



# The Market surveillance and Inspection-in-use during 2014 in The Netherlands

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## 1. Introduction

This document presents an overview of legal metrology in The Netherlands and indicates the planning for 2014 with respect to inspection-in-use and market surveillance. At the end the market surveillance 2014 matrix is presented.

## 2. Legal metrology in The Netherlands

In The Netherlands legal metrology is restricted to those areas of use of measuring instruments where it is expected that there is a substantial risk that the free market mechanism provides insufficient protection against unfair transactions and trade.

The concept of this framework is:

1. To only implement those areas of use for which regulation by legislation is considered absolutely necessary,
2. Keep the costs of administrative burden low,
3. Harmonize the existing regimes as much as possible,
4. Regulate on a high level of abstraction,
5. Strict separation of tasks between bodies designated for certification (NB's) and market surveillance bodies.

Where possible and/or desirable and where a sufficient level of competence and degree of organization is available, self-regulation under strict conditions is accepted and promoted.

This conceptual framework has been implemented in the national legislation on Metrology which contains separate chapters comprising:

- Those transactions employing measurements for which legal requirements apply,
- Conformity assessment,
- The placing on the market and use of measuring instruments including sanctions in case of an offence,
- Surveillance and inspection (legal control).

Concerning conformity assessment, the applicable European directives have been implemented. For certain instruments covered by MID, but of which the use is outside the measurement areas covered by NL legislation, the enforcement still is applicable in case those measuring instruments are marked to state compliance with the MID requirements.

Further additional national regulation is in place for those types of instruments not covered by European directives, but included in the scope of the legally regulated areas of use. The national law

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also covers the requirements for enforcement with respect to the EU regulation for market surveillance.

The certification of measuring instruments, on basis of performance of conformity assessment, is the prime responsibility of the manufacturer. Part of the work is executed by nominated private organizations which have been notified to EU and other WELMEC member states.

Surveillance is performed by a nominated authority (Verispect B.V.; [www.verispect.nl](http://www.verispect.nl)). Execution of the surveillance task is 100% covered by the governmental resources based on a multi-annual contract. The surveillance activity (*inspection-in-use*) comprises in principle a random unannounced inspection on metrological aspects and takes into account the analysed risk on non conformity of the specific kind of measuring instrument or its use. The inspections include tests on compliance to the applicable accuracy requirements. In general all measuring instruments will pass in review in an about 4-year period. Only for the minor size non-automatic weighing instruments a random check is applied. The contractor (government) requires annual reports on instruments inspected indicating detected abnormalities. Databases cover all the individual measuring instruments in use which are under legal metrology control.

Subsequent verification on a regular basis is in general not applied in The Netherlands. Only for taximeters this system of verification has been implemented, while for the other measuring instruments within legal control subsequent verification is mandatory only after a repair in case the seal was broken. Organizations certified by an EU notified conformity assessment body are allowed to perform such verifications.

Concerning utility metering the legal metrological control is performed on a statistical basis and executed by the utility metering branch organization. The previous mentioned nominated surveillance body evaluates the statistical approach and reports to the Ministry on this approach and the results of the execution of this metrological control. Where necessary, batches of instruments may be rejected on basis of the results presented in these reports and exchange measures taken.

In case of complaints based on test results and/or on warnings received from other EU member states the execution of the EU market surveillance activity in response will be performed by a nominated authority. Further pro-active market surveillance has been developed based on a continuing process with a risk based approach.

Since the certification of measuring instruments within the framework of legal metrological control is performed by nominated private organizations the approval certificates need to become available to the surveillance body, in order to verify the conformity to the approved type. In The Netherlands this information is stored in a protected database, maintained by the surveillance body on behalf of the government.

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## 3. Market Surveillance & Inspection-in-use during 2014

### 3.1 Inspection-in-use

The activities on inspection-in-use in The Netherlands are divided into the following categories:

1. Consumer market weighing: minor size non-automatic weighing instruments
2. Industrial weighing and measuring: multi dimensional measurement installation, medium size non-automatic weighing instruments; automatic weighing instruments, weighbridges and specific non-automatic weighing instruments (in the range 0 kg up to 999 kg; beyond the scope of the weighing category for consumer market or the category of automatic weighing instruments)
3. Consumer market liquid measurements: Petrol and LPG dispensers
4. Industrial liquid measurements: The larger liquid quantity measuring instruments, altimeters for liquids and measuring reservoirs
5. Utility meters: Gas meters, electrical energy meters and electronic volume conversion instruments

The number of inspections per category of instruments depends on the number of instruments registered in the Verispect Inspection System (VIS) and the estimated risk factor. The number of hours available for each category is presented in the table 1 below.

Table 1: The number of measuring instruments allocated and available hours for 2014

Category	Measuring instruments	Number of measuring instruments 01/01/2014*	Total hours available for the inspection
Consumer market weighing	Minor size Non automatic Weighing instruments	646.000	3.600
Industrial Weighing	Formal inspections and inventory industry		2.200
	Multi dimensional Measurement installations	45	5.600
	Medium size Non automatic Weighing instruments	15.000	
	Automatic weighing instruments	4.400	
	Weighbridges**	4.300	
	Specific Non automatic Weighing instruments	4.800	4.100
Consumer market liquid measurements	Petrol dispensers	60.200	2.200
	LPG dispensers	3.300	
Industrial liquid measurements	Large size liquid metering instruments	3.350	900
	Altimeters for liquids and measuring reservoirs***	3.600	100
	System inspections liquid altimeters and measuring reservoirs		300

\*) The number of instruments allocated (Source: Verispect Inspection registration data system VIS).

\*\*\*) Excluded dynamic weighbridges which are national regulated measuring instruments

\*\*\*) National regulated measuring instrument

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Table 2: The number of measuring instruments allocated and planned for 2013

Category	Measuring instruments	Number of measuring instruments 01/01/2013	System inspections	System inspections Revisits	Total of inspections
Utility meters	Electricity meters	7,5 million	The individual instruments are subdivided in separate populations. Every few years a random sample is taken from the population. If the result of the inspection of a population is a rejection, all meters within this population shall be removed from the distribution network within a specific period. This is a nationwide implemented system and all utility companies participate in this system.		
	Gas meters	6,5 million			
	Electronic volume conversion instruments	13.500			

\*) National regulated measuring instrument

In consistency with the previous years the target to be achieved for the periodic inspections in the year 2014 remains on 95% compliance or higher. For all instruments the main indicators for compliance are:

- The (Metrological) markings;
- The correctness of the weighing or measuring results;
- The sealing.

### 3.2 Market surveillance

In 2012 The Netherlands started the development of a pro-active system for market surveillance. Verispect used the information obtained from inspection-in-use for performing a risk assessment for both inspection-in-use and market surveillance. The results of this risk assessment have been used for setting the priorities for 2014. In 2012 two experiments on market surveillance were started. In the first experiment an investigation was performed on whether below-average price levels could be applied as an indicator for compromised product quality. The outcome of this experiment is that the purchase price level appears not to be a useful indicator related to product quality. The results however revealed several non conformities necessitating pursued actions in 2014.

In the second experiment the feasibility of using the data from inspection-in-use for the purpose of market surveillance was evaluated. In this case only instruments put-into-use less than two years ago were taken into account. The result of this experiment indeed provides a better insight on the brands and types of instruments that potentially show non conformities related to market surveillance. Further actions and investigations will be performed during 2014 in order to find out whether or not the sources of the detected discrepancies are systematical. The data analyses will be an ongoing process and will become integrated as one of the regular tasks of market surveillance.

Some WELMEC member states participating in Working Group 5 have indicated in 2013 their willingness to participate a joint project on performing market surveillance for one or more categories of measuring instruments. This has resulted in two cross boarding projects. One concerns NAWI screening and the other MID energy meters (electrical energy meter meters and heat meters). The Netherlands will participate in both projects, the second however restricted to electrical energy meters only.

Finally, the development of the market surveillance policy, which is closely intertwined with the results of risk analysis, will be continued.

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### 4. Matrix Market surveillance

Member State:		The Netherlands								
Market Surveillance Authority:		Verispect bv								
Person responsible for the sectoral NMSP		Ministry of Economic Affairs, Agriculture and Innovation: Mr. W. de Waal (staff member ) Verispect: Mr. C. J. (Cees) van Mullem (director) and Mrs. B.W. (Hermine) van Rij (staff member)								
Email address		<a href="mailto:hvrij@verispect.nl">hvrij@verispect.nl</a>								
Period validity of the program		2014								
Reference of applicable EU directive	Sector	Product/Category	Description of the type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcome or future initiatives	Project manager generalities
2009/23/EC NAWI	All	All	Visual inspection and inspection of documents, indicative physical checks, testing.	Complaints, notifications from other member states	Interim report Market Surveillance 2015	High	Ad hoc	National market surveillance policy	Report Market Surveillance 2015	Mrs. B.W. (Hermine) van Rij
	All	All	Follow up of the outcome of the investigation of relative new instruments (0 – 2 years) in use.	Potentially non compliant instruments detected		Medium	1-1-2014			
	Consumer	NAWI up to 30 kg	Follow up of the outcome of the investigation.	Non compliant instruments detected		High	1-4-2014			
	Industry	NAWI	Visual inspection and inspection of documents, indicative physical checks.	Result of the risk assessment join projects 2013.		Medium	1-4-2014	Improvement joint project EU member states		
2004/22/EC MID	All	All	Visual inspection and inspection of documents, indicative physical checks, testing.	Complaints, signals from other member states	Interim report Market Surveillance 2015	High	Ad hoc	National market surveillance policy	Report Market Surveillance 2015	Mrs. B.W. (Hermine) van Rij
	All	All	Follow up of the outcome of the investigation of relative new instruments (0 – 2 years) in use.	Potentially non compliant instruments detected		High	1-4-2014			
	Energy meters	Electricity meters	Visual inspection and inspection of documents, indicative physical checks, testing.	Result of the risk assessment join projects 2013.		High	1-1-2014	Improvement joint project EU member states		