



**Implementation of the OIML Mutual Acceptance Arrangement (MAA)
and amendments to the OIML Certificate System**

Draft decisions submitted to the 39th CIML Meeting

Following the adoption of the MAA at the 38th CIML Meeting, and in application of the decisions of the 38th CIML under item 10, a Working Group was set up to address a number of issues for the implementation of this new system, especially its financial aspects.

This working group was composed of:

Pr. Issaev, CIML Vice-President,
Dr. Ehrlich, USA,
Dr. Bennett, Australia,
Mr. Carstens, South Africa,
Mr. Lagauterie, France,
Mrs. Van Spronssen, Netherlands,
Mr. Van Breugel, Netherlands,
Mr. Llewellyn, United Kingdom,
Mr. Magaña, BIML,
Mr. Szilvássy, BIML,
Mr. Dunmill, BIML.

The Working Group met twice, on 8 November afternoon in Kyoto and on 27 February 2004 at the BIML in Paris.

The Working Group proposals, which were examined by the CIML Presidential Council on 2 and 3 March 2004, are set out in the annex and are submitted for CIML approval.

The attention of CIML Members is drawn to the provisions of Section 1 of this document. It is proposed that the DoMCs will progressively replace the existing OIML Certificate System. The reasons for this are the following:

- the coexistence of two kinds of Certificates, those issued under the sole existing OIML Certificate System and those issued under the DoMCs, would be confusing,
- when a DoMC is signed, there will probably be no interest in OIML Certificates issued for the category concerned outside the scope of the DoMC,
- stopping the old system after a DoMC has started will be an incentive for Issuing Authorities to participate in this DoMC,
- if all Certificates in a category are issued under a DoMC, this will allow further steps towards an OIML conformity marking of individual instruments to be considered (acceptance of Certificates, then OIML initial verification).

The proposed provisions of Section 1 of this annex are therefore quite important and go beyond the provisions of the MAA and of Publication B3 (ex-P1, *OIML Certificate System*). They should be carefully studied by Members with a view to a decision being taken at the 39th CIML Meeting.

In order to fulfil the tasks incumbent on the BIML by the MAA Document, to supervise and coordinate the implementation of the MAA and the operation of the DoMCs, and to initiate the first DoMC, a supplementary BIML Staff Member is being recruited by the Bureau. The job description was sent out to CIML Members and posted on the OIML web site on 15 March 2004. This Staff Member will be appointed by the BIML Director, after consultation with the CIML President. He/she should start working at the BIML for a 4 year contract starting on 1st January 2005.

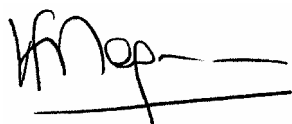
The cost of this additional Staff Member will be:

- partly covered by the fees proposed in section 2 of the annex,
- partly covered by the normal resources of the Bureau during the financial period 2005-2008, this part being considered as a contribution of the Organization to setting up this new system.

At the end of the 2005-2008 period, the costs incumbent on the Bureau related to this supervision and coordination of the MAA implementation will have to be fully covered by the fees mentioned in section 2. Three cases may then occur:

- a) The development of the DoMCs and the number of Certificates issued under the DoMCs are sufficient to finance a full-time Staff Member and this position may be extended for the following financial period.
- b) The development of the MAA implementation can cover a part-time Staff Member and the other tasks and resources of the Bureau can justify the other part of this Staff Member, and this position may therefore also be extended for the following financial period.
- c) The development of the MAA and the other tasks and resources of the Bureau do not allow this position to be extended for the following financial period, and the contract of this Staff Member will not be renewed, and the MAA will have to be revised to reconsider the role of the BIML.

CIML Members are asked to send their preliminary vote and comments on the decisions laid out in the annex to the Bureau **before 15 September 2004**, so that a final vote may be carried out at the CIML Meeting in Berlin. The required majority for this vote at the CIML Meeting shall be as required by Article XVII of the Convention (3/4 of Members present or represented, votes cast 4/5 of present and represented Members, "yes" votes 4/5 of votes cast).



J.F. Magaña
BIML Director



Annex

Draft Rules

applicable to the implementation of the OIML MAA

1 Relation between the DoMCs and the former OIML Certificate System

1.1 When an Issuing Authority signs a Declaration of Mutual Confidence in the framework of the MAA, all the OIML Certificates and associated test reports issued by this Issuing Authority for the considered category of instruments will then be issued under the particular conditions resulting from its participation in the DoMC. This Issuing Authority will not be allowed to continue to issue Certificates under the sole conditions of the OIML Certificate System.

1.2 OIML Certificates and associated test reports issued under the conditions of a DoMC will bear a specific OIML logo (to be defined by the BIML), affixed by the Issuing Authority and under his own responsibility. This logo will be the property of the OIML and its use will be authorized by the Bureau to these Issuing Authorities.

1.3 After a DoMC has been signed, the Bureau will propose at the next CIML Meeting to decide that for this category the OIML Certificate System will be applicable only by signatories of this DoMC and under the conditions of this DoMC. This should come into force one year after the signature of the DoMC, so that Certificates which are in preparation can be issued and that other Issuing Authorities can consider joining the DoMC.

1.4 OIML Certificates that have been issued prior to the establishment of the DoMC or during this transition period according to the previous rules, will continue to appear in the OIML databases published on the OIML web site.

1.5 OIML Certificates issued under the conditions of a DoMC will be recorded separately and will appear separately in the OIML databases published on the OIML web site.

2 Financial provisions for the implementation of the MAA

2.1 The participation in a DoMC of any Issuing Authority or National Responsible body that will accept test results but that will not issue Certificates and test reports under the DoMC, will be free of charge.

2.2 Subject to the approval of the OIML Conference, the participation of Issuing Authorities that will issue Certificates under a DoMC will give rise to the following fees by the Bureau, these fees being due by the Issuing Authority:

- a fixed annual amount of 1 200 € for each participation of an Issuing Authority in a Declaration of Mutual Confidence, plus

- a fee equal to 150 € for each Certificate issued under a DoMC and therefore bearing the specific OIML logo mentioned in section 1.

2.3 These fees collected by the Bureau are intended to cover the supplementary workload of the Bureau for the coordination and follow-up of the MAA implementation. They do not cover the eventual costs of experts' assessments, peer assessments, intercomparisons, etc. that may occur in the operation of a DoMC and that should be addressed specifically when necessary by the Committee on Participation Review of this DoMC.

3 Final provisions

These decisions will be applied for the implementation of the MAA and for the operation of the OIML Certificate System as of 1st January 2005.

These decisions will be taken into account in the draft budgets submitted to the Conference.

The Bureau will revise Publication B3 (ex-P1) "*OIML Certificate System for Measuring Instruments*" according to these decisions and will develop, if necessary, detailed regulations for the implementation of the MAA in order to submit them for CIML approval.