Agenda item 9.1

Comments from Japan to the ad-hoc working group (AHWG) on review of the OIML Mutual Acceptance Arrangement (MAA)

(with responses drafted by Willem Kool and Roman Schwartz)

7 October, 2015

1   Operation of the OIML-CS

(1)   It is proposed that OIML-CS would be operated jointly with the four small new organizations (MC, AP, BoA and TLF). Framework, rules and important issues on procedures, however, shall be still discussed in an open meeting such as the CIML. We should avoid closed discussions and decisions on the above matters only in the four organizations.

Response: The framework for the OIML-CS will be a B-type OIML publication, approved by the CIML and sanctioned by the Conference.
The CIML always has the possibility to discuss important issues concerning the OIML-CS.

The Management Committee (MC) reports to the CIML.

Much of what goes on within the OIML-CS will be public and reported to the CIML; however, there are certain things that have to remain confidential (for instance the discussion on laboratory assessment reports; this is the same in the existing MAA).

(2)   For impartiality, it is not desirable that the four organizations consist of only issuing participants mainly from developed countries in Europe. Balances in the selection of members of the organizations should be considered in respect to developed/developing countries, issuing/utilizing countries and geographical regions (Asia, America, Africa, Europe, Middle-East and Oceania).

Response: This concern has been extensively discussed both in the AHWG for the review of the MAA and the Presidential Council, although this may not be apparent from the report on the activities of the AHWG. The proposed new certification system project group (CSPG) has the task to draft the nomination process for membership of the MC (see draft Resolution 2015/xb) and shall take this concern into consideration. Please refer to the "key principles" of the proposed OIML-CS, as formulated in the AHWG report, page 6 of 26: "…the membership of the MC will be balanced and include representatives of both issuers and utilizers of the OIML-CS."

(3)   Procedures for nominating and selecting members of the four organizations are not clear. In the principle No. 6 in AHWG-MAA-Doc-1, the number of members of the MC is limited to 12. But this principle also mentions that members are nominated and elected by the CIML. How and by whom are the members selected?

Response: It will be the task of the proposed CSPG to draft the nomination process for membership of the MC (see draft Resolution 2015/xb) for consideration of the CIML at its meeting in 2016.

(4)   The human resource is crucial to manage the four organizations appropriately. BIML should recruit new staff members dedicated only to the OIML-CS.

Response: It is indeed crucial that the BIML allocates sufficient resources to manage the OIML-CS. The BIML Director has indicated that, initially, this can be achieved without additional staff.

(5) The OIML-CS seems to be operated only with the registration fees of OIML certificates without any increase of the fees. The registration fees are considered to be managed separately from the regular OIML contributions. A more realistic financial plan, however, shall be examined. A financial report on the registration fees should be provided for the CIML at least.

Response: The OIML-CS finances (income and expenses) will be part of the general OIML budget (this is the same as for the current systems). However, the income and expenses related to the OIML-CS will be accounted for separately, so that the cost and benefits are transparent. If the OIML-CS is approved by the CIML in Arcachon, this will become effective in the new (2017- 2020) OIML budget to be approved by the Conference in 2016.

2 Proposed new certificate system in OIML-CS

(6) The difference between Schemes A and B is not clear. The current proposal seems practically a merger of Scheme A (basic system) into Scheme B which is equivalent to the MAA. This plan, however, seems not realistic to be achieved in all categories of instrument. Instead, the present criteria to participate in the MAA (Scheme B) should be lowered. We propose to loosen the present criterion to the MAA which requires an accreditation by a third party.

Response: In 2013 the CIML decided "that steps should be taken to ensure that, in future, there will be only one single certification system for OIML type evaluations, **based on the principles of the MAA**, and that, as a first step, the options for how such a single system may be organized, how the transition could take place and by what time schedule, should be investigated, taking into account the experiences of similar, well established certification systems".
It was never the intention of the CIML to lower the criteria for participation in the MAA (Scheme B in the OIML-CS). The proposed OIML-CS, in fact, will raise the requirements for the Basic System (Scheme A in the OIML-CS) in order to achieve that the requirements for participation will be the same for Scheme A and Scheme B. The only difference will be that under Scheme A participants "self-declare" that they comply with the requirements, while under Scheme B participants are subject to peer review (based on accreditation or peer assessment, as in the MAA). Accreditation is not mandatory.

(7) Basic policies No. 16 and 17 of AHWG-MAA-Doc-1 require a "declaration" to issue/accept certificates under Schemes A or B. This requirement is, however, too strict to Scheme A (basic system). Declaration is not required in the present basic system.

Response: This is indeed one of the main differences between the current Basic System and Scheme A of the OIML-CS. The AHWG, however, considered it as very important that OIML Issuing Authorities at least "self-declare" that their test laboratories comply with the requirements of ISO/IEC 17025. The AHWG considered it is also very important that all participants declare their scopes of acceptance of test reports (for Utilizers) and certification (for Issuing Authorities), and that these scopes will be made public on the OIML website.

(8) Utilizing participants should be expanded to all OIML member countries (full and corresponding) regardless the schemes.

Response: It would indeed be very good if all OIML Member States and Corresponding member countries became Utilizers in the OIML-CS. However, the OIML-CS is a voluntary system. Therefore, the proposed OIML-CS distinguishes between "utilizers" (which explicitly declare that they will accept test reports from Issuing Authorities), and users (which can be any Member State or Corresponding Member making use of test reports, without explicitly declaring this).

(9) Both Schemes A and B are likely to continue in parallel in the three categories of R 49, R 60 and R 76

even after OIML-CS is operated. Date or criteria of expiration, however, is not clear for Scheme A.

Response: The objective, however, is that, eventually, all categories of measuring instruments are in Scheme B. As is stated in principle 3, the transition from Scheme A to Scheme B is subject to defined criteria. It will be one of the tasks of the proposed CSPG to draft such criteria. The draft framework for the OIML-CS states (in 3. Scope) that the applicability of the OIML-CS Scheme A or Scheme B is proposed by the MC and approved by the CIML.

(10) Status of the present OIML certificates (basic and MAA) after the OIML-CS is brought into operation should be considered. Some manufacturers continue to use old certificates with minor changes. Are these old certificates still effective under the OIML-CS? If they become invalid in the new system, it should be necessary to take some kind of transitional measures.

Response: This is indeed an issue that needs to be considered by the proposed CSPG.

3   Process for drafting basic documents

(11) New basic document Bxx (AHWG-MAA-Doc-3) contains important rules for OIML. The proposed new project group (CSPG) therefore should follow the procedure specified in B 6-1 (2013) in the process of drafting Bxx. In addition, the voting rules should follow B 1 and B 6. Even if Bxx would not be sanctioned at the 15th Conference (2016), we should proceed with careful consideration to design a new system acceptable to the member countries.

Response: The AHWG, following a transparent process in which all OIML Members had an opportunity to participate, has (acting as instructed by the CIML) carefully considered the design for the OIML-CS it is proposing.

The issues identified with the current OIML certification systems (see the report of the AHWG in Addendum 9.1 to the working document for the 50th CIML Meeting) require that changes are implemented as soon as possible. The AHWG considers the timeline it proposes for the development of the B-type publication with the framework for the OIML-CS ambitious, but achievable. Following B 6 for the development of this B-type publication will definitely mean that the OIML-CS cannot be implemented per 1 January 2017.

All OIML CIML Members and Corresponding Member representatives have been invited to nominate themselves or an expert representative to participate in the work of the proposed CSPG.

In any case, for voting in the CIML and the Conference, the rules of the Convention (B 1:1968) are applicable.

(12) ToR of CSPG proposes to draft a new "procedures and operational document" which seems an update of the present document (MAA 01). Preparation of such a separate document, however, causes an additional confusion and therefore, it may be merged into Bxx.

Response: The idea is that the framework document, approved by the CIML, shall, indeed, only provide the framework for the OIML-CS (the "constitution" of the system) and that operational aspects are decided by the MC as the body competent on matters of certification. We do not believe that this will cause confusion. On the contrary, we consider this a major improvement compared with the current situation.