European Cooperation in
Legal Metrology (WELMEC) e. V.
Bundesallee 100
38116 Braunschweig
Germany

WELMEC Guide 5.2

Market Surveillance Guide (NAWID and MID)

Version 2025

WELMEC e.V. Bundesallee 100, 38116 Braunschweig, Germany.
Phone: +49 531 592 1980 E-mail: secretary@welmec.org

WELMEC is a cooperation between the legal metrology authorities of the Member States of the European Union and EFTA.

This document is one of a number of Guides published by WELMEC to provide guidance to manufacturers of measuring instruments and to Notified Bodies responsible for conformity assessment of their products.

The Guides are purely advisory and do not themselves impose any restrictions or additional technical requirements beyond those contained in relevant EU Directives.

Alternative approaches may be acceptable, but the guidance provided in this document represents the considered view of WELMEC e.V. as to the best practice to be followed.

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E-mail: secretary@welmec.org
Website: www.welmec.org

Foreword

This guide is a revision of Guide 5.2, 2015 on Market Surveillance of Measuring Instruments. The reader should be aware that the safeguard procedure reflected in this guide is the one from New Legislative Framework (NLF), MID and NAWID. As this Guide reflects the legislation at the time of its drafting, the guidance offered may be subject to later modification.

This guide is primarily intended to provide guidance to market surveillance authorities and their employees. This guide also provides information on how market surveillance is performed to manufacturers of measuring instruments and to Notified Bodies responsible for conformity assessment of their products. When subjects addressed in this Guide are also explicitly covered in the Blue Guide (2022 edition), references to the relevant passages are provided in the notes.

The Guide is purely advisory and does not impose any restrictions or additional requirements beyond those contained in MID, NAWID or relevant EU regulations. Alternative approaches may be acceptable, but the guidance provided in this guide represents the considered view of WELMEC as to the best practice to be followed. However, it is intended that the procedures as described in the guide must be followed if it is to be claimed that the guide has been applied. For the purposes of this guide, when the term “instruments” are used it refers to measuring instruments within the scope of Directives 2014/31/EU (NAWID) and 2014/32/EU (MID).

Contents

1 Introduction

Market surveillance is an essential tool for enforcing New Approach directives, in particular by assessing if products meet the requirements of the directives, taking action to bring non-compliant measuring instruments into compliance and to apply measures when necessary. It contributes to a uniform level of protection in the different Member States, not only in the interests of users and other stakeholders, including the protection of the interests of Economic Operators from unfair competition.

The obligation for market surveillance is complementary to the provisions of the New Approach directives that require Member States to allow free movement of measuring instruments that are in compliance with the requirements.

The Member States must nominate or establish authorities responsible for market surveillance. These authorities need to have the necessary resources and powers for their surveillance activities, ensure technical competence and professional integrity of their personnel, and act in an independent and non-discriminatory way respecting the principle of proportionality.

Regulation (EU) 2019/1020 creates an obligation on Member States to establish, implement and periodically update their market surveillance strategy.

Often, the non-compliance of a single instrument is not enough to conclude if there is a systematic problem. Therefore, it is important to keep in mind that market surveillance is mostly about systematic surveys and coordinated campaigns rather than inspections of individual instruments, in line with the approach laid down in Regulation (EU) 2019/1020 on market surveillance and compliance of products.In this way market surveillance is able to present findings (either positive or negative) that are representative for e.g. a certain type of instrument, an instrument category, a manufacturer.

The presence of good market surveillance in a Member State also creates trust needed for the mutual acceptance of non-harmonised products by other Member States, Regulation (EU) 2019/515 (The mutual recognition of goods lawfully marketed in another Member State).

This guide for market surveillance is based upon the European framework for market surveillance. Regulation (EU) 2019/1020 , setting out the requirements for market surveillance relating to the marketing of products; Decision 768/2008/EC, on a common framework for the marketing of products. Regulation (EU) 2019/515 on the mutual recognition of goods lawfully marketed in another Member State, which applies to non-harmonised products and lays down procedures for the application of national technical rules, together with the current version of the Guide on the implementation of EU product rules (the Blue Guide, 2022), provides the framework for ensuring the free movement of such goods within the internal market.

This guide takes into account best practices developed under the EMARS I and II projects of PROSAFE. The publication Best Practice Techniques in Market Surveillance from these projects remains relevant and is included.

2 Scope of this guide

This guide is meant to be used by Market Surveillance Authorities dealing with measuring instruments, both under the NAWID Directive (2014/31/EU) and MID (2014/32/EU). It presents a general guidance that can be used for the development of market surveillance strategies and programmes. It also includes guidance for inspectors to be used on a day to day basis.

Market surveillance means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in the applicable Union harmonisation legislation and do not endanger health, safety or other aspects of public interest protection. For the purpose of this guide the definition is limited to activities carried out and measures undertaken by Market Surveillance Authorities, if applicable, in close cooperation with the Customs.

This guide provides a general introduction to market surveillance and explains its role within the lifecycle of measuring instruments in the metrological system. It sets out how market surveillance can be performed, describing the methods and tools available. Attention is given to the planning of surveillance activities, as well as to the follow-up and evaluation of those activities, including the implementation of corrective interventions when necessary. The guide also offers advice on the handling of imports from third countries and on cooperation with customs authorities.

The guide assumes that the reader is familiar with Regulation (EU) 2019/1020 on market surveillance and compliance of products. All provisions of this Regulation that are relevant to measuring instruments shall be taken into account. The general scope in Article 2 of Regulation (EU) 2019/1020 and the obligations concerning market surveillance, cooperation, and Union actions set out in applicable articles are of direct importance.

The requirements laid down in Decision No 768/2008/EC have been incorporated through the NLF-procedure, into NAWID and MID directives, and are therefore considered within the scope of this guide. This guide, however, does not cover the specific technical requirements for instruments themselves. For such requirements, the reader should refer directly to the applicable provisions of the NAWID and MID directives.

3 General introduction to market surveillance

The instrument lifecycle starts with the design of a new instrument. Manufacturer can choose several presented modules to perform conformity assessment and if the manufacturer has chosen the modules B+D, he makes a prototype and lodges an application for a type examination with a Notified Body of his choice. After it has gained the type approval certificate the manufacturer with an approved quality system (Module D) can start the production, ending with drawing up the declaration of conformity and affixing the required markings to the finished instrument. This is the design and production phase. After that, the instrument is brought to the market. This stage ends when the instrument is taken into use, or put into service, by the end-user. Thereafter, the instrument is considered to be in use by the end-user. This is the stage of use of the instrument or the instrument being in service.

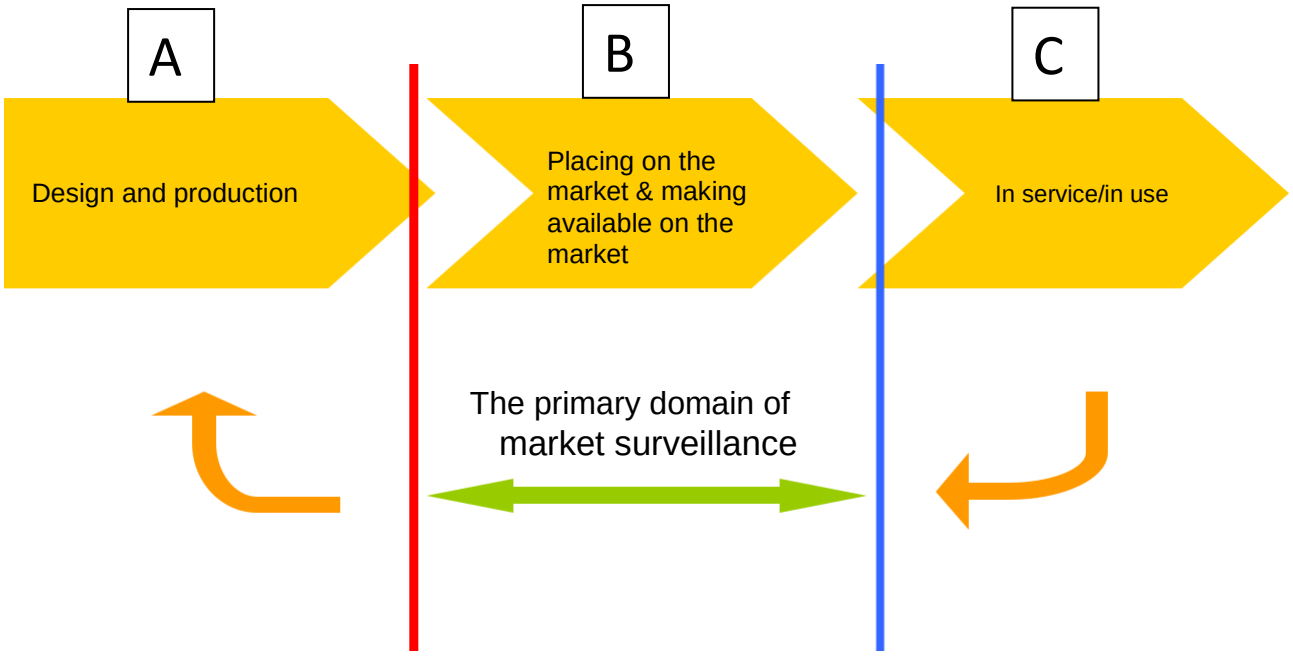


Figure 1

Market surveillance is primarily concerned with the period between the moment the instrument is placed on the market and the moment the instrument is put into use, i.e. between the red and blue line in figure 1.

For quite a number of measuring instruments the distinction between the different stages is less pronounced, because placing on the market and putting into use take place at the same time, e.g. weighing bridges or fuel dispensers. In other words the production (including conformity assessment module F or D) ends on the premise of the end user and the instrument is put into use at the end of production. In those cases market surveillance should ideally take place as soon as possible. The later the market surveillance takes place, the more difficult it will be to provide evidence of non-compliance. Nevertheless, also in these cases market surveillance can prove useful.

Information gathered after the instrument has been put into service and information derived from periodic reverification can be relevant for market surveillance. This is the case when it can be established that the problem is related to the design of the instrument or its production and thus can be expected also to have been present when the instrument was placed on the market. This is symbolised by the right arrow in figure 1.

Information gathered during a market surveillance activity may regard the conformity assessment procedures and the operation of a Notified Body before the instruments are placed on the market. This is symbolised by the left arrow in figure 1. However, the Market Surveillance Authority should take care not to duplicate the operation of the Notified Body.

If a Market Surveillance Authority identifies concerns regarding a Notified Body's compliance with conformity assessment procedures or its operational performance, the information gathered should be communicated to the Notifying Authority of the Member State that designated the Notified Body, in accordance with Articles 29 of Directive 2014/31/EU and 34 of Directive 2014/32/EU, so that appropriate action may be taken.

4 How to carry out market surveillance?

Member States shall establish, implement and periodically update their market surveillance strategy (article 13 of Regulation (EU) 2019/1020). Member States shall draw up a general market surveillance strategy, covering all sectors and all stages of the product supply chain, including imports and digital supply chains.
A general market surveillance strategy is a description on how market surveillance in a Member State is done. It is encouraged to produce sector specific market surveillance programmes to describe the yearly activities carried out and measures taken by public authorities to ensure that products comply with the requirements. Market surveillance programmes shall be communicated to the Commission and to the other Member States, and where appropriate, they should also be made publicly available, on the websites of the respective market surveillance authorities. The functioning of market surveillance strategy must be reviewed at least every four years. The results of this review shall be communicated to the European Commission and to the other Member States (Article 13(1) of Regulation (EU) 2019/1020). Under Article 13(3) Member States are required to submit their national market surveillance strategy to the Commission and the other Member States through the information and communication system (ICSMS).
Market surveillance should be carried out by inspectors who possess a competent understanding of the requirements set out in the applicable directives and of the procedures necessary to evaluate and interpret the findings of their surveillance activities. Market surveillance inspectors act within the competences granted to them under national legislation when performing checks. Depending on the legal framework in each Member State, this may include the authority to access the premises of economic operators and, where applicable, the premises of end-users of instruments, as well as to take enforcement measures in accordance with the applicable rules.
The Market Surveillance Authority or its officers may sub-contract reassessment/testing or parts of it to expert organisations, but the decisions on non-compliances and possible enforcement actions shall always be made by the authority.
Market surveillance of measuring instruments will be more efficient and effective when authorities cooperate and coordinate their activities cross border, because of:

- when the same instruments are marketed in many countries, the sampling plan can be more efficient;
- the risk of double testing of instruments and the associated waste of resources is minimized or eliminated;
- follow-up on non-complying instruments will be more efficient and effective if it involves the Market Surveillance Authority in the Member State where the manufacturer or importer is based. Where systematic issues are identified in relation to a Notified Body, the Market Surveillance Authority should inform the relevant Notifying Authority, which is responsible for supervising. This ensures that banned or non-compliant instruments are more effectively prevented from entering the market.
- coordination and cooperation will improve the coherence in operation of the different Member States Market Surveillance Authorities, which strengthens their power.

Notified bodies should, basically, be excluded from the responsibility of market surveillance activities. This is to avoid conflict of interest.
There are different approaches to market surveillance, which in practice can be combined to an individual strategy. They differ in how they deal with the monitoring of the market and may cause differences in planning and the organisational framework. Four approaches relevant for measuring instruments can be distinguished:

4.1 Reactive market surveillance

Market Surveillance Authorities are forced to react to events such as accidents, consumer complaints and complaints from competitors, notifications from other Market Surveillance Authorities and from the media. This is referred to as reactive market surveillance.
All these events require similar reactions from the Market Surveillance Authority: they must be investigated, the potential risks assessed, conclusions drawn, and, if necessary, appropriate actions taken. The results of the case must also be documented and communicated, for example to the complainant, to the relevant national records, and, where applicable, to the Union information systems such as ICSMS or Safety Gate Rapid Alert System for dangerous non-food products, in accordance with national and EU requirements.
The investigations are triggered by outside events and cannot be planned in advance. The authority must therefore be able to react spontaneously, and this ability must be integrated into the organisation.
The focus of reactive market surveillance will most often be on one specific instrument and the aim will be to solve an emerging problem, whether concerning compliance to the requirements or unfair trade or competition.
Possible (safety) risks or media attention may require rapid intervention, which can make it challenging to combine the need for immediate action with the requirement to conduct a complete investigation. Nevertheless, all actions must be taken within the limits of the law, which always prevails, even in urgent situations. Therefore emphasis should be put on communication with the public, the media, the manufacturer and other stakholders.
The Market Surveillance Authority is not obliged to investigate every complaint or enquiry. Prioritising should be done on the basis of transparent criteria. Especially in potentially critical cases the authority should prepare an explanation if it decides not to take up the case.

4.2 Proactive market surveillance

Proactive market surveillance is a planned activity derived from the long- and short-term plans of the organisation, plans that are usually based on earlier experiences and risk analyses. The focus of proactive market surveillance normally will be on a given instrument group or a given risk and the aim will be to clarify the status for the involved instrument group, or risk and, to solve any encountered problems with tested instruments. Contrary to reactive market surveillance this activities are planned in advance and generally there is more time to prepare a careful communication.
For measuring instruments three different approaches can be recognised that are all pro-active:

4.2.1 Instrument focused market surveillance

Demonstrating non-compliances may require laboratory investigations, which can be performed more efficiently when a series of instruments are tested. Therefore, there is a strong incentive to work in projects on specific instruments or instrument categories. The instrument focused approach often goes well together with inspection in use, which often happens to be organised in instrument categories as well.
This approach is proactive as projects can be selected for their relevance to consumer safety, compliance and fair trade, planned in advance, and tuned for maximum efficiency.

4.2.2 Risk focused market surveillance

Market surveillance activities can also follow a risk based approach. The goal of market surveillance activities can be the reduction of specific risks. Where information is available (for example from notifications or screening projects) indicating that specific instruments or instrument categories present a risk to fair trade or consumers, attention can be directed towards reducing this risk. Risk assessment can also be used for prioritising market surveillance efforts in general (see WELMEC Guide 5.3).
Of course, the risk focused approach often converges with the instrument oriented approach, because it requires the identification of instruments presenting a risk and the subsequent market surveillance of these types of instruments.

4.2.3 Screening projects/market monitoring

Screening projects are a special category of market surveillance actions. The main purpose of a screening project is to monitor the status of a particular part of the market, for example an instrument category, a category of businesses or a category of risks. Even though the main purpose of such project is not to remove dangerous or non-complying instruments, the authority most likely will come across non-conforming instruments that cannot be left in the market.
Screening projects will often form the first part of a market surveillance action to allow the authority to gather knowledge about a particular area and thus increase the efficiency of the action.
Screening projects can also be a useful tool for checking the effectiveness of new legislation, a new standard or previous market surveillance activities.

In practice, both proactive and reactive market surveillance will be present simultaneously. Proactive market surveillance is generally preferable, as it allows preventive action before problems arise. However, this approach requires essential skills, testing facilities, market insight, and field data to perform the necessary risk assessments and prioritise efforts. It is therefore normal for a Market Surveillance Authority to begin with a reactive approach and progressively develop towards a more proactive one. These principles reflect the approach described in Chapter 7 of the Blue Guide (2022), which defines market surveillance as an effective and preventive system aimed at safeguarding public interests and in line with Regulation (EU) 2019/1020.

5 The market surveillance toolbox

In principle market surveillance should cover all applicable requirements of the directives. Especially in reactive market surveillance it is expected that relevant requirements are evaluated, which does not mean that all requirements have to be tested. In proactive market surveillance, however, the depth of the investigations depends on the aim of the activity. So, individual market surveillance activities may focus on certain aspects of the requirements.
This chapter provides an overview of the different tools available for market surveillance activities. These tools may be applied to all relevant economic operators, including fulfilment service providers, in line with Articles 3 and 4 of Regulation (EU) 2019/1020, when they act as economic operators within the supply chain. In practice the different tools are almost complementary and it is up to the Market Surveillance Authority to decide on the priority between them.

5.1 Formal checks/documentation control

The purpose of formal checks or documentation control is to find out whether relevant documents and markings are available and correct. It also shows if the instrument is suited for the purpose it is sold for.
For some purposes formal checks are sufficient, for example regarding the CE-marking and its affixing, the availability of the EU declaration of conformity, the information accompanying the instrument and the correct choice of the conformity assessment procedure. Some of these formal checks can also be performed through the internet and e-mail, which makes this approach suitable for larger scale screening projects.
The manufacturer's declaration of conformity, the supplementary metrological marking, including the year mark, the identification number of the Notified Body, the CE marking on the instrument, and access to the relevant certificates provide the Market Surveillance Authority with the necessary information about the instrument.To this end, it is important that the certificates are available on a national website. References to the national websites can be found through the WELMEC site.
If necessary, the technical documentation can be made available following a reasoned request. The technical documentation must be made available by the manufacturer or, where applicable, by the economic operator established within the Union, to the Market Surveillance Authority within a period of time proportionate to its importance and the level of risk. Initially, the Market Surveillance Authority may accept a summary of the technical documentation, with the full technical documentation requested only when considered necessary. When obtaining and handling technical documentation, the Market Surveillance Authority shall take due account of the fact that such documentation may contain commercially sensitive or confidential information. Where there are doubts concerning the conduct of conformity assessment, the Market Surveillance Authority may raise the issue with the relevant Notifying Authority, which can obtain further information from the Notified Body involved. Regardless of this, the economic operator remains the formal addressee of the market surveillance authority.

5.2 Indicative physical tests/field testing

The purpose of indicative physical testing is to give an indication if the instrument is in conformity with the essential requirements. Mostly, only the basic measurement characteristics can be tested in the field, together with the checking of the presence of the necessary seals. For some types of instruments, however, it may not be possible to verify the measurement characteristics under field conditions, and in such cases only the presence and integrity of the necessary seals can be checked. Other characteristics like EMC and temperature sensitivity are difficult to evaluate in the field.
Indicative physical testing often is used to find out if the instrument should be taken for further investigation or to decide which properties should be tested at the laboratory.
Indicative physical tests can be applied at the premises of the manufacturer, importer's warehouse, distributor or reseller. Indicative physical testing can also be performed at the end user. Subsequently, there are more possibilities for testing, although you have to make sure that the testing does not put an unwanted and unnecessary burden on the end user.

5.3 Full evaluation/laboratory testing

Market surveillance testing may replicate elements of the conformity assessment carried out at the design and production stage. The Market Surveillance Authority should evaluate all relevant characteristics, but not all need to be fully tested in every case. The Market Surveillance Authority may use its own laboratory or instruct a third-party laboratory. In such cases, it must be satisfied that the laboratory is competent (e.g. through accreditation) to ensure reliable results. If the laboratory is also a Notified Body, precautions must be taken to ensure impartiality, and the Authority may decide to witness the testing. Testing must aim to verify compliance with the essential requirements of the directives. Harmonised standards or normative documents may be used, but the ultimate obligation is to ensure conformity with essential requirements of the directives. Results from the application of other relevant directives (such as LVD, EMC, Machinery) should also be considered, and cooperation with other authorities may be necessary. Confidentiality of test results must be maintained. Information should not be disclosed in a way that could create unfair competition or undermine confidence in the conformity assessment system. It is considered good practice to evaluate the results of market surveillance activities with the relevant stakeholders before reporting.

5.4 Market surveillance of individual instruments

For the market surveillance of individual instruments the three tools from the ‘toolbox’ can also be used as a sequence, which starts with superficial examination (formal checks/ documentation control). From that point the market surveillance officer may decide to move over to field testing. If the instrument passes these tests, the officer may decide to send the instrument in for laboratory testing when there are suspicions of compromised product quality (see annex 4).

6 Planning of market surveillance

For market surveillance to be effective, resources should be concentrated where it is likely that the risks are greater, non-compliance to the requirements is more frequent or where there is a special interest. Statistics and risk assessment may be used for this purpose. Ideally, the safety results or obtained conformity levels should justify the effort.
Because of the international character of the trade in measuring instruments, the high number of instruments involved and the costs of the evaluation of instruments on basis of the essential requirements, a truly statistically justified random sampling is nearly impossible. So, targeting of market surveillance efforts is inevitable.

There are several sources of information relevant for targeting and prioritising market surveillance efforts (among others):

- results from previous market surveillance (screening) projects;
- results from inspection in use;
- signals from inspectors in the field;
- information and results from other Market Surveillance Authorities;
- knowledge about the specific markets (market shares, categories, compliance-levels and levels of willingness to comply);
- complaints;
- information about non-compliant instruments from competitors, media, consumers or other end users.

At the planning stage of market surveillance issues can be prioritised either on the basis of experience and expert judgement or be based on risk assessment using guide 5.3. The latter method is highly recommended.
Voluntary initiatives, such as product certification or application of a quality management system, can contribute to the elimination of risks. However, Market Surveillance Authorities must be impartial to all voluntary marks, labels and arrangements, and they may only be taken into consideration, in a transparent and non-discriminatory way, for the risk assessment. Accordingly, products should not be excluded from market surveillance operations if they have been subject to these voluntary initiatives[1].
The EU Commission maintains updated information about the organisation of market surveillance of each member state, national authorities and cooperation tools on its website under the Single Market / DG GROW sections. For a sector-specific market surveillance program to be effective for initiating international cooperation, a programme should at least contain the following information:

- the type of measuring instruments under investigation;
- information about the risk involved (risk assessment);
- the parameters that are going to be tested (what and how);
- the intended volume of the testing (e.g. number of instruments);
- what is intended to be reached (effect);
- when is the testing going to take place;
- when will the surveillance activity be finished and the report be available;
- who is in charge of the planning;
- contact information regarding the surveillance activity.

When other parties are invited to contribute to the surveillance activity, the program should also contain:

- standardised protocols for easy summary of results.

[1] Blue Guide 2022, page 96

When the cooperation between the Member States extends beyond exchange of information it takes the shape of joint cross-border activities. Joint cross-border market surveillance activities can take place at different levels:

- exchange of sampled instruments, tested instruments and test results;
- coordination of sampling plans and follow-up;
- joint drafting, production and dissemination of information material;
- coordinated testing by exchanging information on sampled instruments;
- joint organisation of the testing;
- joint organisation of the full market surveillance activity.

In all cases the involvement of Member States may vary depending on the level of cooperation. The benefit increases as the commitment of the participating authorities increases. Basically, the benefit is an increased impact of the activity in combination with a decreased effort from the Market Surveillance Authorities.

Market surveillance efforts should be evaluated regularly. Each Member State must draw up a national market surveillance strategy at least every four years and communicate it to the Commission and the other Member States through ICSMS, as good practice, the strategy can be reviewed annually. (Regulation (EU) 2019/1020 , article 13, 34)).

7 Interventions/measures

Competent national authorities must take action to enforce conformity, when they discover that an instrument is not in compliance with the provisions of the applicable directives (article 37(1) of Directive 2014/31/EU; article 42(1) of Directive 2014/32/EU). The corrective action depends on the degree of non-compliance and, thus, must be in accordance with the principle of proportionality.
Proportionality is a general rule in EU law. It means that enforcement measures must be suitable to reach their goal, needed because no easier measure would work, and not stronger than what is required to achieve the goal.
The incorrect affixing of the CE marking, the supplementary metrology marking, the required inscriptions or the identification number of the Notified Body involved in the production phase is considered as a formal non-compliance. Also when the EU declaration of conformity cannot be provided for immediately or it does not accompany the product when this is mandatory, or, when the technical documentation is either not available or not complete are typical examples of formal non-compliances (article 40 of Directive 2014/31/EU; article 45 of Directive 2014/32/EU). In case of formal non-compliances the Market Surveillance Authority shall require the manufacturer or his authorised representative to make the instrument comply with the provisions and to remedy the non-compliance. In cases of non-compliance with essential requirements, and where no satisfactory result is achieved through addressing formal non-compliances, the Market Surveillance Authority shall take appropriate measures, following the principle of proportionality, to enforce compliance. Such measures are taken in accordance with Article 16 of Regulation (EU) 2019/1020. The Market Surveillance Authority should first give the opportunity and also the obligation to the relevant Economic Operator to take all appropriate corrective action to bring the instrument into compliance with the requirements. This applies both for instruments on the market and for those already in use. The Economic Operator concerned shall be notified and shall also be informed about remedies available under the national law in force in the Member State in question, and the time limits to which such remedies are subjected. If these corrective actions are not taken or are regarded as insufficient the Market Surveillance Authority has to consider further going measures. The authority shall, ultimately, restrict or prohibit the placing on the market and the putting into service, and, if necessary to ensure that the instrument is withdrawn from the market. Any decision by a market surveillance authority to restrict or prohibit the placing on the market or putting into service, or to withdraw an instrument from the market, must state the exact grounds on which it is based and be communicated without delay to the relevant economic operator together with information on available remedies and deadlines. Unless urgency prevents it, the economic operator must be given the opportunity to be heard within an appropriate period of not less than 10 working days before the measure is taken, if action is taken without prior hearing, the operator must be heard as soon as possible and the measure promptly reviewed (Regulation (EU) 2019/1020, article 18(1–3)).
It is not possible to present a list of appropriate measures for all or frequent non-compliances which are expected to be found on the market. Appropriateness is always related to the particular case. The Market Surveillance Authority has to take into account the target of the directive to allow only compliant measuring instruments on the market and in use.
There are different types of interventions available to the Market Surveillance Authorities:

7.1 Prohibition of further use

In some cases, particularly during surveillance of individual instruments already in service (e.g. under Annex 4 procedures), authorities may prohibit further use of a non-compliant instrument. This measure differs from standard market surveillance actions, as it is directed at the end-user rather than the economic operator, but may be necessary to prevent risks or continued non-compliance.

7.2 Alert to consumers/buyers of measuring instruments

Dangerous or otherwise non-compliant instruments must be notified through the EU's official systems for market surveillance, in particular ICSMS and, in cases of serious risk, also the Safety Gate rapid alert system. These systems ensure that information is shared efficiently with other authorities and, where relevant, made available to the public.
The information disclosed should include, as appropriate:

- information identifying the instrument;
- nature of the deficiency or the risk;
- the assessment of the risk;
- the measures taken.

Publication must always respect the protection of confidential information and business secrets. Information should only be disclosed where it is necessary to protect users or to ensure effective corrective action, such as in the case of a recall. As a general rule, the economic operator should be informed before publication, except in urgent cases where immediate disclosure is needed to address a serious risk. Information may remain publicly available for as long as necessary to protect users, after which it can be archived.

7.3 Sales bans

A prohibition (sales ban) on making available a non-compliant instrument on the market may be imposed on the relevant economic operator. Before adopting such a measure, the Market Surveillance Authority may give the operator a deadline to take voluntary corrective action. If the operator does not act within the given period, the authority must issue a formal prohibition decision. The Market Surveillance Authority should also plan follow-up checks to verify compliance and may indicate this in its communication with the economic operator.

7.4 Withdrawals

Withdrawal means any measure aimed at preventing instruments that are still in the supply chain from being made available on the market. Where withdrawal is required, the Market Surveillance Authority shall specify the scope of the measure and a proportionate compliance period. The economic operator is responsible for implementing the withdrawal and reporting on its execution. The Market Surveillance Authority will carry out follow-up checks to verify compliance and may indicate these arrangements in its communication or decision.

7.5 Recalls

Recall means any measure aimed at achieving the return of an instrument that has already been made available to the end user. Where a recall is required, the Market Surveillance Authority shall specify the scope of the measure and set a proportionate compliance period. The economic operator is responsible for implementing the recall and for reporting on its progress. The Market Surveillance Authority will carry out follow-up checks to verify that the recall has been effectively executed and may indicate this in its communication or decision.

7.6 Dealing with non-compliances of single instruments

If a Market Surveillance Authority discovers a non-compliance concerning a single instrument, it shall take appropriate measures in line with the applicable directive, such as requiring correction, prohibiting further use, or ordering withdrawal. Information may be shared with other Market Surveillance Authorities through established cooperation systems (e.g. ICSMS or Safety Gate) if the case is relevant beyond the national level, for serious risk Safety Gate is mandatory.

8 Mutual information procedures

Information exchange is a key element to ensure effective, efficient and consistent market surveillance in the EU. Member States are required to inform each other and the European Commission of relevant measures and findings, particularly where non-compliance or risks have cross-border implications. This exchange takes place through established systems such as ICSMS and Safety Gate Rapid Alert System.

8.1 Information procedures and information systems

When, who and how the competent authorities are to be informed is described in Annex 6. Follow the Chain. In general, it can be noted that information shall be delivered to the authorities as soon as possible to reach the targets of market surveillance. Therefore the European Commission (EC) introduced an Information and Communication System for (pan-European) Market Surveillance so called ICSMS. ICSMS is an internet based information- and communication system to support market surveillance of (all) technical products.
Market Surveillance Authority shall be registered in ICSMS, it can monitor and follow new or modified cases, e.g. for MID and NAWID. Under Regulation (EU) 2019/1020, requests for mutual assistance and all related communication shall be made using electronic standard forms by means of ICSMS.
Communications of measures to the Commission and other Member States shall be made through ICSMS, which is defined and maintained under Article 34 of Regulation (EU) 2019/1020. Where the Regulation prescribes ICSMS, other channels such as email do not substitute for that obligation. In the customs context, notifications and requests related to the suspension of release for free circulation under Article 26 of Regulation (EU) 2019/1020 may also take place by means of ICSMS, including via interfaces with customs systems when available. If products pose a serious risk to the health or safety of consumers or users, a rapid exchange of information is required. EU's Safety Gate Rapid Alert System (formerly RAPEX) enables swift communication between Member States and the European Commission on measures taken to prevent or restrict the marketing or use of such products. As serious risks are less common in the field of measuring instruments, the Safety Gate system is only briefly addressed in this guide.

8.2 ICSMS

ICSMS (Information and Communication System on Market Surveillance) is the EU information system that enables a comprehensive exchange of information between all Market Surveillance Authorities. ICSMS consists of a closed and a public area. The closed area is for the use of Competent Authorities, Market Surveillance Authorities, Customs Authorities and the Commission – i. e. official agencies. It contains product information, test results, official measures taken, and so on. The public area is for the use of consumers and manufacturers. It contains, for example, official information about dangerous products, as well as voluntary industry recalls.
ICSMS enables all users to carry out a specific search. A search can be made, for example, according to individual products, and according to test results for entire product groups. Test results can be obtained for products from specific countries, information can be obtained for products coming under certain directives, safeguard clause notifications, Safety Gate notifications, as well as information about manufacturers, importers and distributors.
Access rights and confidentiality are safeguarded through a controlled system of authorisations, ensuring that sensitive data remain restricted to competent authorities.

The product information in ICSMS contains the following details:

- general information such as the notifying Member State and the Notifying Body;
- product details such as Customs tariff number, EAN code, type number, serial number, place of manufacture, country of origin;
- party responsible for bringing the product into circulation;

- directives and relevant standards;
- proof of conformity;
- depth and scope of testing;
- test results;
- formal non-compliances and non-compliances to essential requirements;
- classification of non-compliances;
- nature and assessment of the risk;
- accidents;
- measures taken;
- additional documentation, such as test reports, photographs, declarations of conformity, or extracts from operating instructions.

For the assessment of risks, it is recommended to follow Guide 5.3 (Risk Assessment Guide for Market Surveillance) and the Commission's general guidelines on risk assessment and to make use of commonly established tools where available.
In addition to the information section, ICSMS has a communication section where comments or supplementary remarks can be shared about products and test results.
When a Market Surveillance Authority wishes to exchange information about a product under investigation with other authorities, for example to share resources, coordinate product checks, or consult on risk assessments, it can enter the relevant information into ICSMS. This should preferably be done as early as possible and before the decision to adopt measures, in order to facilitate cooperation. While not legally mandatory in every case, the use of ICSMS at this stage is considered good practice.
Selected information from the authorities area is made available to end-users via the ICSMS public interface, with additional visualisation tools being developed e.g. alerts on dangerous consumer products are published via the Safety Gate portal.
A forum is planned, enabling consumers to inform the surveillance bodies directly of their complaints and opinions.

8.3 Safety Gate Rapid Alert System (former RAPEX)

Depending on the level of risk and the applicable EU legislation, notifications are to be made through ICSMS and the Safety Gate Rapid Alert System (for serious risks):

- Notification of serious risk (Article 25 of Regulation 2023/988/EC and Article 22 of Regulation (EU) 2019/1020). Measures or actions taken in relation to instruments presenting a serious risk to health and/or safety must be notified through the Safety Gate Rapid Alert System. A notification has to be sent to the European Commission if the instrument is also marketed in other Member States, or if, even when limited to the national market, the case may be of interest to other authorities (e.g. new or emerging type of risk).
- All other notifications (moderate risk, information-only, or non-serious risks). Measures or actions in relation to instruments that do not meet the threshold of "serious risk" shall be entered into ICSMS. This includes cases that under previous legislation would have been reported as "moderate risk" or "information-only" notifications.

A Safety Gate notification must contain detailed information about the instrument (e.g. stakeholder consultation letter and response form), its risks, and trade chain. The decision on whether an instrument poses a serious risk shall be based on an appropriate risk assessment, and any actions taken must be proportionate to that risk. Notifications should be submitted as early as possible to ensure timely circulation among Member States and to the Commission.

8.4 Union Safeguard Clause Procedure

[2] Blue Guide 2022, paragraph 7.6.2.

It is appropriate for individual Member States to question the conformity of instruments at any time. Formal non-compliances (such as missing markings or documentation) should normally be addressed through proportionate measures requiring the economic operator to correct the issue. The Union safeguard clause procedure applies when a Market Surveillance Authority decides to restrict or prohibit the placing on the market or putting into service of an instrument, or to have it withdrawn from the market, because of a non-compliance that affects essential requirements or has Union-wide relevance. This procedure ensures coordination between Member States and the Commission, in line with Articles 43 MID / 38 NAWID. The contents of the decision should relate to all products belonging to the same batch or series. It must also have binding legal effect: it is followed by sanctions, if not respected, and can be subject to an appeals procedure. Further, the national measure must be based on evidence (for example tests or examinations) that constitutes sufficient proof of errors in the product design or the manufacture to indicate a foreseeable potential or actual danger or other substantial non-compliance.

The information communicated to the Commission and other Member States, in accordance with Articles 42(4), 42(5) and 44(3) of the MID and Articles 37(4), 37(5) and 39(3) of the NAWID, shall contain all relevant details required by ICSMS. This includes the data necessary for the identification of the non-compliant instrument, as well as information on the national measures taken and when applicable the arguments put forward by the economic operator. The assessment of non-compliance shall always be made against the essential requirements of the applicable Directive, harmonised standards only provide a presumption of conformity.

For serious risks, the notification to the Commission is done through Safety Gate Rapid Alert System. Other notifications under Regulation (EU) 2019/1020 must use ICSMS wherever the Regulation prescribes it. Communications of measures to the Commission and other Member States are made through ICSMS, mutual-assistance requests and all related communication are made by means of ICSMS using electronic standard forms. Formal letters or channels via Permanent Representations may be used in addition for national administrative reasons, but they do not replace the legal obligation to use ICSMS.

It is important that, in addition to the Commission, all competent authorities recorded in ICSMS are informed i.e., market surveillance authorities (notified under Article 10 of Regulation (EU) 2019/1020)) and the authorities designated for controls on products entering the EU market (Article 25 of the same Regulation). Member States other than the Member State initiating the safeguard procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance or the instrument concerned, and, in the event of disagreement with the adopted national measure, of their objections.

Where, within three months of receipt of the information (articles 42(7) of MID and 37(7) of NAWID), no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by the filing Member State, the measure shall be deemed justified, even if the economic operator disagrees with the decision.

In the case of objections, the Commission shall enter into consultation with the filing Member State, the objecting Member State(s) and the relevant Economic Operator(s) and the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant Economic Operator(s) (articles 43(1) of MID and 38(1) of NAWID).

The national measure is considered justified, either after the three months period or (earlier) after the investigation by the Commission. All Member States shall take the measures necessary to ensure that the non-compliant instrument is withdrawn from their market, and shall inform the Commission accordingly (articles 43(2) of MID and 38(2) of NAWID). If the national measure is considered unjustified, the Member State concerned shall withdraw the measure (articles 43(2) of MID and 38(2) of NAWID).

It should be noted when there is no disagreement on the restrictive measure taken by one Member State within three months after the notification, all Member States must take appropriate actions in their territories and inform the Commission accordingly.

8.5 Voluntary exchange of information

Beyond the mandatory channels, including ICSMS, several voluntary cooperation channels are available. WELMEC Working group 5 on market surveillance and the communication of finalised market surveillance actions and studies.
WELMEC Working group 5 deals with establishing confidence of all stakeholders in legal metrological provisions, by supporting the cooperation between WELMEC members and promoting equivalent, effective and sufficient levels of metrological supervision across the EU. Furthermore WELMEC Working group 5 promotes and organises the exchange of information and guidance on metrological supervision matters, including market surveillance and field inspection, between WELMEC members. Finally WELMEC Working group 5 provides the means for dialogue with representatives of consumers, trade, industry and the Commission. WELMEC Working Group 5 is separate from the Administrative Cooperation Group for Measuring Instruments (ADCO MI), which operates under the Commission framework and consists exclusively of representatives of national market surveillance authorities, although the two groups cooperate closely. The effectivity of WELMEC Working group 5 is very much dependent on the input from Member States. So, input from all the participants is highly appreciated.
The communication of finalised actions and studies is valuable because it may describe good or best practice that other Member States can learn from. The same holds for the communication of failures as they can sometimes be even more instructive. Furthermore, information about the results will prove valuable for other Member States in their analysis and planning of upcoming activities. It is also useful to exchange results of periodic inspections on instruments in use, to the extent that they provide information on the compliance of these instruments when they were placed on the market.

9 Import from third countries/dealing with the Customs

A well-working cooperation between Market Surveillance Authorities and Customs ensures that measuring instruments imported from third countries can be checked at the border before they enter the internal market.
The customs authorities focus on risky products by applying risk profiles. A risk profile is a set of parameters that allow identifying products for further inspection. It is considered best practice for Market Surveillance Authorities to cooperate with the customs authorities in setting up the risk profiles. In any case it is recommended that the Customs are informed about the results of the risk assessment carried out by the Market Surveillance Authority. The cooperation may also include exchanges such as information about instrument categories that are known often to present non-conformities, high risk Economic Operators or manufacturers, information about already identified serious risks or non-compliances or basic knowledge on how to identify non-conforming instruments.
In the case of measuring instruments, customs authorities will normally carry out formal checks only. However, the extent and nature of these checks may vary between Member States, depending on national procedures and the established cooperation between the Market Surveillance Authority and the customs authorities.
For further checks, if necessary, the Market Surveillance Authority shall be involved while suspending the release of the instruments. Within four working days, in accordance with Article 27 of Regulation (EU) 2019/1020, the Market Surveillance Authority must inform Customs whether the instruments can be released or whether it will take the case for further analysis.In view of this very tight timelimit it must be ensured that the notification and where appropriate samples or pictures of the instrument, immediately reach the Market Surveillance Authority.
The entire procedure from suspension until release for free circulation or prohibition of goods by Customs should be completed without unnecessary delay, in order to avoid creating barriers to trade. If the Market Surveillance Authority requests maintenance of the suspension within that period, the release shall remain suspended until the Authority has taken a final decision.
If the Market Surveillance Authority ascertains that the instruments present a serious risk or are non-compliant, the instruments shall be prohibited to be placed on the EU-market. Nevertheless, the Market Surveillance Authority may also decide to destroy them or otherwise render them inoperable, where they deem it necessary.
In all other cases than release for free circulation the economic operator must be informed and consulted. In case the instrument has shortcomings that are not suspected to present a serious risk, the Market Surveillance Authority can contact the economic operator and inform him that the instrument will be released but it can be placed on the market only after having being brought into compliance with the directives.

Annex 1: applicable Directives and Regulations

This Annex lists EU Directives and Regulations that are directly relevant to this Guide, as well as certain additional legal acts that provide useful context for understanding the wider legislative environment in which market surveillance and product compliance operate.

Some of the acts included are not explicitly referenced in the main text but are listed here to assist readers who wish to explore related areas, which complement the objectives of this Guide.

Directive 2014/31/EU relating to non-automatic weighing instruments; the NAWI Directive. This directive covers all non-automatic weighing instruments.

Directive 2014/32/EU relating to measuring instruments; the MID. The MID covers water meters, gas meters and volume conversion devices, active electrical energy meters, thermal energy meters, measuring systems for continuous and dynamic measurement of quantities of liquids other than water, automatic weighing instruments, taximeters, material measures, dimensional measuring instruments, and exhaust gas analysers. If, prior to the publication of this Guide, the amendment to Directive 2014/32/EU expanding its scope has entered into force, the Directive shall also cover, measuring systems for electric vehicle supply equipment and measuring systems for compressed gas dispensers.

Regulation (EU) 2023/988 — the General Product Safety Regulation (GPSR)

Regulation (EU) 2019/1020 on market surveillance and compliance of products, establishes the Union framework for market surveillance. Regulation (EC) 765/2008 setting out the requirements for accreditation with rules on the organisation and operation of accreditation of conformity-assessment bodies and the general principles of CE marking.

Decision 768/2008/EC on a common framework for the marketing of products and repealing Council Decision 93/465/EEC.
This decision lays down common principles and reference provisions intended to apply across sectorspecific Union harmonisation legislation. It is used in the recast of MID and NAWI in order to harmonise the conditions for the marketing of products.

Regulation (EU) 2019/515, on the mutual recognition of goods lawfully marketed in another Member State, establishes procedures for the application of national technical rules to such products. It is commonly referred to as the Mutual Recognition Regulation.

Directive 85/374/EEC, liability for defective products (amended by Directive1999/34/EC) remains applicable until December 2026. Directive (EU) 2024/2853 applies to products placed on the market or put into service from December 2026.

Directive 2005/29/EC unfair business-to-consumer commercial practices in the internal market. Amended by Directive (EU) 2019/2161and amended by Directive (EU) 2024/825 from September 2026.

Annex 2: definitions

The definitions listed in this Annex are drawn from, or based on, the terminology used in Directive 2014/32/EU (MID), Directive 2014/31/EU (NAWID), and Regulation (EU) 2019/1020. They are included here to support readability and practical use of this Guide by providing quick reference to key terms.
Only the most relevant definitions are reproduced, for the complete and legally binding definitions, readers should consult the corresponding legal acts.

Administrative cooperation group (ADCO; according to EU Glossary) is the informal group of the national administrations in charge of the market surveillance for a new approach directive. The ADCO group supports and complements the work of the formal committee or the working party of the directive. The ADCO group provides administrative cooperation and consistent application of surveillance. At European level, joint market surveillance campaigns are carried out and information is exchanged on irregularities found.
Making available on the market shall mean any supply of an instrument for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge. (article 2(3) of Directive 2014/31/EU and article 4(5) of Directive 2014/32/EU)
Market surveillance means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in the applicable Union harmonisation legislation and to ensure the protection of the public interest covered by that legislation. (Regulation (EU) 2019/1020 , article 3(3))
Market surveillance, for the purposes of this guide, means the activities carried out and measures taken by Market Surveillance Authorities to ensure that instruments comply with the requirements set out in the applicable Union harmonisation legislation and to ensure the health, safety and protection of the public interest covered by that legislation.
Placing on the market shall mean the first making available of an instrument on the Union market (article 2(4) of Directive 2014/31/EU and article 4(6) of Directive 2014/32/EU)
Putting into use means the first use of an instrument intended for the end user for the purposes for which it was intended. (article 4(7) of Directive 2014/32/EU)
Recall means any measure aimed at achieving the return of an instrument that has already been made available to the end user. (article 2(16) of Directive 2014/31/EU and article 4(19) of Directive 2014/32/EU)
Release for free circulation means the procedure laid down in Article 201 of Regulation (EU) 952/2013), as defined in Regulation (EU) 2019/1020 article 3(25).
Safeguard procedure means the two-step mechanism used when a non-compliant instrument is found. In the national phase, the market surveillance authority takes necessary measures and informs the Commission and the other Member States through ICSMS. If no objection is raised within three months, the measure is deemed justified and all Member States must adopt equivalent measures. If an objection is raised, the Union safeguard procedure applies and the Commission adopts an implementing act deciding whether the national measure is justified; when justified, all Member States act accordingly.
Withdrawal means any measure aimed at preventing an instrument in the supply chain from being made available on the market. (article 2(17) of Directive 2014/31/EU and article 4(20) of Directive 2014/32/EU)

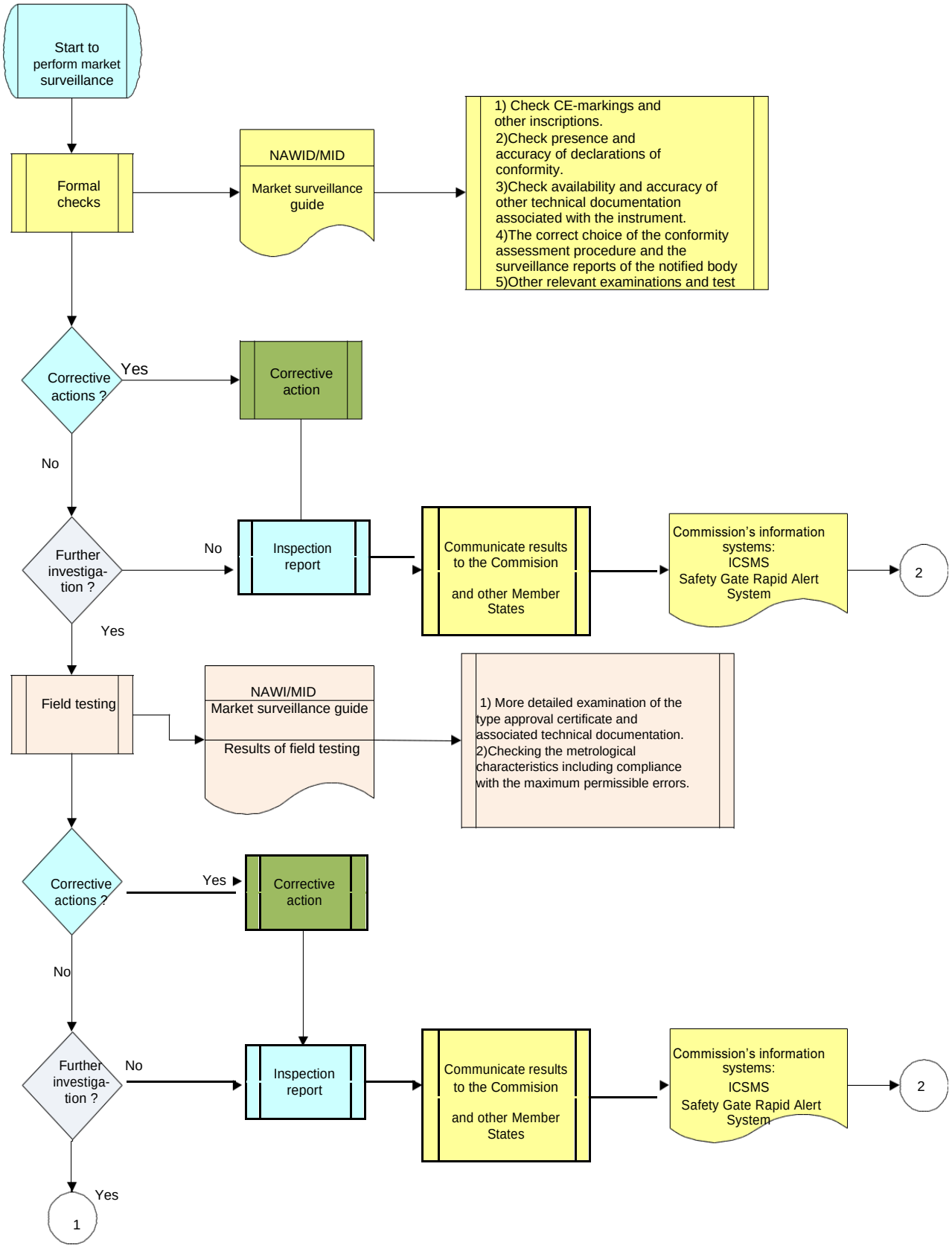
Annex 3: references

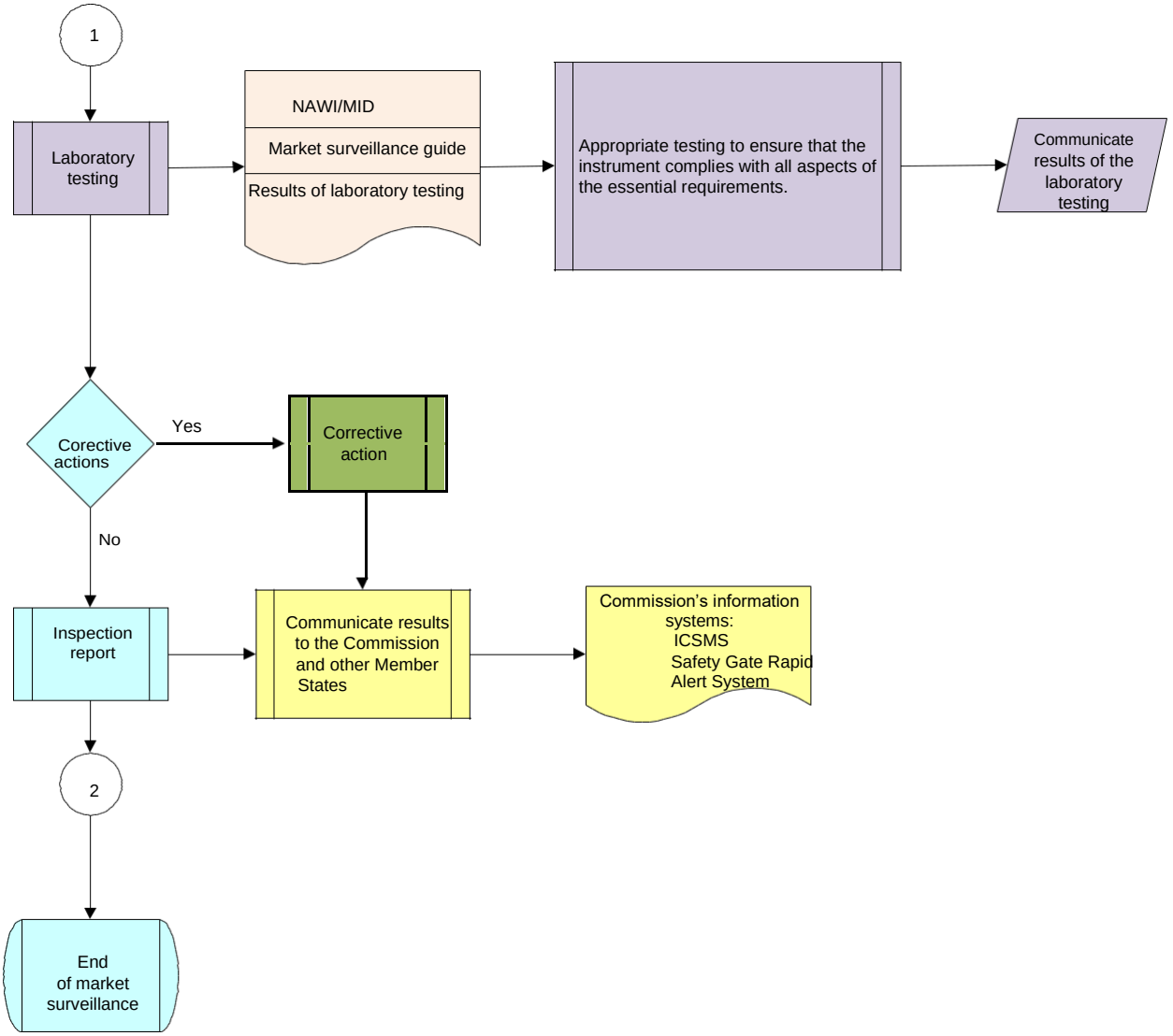
Best Practice Techniques in Market Surveillance; End report of the MARS project of the Product Safety Enforcement Forum of Europe (PROSAFE).

Guide on the implementation of EU product rules (the Blue Guide, 2022).

WELMEC Guide 5.3; Risk Assessment Guide for Market Surveillance: Weigh and Measuring Instruments.

Annex 4: market surveillance of individual instruments




1
Laboratory testing
NAWI/MID
Market surveillance guide
Results of laboratory testing
Appropriate testing to ensure that the instrument complies with all aspects of the essential requirements.
Communicate results of the laboratory testing
Corective actions
Yes
Corrective action
No
Inspection report
Communicate results to the Commission and other Member States
Commission's information systems:
ICSMS
Safety Gate Rapid Alert System
2
End of market surveillance

Annex 5: conformity assessment procedures MID/NAWI

Overview of the conformity assessment modules for the MID (Directive 2014/32/EU; as from 20 April 2016)

Module	Description	Technical documentation	Written declaration of conformity
A	Internal production control	X	X
A2	Internal production control plus supervised instrument checks at random intervals	X	X
B	EU Type examination	X	
C	Conformity to type based on internal production control[5]		X
C2	Conformity to type based on internal production control plus supervised checks at random intervals[5]		X
D	Conformity to type based on quality assurance of the production process[3]		X
D1	Quality assurance of the production process	X	X
E	Conformity to type based on instrument quality assurance[5]		X
E1	Quality assurance of final instrument inspection and testing	X	X
F	Conformity to type based on product verification[5]		X
F1	Conformity based on product verification	X	X
G	Conformity based on unit verification	X	X
H	Conformity based on full quality assurance	X	X
H1	Conformity based on full quality assurance plus design examination	X	X
B+D, B+E, B+F		X	X

[3] Due to the combination with Module B access to the technical documentation is required.

Overview of the Conformity Assessment Modules relating to Non-Automatic Weighing Instruments (Directive 2014/31/EU; as from 20 April 2016)

Mo-dule	Description	Technical docu-mentation	Written declaration of conformity
B	EU Type examination	X	
D	Conformity to type based on quality assurance of the production process[4]		X
D1	Quality assurance of the production process	X	X
F	Conformity to type based on product verification[6]		X
F1	Conformity based on product verification	X	X
G	Conformity based on unit verification	X	X
B+D, B+F		X	X

[4] Due to the combination with Module B access to the technical documentation is required.

Overview of type of instruments under the MID and NAWI related to the possible confor-mity assessment modules (as from 20 April 2016)

	A2	D1	E1	F1	B+D	B+E	B+F	G	H	H1
Water meters					√		√			√
Gas meters and volume conversion devices					√		√			√
Active electrical energy meters					√		√			√
Thermal energy meters					√		√			√
Measuring systems for the continuous and dy-namic measurement of quantities of liquids other than water					√		√	√		√
Automatic weighing in-struments:										
• Mechanical systems		√		√	√	√	√	√		√
• Electromechanical systems					√	√	√	√		√
• Electronic systems / systems containing software					√		√	√		√
Taximeters					√		√			√
Material Measures										
• Length		√		√	√			√	√	
• Capacity	√	√	√	√	√	√			√	
Dimensional measuring instruments										
• Mechanical or elec-tromechanical		√	√	√	√	√	√	√	√	√
• Electronic instru-ments / instruments containing software					√		√	√		√
Exhaust Gas Analysers					√		√			√
Non-automatic weighing instruments (NAWI)										
• Instruments without electronic devices of which the load measuring device does not use a spring to balance the load		√		√	√		√	√		

• All other non-automatic weighing instruments					√		√	√		
	A2	D1	E1	F1	B + D	B + E	B + F	G	H	H1

Modules A, C & C2 never required
For NAWI, concerning modules F and F1, no statistical procedure is possible

The heritage of the Directives 2004/22/EC and 2009/23/EC

Certificates issued under the Directives 2004/22/EC and 2009/23/EC are valid under the Directives 2014/32/EU (article 50(1)) and 2014/31/EU (article 43), respectively.

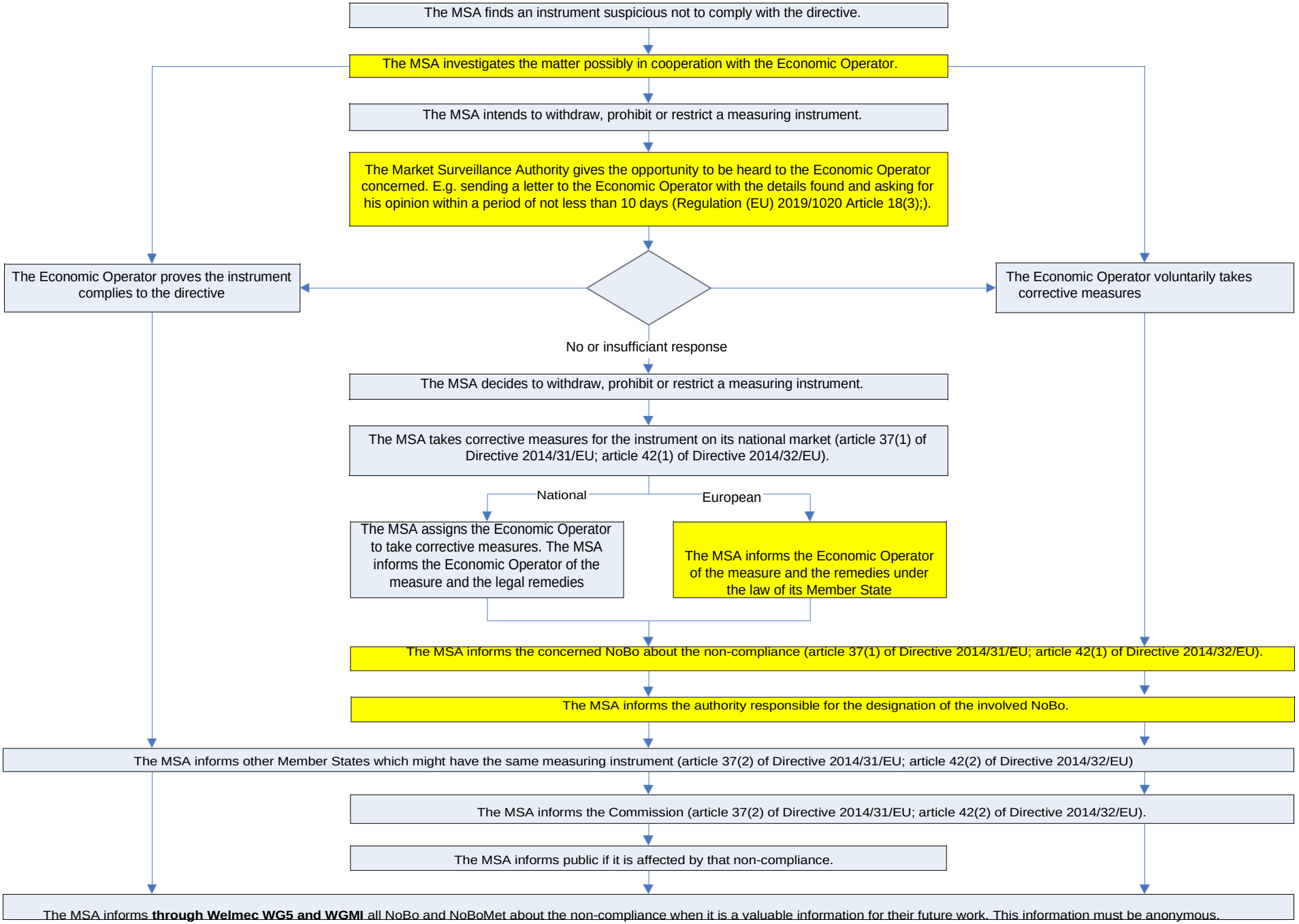
For the differences between the old and new directives the reader can refer to the correlation tables in Annex VI of Directive 2014/31/EU and Annex XV of Directive 2014/32/EU.

The essential requirements have remained unchanged (Annex 1 and MI-00x annexes).

Annex 6: General Market Surveillance Measures – follow the chain!

When measuring instruments are suspected not to comply with the directives, the Market Surveillance Authority generally follows a standard procedure, with variations depending on whether the economic operator is located in its own country or abroad. A common procedure is outlined here, based on Articles 14–28 of Regulation (EU) 2019/1020 and Chapter 5 NAWID/MID and other relevant provisions of the NAWID and MID directives. Where the economic operator is established in another Member State, the steps may be carried out in cooperation with the competent authority of that State. According to Article 24(2) of Regulation (EU) 2019/1020, Member States shall provide assistance to each other by supplying information, carrying out investigations or other appropriate measures, and by participating in joint actions. This general procedure applies when no serious risk is identified. If a serious risk is present, rapid intervention is required in accordance with Article 19 of Regulation 2019/1020. A serious risk is a risk requiring rapid intervention, based on a risk assessment that considers both the likelihood and severity of harm, and may concern health, safety, the environment, property or other public interests. In legal metrology, this may include significant incorrect measurements with major economic impact, fraudulent use with high probability, or risks linked to other directives.

Abbreviations:
WELMEC WG5: WELMEC working group 5.
ADCO MI: Administrative cooperation group for the market surveillance of measuring instruments
WGMI: the Commission’s working group for measuring instruments


The MSA finds an instrument suspicious not to comply with the directive.
The MSA investigates the matter possibly in cooperation with the Economic Operator.
The MSA intends to withdraw, prohibit or restrict a measuring instrument.
The Market Surveillance Authority gives the opportunity to be heard to the Economic Operator concerned. E.g. sending a letter to the Economic Operator with the details found and asking for his opinion within a period of not less than 10 days (Regulation (EU) 2019/1020 Article 18(3);).
The Economic Operator proves the instrument complies to the directive
The Economic Operator voluntarily takes corrective measures
No or insufficiant response
The MSA decides to withdraw, prohibit or restrict a measuring instrument.
The MSA takes corrective measures for the instrument on its national market (article 37(1) of Directive 2014/31/EU; article 42(1) of Directive 2014/32/EU).
National
European
The MSA assigns the Economic Operator to take corrective measures. The MSA informs the Economic Operator of the measure and the legal remedies
The MSA informs the Economic Operator of the measure and the remedies under the law of its Member State
The MSA informs the concerned NoBo about the non-compliance (article 37(1) of Directive 2014/31/EU; article 42(1) of Directive 2014/32/EU).
The MSA informs the authority responsible for the designation of the involved NoBo.
The MSA informs other Member States which might have the same measuring instrument (article 37(2) of Directive 2014/31/EU; article 42(2) of Directive 2014/32/EU)
The MSA informs the Commission (article 37(2) of Directive 2014/31/EU; article 42(2) of Directive 2014/32/EU).
The MSA informs public if it is affected by that non-compliance.
The MSA informs **through Welmec WG5 and WGMI** all NoBo and NoBoMet about the non-compliance when it is a valuable information for their future work. This information must be anonymous.