well resourced and supported regulator.

Consideration would have to be given to the conflict of interest so that the same person should not repair the instrument and verify it. A fee system would have to be examined, because a private company which traveled a long way to verify an instrument would want to make a profit – if the cost of traveling 800 km to verify an instrument were taken into account, one might as well have bought a brand new instrument instead of having it repaired. Accreditation would have to be considered as a vehicle to prove compliance and competence, there would need to be stringent requirements of control, and there would have to be an increased inspection capability. Very much the same factors would apply to inspection.

Sanction power would have to remain with the regulator and any discrepancies found in the market place would have to be referred back to the regulator for sanction.

It had been found that achieving and maintaining competence was a challenge. There was a need for recognized training institutions. Most training was currently done in-house, though there were one or two facilities which could be used. Accreditation could be put in as a means of proving competence and ensuring that training was done consistently and that competence was checked continually, but there would need to be establishment also possibly of some learning modules which could be developed by RLMOs or by the two well known training institutions like the NWML and possible even the BIML.

Developed economies might consider if they had any means of supplying trainers for developing countries. This could be put onto a database on the OIML web site or on the RLMO web sites though he had been led to believe that there were not a huge number of metrology experts available to give the necessary assistance.

In most developing economies, really only two MPEs were needed, for verification and for in-service inspection. Note had also been taken that the definition of traceability required an uncertainty statement; therefore it was presumed that the uncertainty of measurement in verification would need to be addressed. They felt that an uncertainty statement on a verification certificate was not really necessary, as verification was a no go requirement. MPEs were large enough currently to cover any uncertainties and by following prescribed methods, the accuracy of the standards, the prescribed qualifications of the staff, from a developing country standard, this reduces the uncertainty levels for trade. Repetitive tests were not always feasible, and the user of the instrument was not really interested, when he was just selling over the counter, in possible uncertainty of measurement. Calculations in such cases would cost more money and increase the costs of inspection.

In conclusion, the African developing economies felt that there was no one single approach to metrological control. He expected that the group would interrogate this issue and possibly recommend a way forward. They needed to consider the major part of their market, as opposed to the minor part of the market represented by the instruments. As had been said the previous day, it was possible to do a survey and find that the instruments were very accurate but that they were not being used correctly with the result that the measured item could consistently be incorrect. There was a need to become more internationally focused rather than nationally or regionally; support for developing countries needed to be further explored, with closer ties to donor agencies, whilst also looking at the BIPM process of possible training schools to be held every couple of years; and there should be closer cooperation with Regional Legal Metrology Organizations.

3 Metrological control today and in the future (Mr. Klenovský)

Mr. Klenovský, on the subject of metrological control, today and in the future, told Members that he was on this panel because he, in the name of his country, held the Secretariat of TC 3/SC 2, where Document D 16 on metrological control happened to fall. He would begin with a definition of legal metrological control from the BIML, just to remind those present that it covered all the activities that were aimed at establishing correct measurements in the protection of the public interest, including metrological supervision. It was a sovereign and very sensitive task for every country to prepare the right mix of

activities to achieve these goals, and colleagues could imagine what an explosive matter had been laid upon his shoulders, when he was asked to revise D 16. He wanted to give some of what were possibly the most controversial excerpts from this Document, in order to generate discussion. First he would touch upon current metrological control. Three arrangements were applied at present for instruments in service, in a post-market situation, namely:

- what was known as the German, or traditional European model – verification of legally controlled measuring instruments, charged to their users, complemented by in-service surveillance as a form of metrological supervision. In this model, users could not be held solely responsible for non-compliance with regulations after being subject to mandatory operation at fixed intervals for which they had to pay. The consequence was that they could not be blamed for any non-compliance, but it had to be decided whether the fault lay with the user or the verifier. The government was responsible only for supervision. In the course of time, verification of many measuring instruments had been passed to competent private bodies; in some countries this might be 100 % of them, in others 0 %. He himself believed that a case could be made that at least some in situ operations, especially in the area of basic weights and measures, such as fuel dispensers, balances and taximeters, should be retained in government hands. There was a need for impartiality but it had to be recognized that such a government agency had to work in a very harsh environment. If these in situ verifications were made by a government agency, a network operation was possible, providing the best logistics; it was possible to organize round trips with the lowest possible timings and costs, with the lowest possible fees. On the other hand, because a fee was charged, it was an effective activity for associated businesses, especially repairers and the representatives of manufacturers. In some countries, for example Czech Republic, in situ verification of measuring instruments was often accompanied by a high level of servicing, which required a high level of coordination of operations;
- the second model was the American model, used in some States of the US, involving subsequent verification of measuring instruments, not charged to the user, so that the operation was paid for by the Government. The rationale for this might be that users of measuring instruments should not subsidize any protection of public interest in metrology. This was a statement which had its merits. The logical consequence was that the user could be made solely responsible for keeping his or her instruments in compliance with regulations. Such an arrangement was impartial and relatively non-intrusive for the user, but of course depended upon the Government having sufficient funds to support it, which in the present times of financial crisis might create a problem. Here also, no upfront servicing was applied, which was beneficial because it was possible to have the history of metrological performance of the measuring instrument, which was not lost during operations;

- the third model, called the Dutch model, is a variation of the previous model. Here, government authority carries out supervision over measuring instruments specified by the regulations based on its own plan of inspections in the field. At the very least, this would apply to W&M instruments. The authority could be a government executive agency or a nominated private body. There is no fixed period of time to make an inspection. It depends on the outcome of the results each year and based on risk-analysis. Every measuring instrument is inspected once every four or five years. No subsequent verifications in regular intervals are made by force of legislation. In The Netherlands, however, subsequent verification is mandatory after repair or when a seal is broken. Users are solely responsible for compliance of their instruments with the regulations in place and are free to take any measures to achieve that. Again, being financially dependent solely on public funding, the stability of this system is questionable under the current circumstances when public funds are under a severe squeeze almost everywhere. On the positive side, the system features an ideal impartiality and is of no burden to any stakeholders in this business, be they users, manufacturers or servicing organizations. Another advantage is the flexibility of the officers in their operation, because the nominated independent private body is aware of the needs of their clients. This is actually the most non-intrusive, very liberal model, especially to users of measuring instruments, and users represented a much larger number of businesses than manufacturers.

The problem in the German model was the pressure on the part of repairers, who were mostly authorized representatives of manufacturers of balances, to take over subsequent verification in all areas, even for in situ operations. Mr. Klenovský believed that if these operations were carried out by government agencies only, and, in the case of high level servicing, with some flexible rules, which enabled them to provide coordination with the repairers, there were the following benefits:

- the Government was an ideal third party, only they could help to prevent manipulation, with errors within the maximum permissible errors;
- there was the best possible logistics, so that fees for users could be the lowest possible, and the same for everybody;
- this was also the least costly solution for the state budget;
- supervision over authorized bodies was not affected;
- subsequent verification was not a common business activity.

Mr. Klenovský said that if somebody could find another argument to the contrary he would like to hear it, but he himself could not find any.

As for metrological control in the future, there were two problems in putting instruments on the market. The first was conformity to essential requirements by the problem of “gold plated” measuring instruments, prepared by manufacturers only for type approval, where it was impossible to know whether such instruments represented normal production; the second concerned conformity to the approved type – if this were to be done by someone

other than the manufacturer, it was not very practical and could represent an obstacle to trade or to putting instruments on the market. The ideal situation was for it to be done by a manufacturer.

One of the proposals in the Document was to transfer the core of those activities to the in-service stage in such a way that pre-market controls were relaxed, to the extent that tests carried out by manufacturers could be recognized, and to strengthen post-market controls. This meant metrological supervision and, if it existed, subsequent verification, but carried out by impartial third party bodies, so that the principle of third party should be strictly applied, to balance the reduction in controls for manufacturers.

In conclusion, Mr. Klenovský said, he had soldiered on for three years to prepare a revision of the Document; now it was in the third CD, being voted on to become a Draft Document. Currently it had received 9 positive votes and one abstention, so he needed three more votes to finalize the work, so he wished to use the present opportunity to beg those P-Members who had not yet voted please to do so in order that the Document could be sent to all of them. These countries were Australia, Bulgaria, China, France, Romania, Russia and South Africa.

Mr. Kochsiek said that he had been interested to hear of the German model, of which he had previously never heard.

4 The European approach, the expected role of manufacturers, notified bodies and Member States (Mrs. Lagauterie)

Mrs. Lagauterie explained that she worked for the French Ministry of the Economy, Industry and Employment, in the Bureau of Legal Metrology. She was present as convener of WELMEC's Working Group 8, which was the group dealing with the aspects of measuring instruments, which was why she was giving her presentation in English and not in French.

First she would speak generally about the European approach and then describe the role and obligations of manufacturers, Member States and notified bodies before returning to the responsibility of Member States.

Reminding Members of the principles of the European approach, Mrs. Lagauterie said that these were, first to define a regulated instrument; for these regulated uses, the instrument should satisfy essential requirements before being legally put into service and first put on the market. Conformity for these instruments was established by means of conformity evaluation procedures, and in most cases there was one module for the stage of design and one for the stage of production. These procedures involved work of notified bodies – she would give details later of what a notified body was. After these procedures the instrument bore the CE marking and a supplementary metrological marking, which was a letter M with the year of production of the instrument. Mrs. Lagauterie recalled that OIML Recommendations gave presumption of conformity to the essential requirements for many cases.

Defining the role of the Member States, Mrs. Lagauterie explained that they participated in the drafting of Directives with the European Commission, and, of course, they participated in their adoption by the EU Parliament and the Council. As the Directives were not directly applicable in the different Member States, the latter had to transport them into their national legislation. Then the Member States applied the criteria for notification of these notified bodies. Especially since the previous year, accreditation had a growing role at this point. Mrs. Lagauterie would return at the end of her presentation to the other responsibilities of the Member States.

It was the duty of the manufacturers, in the European approach, to have instruments certified before putting them on the market and into use. For this purpose they had to prepare technical documentation, describing the instrument but including also their own results and how they had met conformity requirements during production. This was part of the documentation. Then the manufacturer had the right to choose the evaluation procedure for each category of instrument. Depending on the technology, sometimes there were several possible procedures. They could also choose any notified body; these all worked on the same level and had European competence.

The manufacturers provided the chosen notified body with the necessary information, and they also had to inform them later about any modification of the application. They also had to ensure that the instruments in production were in conformity with the certified type, they were responsible for the application of the CE and M markings, and they had to draw up and sign a very formal Declaration of Conformity. Referring to something mentioned by Mr. Kochsiek at the beginning of the presentation, Mrs. Lagauterie added that the manufacturers also had very important obligations towards the users. They had to provide a copy of the Declaration of Conformity, not only to the Member States and surveillance operatives but also to the user. They also had to provide the user with information concerning the correct operation of the instrument and for its repair and testing.

The notified bodies were designated by the Member States and existed to perform specified activities for a special category of instrument. They had to fulfill the criteria defined in the Directives, which consisted mainly of competence, independence, etc., and, again, accreditation had had a growing role in the last year, though it was not yet mandatory. Notified bodies had to correctly apply the procedures for which they were notified, because in the Directive, for each module there were detailed procedures for what the manufacturers should do and what the notified bodies should do. The activity described in the Directive covered the examination of the documentation, the evaluation of the application, the evaluation of the instrument or of the quality system, starting the production phase, and also the notified body had to make its own final decision, or judgment, that everything was laid down in the certificate. It was important to note that, according to what was defined in the Directive, their responsibility was limited to the tasks they had to perform. They were not responsible for conformity to type, only manufacturers being responsible for this.

Returning to the responsibility of Member States, Mrs. Lagauterie told delegates they had heard that the manufacturer approached the notified bodies for the instruments, the quality system was evaluated, the instrument bore the CE and M marks. Now the Member States had to accept that this EC certified measuring instrument could be freely put into

circulation and into use. Nevertheless, although they had to accept it, they were still responsible for the Directive being correctly implemented and applied. There still remained a duty of surveillance for them, and also of exchange of information between them. Of course they had first to oversee the activities of their own notified bodies, but the main type of surveillance was what was called market surveillance. This had already been included in the MID, but since 2008 this had been covered by a European regulation applicable to all directives and all states. The Member States had to oversee that manufacturers and importers fulfilled their duties correctly and that the instruments were in conformity. This was not limited to the instrument but also included the accompanying documents and of course the conformity of the instrument to type and to the essential requirements. They were also responsible for the EC marking being correctly applied. This meant that they had to perform some tasks and they had to have the legal system to take any action when they found something wrong.

Although this was not yet covered by the common EU approach for the time being, Members nevertheless had to ensure that instruments already in service continued to perform correctly and were correctly used. The only common EU approach was maximum permissible errors, defined for non-automatic weighing machines in the Directive itself. It was not possible to have maximum permissible errors which were more severe in service than they were in the MID; Member States exchanged information but the move from this to a more formal common European approach was still in its infancy.

Mrs. Lagauterie wished to mention a possible influence of a general European Directive applicable to all activities, which was known as the Service Directive. This was still under debate in various States and general agreement had not yet been reached, but some believed that the control of instruments in service was a service activity and belonged under this Directive, which would mean that a body which was accepted as a verification body in one country should be accepted in another country; but this was still at the discussion stage.

Mrs. Lagauterie showed a slide about information documents being produced in WELMEC; she had listed the various items and would not read them but they were was available on the WELMEC web site. These consisted of Guides 80, 85 and 87 that WELMEC had produced about procedures for notification of notified bodies, and the others were about the application of modules. All the guides were based on the Quality Assurance Standard and contained information connected with the application of the Directive, because as they had some requirements they had to link these to the relevant paragraphs in the Standard. In conclusion, Mrs. Lagauterie invited all Members to visit the WELMEC web site, where all this information was available free of charge.

5 The evolution of legal metrology (Mr. Magaña)

Mr. Magaña, speaking of the evolution of legal metrology and its future problems, said that he had tried to look at the state of legal metrology when he had entered that field and its evolution since then. He emphasized that the whole purpose of legal metrology was to give confidence in measurement results. One way of doing this would be to have all measurements made by officers of the state, but of course this was impossible. So, since the

19th century, measuring instruments had been addressed instead. These had been subjected to verification and surveillance of their use, thus what was being looked at was not the measurement results themselves but the means to obtain them. This had long remained the case. Then had come the consideration that instruments belonged to a type, therefore what was needed was type approval. There were specifications of type of instrument, type approval, which was a type of control carried out by the authorities, and a number of issues – conformity to type, initial verification, subsequent verification and surveillance of use of instrument, which applied on the measuring instruments themselves. This was the scheme which had been in operation until the 1980s, when Mr. Magaña had started working in legal metrology, where the authorities had had to edict regulations and to carry out all the above operations, although at that time conformity to type had been part of initial verification and had not been identified as a specific operation.

In the 90s had come the realization that state officials, or public authorities, could not do everything. At that stage part of the control was given to bodies outside the authorities. These might be public laboratories or private laboratories, depending on the case. Type approval was no longer a direct activity of the public administration, nor were conformity to type or initial verification, and subsequent verification began to be delegated to other bodies. The role of the authorities was to designate bodies to carry out the work. Specifications, increasingly, were drawn up by expert bodies and not always by the authorities, though in France the Ministry metrology office retained this task. To designate and evaluate bodies that carried out type approval, initial verification and subsequent verification were the tasks of the public administration, along with surveillance of measuring instruments which had remained a task of the state authorities.

This trend had continued up to the present day, where evaluation of type approval bodies and of laboratories was now more the job of accreditors and less of the authorities. The authorities still designated expert bodies to develop the specifications, and set up the requirements for the accreditation of type approval and similar bodies; these were accredited by an accreditor designated by the authorities. The distance between the state authorities and the measurement result was thus still growing, though surveillance remained in legal and state hands. There was a risk that this distance might be too great, and surveillance was their only way of keeping in contact with the reality of legal metrology. The position of legal metrologists was increasingly abstract, most of the actual work being carried out by accreditors, then expert bodies, then manufacturers. Care had to be taken to ensure that they did not lose contact with reality.

Discussion points

Mr. Kochsiek then summarized the five points for discussion. These were:

- measurement results versus measuring instruments;
- moving the center of gravity from pre-market to post-market control;
- the delegation of certain tasks to private bodies versus keeping them in state or state run bodies;

- maintaining a satisfactory level of knowledge concerning the quality of instruments in service; and
- maximum permissible errors at different stages in the lifetime of the instrument.

He then opened the floor to questions, remarks and other points regarding measurement control.

Mr. Lindløv was pleased that a number of issues had been raised, and believed there was no one solution to how to ensure the quality of measurements. This depended on the infrastructure of the country, or even between the different sectors in one country, because, in his experience, in some cases it was possible to rely on the user's quality systems, but in other cases these did not exist. Moving from measuring instruments to focus upon measurements must be the way forward, because what it was desirable to achieve in legal metrology from a socio-economic point of view was to establish accuracy requirements for some measurements, and then to set up the tools whereby these requirements could be met. A measuring instrument was merely a tool to produce good measurements. In his country, there had been a law since 2008 called the Law on Units and Measurements, the focus of which was movement from the measuring instruments to measurements.

Mr. Lindløv added that in the process of establishing this law, the possibility had been discussed of setting up private bodies to undertake part of the work in this process, from setting the requirements to making sure the requirements were met by the measurements. The decision reached in Norway had been that this could be a little risky, as mentioned also by Mr. Magaña, because any firm which engaged in market activity always wished to increase its market share and never to decrease it. Legal metrology authorities should be looking for ways to lessen rather than increase the amount of work put into conforming to requirements, and this could create a problem for private firms undertaking such work. It seemed to him to be contradictory to have only private bodies involved in supervision.

Since Norway was a European country, Mr. Kochsiek asked Mrs. Lagauterie whether the European Commission had an opinion on the harmonization of measurement control in service. Up to now this had been a national task but he knew that WELMEC and others had plans for meetings on the subject.

Mrs. Lagauterie said that at the time of speaking no draft yet existed for a common Directive on this subject. But it might come about in another way, i.e. through the Service Directive – in the future, a body which was able to offer a service in one of the Member States should be allowed to deliver the same service in another Member State. There had already been a survey among the Member States, who had identified in all fields of activity what specific requirements they would like to maintain. For example, France had indicated that any periodic verification body which would like to come to France would have to be accredited for this activity in their own country, and also to provide the French Authorities with their program of activity. This was how the activities of periodic verification bodies were controlled in France. First they had to inform the authorities about where they were going and when they were going to verify instruments, so that they could be checked in situ. These same requirements would be maintained at European level, and even if these bodies were allowed to do periodic verification, for example, in non-automatic weighing

machines, in, for example, the Czech Republic, and were an agreed body in that country and certified according to ISO 17020 and to metrological requirements, they could come to France, but France would maintain the requirement that they must inform the authorities in advance about their program of activity so that France could keep control on them.

It was very important to insist on this activity of the Member States to oversee the different bodies which would come to their countries. But for the time being, this was all there was. It was possible that some voluntary arrangement might be developed in the future, starting with WELMEC, because once the situation arose where bodies went to different countries, there must be clear agreement between these countries. Work had not yet begun, but would become more necessary with the passing of time, when such bodies ceased to operate only at national level as at present and began to cross borders.

Mr. Magaña, speaking of the question of how to address measurement instead of measuring instruments, remembered that this issue had been discussed in 1995 and in 2000, during discussion of the preparation of the European Directive. At one time, in WELMEC, there had been discussion of whether uncertainty of measurement should be specified for some products, instead of having MPEs on the instruments, and, starting from this uncertainty, subsequent regulations could say, to deal with this uncertainty, certain types and categories of instruments may be used. The idea was that if, for example, industrial fuel was being measured, it was sold by weight, so it could be weighed on a weigh bridge, it could be measured with a meter with conversion devices, it could be measured on biostatic measurement and make conversions, and so on. Depending on the instrument which was used, there were different MPEs, all of which were legal. So there was no consistent uncertainty of measurement.

The conclusion had been that it was very difficult to have this approach based on uncertainty of measurement, so they had stayed with the definition of categories, and saying that, if there were inconsistencies between different categories, the inconsistencies should be addressed, but it would be very difficult to switch to a method whereby it was laid down that the measurement of certain products must be done with a certain level of uncertainty. It was a difficult issue but worthy of consideration when looking at different categories of instruments.

Mr. Carstens said that what had been discussed was accuracy of measurement for things measured at the time of sale, as in filling a car with fuel. He wanted to raise the matter of pre-packaged goods, where the measurement result was the package, such as a bottle of fizzy drink or beer. Most developed countries did not even have responsibility for that function, which had been hived off to some other department and conveniently forgotten about. In other parts of the world the whole package was done by one entity and that was something which should receive some attention when the result of measurement was being discussed.

Mr. Vinet had a question and a comment with regard to that same topic. He agreed that what was being looked at was the accuracy of the measurement at the end product; but it was known that a good measuring device would not automatically produce a correct measurement at the end, though a bad measuring device would certainly produce a bad

measurement at the end. The advantage of verifying the measuring device was that there was a system which was sustainable. The challenge was that, as previously mentioned, device usage could have a very big impact on the end measurement. The same was true for commodities which were measured – even if the device was good the measurement could be inaccurate. The challenge was to find a sustainable model to verify that without governments having to spend resources to check everything. This was the one area where no satisfactory model had been found. Device usage was basically left to metrologists' enforcement inspectors as far as market surveillance was concerned, to identify issues and to take action with regard to education and enforcement. But there was only so much that governments could do, obviously with the resources available. The same was true for commodities. No financially sustainable checking system had yet been found. Mr. Vinet wondered whether anyone had any ideas for a system, other than government surveillance, to look at device usage and the accuracy of commodities.

Mr. O'Brien wished to comment that where private verification systems attracted criticism was when they were used as a cost saving measure. When the accreditation scheme had been set up in New Zealand it had been to free the resources being used to verify instruments and move those resources into market surveillance and looking at the result of those measurements, testing packages out in the market place. It was necessary to do surveillance on private verifiers as well as instruments, if this scheme was adopted. Problems arose when the emphasis was on cost saving and not enough surveillance was done.

Mr. Harvey wished to make a couple of comments about metrological control systems. As they had been informed by Mr. Magaña, traditionally this had included type approval, initial verification and some kind of in-field surveillance. But the missing element had always been conformity to type. The interest lay not so much in the gold plated instruments as in production instruments, to make sure that all the production instruments met the specifications. It was also recognized that any conformity to type program should be based on the quality system of the manufacturer, plus some sort of auditing of production, because this was necessary in order to ensure that the company remained honest. The difficulty had always been how to pay for this, a fact which had always been recognized. He remembered proposing in the Berlin CIML in 2004 that perhaps conformity to type should be integrated into the MAA program, so that when a certain amount was paid for the certificate, an additional amount would be paid which would be used to fund some conformity to type program, in effect the auditing and testing of instruments. This had not been accepted, however, and instead a Working Group had been set up on conformity to type, which had met several times, the resultant problem always being how to pay for it. In Australia currently, large purchasers of instruments were being looked at, because large purchasers were keen to avoid buying large consignments of faulty instruments. The obvious large purchasers were the water and electricity utilities. It was easy to convince these that by paying a little extra they could buy a type approved instrument – by paying a little more for a conformity to type program, they could be more confident that what they bought met the specifications. Metrologists in Australia had been talking to the water utilities and were making some progress, though there was still work to be done. After that, they planned to move on to the large electricity utilities.

The other area where users bought large numbers of instruments was in the field of regulation. Traffic regulators, for example, bought a large number of breathalyzers and speed measuring instruments, and once again some progress had been made, especially with breathalyzers.

Mr. Klenovský wished to comment on the discussion concerning the results of measurements. What could be done was verification of instruments such as cranes or balances in situ, where any influences on them happened on site rather than in a laboratory. This could easily be done in the environment in which the instrument was used, and then it was possible to achieve the desired object of transferring from the instrument to the actual measurements made with these instruments in real conditions of use. Commenting on what Mrs. Lagauterie had said about the Service Directive, it was indefensible that subsequent verification was not an aspect of administrative power, because execution of public power was exempt from the Directive; since accreditation now enjoyed this status, why should, for example, subsequent verification of fuel dispensers, which was important for citizens' rights, not be included as an execution of public power.

Mr. Faber wanted to ask a general, and possibly provocative, question. What was being done in the OIML, and on the present occasion, was to speak of state of the art metrology. Even when there were discussions about how to organize metrological control, what was under discussion was the state of the art situation. His question was, should the OIML not think about presenting two kinds of legal metrological control, one state of the art and the other less so, while still guaranteeing good measurement in trade and public health, and still recognizing that it was not as good as the state of the art version.

Mr. Faber had two reasons for bringing this forward. One was that he felt that discussion of state of the art controls were not very well received by developing countries, because they knew it would be 10, 20 even 50 years before they could carry out such schemes themselves. A much more simple scheme was needed here, fulfilling the first needs of the developing countries. The second reason was that when he looked at the financial position of many OIML Member States, his fear and prediction was that there would be heavy budget cuts in the years to come. In his country, cuts of anything up to 20 % were under discussion, and in many other countries also the financial situation was severe. There were two possibilities. The first was to accept this, to complain, to cut out a number of activities which could no longer be afforded, and to carry on as before. The other possibility was to discuss the second scheme with governments, recognizing that it was not as good as state of the art but still gave some guarantees. Could it be a task for the OIML to give thought to such an idea? Could it improve their status with developing countries? Could it help governments, or not?

Mr. Issaev, commenting on Mr. Magaña's first presentation, said that he supported in principle the idea that it was necessary to include some additional procedures for more information related to type approval; however, in reality there was testing of single instruments used in regulated spheres and this had to be under state metrological control. So they also used the term type approval for these single instruments and included them in the state register. In this case also, they had classic type approval. In other cases, when there were numerous measuring instruments, they had type approval testing. But

conformity to type could only be used after approval of type, so that for one or sometimes even two or three years, it was necessary to do additional tests on approved types of measuring instruments. It was conformity to type, or rather, conformity to a type already approved, so it was accepted by manufacturers. When he had discussed this problem with certain manufacturers of measuring instruments, they had been decidedly against it, because of the additional cost. They were willing to pay money at a later stage but not at this early stage. The terminology "type certification" was not liked, because certification in Russia belonged in another sphere of activity and the only name for the document was "type approval certificate". Another was assessment of conformity to type, the second step in the process. He would ask Mrs. Lagauterie whether perhaps it might be better to talk about Guide Document 8.6, presumption of conformity. He did not know this Document, but perhaps it might be preferable to use this terminology in preference to the other. He supported this important Document but felt that it should be more fully discussed, as the terminology needed to be revised to make it more acceptable to participants. His question to Mrs. Lagauterie concerned the presumption of conformity.

Mr. Carstens, commenting on Mr. Faber's point and speaking on behalf of African countries, felt that there might be some merit in the idea of two levels of metrology. Certainly they needed a very simple initial system. Some countries did not even have a Trade Metrology or Legal Metrology Act, so there was a lot of work to be done in merely putting simple measures in place. These countries were not in a position to establish a type approval laboratory; there was not enough money, even from donor funds, and where such laboratories were set up, their sustainability was often a problem. So there was certainly a case for a simpler level of legal metrology. The other problem was that if a "Rolls Royce" type system was put in, the politicians saw this as privatization and saw that they could offload their responsibility to private industry, at a cost which would be seen at that point, but which was not always sustainable because no money was put into regulating the private laboratories. So sometimes the high quality and smart processes actually caused more trouble than they were worth.

Mrs. Lagauterie apologized for any misunderstanding had arisen out of what she had said. In fact, 8.6 was presumption of conformity of quality systems for module D and H1, so it was based on ISO 9001 and supplementary detailed explanations linked to the requirements of the Directive and, for example, concerning declaration of conformity, the tests that had to be performed according to ISO/IEC 17025, and similar matters. So she was prepared to give more details about it. She had the Document with her and it could be copied and looked at. But it was an independent tool to be used by manufacturers when preparing their quality systems, and by notified bodies when they audited the manufacturers' quality systems, etc. It was a different matter from presumption of conformity, which was normally used when assessing presumption of conformity of the instrument to essential requirements, and then there were the OIML Recommendations, which were used as normative documents.

Mr. Klenovský wished to add that what Mr. Magaña referred to as conformity to type was what in Europe was normally labeled Module D, to draw up any mandatory initial verification, which was normally done by the manufacturer, though designated testing

bodies could come some time later to test a number of the measuring devices they made. So that it was probably a step forward from the current situation, but by no means surveillance by a totally independent body.

Mr. Issaev supported what Mr. Klenovský had just said. But it was a pity that this presumption related only to quality management systems. It seemed to him that voting was very important. They were not against the procedure but they were against the terminology, so it was necessary to find another combination of words to express this situation.

Mr. Issaev's next question related to D 9, on metrological control. Metrological supervision was part of metrological control, and one type of metrological supervision was surveillance. He wanted to know the difference between supervision and surveillance, so that he could explain it to the authorities in his country. This might be clear to everyone else but was very difficult for him.

Mr. Klenovský replied that this was easy. All Mr. Issaev had to do was read D 9, where it was made very clear.

Mr. Miki felt that Mr. Klenovský's comment was very important; he had said that thought should be given to less sophisticated methods of metrology. In many countries, especially in Asia, legal metrology was a combination of technical matters and politics. So it was hard for metrologists and politicians to have equal confidence in it. This made less than state of the art metrology very important. He also wished to ask about Mr. Magaña's statement that there were two processes in conformity to type: design aspects, and production. He totally agreed with the production point, but did not see where it came into design. Design, it seemed to him, could be included in type approval.

Mr. Magaña said that it was of course true that design formed part of type approval, but type approval was not limited to testing a sample, but could also include some design examination in which issues such as software had to be looked at. No tests were currently carried out for software but it was part of type approval. But then after this the design documentation was one of the references for conformity to type. Conformity to type already existed in the European regulations, because in the European Directive there was the manufacturer's declaration. The manufacturer put the CE mark on the instrument and this declared that the instrument complied with type; he was responsible for this, and the objective of market surveillance was to detect whether this was well done or not. This was in line with European regulations, but in other countries it could perhaps be done in other ways than by declaration of the manufacturer. The manufacturer's quality assurance could be used, perhaps. The matter needed discussion.

Mr. Klenovský apologized to Mr. Issaev, who had been right to point out the confused terminology used concerning supervision, surveillance and so on. He was not sure whether D 9 would be widely used and he hoped the confusion would not persist in the next revision of the Document.

Mr. Mason first congratulated Mr. Magaña on moving the debate forward by demonstrating that an answer to the conformity to type question could be found in the annexes to the Measuring Instruments Directive. This might not be the only answer but at least it seemed to be the beginning of an answer.

On the matter of whether they should be looking at the instruments or the measurements, he pointed out the need for caution. His laboratory had done some economics research, which could be found on their web site, and which had shown that it was more efficient to regulate by looking at the instruments than to rely entirely on checking measurements in the field. For a given level of enforcement resource, a higher level of confidence was obtained. However, if money to set up such a system was not available, then checking instruments in the field was the only place to start. It seemed to him that the two tier structure referred to by Mr. Faber had to be seen in this context.

Mr. Mason commented that all the speakers, particularly Messrs. Magaña and Klenovský had shown just how different systems were in different countries. Mr. Klenovský's diagrams and illustrations of models had been very helpful in clarifying the understanding of where those differences lay. But even those could not capture the extent to which it was possible to combine public and private authorities. Even Mr. Magaña's diagram of what happened in 2009 did not represent the position in the UK, where metrologists were still involved in type approval and authorization to a much greater extent than the diagram suggested. The answer to Mr. Lindløv's problem might be found here. It was not inevitable that public authorities should simply retreat from this area in favor of private organizations.

Summarizing her ideas, Mrs. Lagauterie stated that she believed that all the ideas which had been mentioned were necessary. To have a limited number of tests to be performed in situ when verifying an instrument to ensure that the measurement was correct needed to rely on type certification and on conformity to type, otherwise it was meaningless. But it was also necessary to mount surveillance to ensure that the instrument was correctly used, if the measurements were to be shown to be correct, because, as she had said on an earlier occasion, it could sometimes happen that the instruments were correct, had been verified and were in conformity, but what was wrong was the way they were used. To ensure that measurements were correct, there had to be supervision of the users of the instrument, to ensure that the instrument was appropriate for the way it was being used, for the place of use, for the condition of the installation, and so on. All these complementary activities were, for her, the task of legal metrology in ensuring an end product of correct measurements.

Mr. Birch thought it should be recognized that over the last 30 years there had been major changes in legal metrology practices, many of which gave cause for great pride. They broadly reflected the development of a global measurement system which metrologists had been involved in establishing, and which inspired confidence not only nationally but also internationally in measurements, and increased the efficiency of the system greatly.

The second set of changes which had occurred had been driven by economic liberalism, a retreat from government, a retreat from regulation, and cost cutting by governments which had difficulty in funding all their activities. One of the problems was that metrologists had always sold themselves cheap. They had given away services which were extremely valuable and charged very little or nothing for them. 30 years previously, most metrology organizations had perceived their role as being consumer protection, for which it had not seemed appropriate to charge. But in fact the benefits to industry of a good legal metrology system were immense. Major advantages for industry were:

- reduced disputation and transaction costs where there was a good legal metrology system;
- the level playing field for commerce; and effective stock control. In the case of liquids, whether alcohol or petroleum, effective stock control saved them a lot of money;
- control of fraud was important not only for consumers but also in terms of the level playing field.

If metrologists had charged the full value of their services, they would not have been subject to government pressure to move out of many areas and privatize to cut costs.

Referring to the greater importance of measuring over measuring instruments, Mr. Issaev said that it was understood that when there was only one instrument it was clear how all the problems could be solved, but when there was a system of these instruments it was not enough to have information about each instrument. It was known from music that an orchestra might consist of excellent instruments but without a conductor they could not make good music. In the same way, the system approach method was very important in the current situation. System control was widely used in safety and other spheres, to control parameters, to control measurement results, not measuring instruments. There had to be type control of instruments, but a new system approach for legal metrology was needed. Mr. Issaev remembered that, some 20 years previously, activity had already begun in this. The OIML had made it possible to think about returning to these problems. In Russia, it was clear that it was not enough to speak about measuring instruments, but measurement results also had to be mentioned. So they supported this idea.

For Mr. Lindløv, there were two fixed points in legal metrology, regardless of whether it was in developed countries of developing countries. One was to decide where to have security requirements and what kind of measurements were required for this, which should be decided on a socio-economic analysis, and the other was to supervise that the measurements complied with OIML standards. In between these two, there was a process. Mr. Lindløv agreed very much with Mr. Faber that perhaps it could be a task of the OIML to describe the different processes, depending on the ability in the different countries, or even different sectors within one country. There were different processes to go from one point to the other; it might be that metrologists should try to bring in other expertise, such as socio-economic, to help them with this, because they should be the ones to decide what the requirements should be; furthermore, sociologists communicated with politicians more easily than technical people did.

Although it might be difficult to focus on the measurement instead of the measuring instrument, it was essential to go that way. At present the areas covered in Europe were driven by technology and not by the needs of society. Energy, for example, oil, in Europe, was subject to the European Directive; the MPE was half a percentage. For hot water meters the MPE was ± 1 %. For gas, the MPE was ± 1–2 %. For electricity it was ± 3.5 %. This was not consumer protection, it was consumer confusion. Current requirements were driven by technology and not by the needs of society. It was necessary to be very conscious of this situation.

Mr. Flandrin pointed out that it was necessary to insist on the role and missions of the Member States. Much had been heard about the evolution of legal metrology checking, many tasks such as approval, conformity to type and verification frequently being entrusted to private bodies. However, the first point he wanted to make was that it was vital for the Member States to retain their presence in these activities and to exercise surveillance over the private bodies. However far accreditation developed, this remained essential, though not sufficient.

Mr. Flandrin's second point was that Member States must retain the task of surveillance of instruments in service. They must have a way of keeping themselves informed about what was going on. By this surveillance they would remain in touch with how such instruments were used and even retain some knowledge of how they were made. This was how they remained informed and competent. If the State delegated too many activities it would lose its competence. It must keep its part in the surveillance process. This applied regardless of the level of development of that State.

Mrs. Lagauterie, commenting on Mr. Lindløv's speech about levels of technology, said that this did not apply to technology only; at a certain point of development it was linked also with society's needs, because if the big users, like the utilities, were not satisfied with the MPEs, they would be in a position to put strong pressure on manufacturers to develop new technology which would give better results. This had already happened in several fields. Non-automatic weighing machines, for example, had developed instruments adapted to their type of use; it was more a matter of adaptation to specific uses. Not only the OIML could regulate all this, pressure should come also from all stakeholders and users, because they knew at least one side of where the need lay, for this class of measurement.

Mr. Ramírez said that in the evolution of metrological control, it was important to note that many aspects of present day metrological control varied in application in developing countries. Conditions in developing countries were very different from those in Europe. The OIML was an international organization and it was important to consider its application in all countries.

Mr. Kochsiek wanted to make a general remark, as a German. He had about 40 years' experience in industrial, scientific and legal metrology. When he had begun, 40 years ago, there had been a clear distinction between these areas. If he compared this with the present situation, he saw that there had been a development. Working for a couple of years as an ILAC assessor or lead assessor in the field of calibration services, he had observed that in both legal and industrial metrology, what was wanted was reliable measurement results, with an uncertainty budget of maximum permissible errors, with traceability, in legal metrology as in industrial metrology with quality management; and all these were, from his point of view, only very few differences. Supervision needed measurement control, and in the field of regulations for instruments – in the industrial area the instrument played no role. Mr. Kochsiek proposed thinking about what the real differences were between industrial and legal metrology, because in the European Union some tasks had already been given to private bodies, for example in quality management. Mr. Kochsiek remembered a seminar at St. Jean de Luz, where some of the speakers had envisaged a close rapprochement of legal

and industrial metrology in the future. This was the way he felt things could go, because in the future there might be pressure to have just one and not two systems in a country.

Mr. Magaña considered that the reason for delegation to notified bodies in the European Union was that with an internal market, previously of 16 countries and now of 27, it had not been possible to have a single legal metrological authority. So it had been decided that all European type approval bodies were acceptable and should work in competition. In any case, the view was that public authorities did not exist to do technical work but to produce policy. Technical work should be done by technical bodies. This had been the start. Other cases of delegation of control to private bodies had been the result of budget reductions. If there were budget cuts in many countries and more difficulties to face in meeting the challenges of legal metrology, this was a good reason for investing these budgets in the OIML, which, with its MAA and the other systems it was setting up, was an answer to budget cuts as it provided resources for all its Member States.

Mr. Seiler remarked that the world was changing and international organizations like the OIML had to respond to those changes. He could understand arguments such as whether measurement results or measuring instruments were more important, but it would be much more helpful if it could distinguish for which kind of instruments and for which kind of measurements it was better to rely on measurement results or to stick to the old approach of maximum permissible error. In many applications of legal metrology, for instance in the retail area, shopkeepers could not be confronted with measurement uncertainties, nor could inspectors be expected to calculate measurement uncertainty. So the old concept of type approval, initial verification, subsequent verification, with fixed error limits and yes or no decisions, were perfectly adequate for this kind of purpose. But there might be other areas where this was not sufficient, and he could better understand his colleagues' concern if they would mention what kind of legal metrology applications needed the new approach or other approaches. Legal metrology was a broad field and those discussing it should be clear about which aspects they had in mind. He would stop with the question, asking colleagues whether they thought that the maximum permissible error concept would be replaced by some other requirement.

Speaking of conformity to type, Mr. Vinet stated he believed there was a strong and close link between conformity to type, the MAA and the regulatory countries. He believed that the success of conformity to type was intimately linked to the MAA. It was clear to him what European countries were doing in this regard but it was less clear what other countries were doing. If they wanted to be successful in this area they had to think of the impact for the MAA because there was potential for conformity to type requirements to undermine the success of the MAA. Strategically, he believed it was important to look at MAA conformity to type and possibly to educate countries on the advantages and benefits of conformity to type so that countries could see the need either to regulate or to request participation in the MAA. This had to be seen as a whole rather than as its constituent parts, as there was some risk in undermining one aspect of the program relative to the other.

Mr. Njiru wished to comment on type approval. He realized that the main reason for coming together was for countries to be able to help each other to arrive at proper measurement systems, even in circumstances where not all had the capability to do certain

tests. Developing countries had a problem with equipment which arrived there from its place of manufacture. They had the OIML Certificate System, which gave some level of confidence when it was received from the countries of origin of the instruments. But it had frequently happened that the different countries of origin presented certificates in which, if you looked at them, the components of recognition section, where model and type were shown, there seemed not to be a specifically defined format for filling out the forms. An instrument manufactured in one country and tested probably in two separate countries would arrive in a particular economy with two certificates detailing different models and types. This had become something of a problem because it created confusion as to what exactly was happening. He wondered where exactly the definition of a type and model began. Was it at the point of manufacture or in the country where it was tested and the certification was done? Perhaps this was an area that needed to be looked at.

Mr. Magaña replied that of course the MAA alone was not sufficient for instruments to circulate and be easily accepted. To give confidence in the instrument it was necessary to have not only the MAA but also conformity to type. Success would come when both aspects of the instrument were accounted for. But at the same time, the MAA addressed the design of the instrument type and conformity to type addressed the production. These were complementary but not exactly on the same level.

Mr. Klenovský added that what Mr. Seiler had said about transferring from the requirements of measuring instruments to an emphasis on measurements was a difficult task but worth the attempt, because when that was done metrology would be moving much closer to the mainstream and to the real requirements of users. If verification could be done on the spot, that was another benefit because the turnaround time was much shorter. Users would probably be ready to pay even more for this, so there were a number of advantages. He agreed of course with what Mrs. Lagauterie had said about the correct use of measuring instruments by users, but felt that this should be tackled by way of some instructions; it was unrealistic to imagine that some OIML Recommendation or other metrological supervision could teach users how to use their instruments.

Mr. Carstens added that it had been found that where type approval was not available or where type approval was using OIML Certificates, a buyer who had signed in to the MAA and wanted to check the instrument often found that the paperwork available was not adequate. Mr. Carsten's colleagues had found that when an instrument came into the country, for example a counter scale, it had a number on it, an approval, a certificate, but it often turned out that the instrument which had been tested was different from the one which had been received. This could not be seen at first glance. It was necessary to start by doing a lot of homework. So to get it right it was necessary to ensure that enough information had been put into the documentation and that that information was correct. If this was the case, then it was possible to check for conformity.

With reference to the pre-market approval type model, Mr. O'Brien said that he could see advantages in linking the model at the pre-market stage. What worried him was what happened ten years later, when an instrument might be produced in a different economy from where it had first been approved. He had been interested to hear about the 2008 market surveillance European Regulation. He understood that notified bodies had to have

legal mechanisms to show conformity to type. But he would be interested to hear how this was expected to work in practice at the ten year stage of production. Who kept the manufacturers honest in the declarations they would be making at that stage?

Mr. Kochsiek then said that he had mentioned in his introduction that some OIML Documents, D 1, D 3, D 16 and D 19 were under revision. He asked Mr. Ehrlich to tell Members what could be learned from the day's Round Table about the revision of the Documents.

Mr. Ehrlich felt that all the issues raised should appear related to those Documents and revision of the Documents had been planned for some time. Various ways of undertaking this had been discussed but it had finally been decided to go about it by tying them into the revision of the VIML. The next stage would be to discuss the comments heard at the Round Table and look at what was happening in the VIML. Some of what was happening tied into the new uncertainty document. There were many implications from the day's discussions so there was a need to decide how to incorporate the comments. It was a little overwhelming but he believed the time was right.

Concluding remarks

Mr. Kochsiek said his conclusions were that the OIML should go in the direction of reliable measurements, and give more details about uncertainty or maximum permissible errors and traceability, which was not directly mentioned in the law but was important in the system; and also conformity to type – up to the present there had been no special note on this and he thought it should be noted that it might be important in the future.

Mr. Magaña felt it was not easy to draw immediate conclusions so soon after hearing the discussions. He had particularly noted that everyone had agreed on the very strong need for surveillance – surveillance of the bodies, in the case of verification; surveillance of the instruments in service; market surveillance in Europe. Surveillance was a very essential issue in order to keep in touch with the final goal of legal metrology. He felt that there had been consensus on this issue.

There was also a strong need for ensuring conformity to type, and to work on this issue. There had also been the issue of whether to address measurements or instruments, the general conclusion being that consideration had to be given to both. Instruments were designed to make measurements, and without instruments there could be no measurements. It was more efficient and cheaper to look at instruments than at measurements themselves, but it was essential also to keep measurements in mind. Mr. Magaña added that it should also be kept in mind that reflections about measurements could give some direction and ideas of the consequences of the instruments. When the same product could be measured by different kinds of instruments, there should be some consistency.

Mr. Magaña had also noted that there was a need for clarification, or perhaps simplification of vocabulary about metrological control, supervision and surveillance. This was in D 9, but it had been agreed that this should perhaps be reviewed, so this was another issue which would need to be looked at.