Chapter 1
GENERAL PROVISIONS

§ 1. Scope of Act

(1) The following are provided for in this Act:
1) the use of units of measurement that correspond to the International System of Units (SI), and the transmission of values in the said units of measurement;
2) the basis for the proving the traceability of measurement results;
3) legal metrological control and the conformity assessment of measuring instruments;
4) metrological infrastructure;
5) organisation of state supervision of measuring activity.
(2) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking account of the specifications arising from this Act.

(3) Unless otherwise provided for in this Act, the requirements of the Product Conformity Act shall additionally apply to the provisions of this Act.

[RT I 2010, 31, 158 - entry into force 01.10.2010]

§ 2. Definitions

(1) In this Act, the following definitions are used:
1) accreditation is a procedure during which an accreditation agency formally recognises the competence of a body or person to carry out specific tasks;
2) an e-mark is a symbol that is printed on a prepackage by the packer and that certifies that the prepackage complies with the requirements of the relevant legislation;
3) a measurement standard is a material measure, displaying measuring instrument, reference material or measuring system that is used for the defining, realisation, maintenance or reproduction of a unit of measurement or some of the values of the same quantity;
4) a reference material is a material or substance that has one or more properties whose values are sufficiently homogeneous and well defined to be used for the calibration of measuring instruments, the assessment of a measurement method, or for the assignment of values to the properties of a material or substance;
5) traceability is a property of the result of a measurement or the value of a measurement standard whereby it can be related to national or international standards through an unbroken chain of comparisons (chain of references) all having stated uncertainties;
6) calibration is a set of operations which establish, under specified conditions, the relationship between the values of quantities indicated by a measuring instrument and the corresponding value of the physical quantity realised by measurement standards;
6') putting into use is the first use of a measuring instrument intended for the end user for the purposes for which it was intended;
7) prepackages are goods in packaging which are marked by the packer with a predetermined nominal quantity and sealed by the packer in the absence of the customer, such that the actual contents of the packaging cannot be altered without opening or damaging the packaging;
8) handling is the manufacture, marking or importation, storage or other related activity performed with prepackages or bottles used as measuring containers;
9) legal metrology is the part of metrology relating to measurements, units of measurement, measuring instruments and measurement methods in connection with the requirements of legislation;
10) legal metrological expertise is a set of operations during which a measuring instrument’s documentation is compared with the requirements established in Estonian legislation;
10') legal metrological control is the control of the measurement tasks for reasons of public interest, including public health, public safety, public order, protection of the environment, levying of taxes and duties, protection of the consumers and fair trading;
11) material measure is a measuring instrument intended to reproduce or supply, in a permanent manner, one or more values of a physical quantity;
12) a measurable quantity (hereinafter \textit{quantity}) is an attribute of a phenomenon, body or substance, which may be qualitatively distinguished and quantitatively determined;
13) the value of a measurable quantity is the quantitative determination of a particular quantity, which is usually expressed as the product of a unit of measurement and a numerical value;
14) a package used as a measuring container is a sealable container with a nominal capacity of 0.05 to 5 litres (inclusive) intended for the storage, transportation or delivery of liquids, which is used for the making of prepackages using the filling level assessment method;
15) a method of measurement is a logical sequence of generally described measurement procedures;
16) a displaying measuring instrument is a measuring instrument which displays a measurement signal to the observer in a directly perceptible form;
17) a measuring system is a complete set of measuring instruments and additional devices assembled for a specific measuring task;
18) a result of measurement is the value of a quantity that is obtained through measurement;
19) a measuring instrument is a technical device with constant metrological characteristics, which is used for measurement, either as a single device or in conjunction with supplementary devices;
20) adjustment of a measuring instrument is an activity that has the objective of bringing the measuring instrument up to appropriate state of performance through technical intervention, resulting in the modification of the characteristics of the measuring instrument;
21) a measurer is a person who determines the values of physical quantities during measurement or testing;
22) measurement is the aggregate of procedures for the determination of the value of a quantity, using a measuring instrument;
23) a unit of measurement is a particular quantity that has been defined and that is adopted by convention for the comparison and quantitative characterisation of quantities of the same kind;
24) measurement uncertainty (hereinafter \textit{uncertainty}) is a parameter associated with the result of measurement, which characterises the values that could be reasonably attributed to the measurand;
25) a nominal quantity is the quantity of a product in a prepackage or bottle used as a measuring container, marked on the package by the packer;
26) best certified measurement capability is the smallest uncertainty of measurement which a measurer shall ensure in its daily practice according to the extent of its accreditation or competence;
27) a national measurement standard is a measurement standard which is recognised by legislation to serve in that country as the basis for assigning values to other standards of the quantity concerned;
28) certified reference material is reference material concerning which a certificate has been issued, affirming that one or more of the values of a property of the material or substance are certified by a procedure that connects the values of the particular property of the material of substance with the units in which the values of the property are expressed, and for which each certified value has a stated uncertainty;
29) verification is a procedure during which a competent verification laboratory or notified body inspects the compliance of a measuring instrument with the statutory requirements, and affixes a verification mark to a measuring instrument that complies with the requirements;
30) a verification mark is a verification sticker, verification seal or verification stamp;
301) manufacturer is a person responsible for the conformity of the measuring instrument to the requirements of this Act and legislation established on the basis thereof with a view to either placing it on the market or putting it into use for his or her own purposes;
302) authorised representative is a person who is established in a State of the European Economic Area and authorised by a manufacturer, in writing, to act on his or her behalf for specified tasks within the meaning of this Act and legislation established on the bases thereof;
31) a reference standard is a standard which has the highest metrological qualities available at a given location or in a given organisation and from which measurements made at the location or in the organisation are derived;
311) placing on the market is the activity by which a measuring instrument is made available for an end user for the first time in a State of the European Economic Area, whether for reward or free of charge;
32) actual contents is the actual amount of a product contained in one prepackage or package used as a measuring container, in units of mass or volume;
33) type approval is a competent decision concerning whether the type of measuring instrument in question complies with the requirements established in legislation and may be used in activities regulated by law, permitting the acquisition of reliable measurement results over a certain period of time (the period of validity of the verification);
34) a validated measurement verification is an aggregate of non-standard methods which has been developed or adapted by a verification laboratory, described in the verification instructions and assessed and approved during the accreditation of the laboratory;
35) conformity assessment mark is the conformity mark “CE” and the supplementary metrology marking consisting of the letter “M” and the last two digits of the year of affixing the marking. The number of the notified body which assessed the conformity shall immediately follow the supplementary marking if so prescribed by the conformity assessment procedure.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

(2) [Repealed - RT I 2010, 31, 158 - entry into force 01.10.2010]

§ 3. Compulsory units of measurement

(1) In Estonia, the use of the units of measurement of the International System of Units (SI) is compulsory in economic activities, public health and public safety, administrative and educational activities and in standardisation.

(2) The use of compulsory units of measurement shall be applied to measuring instruments, results of measurement and quantities expressed using units of measurement.

(3) The application of compulsory units of measurement shall not extend to units of measurement used in air and maritime transport and railway traffic, if the latter arise from binding international conventions and agreements.

(4) In the reproduction of values of compulsory units of measurement, traceability shall be ensured to national measurement standards or some other measurement standard with proved traceability.

(5) The Government of the Republic of Estonia shall establish the base units of the International System of Units (SI) to be used in the Republic of Estonia, the units derived therefrom, their multiples and submultiples and internationally-established additional units and their manner of use.

§ 4. Measurement standards

(1) The development of measurement standards shall be based on the provisions of § 3 of this Act and the needs of the state.

(2) A material measure, displaying measuring instrument or measuring system can only be recognised as a national measurement standard on the basis of the calibration results of an accredited measurement standard laboratory or a measurement standard laboratory that participates in international comparisons of national measurement standards.
(3) For the purpose of operation of measuring services in essential areas where national measurement standards are unavailable, a national reference measurement standard may be designated, taking account of available competence and resources.

(4) The state shall cover justified expenditures made for the acquisition, maintenance, development, calibration and international comparison of national measurement standards.

(5) The state may cover justified expenditures made for the maintenance, development, calibration and international comparison of reference standards.

(6) The minister responsible for the area shall establish:
1) procedures for the selection, approval, maintenance and use of national measurement standards and reference standards;
2) the list of justified expenditures made for the maintenance, development, calibration and international comparison of national measurement standards and reference standards;
3) the list of national measurement standards and reference standards.

§ 5. Proof of traceability of measurement results

(1) The traceability of measurement results is proved when measurements have been made by a competent measurer who uses a measuring instrument, which verification obligation is performed or which is traceably calibrated, or certified reference material and follows the relevant measurement methods. If a measuring instrument is entered into the metrological control list established on the basis of subsection 7 (3) of this Act and the requirements for the measurement procedure and for processing the measurement results arise from a specific Act and the legislation established on the basis thereof, the use of a measuring instrument with performed verification obligation is sufficient for the proof of the traceability of measurement results.

(2) The traceability of measurement results must be proved in the following cases:
1) in the case of measurements prescribed in customs and taxation legislation;
2) if, during state supervision, a precept is issued, punishment is imposed in a misdemeanour matter or a special right is limited on the basis of the results of the measurement results;
3) in the performance of expert analysis in pre-trial proceedings, judicial and arbitral proceedings or in extra-judicial proceedings concerning a misdemeanour;
4) in other cases prescribed by law.

(3) A measurer’s competence shall be assessed and certified through accreditation or through the assessment and proof of professional competence.

(4) In the case of accreditation, the Accreditation Agency shall assess the measurer’s compliance with the relevant requirements of the international standard that establishes competency requirements for laboratories, observing the accreditation procedures and requirements prescribed in the relevant international standards.

(5) A measurer’s professional competence shall be assessed and attested by the Estonian Accreditation Agency.

(6) The minister responsible for the area shall establish the procedure for the assessment and proof of a measurer’s professional competence.

Chapter 2
LEGAL METROLOGICAL CONTROL
[RT I 2006, 21, 161 - entry into force 30.10.2006]

Division 1
General Provisions
[RT I 2006, 21, 161 - entry into force 30.10.2006]

§ 6. Classification of legal metrological control

(1) The types of legal metrological control are:
1) metrological control of measuring instruments;
2) the control of the actual contents and marking of produced and imported prepackages;
3) the control of the capacity and marking of manufactured and imported bottles used as measuring containers.

(2) The types of the metrological control of measuring instruments are:
1) conformity assessment;
2) type approval;
§ 7. Requirement of metrological control of measuring instruments

(1) Metrological control can be rendered mandatory in the case of measuring instruments that are used:
1) for the measurement of length, volume, mass, temperature, pressure, thermal and electrical energy, the quantities of liquids and gases and the density and content of various substances in transactions;
2) for the calculation of fees in the provision of transport, communications and postal services;
3) pursuant to the requirements of customs and tax law;
4) during state supervision;
5) in the performance of expert analysis in pre-trial proceedings, judicial and arbitral proceedings or in extra-judicial proceedings concerning a misdemeanour;
6) in the manufacturing and inspection of a medicinal product;
7) in medicine – in the monitoring, diagnosis and treatment of a patient’s health;
8) in the checking of the actual contents of a prepackage and the volume of a package used as a measuring container.

(2) Prior to the placing on the market and putting into use, measuring instruments must have undergone metrological control, taking account the following:
3) a measuring instrument for which requirements have been established in a directive of the Council of the European Community (hereinafter individual EC directive) pertaining to that category of measuring instruments must undergo metrological control in accordance with Directive 2009/34/EC of the European Parliament and of the Council relating to common provisions for both measuring instruments and methods of metrological control (OJ L 106, 28.04.2009, p. 7–24);
4) a measuring instrument for which no requirements have been established by legislation specified in clauses 1)–3) of this subsection must undergo legal metrological expertise.

(3) The minister responsible for the area shall, on the basis of the areas of application listed in subsection (1) of this section, establish the list of measuring instruments that are subject to mandatory metrological control, the essential and special requirements, including accuracy requirements, for measuring instruments and the periods of validity of the verification of measuring instruments (hereinafter metrological control list).

(4) It is prohibited to place on the market, introduce or use a measuring instrument entered in the metrological control list that has not undergone metrological control.

(5) The manufacturer or the manufacturer’s authorised representative shall be responsible for the fulfilment of requirements concerning the placing on the market and putting into use of a measuring instrument. A person who has purchased a measuring instrument for the purposes listed in subsection (1) of this section and subsection 21 (2) of this Act is entitled to return a measuring instrument that does not comply with the requirements, or demand from the manufacturer or the manufacturer’s authorised representative the compensation of the expenditures made for the additional conformity assessment.
(6) The Technical Surveillance Authority shall publish on its website the list and the conditions of validity of those individual EC directives on which basis EC type approval certificates have been issued, as well as descriptions and periods of validity of EC signs type approval and EC initial verification marks and EC conformity marks.
[RT I 2007, 66, 408 - entry into force 01.01.2008]

(7) A person who places on the market a measuring instrument entered in the metrological control list is required to possess and present to a purchaser of a measuring instrument, to a verification laboratory or to a person exercising state supervision a copy of the EC type assessment, design assessment or type approval certificate or Estonian national type approval certificate, if the above-mentioned persons so request.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

Subdivision 2
Conformity Assessment
[RT I 2006, 21, 161 - entry into force 30.10.2006]

§ 71. Requirement for conformity assessment

(1) Prior to the placing on the market and putting into use for the purposes specified in subsection 7 (1) of this Act, conformity assessment shall be performed for a measuring instrument which has been entered in the metrological control list and the requirements for which are covered by:
1) the Non-Automatic Weighing Instruments Directive, or
2) the Measuring Instruments Directive.

(2) In the event of a positive conformity assessment decision as specified in subsection (1) of this section a measuring instrument shall be deemed to be in compliance with the relevant requirements concerning placing on the market and putting into use.

(3) The conformity assessment specified in subsection (1) of this section is valid throughout the period of validity of the verification set for that category of measuring instruments in the metrological control list issued on the basis of subsection 7 (3) of this Act, as of the date indicated on the declaration of conformity or, in the absence of the latter, as of 1 January of the year indicated on the conformity assessment marking affixed to the measuring instrument.

(4) The assessment and attestation of the conformity of a measuring instrument specified in subsection (1) of this section upon placing on the market and putting into use may be performed by the body specified in § 72 of this Act, or by the manufacturer of the measuring instrument under the supervision of the specified body.

(5) The minister responsible for the area shall establish the essential and special requirements for the measuring instruments belonging to the area of application of the Measuring Instruments Directive, the procedure for assessment and attestation of the conformity, and the requirements for the marking of measuring instruments.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

§ 72. Notified body

(1) The notified body is the conformity assessment body which is granted the right to carry out the conformity assessment operations of measuring instruments pursuant to the legislation established on the basis of subsection 7(5) or subsection 21 (2) of this Act.
[RT I 2010, 31, 158 - entry into force 01.10.2010]

(2) The granting to a person, cancellation and suspension of the authorisation of a notified body, as well as person’s operation as a notified body, state supervision over the person and notification of the European Commission and Member States of the EU shall be governed by the provisions of the Product Conformity Act regarding a conformity assessment body together with the specifications arising from this section.
[RT I 2010, 31, 158 - entry into force 01.10.2010]

(21) The notified body shall adhere in its activities, in addition to the requirements arising from this Act, also to the Non-Automatic Weighing Instruments Directive and the Measuring Instruments Directive, the relevant harmonised standards and normative documents and the relevant guidelines of the European Co-operation in Legal Metrology (WELMEC).
[RT I 2010, 31, 158 - entry into force 01.10.2010]

(3) On notification of the European Commission and Member States of the EU, the kinds of measuring instrument and the conformity assessment procedures for which each body has been designated and, where relevant, the accuracy class, measuring range and operating principle of the measuring instrument, and any other measuring instrument characteristic limiting the scope of the notification shall be listed.
§ 8. Requirement for type approval

(1) Prior to the placing on the market and putting into use for the purposes specified in subsection 7 (1) of this Act, type approval shall be performed for the measuring instruments entered in the metrological control list to which the requirement for conformity assessment provided for in § 7 of this Act does not apply.

(2) The following measuring instruments are not required to undergo type approval:
   1) weights, measuring containers, glass liquid thermometers, measuring tanks for alcohol and liquid fuels and the permanent pipeline belonging thereto, if the results of calibration attest that the measuring instrument complies with the requirements of the relevant documents of the International Organization of Legal Metrology (OIML) and international standards;
   2) measuring instruments to which an individual item of legislation exempting from type approval is applied;
   3) measuring instruments produced in single copies.

(3) The expiry of the term of validity of the type assessment certificate proving the type approval or the type approval certificate of a measuring instrument that is in use shall not affect the right to further use the measuring instrument upon performance of the verification obligation.

§ 9. Issuing, extension and cancellation of national type approval certificate

(1) An Estonian national type approval certificate shall be issued for a measuring instrument to which the provisions of clause 7 (2) 4) of this Act apply and which has received affirmative result in legal metrological expertise.

(2) An application for obtaining an Estonian national type approval certificate shall be submitted by the manufacturer of the measuring instrument or the manufacturer’s authorised representative or, in the case of a measuring instrument of which a single copy has been purchased, by the distributor or possessor (hereinafter applicant), to the legal metrology authority, which shall perform an expert legal metrological expertise on the basis of the documents submitted.

(3) During the course of the expert legal metrological expertise, the measuring instrument's compliance with the metrological and technical requirements stipulated in the Estonian legislation, OIML documents and international standards shall be determined.

(4) The basis for establishing the compliance of the measuring instrument with the requirements is a national type approval certificate issued in a Member State of the EU or testing or calibration results containing a conformity evaluation from an accredited testing or calibration laboratory. If necessary, a legal metrology authority may, in advance, send a measuring instrument to an accredited testing or calibration laboratory for additional tests or calibration, the justified expenses for which shall be paid by the applicant.

(5) A national type approval certificate shall be issued with a period of validity of up to ten years or until the period of validity of a type approval certificate issued by another country’s legal metrology authority.

(6) The period of validity of a national type approval certificate can be extended by up to ten years.

(7) The period of validity of a national type approval certificate shall not be extended if:
   1) requirements have been established concerning that type of measuring instrument in the EU legislation;
2) requirements are specified pursuant to the Estonian legislation which are stricter than those metrological and operating requirements specified in the currently valid type approval certificate of the measuring instrument.

(8) A state fee shall be paid for the issuing, amendment or extension of a national type approval certificate.

(9) Measuring instruments imported from third countries or produced in Estonia must be marked by the manufacturer with the type approval mark described in the Estonian national type approval certificate. A measuring instrument that has obtained a national type approval certificate in a Member State of the EU and bears a type approval sign does not require an additional Estonian type approval sign.

(10) The issuer of a national type approval certificate shall revoke the certificate it has issued if:
1) the type approved measuring instrument does not conform to the approved type or the requirements of relevant legislation are not observed;
2) the instrument constructed according to an approved type reveal in service a defect of a general nature which makes it unsuitable for its intended use.

(11) The revocation of a national type approval certificate shall be drawn up as a decision to that effect, of which applicants for the type approval and verification laboratories operating in the relevant filed of measurement shall be notified within five working days at the latest, as of the making of the decision.

(12) The minister responsible for the area shall establish the procedure for the application, issuing, amendment, extension of national type approval certificates and for the legal metrological expertise.

Subdivision 4 Verification

§ 10. Performance of verification obligation

(1) The obligation of the verification of a measuring instrument shall be deemed complied with if at least one of the following procedures has been performed:
1) EC initial verification performed for a new or reconditioned measuring instrument manufactured in accordance with an individual EC directive. EC initial verification shall be performed by a competent verification laboratory concerning which the European Commission and the Member States of the EU have been notified;
2) submission of an EC declaration of conformity for a non-automatic weighing instrument, a new or reconditioned non-automatic weighing instrument that has undergone EC initial verification or EC unit verification. EC initial verification and EC unit verification shall be performed by a designated body concerning which the European Commission and the Member States of the EU have been notified;
3) EC conformity assessment undergone by a measuring instrument covered by the Measuring Instruments Directive;
4) national initial verification undergone by a measuring instrument put into use on the basis of a national type approval certificate, a measuring instrument with a damaged verification mark, a measuring instrument lacking a verification mark, a measuring instrument after repairs or reconditioning performed by a competent verification laboratory;
5) subsequent verification undergone by a measuring instrument that is presently in use, the verification having been performed by a competent verification laboratory.

(2) The verification obligation must be fulfilled by a bearer of the verification obligation, namely:
1) in the case of the placing on the market and putting into use of the measuring instrument: its manufacturer, authorised representative, distributor or importer;
2) in the case of the use of the measuring instrument: its possessor or user.

(3) The bearer of the verification obligation shall ensure the use of the measuring instrument in the manner prescribed in legislation, the type assessment certificate or type approval certificate, the user manual compiled by the manufacturer, relevant standards or requirements set out in rules.

(4) If there is no possibility for verification of a particular measuring instrument in Estonia, the legal metrology authority may perform legal metrological expertise of the measuring instrument on the basis of traceable results of measurement issued in some other country and deem the measuring instrument to have passed verification and mark the measuring instrument or the relevant document with the verification mark(s).

§ 11. Verification

[RT I 2006, 21, 161 - entry into force 30.10.2006]
(1) In the verification of a measuring instrument, it is assessed whether a measuring instrument that is to undergo metrological control complies with the requirements prescribed in the relevant legislation and established in the EC type assessment certificate or type approval certificate.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

(2) It is not permitted to perform initial verification of a measuring instrument that is to be put into use, if the period of validity of its type assessment certificate or type approval certificate has expired. This requirement does not apply to measuring instruments already in use but submitted for initial verification after repairs or reconditioning.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

(21) Subsequent verification is permitted also in case the period of validity of the type assessment certificate or type approval certificate providing a prerequisite for putting into use of a measuring instrument has expired.
[RT I 2009, 3, 13 - entry into force 01.02.2009]

(22) A measuring instrument, which type assessment certificate or type approval certificate has been revoked, shall not be permitted for verification.
[RT I 2009, 3, 13 - entry into force 01.02.2009]

(3) Measuring instruments with forged or illegible verification marks, as well as measuring instruments without verification marks, will not be deemed to be verified.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

§ 12. Extraordinary verification

(1) Extraordinary verification is verification that takes place before the end of the period of validity of the verification, on the basis of the same criteria as for subsequent verification. Extraordinary verification is initiated and organised by:
1) the Technical Surveillance Authority, due to circumstances that arise during supervision;
[RT I 2007, 66, 408 - entry into force 01.01.2008]
2) the Technical Surveillance Authority, on the basis of a justified application received by it;
[RT I 2007, 66, 408 - entry into force 01.01.2008]
3) the Consumer Protection Board, due to circumstances that arise during supervision of trading activities;
4) the possessor or user of a measuring instrument.

(2) The application specified in clause (1) 2) of this section may be considered unjustified by an official of the Technical Surveillance Authority if the measuring instrument has been removed from its prescribed location of use or the installation or operating requirements have not been observed.
[RT I 2007, 66, 408 - entry into force 01.01.2008]

(3) The cost of extraordinary verification is:
1) a justified and documented fee charged for verification;
2) justified and documented expenses for the removal of the measuring instrument from its place of use, its transportation to and from the verification laboratory, for installation and, if necessary, the use of a replacement measuring instrument during the verification.

(4) Extraordinary verification initiated on the basis of clauses (1) 1) and 3) of this section shall be paid for by:
1) the possessor or user of a measuring instrument if, according to the results of the verification, the measuring instrument does not comply with the requirements;
2) an applicant for extraordinary verification if, according to the results of the verification, the measuring instrument complies with the requirements.

(5) Extraordinary verification initiated on the basis of clause (1) 2) of this section shall be paid for by:
1) the possessor or user of a measuring instrument if, according to the results of the verification, the measuring instrument does not comply with the requirements;
2) an applicant for extraordinary verification if, according to the results of the verification, the measuring instrument complies with the requirements.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

§ 13. Presentation of verification results and preparation of verification marks

(1) The result of the verification is an assessment of whether the measuring instrument does or does not comply with the requirements specified in subsection 11 (1) of this Act.

(2) Results of measurement and observation data obtained during verification must be entered in a verification record, the format for which is presented in standard or validated verification methods. Verification records must be kept for at least two times the period of validity of the verification of the measuring instrument. Verification
records, copies thereof and excerpts therefrom are only issued to institutions that exercise state supervision over
the activities of verification laboratories.

(3) On the basis of the result of an initial verification, subsequent verification or special verification, the
verifier shall install a verification mark or marks on a measuring instrument that complies with the verification
obligations.

(4) Verification marks shall be installed in such a manner that it would not be possible to adjust the measuring
instrument or change the measuring instrument’s elements without damaging at least one of them, and it should
be possible to identify from each verification mark the verification laboratory and verification date without
difficulty.

(5) A verifier must issue for a set of measuring instruments or a measuring instrument specified in subsection
8 (2) of this Act a verification certificate that identifies the set or the instrument. In other cases, a verification
certificate shall be issued by request of the person who submits the measuring instrument for verification.
A verification certificate need not be issued for a single weight. The format for a verification certificate is
presented in verification methods.

(6) A verifier shall remove all previously installed verification marks from a measuring instrument that does not
comply with the verification obligations and issue a certificate of non-conformity with the requirements.

(7) The minister responsible for the area shall establish a description of verification marks, the procedure
for their preparation, use and maintenance, and a list of compulsory entries in verification certificates and
certificates of non-conformity with the regulations.

(8) Verification marks may be prepared by an undertaking with exclusive rights within the meaning of the
Competition Act.

(9) Exclusive right to prepare verification marks is granted by the Director General of the Technical
Surveillance Authority on the basis of the results of the public competition.

§ 14. Verification laboratory

(1) A person which applies for the right to operate or is operating as a verification laboratory in national
verification shall conform to the following requirements:

1) the areas of activity of the person include verification of measuring instruments;
2) the person is accredited as a calibration laboratory in necessary filed of measurement; for the verification of
taximeters, gas volume meters, water meters, heat meters and electricity meters, it may be accredited as a testing
laboratory;
3) the person is accredited as inspection body for making conformity decisions in verification;
4) the person has a sufficient number of employees (hereinafter verifier) for the verification of the measuring
instrument, and those employees possess the necessary education, training and experience and comply with the
requirements specified in § 16 of this Act;
5) the person has suitable working standards, equipment and premises for the verification of measuring
instruments, as well as standard or validated verification methods;
6) the person and each of its verifiers must in their economic and professional activities be independent of the
manufacturer, the manufacturer’s authorised representative, importer or distributor of the measuring instrument
subject to verification or user of the measuring instrument for its intended purposes.

7) the person has a valid liability insurance contract in order to compensate for damage which may be caused
in the course of its activities with the minimum amount of insurance coverage of 6390 euros for the entire period
of its operation.

(2) A verification laboratory’s compliance with the requirements presented in clauses (1) 4) and 5) of this
section shall be verified by the Accreditation Agency during accreditation.

(3) The granting, cancellation and suspension of the authorisation of a verification laboratory, as well as
operation as a verification laboratory and state supervision over the person shall be governed by the provisions
of the Product Conformity Act regarding a conformity assessment body together with the specifications arising
from this Act:

1) when granting an authorisation to a verification laboratory, it shall be provided with an identification
number of up to three digits;

1\) the provisions of §§ 28 and 34 of the Product Conformity Act shall not apply to verification laboratories;

2) a verification laboratory shall substantiate a measuring instrument’s compliance with the requirements in the
manner specified in § 13 of this Act;
3) verification laboratories are required to inform the Technical Surveillance Authority of each measuring instrument that does not comply with the verification obligations, and also the reasons for the non-conformity, within five working days;
[RT I 2007, 66, 408 - entry into force 01.01.2008]
4) verification laboratories are required to inform the Technical Surveillance Authority of amendments to annexes to accreditation certificate relating to verification within five working days;
[RT I 2007, 66, 408 - entry into force 01.01.2008]
5) verification laboratory is not responsible if a measuring instrument has lost its conformity with the verification criteria in the validity period of verification if the installation, maintenance, use and transport of the measuring instrument does not conform with the installation or operating requirements, or non-conformity is caused by manufacturing defects.

(4) Verification laboratories are required to submit to the Technical Surveillance Authority by 1 February of each year data concerning the previous year’s verification activities, containing the results of initial EC verification, national initial verification and subsequent verification for various classes of measuring instrument.
[RT I 2007, 66, 408 - entry into force 01.01.2008]

§ 15. Verification laboratory performing initial EC verification

(1) Initial EC verification of a measuring instrument, except for initial EC verification of a non-automatic weighing instrument may be performed by a verification laboratory listed in § 14 that observes in its verification activities the requirements of metrological control and of the individual EC directive, concerning the measuring instrument that is subject to verification.

(2) Compliance with the requirements specified in subsection (1) of this section shall be assessed by the Accreditation Agency during the course of accreditation.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

(3) The Ministry of Economic Affairs and Communications shall notify the European Commission and the Member States of the EU of a verification laboratory that was granted an authorisation for EC initial verification. The requirements arising from § 34 of the Product Conformity Act shall not apply for such notification.
[RT I 2010, 31, 158 - entry into force 01.10.2010]

§ 16. Verifier

(1) A verifier must:
1) possess knowledge of the basic principles of metrology and Estonian legislation in the field of legal metrology, to the extent specified in the relevant requirements of the Estonian Accreditation Centre;
2) possess sufficient experience and skills for the implementation of the relevant verification methods;
3) be able to make conformity decisions on the usability of a measuring instrument and to present verification results as required;
4) participate periodically in metrology-related in-service training.

(2) A verifier’s compliance with the requirements specified in subsection (1) of this section shall be assessed by an institution accredited for the certification of personnel employed in the particular area or, in the absence of the latter, by the Accreditation Agency, during the accreditation of the verification laboratory.

(3) A verifier’s compliance with the requirements shall be attested by the certification of personnel with a certificate issued by an accredited institution or a verification laboratory’s valid accreditation certificate, in the annex to which the verifier’s name and area of verification shall be noted.
[RT I 2006, 21, 161 - entry into force 30.10.2006]

Division 3
Prepackages

[RT I 2006, 21, 161 - entry into force 30.10.2006]

§ 17. Requirements for prepackages and handling of prepackages

(1) For the purposes of this Act, the nominal quantity of a product contained in a prepackage shall be expressed in units of mass or volume, between 5 g and 10 kg (inclusive) or between 5 ml and 10 l (inclusive).

(2) Packers and importers must ensure that the prepackages handled by them comply with the tolerable errors from the nominal quantity, the pre-determined nominal quantities for prepackages and existing requirements concerning marking.

Metrology Act Page 11 / 21
(3) In the handling process, packers must continually check and importers must regularly check the actual contents of prepackages, using for that purpose measuring instruments for which the verification obligation is fulfilled.

(4) Packers and importers must possess documentation concerning the check of actual contents, and must preserve this for at least two years from the date of the check.

(5) Compliance with requirements for prepackages shall be deemed to be attested if the packer possesses a valid certificate that states that the system for the check of requirements for prepackages and the guaranteeing of actual contents has been certified by a certification body which has the relevant accreditation.

(6) Packers may mark with the e-mark prepackages the compliance of which with this Act and legislation established on the basis thereof has been attested.

(7) Importers of prepackages may waive the check of a consignment of prepackages, even if these are imported from outside the European Union, if the packer of the consignment attests with documental proof that the actual contents of the prepackages fall within the limits permitted in the relevant legislation. In this case, the importer of prepackages may, during the course of their subsequent handling, organise the check of the prepackages in accordance with a quality system it has developed and documented.

§ 18. Control of actual contents and marking of prepackages

(1) The actual contents and marking of prepackages shall be controlled on the territory of the packer or importer by a law enforcement authority.

(2) Packers and importers are required to assist a law enforcement authority, and also to provide, at least once a year, free samples for the control of the actual contents of prepackages on the territory of the packer or importer.

(3) If, during the control of the actual contents of prepackages, there arises a reasonable doubt that prepackages do not comply with the established requirements, or their inspection requires special conditions or devices that are not at the disposal of the packer or importer, a law enforcement authority shall purchase for a reasonable fee the number of prepackages required for performing check measurements in a competent laboratory.

(4) If, on the basis of the control prescribed in subsection (3) of this section, it is ascertained that the prepackages do not comply with the established requirements, their packer or importer must return the fee received from a law enforcement authority, and compensate the documented cost of the check measurements.

(5) A law enforcement authority must provide the packer or importer of the prepackages with written notification of the results of the control within two weeks from the date on which the sampling took place.

(6) Prepackages bearing the e-mark and produced in other Member States of the EU shall be deemed to be in compliance with the requirements of this Act, unless a reasonable complaint has been submitted to a law enforcement authority, to the effect that the prepackages in question do not comply with the requirements.

(7) If the system for the guaranteeing of the actual contents of prepackages has been certified by an accredited certification body, a law enforcement authority may deem this to be a sufficient prerequisite for the prepackage handling process and compliance with the requirements for prepackages.

(8) The minister responsible for the area shall establish compulsory pre-determined nominal quantities for prepackages, requirements concerning marking, as well as the shape of the e-mark, the tolerable errors from the nominal quantity, and the procedure for the control of the actual contents of prepackages.

Division 4
Measuring Container Bottles

§ 19. Requirements for measuring containers and handling of measuring containers

(1) A bottle used as a measuring container (hereinafter measuring container) must:

1) be manufactured of glass or other material that is sufficiently rigid and durable, and possess features that ensure at least equivalent metrological characteristics to those of glass;
2) be, in terms of its metrological characteristics, its shape and the integrity of its uniformity engineering, a sufficiently precise measuring instrument for the packaging of liquids, precluding the need to measure a quantity of liquid directly, if the measuring container is filled to a specific level of its total volume;
3) be designed in such a manner that it can be closed.

(2) Manufacturers and importers of measuring containers must ensure that measuring containers comply with the tolerance limits for the nominal contents of measuring containers, as well as the requirements for the marking and check of measuring containers.

(3) Manufacturers must mark measuring containers with the nominal volume of the contents, the information required for the production of a prepackage and the manufacturer’s identification mark.

(4) The manufacturer of measuring containers shall present the drawing of the identification mark to be affixed to the measuring container manufactured by him to the Technical Surveillance Authority, which shall inform the European Commission and the Member States of the EU of the identification.

(5) Manufacturers of measuring containers may mark measuring containers the compliance of which with this Act and the legislation established on the basis thereof is attested, with a special symbol ‘ē’ (inverted ‘å’).

§ 20. Control of capacity and marking of measuring containers

(1) The capacity of measuring containers is controlled on the territory of the manufacturer or importer by a law enforcement authority.

(2) Manufacturers and importers of measuring containers are required to assist a law enforcement authority and also to provide, at least once a year and free of charge, the quantities of samples required for checks on the territory of the manufacturer or importer.

(3) Manufacturers and importers of measuring containers are required to present to a law enforcement authority documents that prove the compliance of the produced or imported measuring containers with the requirements established in legislation, if the authority makes such a request.

(4) If a law enforcement authority decides that the control of compliance of measuring containers with the requirements requires that they be measured in a competent laboratory, a law enforcement authority shall purchase for a reasonable fee the quantity of measuring containers required for the performing check measurements in a competent laboratory.

(5) If, on the basis of the control prescribed in subsection (4) of this section, it is ascertained that the measuring containers do not comply with the established requirements, their manufacturer or importer must return the fee received from a law enforcement authority, and compensate the documented cost of the check measurements.

(6) A law enforcement authority must provide the manufacturer or importer of the measuring containers with written notification of the results of the control within two weeks from the date on which the sampling took place.

(7) Measuring containers produced in other Member States of the EU and bearing the relevant special symbol ‘ē’ (inverted ‘å’) shall be deemed to be in compliance with the requirements of this Act, unless a reasonable complaint has been submitted to a law enforcement authority, to the effect that the measuring containers in question do not comply with the requirements.

(8) The minister responsible for the area shall establish the nominal value of the contents of measuring containers and the maximum permissible deviations for the latter, as well as requirements for the marking of measuring containers, and the procedure for checking their volume.

Division 5
Non-Automatic Weighing Instruments
§ 21. General requirements

(1) A weighing instrument is a measuring instrument for the determination of a mass of body and other quantities, magnitudes, parameters and features related to mass through the action of gravity on the said body. A non-automatic weighing instrument (hereinafter weighing instrument) is a weighing instrument the operation of which requires human participation.

(2) The minister responsible for the area shall establish the metrological and technical requirements for weighing instruments, as well as requirements for design, construction, marking, conformity assessment and verification, if the said weighing instruments are intended for measuring mass:
   1) in conclusion of transactions;
   2) in the calculation of customs duties, tariffs, other taxes, bonuses, penalties, indemnities, remuneration and other such payments;
   3) in the application of legislative or regulatory provisions and the performance of expert analysis in judicial and arbitral proceedings;
   4) in the practice of medicine for weighing patients for the purposes of monitoring, diagnosis and medical treatment;
   5) for preparing medicinal products on prescription in a pharmacy and determination of mass in analyses carried out in medical and pharmaceutical laboratories;   6) in the determination of price in the direct sale of goods and in the manufacturing and inspection of prepackages. For the purposes of this Act, the direct sale of goods (hereinafter direct sale) is a commercial activity during which the measurement result is the basis for the amount to be paid, wherein one party is a consumer or person requiring equivalent protection, and both parties simultaneously accept the measurement results in the same place of measurement.

(3) Only weighing instruments intended for the purposes listed in subsection (2) of this section may be introduced in areas where the requirement of metrological control specified in § 7 of this Act is in effect.

§ 22. Placing on market and putting into use of weighing instruments

(1) A weighing instrument intended for the purposes specified in subsection 21 (2) of this Act may be placed on the market and put into use if:
   1) it conforms to the requirements of this Act and legislation established on the basis thereof;
   2) its conformity has been attested pursuant to the procedure provided for in this Chapter and legislation established on the basis thereof;
   3) it is accompanied by a declaration of conformity;
   4) it bears a conformity mark;
   5) it is accompanied by other required marking and information.
   6) it is sealed and labelled in accordance with the drawings presented in the EC type approval certificate.

(2) If a weighing instrument has apparatus and sub-assemblies that are not used for the purposes specified in subsection 21 (2) of this Act, the requirements of subsection 21 (2) shall not be applied to those apparatus and sub-assemblies.

§ 23. Use of weighing instruments

(1) A weighing instrument may be used for the purposes specified in subsection 21 (2) of this Act, if:
   1) it has been duly installed and maintained;
   2) it complies with the requirements in effect at the time of its placing on the market or putting into use;
   3) it complies with the requirements of this Chapter and legislation established on the basis thereof;
   4) the manufacturer’s guidelines concerning the weighing instrument are observed;
   5) the verification obligation is performed;
   6) other requirements prescribed in the legislation are observed.

(2) The requirement presented in clause (1) 5) of this section shall be deemed fulfilled if:
   1) the requirements of clauses 22 (1) 3)–6) of this Act and subsection 22 (2) have been fulfilled, or
   2) the weighing instrument has been sealed and labelled with verification marks that comply with the requirements of § 13 of this Act, pursuant to the drawings presented in the EC type approval certificate.

(3) A weighing instrument used for direct sale to the public shall display all essential information about the weighing operation and, in the case of price-indicating weighing instruments, shall clearly display the customer the mass and selling price and unit price of the product to be purchased.

(4) The indicating of a weighing instrument used for direct sale and the provision of services must be visible to both parties without difficulty.
Chapter 4
METROLOGICAL INFRASTRUCTURE

§ 27. Metrology Council

(1) The Metrology Council is an independent advisory body established by the minister responsible for the area, whose membership shall consist of representatives of economic circles, consumers and other interested parties.

(2) The task of the Metrology Council is to provide advice on:
1) the ascertainment, documentation and updating of metrological policy;
2) the establishment of strategic objectives in the area of metrology;
3) the shaping of the structure and priorities of the Metrological Service, the application for state budget funds and the division of allocations;
4) the promotion of international co-operation and metrology-related education;
5) other issues in the area of metrology.

§ 28. Metrological Service

(1) The Metrological Service is the main agency for implementation of metrology policy of the state. It includes the institutions involved in ensuring the traceability of national measurements and measurements in private law as well as the institutions performing metrological control. The Metrological Service takes part in the international metrological co-operation with the aim to achieve and maintain international recognition of measurements.

(2) The Metrological Service consists of:
1) the Central Office of Metrology;
2) national measurement standard and reference standard laboratories;
3) the legal metrology authority;
4) the Accreditation Agency;
5) accredited calibration and testing laboratories;
6) verification laboratories;
7) notified bodies.

§ 29. Central Office of Metrology

(1) The Central Office of Metrology is a state agency within the area of government of and administered by the Ministry of Economic Affairs and Communications which performs the functions listed in this section pursuant to its statutes, or a legal person with which the minister responsible for the area has entered into a contract under public law for the performance of such functions. The term of the contract under public law may be up to ten years, and may be extended.

(2) A person that wishes to operate as a Central Office of Metrology must be able to perform the tasks specified in subsection (3) of this section and § 30 of this Act.

(3) The Central Office of Metrology shall perform the following main functions:
1) organise the periodic calibration of national measurement standards, co-ordinate the periodic calibration of state-financed reference standards, and intercomparisons with international standards or those of other countries;
2) represent Estonia in the European and international metrology organisations on the basis of authorisation granted by the minister responsible for the area;
3) co-ordinate research and development work at national measurement standard laboratories;
4) prepare and submit to the minister responsible for the area development plans and reports for national measurement standards;
5) organise intercomparison calibrations between calibration laboratories;
6) organise training in the area of metrology.
7) participate in standardisation and the organisation of Estonian-language terminology in the field of metrology.

(4) Within one month after assigning the functions of the Central Office of Metrology to an administered state agency or entering into a contract under public law with a person for the performance of such functions, the
§ 30. National measurement standard laboratory

(1) A national measurement standard laboratory is a legal person with whom the minister responsible for the area has entered into a contract under public law for the performance of the tasks specified in subsection (2) of this section, or a state agency in the area of government of the Ministry of Economic Affairs and Communications, which pursuant to its statutes performs the tasks of a national measurement standard laboratory. The term of the contract under public law may be up to ten years, and may be extended.

(2) The tasks of a national measurement standard laboratory are the acquisition, maintenance, development, calibration and use of national measurement standards.

(3) In the selection and appointment of national measurement standard laboratories, the investments to be made in a laboratory and the laboratory’s anticipated abilities in using resources in the optimal manner for the maintenance and development of national measurement standards must be taken into consideration.

(4) A person or institution that desires to operate as a national measurement standard laboratory must be accredited as a calibration laboratory in the given area of measurement.

(5) A person or institution that operates as a national measurement standard laboratory must ensure:
   1) its impartiality and independence;
   2) the confidentiality of customer information;
   3) compliance with quality management standards, international agreements, procedures and inspection systems;
   4) the development of national measurement standards in accordance with the resolutions and recommendations issued by the minister responsible for the area;
   5) the international equivalence of its metrological activity;
   6) the use of public funds for the purpose intended and in an economically sustainable manner, in accordance with its principal activity.

(6) A person who operates as a national measurement standard laboratory must possess at least 31,950 euros in valid liability insurance for the entire period of its operation, for the compensation of the damages that may arise from its activities.

(7) The following shall be specified in the contract under public law to be entered into with the person:
   1) the national measurement standards which the person is required to acquire and maintain and the application of which the person is required to enable;
   2) the rates of fees payable to the person for the performance of the functions specified in subsection (2) of this section;
   3) the term of the contract;

(8) By entering into a contract under public law, a legal person assumes the duty to acquire, maintain, develop and calibrate national measurement standards and enable their use.

(9) A national measurement standard laboratories is required to participate in interlaboratory comparison measurements organised by the Central Office of Metrology.

(10) No later than within one month as of the entry into the contract under public law specified in subsection (1) of this section or the assignment of tasks to the administered state agency, the minister responsible for the area shall make an announcement to that effect in the official publication Ametlikud Teadaanded.

(11) The Ministry of Economic Affairs and Communications shall publish on its website a list of national measurement standard laboratories and a list of the tasks that have been assigned to them.

§ 31. Reference standard laboratory

(1) A reference standard laboratory is a legal person with whom the minister responsible for the area has entered into a contract under public law for the maintenance of the laboratory’s best measurement capability in a certain field of measurement.

(2) A contract under public law shall specify:
   1) the field of measurement of the reference standard laboratory, the measuring range of the reference standard and its best measurement capability;
   2) the rates to be paid to the reference standard laboratory for the performance of the tasks specified in subsection (4), if payment of a fee is provided for in the contract;
   3) the term of the contract;
(3) A person that wishes to operate as a reference standard laboratory must be accredited as a calibration or testing laboratory in the relevant area of measurement.

(4) A person who acts as a reference standard laboratory must:
1) maintain the reference standards determined in the contract under public law, and make possible their use;
2) participate in international intercomparison measurements at the level appropriate to it;
3) organise national intercomparison measurements in its field of measurement.

(5) A reference standard laboratory must guarantee the compensation of potential damages, if these are caused by a false result presented by the laboratory, and the use of state-allocated funds for the purpose intended and in an economically sustainable manner, in accordance with its principal activity.

(6) A laboratory’s existing competency and resources and the investments required for the performance of the tasks determined in the contract must be taken into consideration in the selection and appointment of reference standard laboratories.

(7) No later than within one month as of the entry into the contract under public law specified in subsection (1) of this section, the minister responsible for the area shall publish in the official publication Ametlikud Teadaanded announcement concerning the term of the contract, and the tasks assigned to the person.

(8) The Ministry of Economic Affairs and Communications shall publish on its website a list of reference standard laboratories and a list of the tasks that have been entrusted to them.

§ 32. Legal metrology authority

(1) The legal metrology authority is a state agency established within the area of government of the Ministry of Economic Affairs and Communications, that has as its main tasks:
1) to perform expert legal metrological expertise and issue national type approval certificates for measuring instruments that are subject to verification, to declare a measuring instrument to have passed verification in the cases specified in subsection 10 (4) of this Act, and to maintain a database of the said measuring instruments;
2) to participate in the development of legislation connected with the area of legal metrology and to make recommendations for their amendment and supplementation, as well as to participate in standardisation and the organisation of Estonian-language terminology in the field of legal metrology;
3) to participate in the development of policies, strategies and development plans connected with the area of legal metrology; to prepare and implement projects connected with the area, as well as to participate in the preparation of international projects and the organisation of their implementation;
4) to represent Estonia in the European and international legal metrology organisations on the basis of authorisation granted by the minister responsible for the area;
5) to advise other persons in matters involved with its area of activity.

(2) Until the formation of the authority specified in subsection (1) of this section, the tasks of the legal metrology authority shall be performed by the Technical Surveillance Authority, a governmental authority operating in the area of government of the Ministry of Economic Affairs and Communications.

[RT I 2007, 66, 408 - entry into force 01.01.2008]

§ 33. Estonian Accreditation Agency

The Estonian Accreditation Agency is a foundation that has, pursuant to the Product Conformity Attestation Act, been granted the right to operate as the accreditation agency of Estonia. The Estonian Accreditation Agency shall also organise interlaboratory comparison testing and assess and attest the professional competency of measurers.

[RT I 2010, 31, 158 - entry into force 01.10.2010]

§ 34. Accredited calibration and testing laboratories

(1) An accredited calibration or testing laboratory is a legal person whose compliance with the requirements of the relevant international standard that establishes competency requirements for laboratories has been positively attested by the Accreditation Agency.

(2) Accredited calibration and testing laboratories offer calibration or testing services, the traceability of the results of which is attested.

(3) Accredited laboratories are required to ensure continual compliance with competency requirements and the relevant accreditation-related requirements of international co-operation bodies.

(4) Accredited laboratories are required to participate in intercomparison tests organised by the Central Office of Metrology and the Estonian Accreditation Agency to the extent that they are connected with the testing and measuring methods that fall within the scope of the laboratory’s accreditation.
(5) In referring to accreditation, a laboratory must clearly indicate for which services and to what extent it is accredited.

(6) Upon the expiry or suspension of the period of validity of its accreditation certificate, the laboratory in question must immediately cease to refer to the said certificate.

Chapter 5
STATE SUPERVISION

§ 35. State supervision
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) State supervision over conformity with the requirements provided for in this Act, except for Chapter 4, and legislation established on the basis of this Act shall be exercised by the Technical Surveillance Authority (hereinafter Authority). State supervision over measuring instruments used in trading activities shall also be exercised by the Consumer Protection Board within the limits of competence provided for in the Trading Act.

(2) In addition to the rights provided for in this Act, the Authority shall also have the rights and obligations of a market surveillance authority established in the Product Conformity Act.

(3) The following are within the competence of the Authority:
1) supervision over the use of compulsory units of measurement;
2) supervision over the proving of the traceability of measurement results;
3) supervision over the conformity assessment activities of bodies notified for conformity assessment of measuring instruments;
4) supervision over the compliance with the verification obligation;
5) supervision over the use of measuring instruments that are subject to mandatory metrological control;
6) supervision over the verification activities of verification laboratories specified in §§ 14 and 15 of this Act;
7) co-ordination of co-operation in market supervision of measuring instruments and co-ordination of the exchange of relevant information;
8) control of the actual contents and marking of prepackages;
9) control of the capacity and marking of measuring containers.

§ 36. Competence of authority
[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 37. Specific state supervision measures
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Law enforcement authorities may apply the special measures for the purposes of state supervision provided for in §§ 30, 31, 32, 49, 50, 51 and 52 of the Law Enforcement Act in exercise of the state supervision provided for in this Act on the bases and pursuant to the procedure provided for in the Law Enforcement Act.

§ 371. Specifications concerning state supervision

(1) Law enforcement authorities may, pursuant to the terms and conditions provided for in § 50 of the Law Enforcement Act, enter premises and territory where:
1) measuring instruments that are subject to mandatory metrological control are used, as well as places where measuring instruments intended for placing on the market or putting into use are verified or kept;
2) conformity assessment of measuring instruments is carried out;
3) prepackages or measuring containers are handled.

(2) Law enforcement authorities shall have the right to identify a measuring instrument that is not in compliance with the requirements using a warning label, which must be visible to an interested party without difficulty. A warning label may be removed either by a law enforcement authority or a verification laboratory, during verification. The verification laboratory is required to inform a law enforcement authority of such act.

§ 38. Penalty payment rate
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Upon failure to comply with a precept, the upper limit of the penalty payment imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 2000 euros.
§ 39. Contestation of precept or act

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 40. [Repealed - RT I, 2010, 31, 158 - entry into force 01.10.2010]

Chapter 6
LIABILITY

§ 41. [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 41.1. Violation of requirements for use of measuring instrument

(1) Violation of the requirements for the installation, connecting, handling, maintenance, storage conditions and for the performance of metrological control of measuring instruments entered in the metrological control list, if significant damage is caused thereby, is punishable by a fine of up to 300 fine units.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 42. Damaging or removal of obligatory marking and warning label

(1) The damaging or prohibited removal of a warning label on a measuring instrument entered in the metrological control list is punishable by a fine of up to 100 fine units.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 42.1. Sale of measuring instruments marked with conformity assessment mark but not complying with requirements

(1) Sale of measuring instruments marked with conformity assessment mark but not complying with requirements is punishable by a fine of 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 43. Forgery of verification mark, sale of forged verification mark and use of measuring instrument bearing forged verification mark

(1) The forgery of the verification mark of a measuring instrument, the sale of a forged verification mark or the use of a measuring instrument bearing a forged verification mark is punishable by a fine of 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 44. Violation of requirements for conformity assessment and verification of measuring instrument

(1) Conformity assessment or verification of a measuring instrument without the corresponding right or violation of the requirements for verification is punishable by a fine of 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 45. [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 46. Violation of requirements for handling of prepackages or bottles used as measuring containers

(1) Violation of requirements for handling of prepackages or bottles used as measuring containers, if significant damage is caused thereby, is punishable by a fine of up to 300 fine units.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]
§ 47. [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 48. Proceedings

(1) The Technical Surveillance Authority shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in this Chapter.

(2) The Consumer Protection Board shall also conduct extra-judicial proceedings in the matters of the misdemeanour provided for in § 41 of this Act.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) The Consumer Protection Board shall also conduct extra-judicial proceedings in the matters of the misdemeanours provided for in § 41 of this Act.

[RT I 2006, 21, 161 - entry into force 30.10.2006]

Chapter 7

IMPLEMENTING PROVISIONS

§ 49. Measuring instruments placed on market and put into use prior to entry into force of this Act

(1) As of 1 January 2008, it is prohibited to verify a measuring instrument concerning which, prior to entry into force of this Act:

1) a type approval certificate has not been issued in Estonia, and there is no evidence proving compliance with the requirements provided for in individual EC directives or in the Non-Automatic Weighing Instruments Directive;

2) there was a type approval certificate issued by the Standards Board or Technical Surveillance Authority, but the measuring instrument had been rebuilt in such a manner that it did not comply with the technical documentation that served as the basis for the type approval, or its marking does not comply with the type approval certificate.

[RT I 2010, 44, 261 - entry into force 01.08.2010]

(2) The expanded uncertainty of measurement results determined in the use of a measuring instrument and specified in the Estonian national type approval certificates issued prior to entry into force of this Act does not apply in case the traceability of measurement results is proved pursuant to subsection 5 (1) of this Act.

[RT I 2010, 44, 261 - entry into force 01.08.2010]

§ 491. Period of validity of type approval certificate of certain measuring instruments

(1) A measuring instrument entered in the metrological control list which has been type approved before 30 October 2006 and to which clause 71(1) 2) of this Act applies may be placed on the market and put into use, if it conforms to the requirements in force at the time of receiving type approval, until the end of the term of validity of the type approval certificate of that type of measuring instrument but not for longer than until 30 October 2016.

(2) If the type approval certificate specified in subsection (1) of this section has been issued on the basis of a national type approval certificate issued in a Member State of the EU for an unspecified term, the owner of the type approval certificate has the right to apply for the extension of and the Technical Surveillance Authority has the right to extend the period of validity of the national type approval certificate until 30 October 2016.

[RT I 2007, 66, 408 - entry into force 01.01.2008]

§ 50. Transitional provisions

(1) A verification laboratory that operated on the basis of the Metrology Act prior to entry into force of this Act and wishes to continue its operations shall comply with the requirements of § 14 of this Act, by the end of the term of its activity licence at the latest.

(2) The existing identification characters of verification laboratories that operated on the basis of the Metrology Act prior to entry into force of this Act and have brought themselves into compliance with the requirements of this Act will remain in effect.

(21) The authorised bodies who were granted the right to operate on the basis of this Act but before 30 October 2006 shall bring themselves into conformity with the requirements provided for in clause 14 (1) 3) of this Act by 30 October 2007, at the latest.

(3) Type approval certificates issued on the basis of the Metrology Act prior to entry into force of this Act shall remain in force until the end of their period of validity.
(4) Until 1 January 2005, the use of a verified measuring instrument shall be sufficient for proving the traceability of measurement results.

(5) Until 1 January 2006, the use of a measuring instrument which has been controlled in pursuance of the requirements shall be sufficient for proving the traceability of the measurement results acquired in the measurements performed in the course of state supervision exercised pursuant to legislation established on the basis of subsection 20 (6) and subsection 46 (2) and for inspection of the roadworthiness and fitness for service of power-driven vehicles and their trailers provided for in legislation established on the basis of subsection 13 (3) of the Traffic Act. In the cases specified above, the measurer’s competence need not be assessed and attested in pursuance of subsection 5 (3) of this Act. The measuring instruments used which are entered in the list of measuring instruments that are subject to metrological control established on the basis of subsection 7 (3) of this Act shall be verified and the other measuring instruments used shall be calibrated.

(6) The inspection of the roadworthiness and fitness for service of power-driven vehicles and their trailers shall fully comply with the provisions of § 5 of this Act if the company which performs the inspection was granted the corresponding right after 1 March 2005.

§ 51.–§ 52.[Omitted from this text.]

§ 53. Entry into force of Act

(1) This Act enters into force on 1 May 2004.

(2) Subsection 5 (2) of this Act enters into force on 1 January 2005.

(3) As an exception, subsection 5 (2) applies, with regard to the measurements performed in the course of state supervision exercised pursuant to legislation established on the basis of subsection 20 (6) and subsection 46 (2) and on the inspection of the roadworthiness and fitness for service of power-driven vehicles and their trailers provided for in legislation established on the basis of subsection 13 (3) of the Traffic Act, as of 1 January 2006.