

LITHUANIAN METROLOGY INSPECTORATE

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To the Ministry of Economy
of the Republic of Lithuania

15 01 2015 No 13SR-25
To 22 12 2014 No (12.4-23)-3-6829

ON IMPLEMENTATION OF THE PROVISIONS OF REGULATION (EC) NO 765/2008

Please see attached the Programme for Market Surveillance of Measuring Instruments and Prepackaged Products in the Field of Legal Metrology approved by Order No 11V-8 of 15 January 2015 of the Head of the Lithuanian Metrology Inspectorate and the Plan for Market Surveillance of Measuring Instruments and Prepackaged Products for 2015.

ATTACHED:

1. Programme for Market Surveillance of Measuring Instruments and Prepackaged Products in the Field of Legal Metrology, 3 pages;
2. Plan for Market Surveillance of Measuring Instruments and Prepackaged Products for 2015, 3 pages.

Head

/signature/

Algirdas Skripėta

HEAD OF THE LITHUANIAN METROLOGY INSPECTORATE

ORDER ON APPROVAL OF THE PROGRAMME FOR MARKET SURVEILLANCE OF MEASURING INSTRUMENTS AND PREPACKAGED PRODUCTS IN THE FIELD OF LEGAL METROLOGY

15 January 2015, No 11V-8
Vilnius

In implementing Article 18(5) of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 2008, p. 30), I:

1. Approve the Programme for Market Surveillance of Measuring Instruments and Prepackaged Products in the Field of Legal Metrology (hereinafter ‘the programme’) (attached);
2. Authorise:
 - 2.1 Natalija Bražunienė, Deputy Head of the Lithuanian Metrology Inspectorate, to organise the introduction of the programme to other Member States and the European Commission and to control the implementation thereof;
 - 2.2 the General Affairs Unit to publish the programme on the website of the Lithuanian Metrology Inspectorate.

Head

/signature/

Algirdas Skripėta

Prepared by:

Natalija Bražunienė

APPROVED

By Order No 11V-8
of 15 January 2015 of the Head
of the Lithuanian Metrology Inspectorate

**Programme for Market Surveillance of Measuring Instruments and Prepackaged Products
in the Field of Legal Metrology**

REPUBLIC OF LITHUANIA

General

Sector: legal metrology

Market surveillance authority: Lithuanian Metrology Inspectorate

Duration of the programme: 6 years, beginning 1 January 2010

Review of the programme: first review in 2010, and subsequently at least once every two years

Person responsible for the programme: Head of the Lithuanian Metrology Inspectorate Algirdas Skripėta; e-mail: metrinsp@metrinsp.lt, algirdas.skripeta@metrinsp.lt; telephone: +370 5 277 8768

Point of contact: Natalija Bražunienė, e-mail: natalija.brazuniene@metrinsp.lt, telephone: 370 5 212 2301

Purpose of the Development of the Programme

In the field of market surveillance of measuring instruments and quantities of prepackaged products, implementation of the provisions of Regulations (EC) No 764/2008 and 765/2008 on the free movement of goods and application of the principles of mutual recognition as well as the requirements for accreditation and market surveillance relating to the marketing of products.

The Programme has been developed in accordance with the provisions of Article 18(5) of Regulation (EC) No 765/2008 of the European Parliament and of the Council.

Legislation Regulating the Development of the Programme and Related Legislation:

- Regulation (EC) No 765/2008;
- Law of the Republic of Lithuania on Metrology;
- Technical Regulation on Measuring Instruments;
- Technical Regulation on Non-Automatic Weighing Instruments;
- Technical Regulation on the Control of the Quantities of Prepackaged Products and Measuring Vessels;
- Directive 86/217/EEC;
- Directive 2004/22/EB;
- Directive 2009/137/EC;
- Directive 2009/34/EC (recast of Directive 71/316/EEC);

- Directive 2009/23/EC (codified text);
- Directive 75/107/EEC;
- Directive 76/211/EEC;
- Directive 2007/45/EC.

The Lithuanian Metrology Inspectorate (hereinafter ‘the LMI’) is a state-designated control body whose scope of operation and validity of decisions cover the entire territory of Lithuania. The mission of the LMI is to conduct legal metrological surveillance, i.e. to protect consumers and public interests from the consequences of inaccurate measurement and preserve the national market from non-compliant measuring instruments and prepackaged products. The strategic goal of the LMI is to ensure the compliance of measuring instruments defined as the subject of legal metrology, the condition thereof as well as of prepackaged food and non-food products produced and made available on the market with the requirements of legal metrology.

In conducting market surveillance, the LMI shall monitor compliance by manufacturers, sellers and users with the requirements of the Law of the Republic of Lithuania on Metrology and other legislation on legal metrology in using measuring instruments for settlement of accounts in direct sales transactions to pay for the goods and services provided where the price depends on the quantity thereof and in other areas regulated by legal metrology (health care, veterinary medicine, environmental protection, occupational safety) in carrying out banking, tax and postal operations, in measurements where the amount of a fine or a compensation for damages depends on the results thereof; within its competence, it shall examine and investigate infringements of the Law of the Republic of Lithuania on Metrology, carry out supervision of designated bodies, perform the functions of the holder of the Lithuanian State Register of Measuring Instruments, provide the information on infringements detected through market surveillance in the field of legal metrology to the European Commission and authorised bodies of other Member States. The LMI shall also carry out controls of measuring vessels (containers) and quantities of prepackaged products indicated on the packaging or labels.

Objectives of the LMI include consistent legal metrological surveillance of measuring instruments and measuring vessels as well as prepackaged products made available on the market, control of the quantities of products that are weighed, calculated, measured or metered out in doses at the time of sale by preventing prepackaged products, measuring instruments and measuring vessels that do not meet the requirements of legal metrology from entering the market, banning the measuring instruments and measuring vessels that do not meet those requirements from use and expeditiously preventing violations of consumer rights in the field of legal metrology.

The LMI will carry out on average about 4 000 control checks per year.

Measures for the implementation of the programme:

- Cooperation with the Customs Department, State Tax Inspectorate and other market surveillance authorities in an effort to ensure withdrawal from or restriction on placing on the market and use of measuring instruments for legal metrology applications, prepackaged products, measuring vessels (measuring container bottles) that do not meet the requirements of legal metrology as set out in the Community harmonisation legislation and Lithuanian legislation and may pose a threat to the protection of public and consumer interests as well as

appropriate information of the public and, in the cases provided for, notification of the European Commission and the Member States;

- Creation of a level playing field for fair competition among business operators in an effort to ensure fair trade and honourable behaviour of economic operators towards each other to the extent that it relates to timely and appropriate conformity assessment procedures or tests before providing the products to end-users and buyers;
- Cooperation with the market surveillance authorities of Lithuania and other EU Member States in an effort to streamline market surveillance activities, assessment of risk factors and other important aspects in relation to specific products;
- Development of market surveillance initiatives in an effort to ensure the exchange of resources and technical knowledge between the competent Member State authorities concerned, organising joint training sessions for the representatives of market surveillance authorities and joint inspections;
- Pursuit of cooperation with the market surveillance authorities of neighbouring third countries and, where necessary, organisation of training sessions on market surveillance of measuring instruments and prepackaged products.
- Inclusion in the inspection plans of joint inspections carried out together with other market surveillance authorities.

- **Implemented Projects and Improvement of Performance**

- The Measurement and Testing Department was established for the purposes of market surveillance of the quantities of prepackaged products and accredited in accordance with the requirements of Standard LST EN ISO/IEC 17025:2006 (re-accredited in September 2013) to conduct tests of the mass and volume of prepackaged products. Testing will also be conducted by interlaboratory comparisons with other accredited laboratories.
- In 2007, the LMI introduced the Information System for Legal Metrological Surveillance. The system includes inspection documents and accompanying documents in unified format, measurement results are calculated by means of software calculators; inspection documents are, in many cases, drawn up on the spot, which allows causing significantly less inconvenience to the business operators under inspection. Efforts to improve the information system led to the introduction of automatic retrieval of data on the fines paid by business operators from the database of the State Tax Inspectorate in 2010.
- Measures for the optimisation of performance of business regulatory authorities have been introduced and advanced performance risk assessment models are being introduced to improve the performance of the LMI. An advanced risk assessment and management system is being implemented together with Ernst & Young Baltic. Control questionnaires for the nine highest risk business operators are used during inspections to help reduce the burden of surveillance for business operators. Business operators are advised on the matters related to the LMI's competence. A uniform telephone consulting practice has been introduced. The practice of notifying the business operator of a routine inspection 10 days in advance has been introduced and joint inspections with other surveillance authorities are planned and conducted by the LMI. The list of legislation regulating the activities of the LMI and laying down the requirements of legal metrological surveillance has been published on the LMI's website. The criteria for the assessment of the effectiveness and efficiency of activities, control questionnaires, inspection plans, consultation events and other information relevant to business operators is published on the LMI's website.

- For the purposes of fostering cooperation with the legal metrological surveillance authorities of other EU Member States and third countries, the LMI received Moldovan and Armenian representatives (a twinning project) responsible for legal metrological surveillance. In the future, coordination of the LMI's activities with the other market surveillance authorities will be further strengthened and related inspections will be carried out, cooperation will be fostered with the legal metrological surveillance authorities of other EU Member States and methodological support will be provided to the metrological surveillance authorities of the third countries.
- Planning of activities will include a greater emphasis on the improvement of monitoring procedures as well as change analysis of potential infringement risks and reduction of the burden of surveillance for business operators taking into account the risk factors in certain areas of activity following the complaints received from consumers and business operators as well as requests from other control authorities. Cooperation with state and local government authorities and with the public, consultations of entrepreneurs and their education on violations of consumer rights will place a greater focus on the prevention of violations in the area of legal metrology.
- Controls of the condition and use of measuring instruments will place a particular emphasis on the implementation of the provisions of Commission directive 2009/137/EC (which entered into force in 2009) amending Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments in respect of exploitation of the maximum permissible errors, as regards the instrument-specific annexes MI-001 to MI-005 which were transposed into the Technical Regulation on Measuring Instruments. This will aim to ensure that a measuring instrument does not exploit the Maximum Permissible Error and systematically favour any of the parties involved in the transaction, and protection against unduly biased errors inside the controlled range of these instruments will also be required.
- ATTACHED: Plan for Market Surveillance of Measuring Instruments and Prepackaged Products for 2014, 3 pages.

Implemented Projects and Improvement of Performance

The Measurement and Testing Department was established for the purposes of market surveillance of the quantities of prepackaged products and accredited in accordance with the requirements of Standard LST EN ISO/IEC 17025:2006 (re-accredited in September 2014) to conduct tests of the mass and volume of prepackaged products. Decisions are made by inspectors on the basis of these tests.

In 2007, the LMI introduced the Information System for Legal Metrological Surveillance. The system includes inspection documents and accompanying documents in unified format, measurement results are calculated by means of software calculators; inspection documents are, in many cases, drawn up on the spot, which allows causing significantly less inconvenience to the business operators under inspection. Efforts to improve the information system led to the introduction of automatic retrieval of data on the fines paid by business operators from the database of the State Tax Inspectorate in 2010.

Measures for the optimisation of performance of business regulatory authorities have been introduced and advanced performance risk assessment models are being introduced to improve

the performance of the LMI. Control questionnaires for the 12 highest risk business operators are used during inspections to help reduce the burden of surveillance for business operators. Business operators are advised on the matters related to the LMI's competence. A uniform telephone consulting practice has been introduced. The practice of notifying the business operator of a routine inspection 10 days in advance has been introduced and joint inspections with other surveillance authorities are planned and conducted by the LMI. The LMI has approved the Declaration on the First Business Year. In implementing the provisions of the Declaration, business operators that are in the first year of their economic activity and undergoing their first inspection are presented by the LMI inspectors, in the course of inspections and consulting, with the Declaration as well as information on who they should contact in respect of questions relating to the area under the supervision of the LMI. The list of legislation regulating the activities of the LMI and laying down the requirements of legal metrological surveillance has been published on the LMI's website. The criteria for the assessment of the effectiveness and efficiency of activities, control questionnaires, inspection plans, consultation events and other information relevant to business operators is published on the LMI's website.

For the purposes of fostering cooperation with the legal metrological surveillance authorities of other EU Member States and third countries, the LMI received a visiting delegation on 5 ... 2014 from the Bureau of Metrology of the Republic of Macedonia (a TAIEX project). In the future, coordination of the LMI's activities with the other market surveillance authorities will be further strengthened and related inspections will be carried out, cooperation will be fostered with the legal metrological surveillance authorities of other EU Member States and methodological support will be provided to the metrological surveillance authorities of the third countries.

Planning of activities will include a greater emphasis on the improvement of monitoring procedures as well as change analysis of potential infringement risks and reduction of the burden of surveillance for business operators taking into account the risk factors in certain areas of activity following the complaints received from consumers and business operators as well as requests from other control authorities. Cooperation with state and local government authorities and with the public, consultations of entrepreneurs and their education on violations of consumer rights will place a greater focus on the prevention of violations in the area of legal metrology.

Controls of the condition and use of measuring instruments will place a particular emphasis on the implementation of the provisions of Commission directive 2009/137/EC (which entered into force in 2009) amending Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments in respect of exploitation of the maximum permissible errors, as regards the instrument-specific annexes MI-001 to MI-005 which were transposed into the Technical Regulation on Measuring Instruments. This will aim to ensure that a measuring instrument does not exploit the Maximum Permissible Error and systematically favour any of the parties involved in the transaction, and protection against unduly biased errors inside the controlled range of these instruments will also be required.

ATTACHED: Plan for Market Surveillance of Measuring Instruments and Prepackaged Products for 2015, 3 pages.

PLAN FOR MARKET SURVEILLANCE OF MEASURING INSTRUMENTS AND PREPACKAGED PRODUCTS FOR 2015

LEGAL METROLOGY

Country: Lithuania

Surveillance authority: Lithuanian Metrology Inspectorate

Person responsible for the sector: Algirdas Skripėta

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Order No	Applicable EU legislation (directives)	Areas of legal metrological regulation	Objects of legal metrological regulation (measuring instruments, quantities of prepackaged products)	Controlled users of measuring instruments, manufacturers, importers and sellers of measuring instruments and prepackaged products	Type of and reasons for inspection	Related joint inspections with other authorities and cooperation
1.	2.	3.	4.	5.	6.	7.
1.	2009/137/EC 2004/22/EC 2009/34/EC 2009/23/EC	Settlement of accounts in direct sales transactions	Petroleum and automotive gas dispensers, automatic and non-automatic weighing instruments, different containers, instruments for measuring volume, length, area, several parameters, etc.	Petroleum and automotive gas service stations, manufacturing, trading, buying-up, public catering enterprises	Routine inspections concerning poor performance on the previous inspections, unannounced inspections following complaints received as well as inspections at the request of the STI, FCIS and other inspection authorities	LMI, local government representatives, police, STI and SFVS, FS, SNFPI and other control authorities
2.	2009/137/EC 2004/22/EC 2009/34/EC 2009/23/EC	Settlement of accounts between business operators and with consumers for energy and other resources	Bulk and individual heat, hot and potable water, gas meters installed in flats, measurement systems, containers for petroleum products and milk and other measuring instruments	Heat, hot and potable water, gas production and supply companies, milk producers, petroleum product terminals, etc.	Routine inspections concerning performance of obligations undertaken by suppliers following complaints received from entrepreneurs and consumers	LMI, local government representatives, STI

3.	2009/137/EC 2004/22/EC 2009/34/EC 2009/23/EC	Measurements for metering of charges and for settlement of accounts	Taximeters and other measuring instruments for production and bookkeeping of ethyl alcohol, alcoholic beverages and petroleum products	Enterprises producing and selling ethyl alcohol, alcoholic beverages, petroleum products, providing taxi services, etc.	Routine inspections, tuning the circuitry of metering systems and meter sealing works	LMI, STI
4.	2009/34/EC 2009/23/EC	Health care	Medical devices with a measuring function, measuring instruments for the manufacture of medicinal products	Health care bodies, hospitals, sanatoria, retirement homes, pharmacies, veterinary pharmacies, etc.	Routine inspections concerning poor performance on the previous inspections	LMI, State Health Care Accreditation Agency (SHCAA)
5.	86/217/EEC 2009/34/EC 2004/22/EC	Occupational safety	Exhaust gas analysers, instruments for measuring optical, acoustic parameters, vibration, geometrical quantities, force, movement, pressure and other physical parameters, measuring instruments used in hydrometeorology	Enterprises providing repair and maintenance services for road motor vehicles, undertakings carrying out installation of tyres and liquefied-gas facilities, seaports, airports, railway companies, enterprises performing meteorological and other measurements	Routine inspections concerning poor performance on the previous inspections following consumer complaints	LMI, STI, SLI, SNFPI
6.	2009/34/EC 2004/22/EC 2009/23/EC	Environmental protection	Instruments for measuring air, soil and water pollution, ionising radiation, etc.	Enterprises buying up secondary raw materials, enterprises polluting the environment and conducting pollution measurements	Routine inspections concerning poor performance on the previous inspections	LMI, STI
7.	2009/34/EC	Measurements where the amount of a fine or compensation	Centres performing blood (alcohol level) tests, traffic police, enterprises using tanks for the storage of petroleum	Instruments and systems used for measuring blood chemistry, alcohol	Routine inspections and unannounced inspections at the request of the STI, FCIS, CD, following	LMI, STI, FCIS, CD

		for damages depends on the results thereof	products and other containers	testers, measuring tapes, containers, etc.	consumer complaints	
8.	2007/45/EC 76/211/EEC 75/107/EEC	Quantities of prepackaged food products	Quantities of frozen and preserved fish, seafood, meat and cereal products, confectionery, bread and pastry products, alcoholic and non-alcoholic beverages and other prepackaged food products	Enterprises importing goods, production and trading enterprises	Routine inspections without having sufficient information about imported and manufactured goods, unannounced inspections following consumer complaints	LMI, SFVS, CD
9.	2007/45/EC 76/211/EEC 75/107/EEC	Quantities of prepackaged non-food products	Quantities of liquefied petroleum gas in cylinders, construction materials, solid fuel, automotive chemicals, household chemicals, fertilisers, seeds and other prepackaged non-food products	Enterprises importing goods, production and trading enterprises	Routine inspections without having sufficient information about imported and manufactured goods, unannounced inspections following consumer complaints	LMI, SNFPI, CD

Abbreviations:

STI: State Tax Inspectorate

SLI: State Labour Inspectorate

FCIS: Financial Crime Investigation Service

CD: Customs Department

SFVS: State Food and Veterinary Service

SNFPI: State Non-Food Products Inspectorate

FS: Fisheries Service under the Ministry of Agriculture

SHCAA: State Health Care Accreditation Agency