

AGREEMENT on
MUTUAL ACCEPTANCE OF TYPE (PATTERN) APPROVAL TEST REPORTS

Between

on the one hand, AQSIQ and assigned laboratories: NIM, NIMTT and BIMT, which perform the type (pattern) approval tests of the instruments which are listed in Annex 1, represented by Mr. Xuan Xiang

and

on the other hand, NWML, represented by Dr. Jeff Llewellyn

here: AQSIQ is General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic Of China
NIM is National Institute of Metrology of China
NIMTT is National Institute of Measurement and Testing Technology
BIMT is Beijing Institute of Metrology and Testing
NWML is National Weights and Measures Laboratory

Introduction

The International Organization of Legal Metrology (OIML) was established in 1955 as an intergovernmental body, dedicated to harmonizing the national metrology regulations of its Member States. Technical Committees within the OIML develop Recommendations for specific categories of measuring instruments, which specify the performance requirements and set out the associated test procedures and reporting formats.

The OIML has introduced a Certificate System under which Issuing Authorities designated by participating Member States may issue certificates of conformity with published OIML Recommendations. Although no obligation exists for OIML Member States to accept or recognize such certificates or the associated test reports, these documents issued within one Member State may be presented by manufacturers as evidence of conformity with the requirements of the relevant OIML Recommendation, for the purposes of applying for type approval in another OIML Member State.

AQSIQ is the OIML Issuing Authority for China, and the National Weights and Measures Laboratory (NWML) fulfils that role in the UK. Taking into consideration that both AQSIQ and NWML want to reduce time effort and costs for their respective customers, AQSIQ and NWML commit themselves and agree to the mutual acceptance of the type (pattern) approval test reports thereof as a basis for the respective national certificates, according to the terms of this agreement.

This agreement between AQSIQ and NWML is based on mutual confidence in capabilities and quality standards, which has been established and will be maintained either by third party accreditation or by peer assessment of both parties to ISO/IEC 17025 at intervals of five years.

Nothing in this agreement overrules or takes precedence over the relevant legislation in force in China and the United Kingdom.

Agreement

1. The measuring instruments to which this agreement applies are those which conform to the OIML Recommendations listed in Annex 1.
2. All communications between the parties in relation to operations under this agreement will be conducted through the persons nominated in Annex 2, or their subsequent replacements as notified.
3. This agreement covers tests conducted by NIM, NIMTT, BIMT or NWML employees themselves. Acceptance of test data supplied by third parties will be considered in specific cases, but may be subject to separate agreements.
4. In principle, all the type approval tests should be performed on the same instrument (or several if required) without adjustment during or between the tests (except as required by the test procedure or by using the means available to the user).

If this is not the case, the test report must indicate:

- in the event of an adjustment or intervention:
 - the reason for the adjustment or intervention;
 - the nature of the adjustment or intervention;
 - a list of the tests performed before the adjustment or intervention, which were not performed thereafter.
 - in the event that all tests were not performed on the same instrument, a list of tests performed on each instrument must be given. In the case where instruments were not exactly the same, details of the differences must be given.
5. A type evaluation report, including the various test results obtained, must be prepared in the format provided in the relevant OIML International Recommendation.
 6. When examining the documentation and the instruments, AQSIQ agrees to carry out tests based on the relevant OIML International Recommendation, and if necessary, the requirements required by UK or European regulation which are supplementary to or different from the OIML International Recommendation.

When examining the documentation and the instruments, NWML agrees to carry out tests based on the relevant OIML International Recommendation, and if necessary, the requirements required by China which are supplementary to or different from the OIML International Recommendation.
 7. At the request of the applicant, the party which performed the tests will transmit to the other party the OIML test report and technical documentation, together with a certificate

- of conformity which may be an OIML, European or national certificate, depending on the instrument type and the issuing authority.
8. Applicants seeking type approval under this agreement will be required to make a formal application to the party from which recognition is requested, and to make an instrument available for examination.
 9. On receiving the certificate of conformity and test report, the party from which recognition has been requested will review the results, and may perform further tests or examinations considered necessary to establish conformity of an instrument with the relevant national regulations.
 10. On establishing that the results relate to the instrument for which approval has been requested, and that the relevant national requirements have been satisfied, the party receiving the OIML or national certificate and test report will issue a type approval certificate or test certificate as appropriate.
 11. Each party may charge the applicant a fee for the examination of test reports supplied under this agreement, and for the issuing of a certificate.
 12. Both parties agree to exchange information annually about the operation of the agreement.
 13. Both parties agree to maintain confidentiality of proprietary information.
 14. As this agreement does not create obligations which are legally binding, neither party will hold the other legally responsible for any problems which may arise, relating to the operation of this agreement. In the event of a dispute, however, each party agrees to investigate complaints or problems brought forward by the other party, and to work with the other party to seek a satisfactory resolution.
 15. This agreement applies only to test reports based on tests completed after the date of signature of this agreement.
 16. This agreement may be terminated by either party, by giving 6 months notice in writing.
 17. The scope of this agreement may be amended at any time, with the written endorsement of both parties.
 18. This agreement does not preclude either party from entering into mutual recognition arrangements with other parties.
 19. For practical reasons this agreement will not apply for instruments where either party decides to participate in a declaration of mutual confidence under the OIML *Framework for a Mutual Acceptance Arrangement on OIML Type Evaluations (MAA) B 10-1*.
 20. In the event of a change of name, status, or ownership of either of the parties to this agreement, following a restructuring of legal metrology in China or in the United Kingdom, it is understood that the agreement may continue to operate between successor organisations of the AQSIQ and/or the National Weights and Measures

Laboratory which continue to function as the OIML Issuing Authorities in their respective countries, subject to confirmation in writing by both parties at the time.

Signed

on behalf of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic Of China by:



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Mr. Xuan Xiang
Director General, Department of Metrology

and

on behalf of the National Weights and Measures Laboratory by:



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Dr Jeff Llewellyn
Chief Executive

This agreement is dated 15th July, 2005

Annex 1: Recommendations covered under this Agreement

OIML Recommendation R60 – Load Cells*
For NIM, NIMTT and NWML

OIML Recommendation R76 – Non-Automatic Weighing Instruments*
For NIM and NWML

OIML Recommendation R117 – Measuring Systems for Liquids Other Than Water
For NIM, BIMT and NWML

OIML Recommendation R51 – Automatic Catchweighing Instruments
For NIM and NWML

OIML Recommendation R61 – Automatic Gravimetric Filling Instruments
For NIM and NWML

OIML Recommendation R107 – Discontinuous Totalizing Automatic Weighing Instruments
For NIM and NWML

*Subject to OIML MAA

Annex 2: Contact Personnel

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