

Encourage digitalisation of European weighing industry with futureproof legal metrology framework

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The digitalisation of European society and the economy has significant benefits. It can make processes more efficient, improve customers experience and create new business opportunities. The European weighing industry, represented by CECIP, is committed to developing the weighing instruments of the future to enable further digitalisation of Europe. New instruments and solutions are being developed on a continuous basis meeting the demands of a wide range of industrial sectors.

However, to ensure the weighing instruments can be the digitalisation enablers and contribute to the European data economy, it is crucial that the right legal framework is established and implemented. EU legislation, OIML Recommendations and WELMEC guides should be flexible enough to allow innovation when implementing legislation whilst maintaining a high level of consumer protection. To reap the full benefits of digitalisation in the European weighing industry CECIP is convinced at least two steps need to be taken:

Focus on legal metrology requirements for the core weighing instrument

With the increasing role of digitalisation in society, weighing instruments may be very different from historical, conventional machines consisting of a complete physical unit that could be easily isolated and sealed. With the technology of today and of the future an instrument has the potential to consist of multiple hardware components and software modules; a weighing instrument may be made up of various constituent parts for which conventional methods of control as set in legislation, guides and recommendations are inappropriate.

With an instrument constructed over such a distributed architecture it may be difficult to define the boundaries of an instrument. It may be unclear to which elements technical requirements are applicable and for which elements there are no dedicated requirements. There is a risk that requirements based on one use case may be completely inappropriate for other applications.

On top of that, regulations and standards change very slowly compared to the rapid developments in technology. To ensure that these regulations and standards do not stifle innovation they must be sufficiently flexible whilst at the same time ensuring the confidence of all stakeholders. According to CECIP certain basic principles need to be followed to achieve that balance.

Key principles for digital-ready legal metrology requirements

The first principle is that the manufacturer may decide, subject to certain conditions, on the extent of the core instrument. It is this instrument which will be subject to legal metrology requirements. A decision as to what constitutes the core instrument should be discussed with all stakeholders and those elements that fall within the core must meet the relevant requirements. Outside of this core the elements of a legal metrology framework would not necessarily apply to the same extent. To define the core instrument the concepts of essential, non-essential and conditional parts as used previously in test certificates could be a starting point for the discussion.

An example of this would be the requirements that relate to printing for price-computing instruments, at the moment all indications relating to the transaction must be printed. If it was agreed that the printing requirement was outside the core instrument this requirement would not apply and the information could be used digitally.

A second key principle is that depending on the type of data, requirements should be introduced on its security. First of all, communication between the hardware components and software modules of the core weighing instrument must be secured as is currently the case. Yet, data transmitted to a device or system external to the core weighing instrument must be correct, but otherwise may be uncontrolled. This makes it easier to develop new weighing solutions and services without delays as there is no guidance for each specific situation. Additionally, if the transmitted data is to be subject to further processing that is legally significant then detailed requirements can be introduced.

CECIP is convinced that for a further digitalisation of the weighing industry it is key to be able to have the legal metrology requirements focussed on the core weighing instrument. Although supplementary parts may be subject to legal metrology requirements, legislation should not limit the architecture of the instrument. Moreover, data protection should be proportionate to its legal relevance.

Essential requirements leading when controlling weighing instruments

The general concept of the European Commission's New Legislative Framework is to set essential requirements in legislation followed by harmonised standards that allow for the presumption of conformity. The harmonised standard is optional and there is always the alternative to be in compliance with the legislation in any other way as long as the essential requirements are met. This is also the approach for the EU directives on non-automatic weighing instrument and measuring instruments. On top of that, further guidance developed

in the form of WELMEC guides is developed that describe how weighing instruments can be in compliance with the legislation.

Even though the legal system allows for flexibility for manufacturers to diverge from the recommended requirements in the harmonised standards and guides, in practice manufacturers are given little freedom. Guides, harmonised standards and OIML recommendations are expected to be strictly followed by manufacturers. By following this approach, it is difficult to introduce inventions that were not contemplated at the time guides and standards were drafted. Especially since the development of new guides, legislation and standards cannot keep up with the rapid developments of weighing instruments in the field of digitalisation.

CECIP strongly believes that the essential requirements set in legislation need to be followed to guarantee consumer protection. That being said, the current legal framework allows for a level of flexibility to be in compliance with the legislation that is currently not achieved in practice. The essential requirements in legislation should be leading. Where current rules on new situations are insufficiently clear, the manufacturer should be able to deviate from the rigid guidance documents as long as the essential requirements are met. CECIP calls on the market surveillance authorities and notified bodies to follow the principles of the legislation and providing enough flexibility. If this principle is not followed, new ideas with respect to digitalisation won't be implemented or delayed due to the long procedure of modifying guides and standards.

Support digitalisation of the European weighing industry by creating opportunities and allowing for flexibility to innovate

Digitalisation has major benefits for Europe and can contribute to the improved competitiveness of the European weighing industry. This can be achieved without compromising the consumer protection. To make the European weighing industry ready for the digital age, actions are necessary. The legal framework should be futureproof and with proportionate requirements. At the same time, when implementing the legislation a too rigid application of the requirements should be avoided. Therefore, CECIP calls on the EU decision makers, OIML, WELMEC and Member States to encourage innovations in the area of digitalisation in the weighing industry by setting the right legal framework and allowing for sufficient flexibility.