

ANNEX 3:
ASSESSMENT OF THE DRAFT LAW ON
METROLOGY AND RECOMMENDATIONS

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TABLE OF CONTENT

Table of Content	2
Introduction	3
Chapter 1: The Relevance of Metrology Legislation and General Recommendations for Surinamese Metrology Legislation	4
1.1. "What is the relevance of a law regulating metrology?"	4
1.2. "What is Legal Metrology?"	7
1.3. "Why is a metrological infrastructure necessary?"	9
1.4 "What is the role of the government?"	9
1.5. "Why is compatibility between national and international metrological requirements so important?"	11
1.6 Points for consideration by the Surinamese Government	13
Chapter 2: Review of the Existing Draft Law on Metrology	16
Chapter 3: recommendations on the preferred structure and content of a surinamese law on metrology	68
Chapter 4: Proposed Text of Surinamese Law on Metrology	136

INTRODUCTION

The main principles regarding metrology in the international community are laid down in the Organisation Internationale de Métrologie Légale (OIML) Guide OIML D 1 Current Edition (Edition 2012 E) , 'Considerations on a Law on Metrology'. This document is drafted in cooperation with the Bureau international des poids et mesures (BIPM) and the International Laboratory Accreditation Cooperation (ILAC). The WTO TBT also encourages to use the OIML recommendations as much as possible. As this guidance document is recognised globally as reflecting the main principles of metrology, the experts apply it as the basis for the assessments of the Surinamese metrology legislation, as well as for the recommendations.

In this report, we will first provide some general recommendations on the content and structure of metrology legislation. In Chapter 2, the experts review the draft law on metrology that was submitted by the Ministry of Trade, Industry and Tourism, in accordance with the principles laid down in OIML Guide D 1. In Chapter 3, we provide OIML's recommendations for the structure for a metrology law, and our suggestions for the content of corresponding clause for new draft law on metrology for Suriname. For convenience, we present in Chapter 4 a consolidated version for a text for a new draft law on metrology, based on the recommendations of the OIML, but with our improvements.

CHAPTER 1: THE RELEVANCE OF METROLOGY LEGISLATION AND GENERAL RECOMMENDATIONS FOR SURINAMESE METROLOGY LEGISLATION

Metrology is the science of measurement and its application. Metrology includes all theoretical and practical aspects of measurement, whichever the measurement uncertainty and field of application.

1.1. "What is the relevance of a law regulating metrology?"

Metrology plays a key role in the adoption of scientific and technological innovations, the design and efficient manufacture of products that comply with the needs of the marketplace, and the detection and avoidance of non-conformities. It provides fundamental support for health and safety testing, environmental monitoring, and food processing. It also provides the basis for fair trading in a domestic economy and international trading in the global market place. Many applications of metrology have a legal aspect, such as when there is a societal need to protect both the buyer and seller in a commercial exchange of a commodity or a service provided, or where measurements are used to apply a sanction.

Examples of the value of metrology:

a) **Metrology facilitates fair trade** through harmonized written standards, consistent measurement standards and internationally accepted certificates.

- Parts manufactured in one country fit into machines in another country.
- A device tested and approved for use in one country may also be sold and used in another country, without further technical inspections.
- A prepackage labeled "1 kg" in one country contains the same quantity of product as in another country.

b) **Metrology drives innovation:** measurement science at the technological frontiers enables and drives industrial innovation in advanced production and instrumentation.

- Higher-precision manufacturing techniques must go hand in hand with higher-precision measuring techniques in order to be able to control the processes and also the assembly of, for instance, electrical and mechanical micro- and nanostructures.
- "One can manufacture only what one can measure".

c) Metrology supports regulation by providing measurement references for policy advice, directives, conformity assessment, and verification.

Examples:

- As an important part of consumer protection, metrological techniques determine and help enforce accurate measurement of gas, energy and water meters, fuel dispensers, breath alcohol testers, supermarket scales, etc. within permissible errors.
- When paying for a litre of gasoline, it is expected that one litre of gasoline has been delivered.
- A measurement error of 1 % in the amount of natural gas consumed in the world in a year corresponds to an economic impact of billions of euro or dollars!

d) Metrology advances the protection of citizens, for instance through reliable measurements of radioactivity or medical measurements.

Examples:

- Results of blood tests should be independent of the laboratory performing the test.
- Unnecessary duplication of potentially harmful diagnostic procedures such as X-ray exposure may be avoided when results are accepted and usable everywhere.
- The metrological infrastructure ensures that during the X-ray exposure the required dose of radiation will not be exceeded.

- Increasing the reliability of medical measurements helps to better determine whether there is a real need for medical treatment. For example, a 10 % error in the determination of cholesterol levels implies that 13 % of the population is not receiving treatment although they should, and 20 % would be unnecessarily exposed to this treatment, including its adverse side effects.
- The continued refinement of methods aids in the detection of falsification of food-related measurements by illegal additives.

While the details might vary considerably, virtually all countries provide such protections through their legal systems, and so they need a Law on Metrology that covers how measurements and measuring instruments are to be treated in a legally acceptable manner. Furthermore, since there is an increasingly global aspect to many of these areas involving measurement, a country's Law on Metrology should take this global aspect into account as far as possible.

Other benefits of metrology legislation for a society are:

- reduced disputation and transaction costs,
- consumer protection,
- level playing field for commerce,
- control of fraud,
- full collection of taxes (when based on measurement),
- full national benefit for commodity export, and
- support of trade in measuring instruments.

A country's Law on Metrology should nonetheless be as compact and as simple as possible, providing enough detail to address the country's policies involving measurement, while providing sufficient flexibility to allow for changes in technologies and measurement procedures without having to change the law itself, leaving such details to decrees, regulations and other legal instruments. The Law on Metrology in a country should elaborate what needs pertaining to metrology exist in the country, without specifying how to meet

those needs. While common needs of all societies result in many common concepts pertaining to metrology being used in all countries, the terms associated with the concepts may be different from country to country (even for the same language), and so it is important that a single vocabulary be used and implemented in a country's Law on Metrology.

International mutual recognition of the measurement capability of an economy is critical to the removal of technical barriers to trade and, therefore, to participation in multilateral trade agreements such as those of the World Trade Organization (WTO). Countries should be encouraged to take part in the internationally agreed Mutual Recognition Agreements or Arrangements (MRAs) under the International Organizations (OIML, Metre Convention, ILAC) which provide the appropriate confidence between national measurement systems.

1.2. "What is Legal Metrology?"

Legal metrology is the practice and the process of applying regulatory structure and enforcement to metrology. It comprises all activities for which legal requirements are prescribed on measurement, units of measurement, measuring instruments or systems and methods of measurement, these activities being performed by or on behalf of governmental authorities, in order to ensure an appropriate level of confidence in measurement results in the national regulatory environment. Legal metrology makes use of all developments in metrology to obtain appropriate references and traceability, and may apply to any quantity addressed by metrology. Legal metrology applies not only to trading parties, but also to the protection of individuals and society as a whole (e.g. law enforcement, health and safety measurements). Public authorities must pay special attention to measurement results and will need to rely on these results, especially when there are conflicting interests in measurement results, thus necessitating the intervention of an impartial referee. Legal metrology is in particular necessary when forces on the market are not organized and/or competent enough or are unbalanced. Legal metrology generally includes provisions related to units of measurement, to measurement results (e.g.

prepackages) and to measuring instruments and systems. These provisions cover the legal obligations related to the measurement results and the measuring instruments, as well as the legal control which is performed by or on behalf of the government. Buying and selling of goods and services include the weighing or measuring of the quantity and/or quality of products, as well as pre-packaged products with a weight, number or volume declaration of quantity, and the measurement of service (e.g. time, distance). Governmental regulatory responsibilities also include health, safety and environmental law. **While these functions are disparate in nature, a common feature is that compliance with the law depends upon measurement results.** Therefore, the process of measurement is of direct concern to the government. **Providing the laws and regulations, controlling measurement through market supervision and developing and maintaining the infrastructure that can support the accuracy of these measurements (e.g. through traceability) is essential in fulfilling the role of government.** The scope of the legal metrology regulations (e.g. which types of measurements and measuring instruments or systems are subject to legal requirements) will depend on those markets that are important to the economy, on the categories of users that the government considers necessary to protect, and on the ability of these users to protect themselves against abuse. As another key purpose of legal metrology is to provide confidence in measurement results by legal provisions, needs and requirements on measurement results should be considered prior to addressing needs and requirements on measuring instruments.

Legal metrology includes four main activities:

- setting up legal requirements;
- control/conformity assessment of regulated products and regulated activities;
- supervision of regulated products and of regulated activities; and
- providing the necessary infrastructure for correct measurements.

1.3. "Why is a metrological infrastructure necessary?"

No quantity can be correctly and consistently measured without metrology and without a metrological infrastructure. The importance of measurement results is ever increasing due to rapid technological development and the emergence of information technology. Consumers and industry must make decisions every day based on measurement results which affect their economic and personal well-being, as well as having to judge the actions and efficiency of public authorities, enterprises and non-governmental organizations. Since the manufacturers, importers and sellers of most products are responsible for the associated measurement processes, buyers (individuals as well as companies), who are generally not appropriately informed about these processes, are at a potential disadvantage regarding the measurement results and their interpretation. Fair and accurate measurements help to ensure fair competition. Correct and traceable material measures and measuring instruments can be used for a variety of measurement tasks. Those corresponding to reasons of public interest, public health, safety and order, protection of the environment and the consumer, of levying taxes and duties and of fair trading, which directly and indirectly affect the daily life of citizens in many ways, may require the use of legally controlled measuring instruments.

1.4 "What is the role of the government?"

The role of the government in metrology is to provide society with the necessary means to establish confidence in measurement results. This requires government to undertake a number of necessary activities to promote metrology, to develop appropriate infrastructures, to support research in metrology and to protect both individuals and companies against possible abuse related to measurements. It must be organized in a comprehensive and coherent policy, for which a Law on Metrology is advisable. Considerations on metrology in this Document are not limited to the traditional issues of legal metrology. The importance of metrology for social and economic development calls for a comprehensive and coherent policy on metrology for which laws must take account of all the issues concerning consumers,

enterprises, education, health, safety and the security of the population. In setting up the national measurement system, governments should ensure that adequate transparency exists such that all parties are able to make informed decisions. This Document proposes a hierarchical metrology structure with a National Metrology Authority to coordinate metrology policy and activities in the country. The National Metrology Authority would normally be part of an existing government department and should also actively cooperate with the national bodies responsible for accreditation and standardization activities, as well as the relevant international metrological Organizations (i.e. the OIML and the Metre Convention). The structure of the metrology system and of the legal metrology system shall be adapted to the specificities of the country (e.g. size, economy, scientific and technological infrastructure, etc.).

The policy for metrology should be a policy of the whole Government, aiming at providing the country with a metrology infrastructure that is able to ensure fair trade, foster the economic development and the economic efficiency, the technological and scientific progress of the country, the protection of health and of the environment and the protection of citizens and consumers. This policy should be clearly expressed so that all concerned parties can understand its goals and it should commit all the ministries and all the local authorities. To elaborate and launch this policy, a lead government department should be designated and this government department should prepare, in cooperation with all other departments, a report on the status of metrology in the country and a declaration to be submitted to the highest level of the Government (e.g. Council of Ministers) and/or to the Parliament. The evaluation of the situation and the report should also associate national expert bodies such as the academy of science, and/or international experts.

The declaration submitted to the highest level of the Government and /or to the Parliament should

- reiterate and explain the stakes of metrology for the country,

- identify metrology infrastructure as an essential component of the national infrastructure of the country, and
- designate a lead government department for the national metrology policy and require other ministries to collaborate in the development and implementation of this policy.

The Government should set up a (permanent) national committee for addressing the national policy on metrology, which comprises in particular

- orientations on metrology, goals to be attained in the medium term and long term,
- participation of the country in the international and regional metrology organizations and commitment in the work and recommendations of these organizations,
- priorities in terms of:
 - research in metrology and transfer of technologies to industry,
 - infrastructures to be set up, supported or promoted to provide traceability to users,
 - education and training on metrology,
 - areas in which metrological regulations should be developed or coordinated, distribution of tasks between the public and the private sectors, and
- financial resources that the State should allocate to the support of metrology.

1.5. "Why is compatibility between national and international metrological requirements so important?"

Each nation has its own historical perspective on the development of metrological requirements. The Technical Barriers to Trade (TBT) Agreement (Article 2.4), implemented within the World Trade Organization (WTO), makes it an obligation for countries to base their national technical regulations on international documentary standards (norms) so as to harmonize the national requirements. It also requires signatories to take account of, and participate in, international systems of conformity assessment and mutual recognition agreements (Article 6). The international community has adopted

a system of units, measurement standards and requirements for measuring instruments and prepackages through treaties (i.e. the "Metre Convention" and the "Convention establishing an International Organization of Legal Metrology"). In addition, Regional Metrology Organizations and Regional Legal Metrology Organizations are harmonizing requirements throughout their member economies. The intent of these organizations is to facilitate trade and the exchange of measurement results and measuring instruments. Documents and Recommendations published by these organizations are a primary resource for structuring a national metrological infrastructure. The international organizations have also developed - or are currently developing - systems of mutual recognition or acceptance of the equivalence of measurement standards, of national measurement capabilities, of competences of calibration laboratories and of legal metrology evaluations.

Following due deliberations and depending upon its rulemaking procedures, a country may decide that a Document published by one of these international organizations contains applicable requirements for use in the country's metrology structure. Adoption of the Document's provisions may occur in one of several ways including

- reference to a specific edition,
- inclusion of the verbatim text in the regulations,
- inclusion of identical requirements, but not identical text, or
- inclusion of compatible but not identical requirements.

It is important to note that successful engagement with, and recognition by, the international community requires dedicated resources to undertake both technical activities associated with demonstration of competence (comparisons for example) and to enable experts to participate in the various international fora.

1.6 Points for consideration by the Surinamese Government

a) One of the decisions that the Surinamese government must take is whether the Law on Metrology should cover all areas of metrology with the establishment of a calibration service, etc., or only legal metrology with a nationwide system of verification/conformity assessment bodies.

b) Another new point is that of holding manufacturers of measuring instruments and users responsible for complying with legal requirements. This approach of ensuring the marketing of legal measuring instruments and correct measurements needs an effective and efficient system of supervision. Different aspects of this activity are described by various technical terms such as market surveillance, inspection, conformity assessment, investigation and others (see Part 3.7.3 and OIML Document D 16).

c) The revisions of Metrology legislation and mandatory requirements (decrees, binding regulations) should reflect the new developments of globalization of trade and services, technical developments (e.g. use of measurement systems instead of instruments), use of various conformity assessment procedures for verification, and the supervision of the metrology system on a regional or international basis. Nevertheless, a Law on Metrology is always a national affair. Even in the European Union, with its binding European Directives for the member countries, the individual national laws on metrology are nevertheless all different. This is because each law has to reflect

- the culture and history of the country,
- the political system (e.g. central or federal),
- the needs of the national economy, and
- the involvement of private bodies or not, etc.

Other legislation such as on standardization, accreditation etc. have to be taken into account.

d) It is proposed that a "Law on Metrology" be developed in such a manner that it is considered "enabling legislation". A Law on Metrology could address broader parameters that are not subject to change such as administration, offences, rule setting powers, relevant definitions as well as responsibilities or obligations. More specific matters (technical requirements, inspection frequencies) could be addressed in other instruments such as regulations, specifications, etc. More detailed regulations for organizations, procedures and technical requirements should be laid down in legal documents such as decrees, by-laws, circulars, etc. where ministries and the National Metrology Authority are responsible for their issuance. Also binding regulations based on OIML Recommendations and on the Metre Convention should be approved by the responsible ministry or the National Metrology Authority.

Example of a hierarchy of metrology legislation:

Law on Metrology

Secondary Legislation (Decree / Ordinance) with essential requirements for organization, procedures, measuring instruments

(Decrees, circulars, by-laws are under the law and issued by the cabinet of ministers or the responsible minister. For example verification instructions, measuring instruments categories, organization of a national calibration service)

Binding regulations, technical and other, based on
international principles (OIML, ISO/IEC etc)

CHAPTER 2: REVIEW OF THE EXISTING DRAFT LAW ON METROLOGY

In this Chapter, the existing Draft Law on Metrology as provided by the by the Ministry of Trade, Industry and Tourism is compared with the principles of the of OIML Guide D 1, in order to determine if the international principles are included in the Surinamese draft. For each provision proposed in the OIML Guide, it is assessed on whether the principle should be transposed in primary legislation, secondary legislation or both. The existing (draft) legislation is checked to determine if it is a sufficient transposition of the OIML principle.

Ref.: MET-001	OIML D 1 (2012 E) Page 31.) Legal Units of Measurement Legal Units of Measurement
<p>TEXT CLAUSE:</p> <p><i>A system of national measurement standards and reference materials shall be set up to provide traceability to the International System of Units (SI) and to provide international compatibility and acceptance. These tasks shall be allocated by a Governmental decision to a designated institute.</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This principle is fundamental and shall be laid down in primary legislation.</p>	

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT]

Article 7 (Units of Measurement), Article 8 (Use of Units of Measurement in connection with trade), Article 9, Article 2, Article 3, Article 4.

Text Clause(s) in local language:

Text Clause(s) English translation:

Comments:

The draft Law on Metrology refers to the SI system and makes it mandatory in Suriname.

The draft law appoints the Standaardenbureau (National standards body) as the "Metrology Unit". However, the term Metrology Unit is not defined as the draft Metrology law. It is assumed that "Metrology Unit" refers to the National Metrology Institute.

It can be questioned if the Standaardenbureau has the expertise and the resources to fulfil the tasks of a National Metrology Institute, as explained in our report.

Ref.: MET-002	OIML D 1 (2012 E) Page 31.) Legal Units of Measurement
<p>TEXT CLAUSE:</p> <p><i>The legal units of measurements are the following:</i></p> <ul style="list-style-type: none"> - <i>units of the 'International System of Units' (SI), adopted by the General Conference of Weights and Measures and recommended by the OIML for legal purposes;</i> - <i>units used for quantities that are not covered by the SI, as specified by a decree of the Government; and</i> - <i>customary units as decided by the Government.</i> <p><i>Customary units may include specific units for particular applications, required</i></p> <ul style="list-style-type: none"> - <i>by the necessities of international trade, or</i> - <i>for specific uses such as air or maritime navigation, health care, or military applications, or</i> - <i>for safety reasons.</i> <p><i>When customary units are adopted, their use shall be periodically reviewed to ensure their continued relevance.</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This principle is fundamental and shall be laid down in primary legislation.</p>	
<p>Reference to Clause(s) in National (Draft) legislation:</p>	

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT]

Article 7, paragraph 2

Text Clause(s) in local language:

Text Clause(s) English translation:

Article 7

(...)

2. The International System of Units shall be the primary system of measurement in Suriname and all units of measurement shall be determined on the basis of the International System of Units.

3. For the purposes of this Act, the base, derived and permitted units of measurement of the International System of Units referred to in subsection 2 and the symbols therefore, are as set out and defined in the First, Second and Third Appendices.

4. For the purposes of this Act, the multiples and submultiples of the units of measurement referred to in subsection 3 are determined by the application of the prefixes set out and defined in the Fourth

Appendix.

5. In addition to the units of measurement otherwise referred to in this Article, the customary units of measurement and the symbols therefore set out and defined in the Fifth Appendix shall be deemed for the purposes of this Act to have been determined on the basis of the International System of Units referred to in subsection 3.

6. The Minister may, on the advice of the Bureau, from time to time, by Order published in the State Gazette, add to, vary or amend the First to the Fifth Appendices inclusive.

7. A Minister to whom responsibility for particular subject is assigned, in consultation with the Minister, may by Order published in the State Gazette provide for the adaptation, alteration, conversion or modification of any provisions in any enactment relating to the subject under his control for the purpose of replacing references to units other than SI metric units by references to dimensionally

	<p>equivalent units of the International System of Units or other permitted units which are either arithmetically equivalent thereto or such approximations thereto as appear to that Minister desirable for securing that the enactments as adapted, altered, converted or modified are expressed in convenient terms.</p> <p>8. No act or thing done prior to the making of an Order under subsection 7 shall be challenged by reason only that the act or thing was done in a unit other than a unit of the International System of Units or other permitted units.</p>
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COMMENTS :

Ref.: MET-003	OIML D 1 (2012 E) Page 31.) Legal Units of Measurement
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TEXT CLAUSE :

The use of units other than legal units is not allowed in trade, commercial transactions, documentation and advertisements for products and services, publications, or training, with the following exceptions:

- documentation of and references to products produced and services carried out prior to the obligation of the units concerned;

- mentioning non legal units in a historical perspective in publications and training; and

- documents and publications which are intended for users in countries having different systems of units.

The use of units other than legal units may be accepted in applications for which international Conventions, Agreements or Treaties prescribe those specific units.

HYPOTHESIS FOR TREATMENT:

This principle is fundamental and shall be laid down in primary legislation.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT]

Article 8 and Article 7

Text Clause(s) in local language:	Text Clause(s) English translation:
	<p data-bbox="799 353 959 387">Article 8</p> <ol style="list-style-type: none"> <li data-bbox="799 510 1437 835">1. The unit of the metric carat included in the Third Appendix shall be used only in connection with trade in precious metals, stones and pearls, and no other unit of measurement of weight shall be used in connection with such trade. <li data-bbox="799 891 1437 1361">2. The unit of the troy ounce included in the Fifth Appendix shall be used only in connection with trade in gold, silver or other precious metals including gold or silver thread, lace or fringe, and no unit of measurement of weight other than the troy ounce or the gram shall be used in connection with such trade. <li data-bbox="799 1417 1437 1686">3. Without prejudice to the legality of the use of metric units of measurement, the barrel referred to in the Fifth Appendix shall be used only in connection with trade in petroleum. <li data-bbox="799 1742 1437 1966">4. The Minister may by Order published in the State Gazette declare that certain units of measurement and no others shall be used in connection with any one or

	<p>more of the following:</p> <ul style="list-style-type: none">(a) specified classes of trades;(b) specified classes of goods;(c) specified classes of services;(d) specified classes of measuring devices; and(e) specified classes of users of measuring devices;(f) specified classes of undertakings; <p>5. An order published under subsection 4 may appoint different dates of commencement in respect of:</p> <ul style="list-style-type: none">(a) different areas within the territory of Suriname(b) different parts of the Order; or both (a) and (b) <p>6. A person is guilty of an offence who, in connection with trade, uses or provides for use a unit of measurement other than one of the units of measurement set out and defined in the First to the Fifth Appendices or uses or provides for use a unit of measurement contrary to the provisions of subsection (1),</p>
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	<p>(2) or (3) or of any Order made under subsection (4).</p> <p>7. For avoidance of doubt it is hereby declared that unless such use is expressly prohibited by the Regulations it shall always be legal to use a unit of count or number in connection with trade if the numerals used for the expression of count or number are those of the internationally used Arabic system or numerals expressed either in figures or Dutch words.</p>
<p>COMMENTS:</p>	

<p>Ref.: MET-004</p>	<p>Authority in charge of the national metrology policy and coordinating metrology issues</p> <p>OIML D 1 (2012 E) Page 28, (OIML D 1 (2012 E) Page 18),</p>
<p>TEXT CLAUSE:</p> <p><i>The Government shall designate a Central (National) Metrology Authority to be in charge of</i></p>	

- the implementation of the national metrology policy,
- the enforcement of the legal metrology regulations at national level,
and
- the coordination of the Local Metrology Authorities
- consult with the other Departments for the elaboration of the national metrology policy and reach a consensus on this policy
- ensure that laws and regulations relating to metrology take account of and are in accordance with relevant international provisions relating to metrology, and
- ensure that the laws and regulations do not prevent the national bodies and authorities from entering into international agreements/arrangements.

HYPOTHESIS FOR TREATMENT:

This principle is fundamental and primary and secondary legislation shall establish Central (National) Metrology Authority. That means that a Central (National) Metrology Authority should be appointed, and the relevant competence and resources provided.

Reference to Clause(s) in National (Draft) legislation:

Article 2, clause 2(c) of the Act of the Suriname Standards Bureau (as amended by the Act of 6 March 2012 on the amendment of the Act on the Surinamese Standards Bureau)

Law of

On the establishment of rules regarding weights and measures and the use of

the International System of Units (Metrology Act) [DRAFT], Article 2 + Article 3 + Article 4 paragraph 1

Text Clause(s) in local language:

Text Clause(s) English translation:

Act of the Suriname Standards Bureau, Article 2 (as amended)

The Bureau will function as:

(...)

c. the national institute for metrology;

(...)

Draft Metrology Law:

Article 2

In accordance with Article 3, clause 2(c) of the Act of the Suriname Standards Bureau, "The Bureau" shall function as "The Metrology Unit".

Article 3

Without prejudice to its powers and duties under the Standards Act, the Bureau may:

	<p>a. establish a Metrology Laboratory equipped with such metrological testing equipment as it may require to carry out its functions under this Act;</p> <p>b. provide services for the calibration and determination of accuracy of measuring devices other than prescribed measuring devices and to charge fees for such services;</p> <p>c. examine persons seeking certificates in pursuance of the requirements of Articles 11 and 12, and issue such certificates to persons satisfying the Bureau as to their fitness for the proper performance of the duties, business or employment concerned;</p> <p>d. examine patterns of measuring devices with a view to certifying</p> <p>i. Whether or not they comply with the appropriate Regulations made under Article 22 subsection (1)(h); or</p> <p>ii. Whether or not they are suitable for use in connection with any particular class or classes of trade</p>
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	<p>and may charge fees as may be prescribed for such examination; and do all things as are necessary and expedient to secure the proper execution of its functions under this Act.</p> <p>Article 4</p> <p>1. There shall be appointed by the Bureau a Chief Inspector of Metrology and such number of Inspectors of Metrology as are necessary for the proper administration of this Act, and the Chief Inspector shall generally supervise and direct the Inspectorate for the purposes of this Act.</p> <p>(...)</p>
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COMMENTS:

1. Article 2 of the Act of the Suriname Standards Bureau appoints the SBB as National Metrology Institute, but provides no further specifications or rules for this specific responsibility.

2. Article 2 and 3 of the Draft Metrology Law appoint the SSB as a "Metrology Unit" without specifying what the responsibilities of the Metrology Unit is. However, from Article 2 and 3 it follows that the responsibilities of the SSB are not the same as what the international rules require of a (National) Metrology Authority, in particular the

following tasks:

- *the implementation of the national metrology policy,*
 - *the enforcement of the legal metrology regulations at national level, and*
 - *the coordination of the Local Metrology Authorities*
- *consult with the other Departments for the elaboration of the national metrology policy and reach a consensus on this policy*
- *ensure that laws and regulations relating to metrology take account of and are in accordance with relevant international provisions relating to metrology, and*
- *ensure that the laws and regulations do not prevent the national bodies and authorities from entering into international agreements/arrangements.*

3. Article 4, paragraph prescribes the appointment of an "Inspector of Metrology" and "Chief Inspector of Metrology" to be employed by the SSB. That would imply that the SSB is the market surveillance authority in the field of metrology. However, as discussed in our report (Annex 1), standardisation, accreditation and market surveillance shall not be combined as responsibilities of one organisation. Thus it is recommended to remove the metrology task from SSB. This means that the Draft Metrology Law needs to appoint another body to fulfil the tasks of National Metrology Authority.

Ref.: MET-005	Authority in charge of the national metrology policy and coordinating metrology issues OIML D 1 (2012 E) Page 29
TEXT CLAUSE:	

If applicable, the Government shall designate Local Metrology Authorities to be in charge of:

- contribution at local level to the implementation of the national metrology policy, and*
- the enforcement of the legal metrology regulations at local level.*

The enforcement of the legal metrology regulations by the local authorities shall be coordinated by the Central Metrology Authority.

HYPOTHESIS FOR TREATMENT:

Where necessary, local metrology authorities may be regulated by secondary legislation.

Reference to Clause(s) in National (Draft) legislation:

Not applicable, no local metrology regulations identified.

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

Not applicable

Ref.: MET-006	<p>Authority in charge of the national metrology policy and coordinating metrology issues</p> <p>OIML D 1 (2012 E) Page 18</p>
<p>TEXT CLAUSE:</p> <p><i>The Government shall designate the government department in charge of developing and implementing the national metrology policy. This policy shall be submitted for approval to the Government (or Parliament) and shall commit all ministerial departments. This policy shall be implemented in coordination with all concerned ministerial departments and local authorities.</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This principle is fundamental and shall be laid down in primary legislation.</p>	
<p>Reference to Clause(s) in National (Draft) legislation:</p> <p>Article 2, clause 2(c) of the Act of the Suriname Standards Bureau (as amended by the Act of 6 March 2012 on the amendment of the Act on the Surinamese Standards Bureau)</p>	

Text Clause(s) in local language:	Text Clause(s) English translation: Act of the Suriname Standards Bureau, Article 2 (as amended) The Bureau will function as: (...) c. the national institute for metrology; (...)
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COMMENTS:

1. Besides the referenced clause, there are no legal specifications found to appoint a government department in charge of developing and implementing the national metrology policy. In fact, even the clause does not specify the tasks and responsibilities of "the national institute for metrology".

Taking into account our comments and recommendations in our report, Annex 1, we recommend that:

1) A separate organisation than SSB is appointed at the National Metrology Authority (this would require an amendment of the Act on the Surinamese Standards Bureau);

2) The responsibilities of the National Metrology Authority are laid down in the Draft Metrology Law, and further elaborated in secondary legislation.

Ref.: MET-007	Set of regulations/by-laws related to metrology OIML D 1 (2012 E) Page 20
<p>TEXT CLAUSE:</p> <p><i>The Government shall make appropriate regulations in application of the Law on Metrology, in order to define</i></p> <ul style="list-style-type: none"> <i>- those measurements and measuring instruments that are subject to legal control,</i> <i>- the requirements applicable to these regulated measurements and measuring instruments,</i> <i>- the procedures for the legal control of measurements and measuring instruments,</i> <i>- the bodies in charge of carrying out certain tasks pertaining to this legal control and the requirements applicable to these bodies.</i> <p><i>These laws and regulations shall comply with the obligations deriving from treaties such as the Metre Convention, the OIML Treaty and the Technical Barriers to Trade Agreement of the World Trade Organization as well as other obligations deriving from regional treaties or agreements (these treaties shall be quoted in the Law on Metrology).</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This clause may be transposed in secondary legislation and rules of metrology authorities. However, primary legislation should provide the metrology authorities with the competence and resources to fulfil these</p>	

rules.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 7, Article 4, Article 5, and Article 6

Text Clause(s) in local language:

Text Clause(s) English translation:

Article 7

1. The abbreviation "SI" shall be recognized as the legal reference to the International System of Units.

2. The International System of Units shall be the primary system of measurement in Suriname and all units of measurement shall be determined on the basis of the International System of Units.

3. For the purposes of this Act, the base, derived and permitted units of measurement of the International System of Units referred to in subsection 2 and the symbols therefore, are as set out and defined in the First, Second and Third Appendices.

	<p>4. For the purposes of this Act, the multiples and submultiples of the units of measurement referred to in subsection 3 are determined by the application of the prefixes set out and defined in the Fourth Appendix.</p> <p>5. In addition to the units of measurement otherwise referred to in this Article, the customary units of measurement and the symbols therefore set out and defined in the Fifth Appendix shall be deemed for the purposes of this Act to have been determined on the basis of the International System of Units referred to in subsection 3.</p> <p>6. The Minister may, on the advice of the Bureau, from time to time, by Order published in the State Gazette, add to, vary or amend the First to the Fifth Appendices inclusive.</p> <p>7. A Minister to whom responsibility for particular subject is assigned, in consultation with the Minister, may by Order published in the State Gazette provide for the adaptation, alteration, conversion or modification of any provisions in any enactment relating to the</p>
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subject under his control for the purpose of replacing references to units other than SI metric units by references to dimensionally equivalent units of the International System of Units or other permitted units which are either arithmetically equivalent thereto or such approximations thereto as appear to that Minister desirable for securing that the enactments as adapted, altered, converted or modified are expressed in convenient terms.

8. No act or thing done prior to the making of an Order under subsection 7 shall be challenged by reason only that the act or thing was done in a unit other than a unit of the International System of Units or other permitted units.

COMMENTS:

Ref.: MET-008	OIML D 1 (2012 E) Page 22
<p>TEXT CLAUSE:</p> <p><i>The regulations adopted in application of the Law on Metrology may require that implementing bodies in charge of certain tasks be appropriately accredited.</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This clause may be transposed in secondary legislation and rules of metrology authorities.</p>	
<p>Reference to Clause(s) in National (Draft) legislation:</p> <p>No implementing regulations identified.</p>	
Text Clause(s) in local language:	Text Clause(s) English translation:
<p>COMMENTS:</p> <p>No implementing regulations identified. However for the increase in trust in the Surinamese Quality Infrastructure, we recommend that a provision is adopted that requires metrology labs are accredited.</p>	

Ref.: MET-009	Establishment of a National Metrology Institute OIML D 1 (2012 E) Page 21
<p>TEXT CLAUSE:</p> <p><i>The Government shall designate the institute or institutes in charge of</i></p> <ul style="list-style-type: none"> <i>- keeping and maintaining the national measurement standards and providing traceability to the International System of Units (SI),</i> <i>- carrying out and/or coordinating the research work in metrology, and</i> <i>- carrying out and/or coordinating certain tasks in legal metrology.</i> <p><i>The designation of these institutes may be conditioned by appropriate evaluations, which may include peer assessments and/or accreditations.</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This clause may be transposed in secondary legislation. However, primary legislation should provide the metrology authorities with the competence and resources to fulfil these rules.</p>	
<p>Reference to Clause(s) in National (Draft) legislation:</p> <p>Article 2, clause 2(c) of the Act of the Suriname Standards Bureau (as</p>	

amended by the Act of 6 March 2012 on the amendment of the Act on the Surinamese Standards Bureau)

Text Clause(s) in local language:

Text Clause(s) English translation:

Act of the Suriname Standards Bureau, Article 2 (as amended)

The Bureau will function as:

(...)

c. the national institute for metrology;

(...)

COMMENTS:

1. Besides the referenced clause, there are no legal specifications found to appoint a government department in charge of developing and implementing the national metrology policy. In fact, even the clause does not specify the tasks and responsibilities of "the national institute for metrology".

Taking into account our comments and recommendations in our report, Annex 1, we recommend that:

1) A separate organisation than SSB is appointed at the National Metrology Authority (this would require an amendment of the Act on the Surinamese Standards Bureau);

2) The responsibilities of the National Metrology Authority are laid down in the Draft Metrology Law, and further elaborated in secondary legislation.

Ref.: MET-010

Establishment of a National
Metrology Institute

OIML D 1 (2012 E) Page 25

TEXT CLAUSE:

The missions of the institutes designated by the Government shall be defined by the Government:

- those missions that are of public interest shall be funded in an independent way - it could be by the State;

- the financing of activities for which the institute is in competition with commercial bodies should not cause unfair competition.

These institutes shall have the power and resources to enter in negotiation for international acceptance and recognitions in the scope of their activity.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation. However, primary legislation should provide the metrology authorities with the competence and resources to fulfil these rules.

Reference to Clause(s) in National (Draft) legislation:	
No implementing legislation found.	
Text Clause(s) in local language:	Text Clause(s) English translation:
COMMENTS:	
1. These international principles are yet to be implemented in Surinamese legislation.	

Ref.: MET-011	Establishment of a National Metrology Institute OIML D 1 (2012 E) Page 32
TEXT CLAUSE:	
<p><i>The national metrology institutes defined in Element no. 3 shall be a source of independent and impartial expertise on questions related to the validity, credibility and reliability of metrological information mentioned in Element no. 11.</i></p>	

HYPOTHESIS FOR TREATMENT:

This clause is fundamental and shall be transposed in primary and secondary legislation. Independence and impartiality also implies that the institutes are provided with sufficient resources in order to operate independently.

Reference to Clause(s) in National (Draft) legislation:

No implementing legislation found.

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

1. These international principles are yet to be implemented in Surinamese legislation.

Ref.: MET-012

Metrology Advisory Board

OIML D 1 (2012 E) Page 30

TEXT CLAUSE:

The Government shall set up an advisory metrology board/council. The board/council will

- advise on identifying the metrological needs in the country,*
- propose the priorities in investments,*
- propose scientific and training activities,*
- advise on professional clarification in e.g. assessments*
- advise on functional matters.*

HYPOTHESIS FOR TREATMENT:

This clause is fundamental and shall be transposed in primary legislation, possibly elaborated in secondary legislation.

Reference to Clause(s) in National (Draft) legislation:

No implementing legislation found.

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

1. These international principles are yet to be implemented in Surinamese legislation.
2. We recommend to establish a secondary legislative document that will lay

down the rules and procedures, rights and obligations of a National Metrology Institute and which transposes the international principles quoted above.

Ref.: MET-013

Transparency and availability of measurement results

OIML D 1 (2012 E) Page 32

TEXT CLAUSE:

Those responsible for publishing or transmitting measurement results to the public may be required to provide justifications as to the relevance and reliability of these measurement results.

Individuals and other interested parties may have access to any measurement result issued on the initiative of the government or transmitted to the government, and related to health, public safety, environment and economics, as long as the communication of this information does not cause an undue prejudice to an individual or to a company or other organisation.

HYPOTHESIS FOR TREATMENT:

This clause is fundamental and shall be transposed in primary and secondary legislation.

Reference to Clause(s) in National (Draft) legislation:

No implementing legislation found.

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

1. These international principles are yet to be implemented in Surinamese legislation.
2. The articles 4, 5 and 6 of the Draft Metrology Law relate only to market surveillance, but also do not regulate this topic. The international principles mentioned above should be transposed in these articles as well as in secondary legislation regarding the National Metrology Institute.

Ref.: MET-014

Conformity assessment of measuring instruments

OIML D 1 (2012 E) Page 44

TEXT CLAUSE:

The conformity assessment procedures defined in application of the regulations shall comply as far as possible with the procedures described in the relevant OIML publications.

The Central Metrology Authority may decide to recognise international or foreign certification systems when they appear to give equivalent confidence.

The bodies in charge of conformity assessment tasks may decide to accept

and utilise in their work the results of international or foreign conformity assessment systems, providing that the level of confidence is recognised as equivalent to their own procedures.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis for regulating conformity assessment and its procedures.

Reference to Clause(s) in National (Draft) legislation:

No implementing legislation found.

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

1. These international principles are yet to be implemented in Surinamese legislation.

Ref.: MET-015

Industrial metrology including

	<p>calibration</p> <p>OIML D 1 (2012 E) Page 31</p>
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TEXT CLAUSE:

Certified calibration results, test results and measurement results established by the national institutes in the scope of their designation shall be traceable to the realisation of the International System of Units (SI) and presented in compliance with the recommendations of the CGPM and the OIML, and with relevant international standards.

HYPOTHESIS FOR TREATMENT:

This clause is fundamental and shall be transposed in primary and secondary legislation.

Reference to Clause(s) in National (Draft) legislation:

No implementing legislation found.

Text Clause(s) in local language:	Text Clause(s) English translation:
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COMMENTS:

1. This topic is not specifically regulated in Surinamese legislation. We

recommend to include this in the draft Metrology Law and secondary legislation establishing the National Metrology Authority.

Ref.: MET-016

Metrology Traceability

OIML D 1 (2012 E) Page 30

TEXT CLAUSE:

For the application of any laws and regulations prescribing requirements on measurements, on prepackages and on measuring instruments, traceability to the realisation of the SI shall be required and may be obtained

- either through the system of national measurement standards and certified reference materials defined in Element no. 4,

- or through traceability to recognised national measurement standards or certified reference materials of other countries when the uncertainty level of the system of national measurement standards is not sufficient or when this system does not cover the considered quantity.

HYPOTHESIS FOR TREATMENT:

This clause is fundamental and shall be transposed in primary and secondary legislation.

Reference to Clause(s) in National (Draft) legislation:	
No implementing legislation found.	
Text Clause(s) in local language:	Text Clause(s) English translation:
COMMENTS:	
<p>1. This topic is not specifically regulated in Surinamese legislation. We recommend to include this in the draft Metrology Law and secondary legislation establishing the National Metrology Authority.</p>	

Ref.: MET-017	Regulations OIML D 1 (2012 E) Page 34
TEXT CLAUSE:	
<p><i>Regulations may be made by the Government to define quantities to be referred to in legal transactions for various methods of sale, to prescribe that certain measurements are to be the basis of transactions or law enforcement activities, and to define the list of measurements subject to legal metrological requirements for the purposes listed in Element no. 2.</i></p> <p><i>These regulations shall define the metrological requirements (including the required measurement uncertainty) and the legal control and supervision</i></p>	

provisions applicable to these measurements in order to ensure confidence in the measurement results.

When necessary and for specific applications, these regulations may define requirements applicable to the individuals or bodies who perform the measurements and define controls to be applied by legal metrology officials or by specialised bodies regarding the activity of the individuals or bodies who perform the measurements.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis and the resources.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 7, Article 8

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

Ref.: MET-019	Regulations OIML D 1 (2012 E) Page 35
<p>TEXT CLAUSE:</p> <p><i>Regulations may be made by the Government to set up metrological requirements and legal control provisions applicable to the quantity of product in prepackages offered or presented for sale or sold.</i></p> <p><i>These regulations shall take account of OIML Recommendations and of the international standards related to prepackages and should as far as possible take into account international systems for the certification of prepackages or for acceptance and/or recognition of prepackage control.</i></p> <p><i>These regulations shall allow enforcement authorities to recognise the conformity to the national provisions of prepackages which bear marks of conformity affixed under the legal metrology regulations of other countries or under conformity marking systems set up by international bodies.</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This clause is fundamental and shall be transposed in primary and secondary legislation.</p>	
<p>Reference to Clause(s) in National (Draft) legislation:</p> <p>No implementing legislation found.</p>	

Text Clause(s) in local language:	Text Clause(s) English translation:
<p>COMMENTS:</p> <p>1. No regulation of prepackaged products has been brought to our attentions.</p> <p>2. Where no specific regulations for prepackaged products exists, we recommend to adopt secondary legislation.</p>	

Ref.: MET-020	Regulations OIML D 1 (2012 E) Page 37
<p>TEXT CLAUSE:</p> <p><i>Regulations may be made by the Government to set up metrological requirements and legal control provisions applicable to measuring instruments that are used for the applications listed in Element no. 16. Measuring instruments that comply with pertinent requirements and have passed the applicable legal control shall bear a conformity marking.</i></p> <p><i>These regulations shall take account of OIML Recommendations and of the international standards and shall as far as possible take into account international systems for the certification of measuring instruments or for acceptance and/or recognition of evaluation results of measuring instruments.</i></p> <p><i>They shall allow the bodies in charge of conformity assessment activities to enter into mutual acceptance or recognition arrangements and agreements</i></p>	

with other countries with the goal of recognising national or OIML Certificates or test reports or affixed conformity markings.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis and the resources.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 10

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

1. In addition to Article 10, additional regulations need to be adopted in order to regulate the principles properly.

Ref.: MET-021	On placing on the market of measuring instruments OIML D 1 (2012 E)
TEXT CLAUSE:	
HYPOTHESIS FOR TREATMENT: This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis and the resources.	
Reference to Clause(s) in National (Draft) legislation:	
Text Clause(s) in local language:	Text Clause(s) English translation:

Ref.: MET-022	Inspection/Supervision/Surveillance OIML D 1 (2012 E)
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TEXT CLAUSE:

1 The Central Metrology Authority may appoint bodies to perform tasks pertaining to conformity assessment, verification, or inspection in application of the legal metrology regulations. These bodies shall be competent and impartial. They shall perform their tasks in a non-discriminatory manner.

Appropriate accreditations are an acceptable way to show competence and impartiality.

2 The bodies appointed in application of this Element shall comply with the relevant parts of Articles 5 and 6 of the WTO/TBT Agreement, with the exception of the obligation to notify proposed conformity assessment procedures.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis and the resources.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 4 + Article 5 + Article 6

Text Clause(s) in local language:	Text Clause(s) English translation:
<p>COMMENTS:</p> <p>1. The obligations of the inspectors in the Draft Metrology Law would need to be further elaborated to completely transpose the international principles referred to above.</p> <p>2. Please note also that the international principles would not only apply to market surveillance inspectors/authorities, but also to conformity assessment bodies. No provisions in the draft law transpose the principles for conformity assessment bodies.</p>	

Ref.: MET-023	Inspection/Supervision/Surveillanc OIML D 1 (2012 E)
<p>TEXT CLAUSE:</p> <p><i>The Central Metrology Authority shall be in charge of organising</i></p> <ul style="list-style-type: none"> <i>- the supervision and surveillance of the bodies to whom tasks have been assigned for the enforcement of the legal metrology regulations,</i> <i>- the market surveillance (see 3.1.12),</i> <i>- the surveillance of the use of regulated instruments, and</i> <i>- the surveillance of obligations resulting from the regulations mentioned</i> 	

in Elements Nos. 2, 12, 13, 17, 18, and 19.

HYPOTHESIS FOR TREATMENT:

This clause is shall be transposed in primary and secondary legislation.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 4 + Article 5 + Article 6

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

1. The obligations of the inspectors in the Draft Metrology Law would need to be further elaborated to completely transpose the international principles referred to above.

Ref.: MET-024	Inspection/Supervision/Surveillance OIML D 1 (2012 E)
<p>TEXT CLAUSE:</p> <p><i>The division of responsibilities between the Central Metrology Authority and the Local Metrology Authorities for carrying out these activities shall be laid down in the Legal Metrology Regulations made in application of Element no. 19.</i></p>	
<p>HYPOTHESIS FOR TREATMENT:</p> <p>This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis and the resources.</p>	
<p>Reference to Clause(s) in National (Draft) legislation:</p> <p>No local metrology regulations identified.</p>	
Text Clause(s) in local language:	Text Clause(s) English translation:
<p>COMMENTS:</p> <p>This international principle is yet to be transposed into Surinamese legislation.</p>	

Ref.: MET-025	Inspection/Supervision/Surveilliance OIML D 1 (2012 E)
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TEXT CLAUSE:

All the persons subject to regulations under the Law on Metrology have the obligation to allow enforcement authorities to carry out surveillance tasks and to provide them with relevant information upon request.

Persons in charge of enforcing the provisions of the Law on Metrology (inspectors) shall be appropriately appointed.

They should be empowered to

- request the information required in application of Element no. 14,*
- exert the legal control on prepackages mentioned in Element no. 18,*
- request information with respect to obligations made by the Law on Metrology to manufacturers, importers, installers, repairers and users of measuring instruments and producers and packers of prepackages, subject to legal control,*
- perform inspections on measuring instruments subject to legal control,*
- affix rejection marks and/or remove conformity marking in application of Element no. 19, and*
- perform surveillance on the bodies appointed in application of Element no. 20.*

Their findings concerning offences enumerated in 3.8.1 may be transmitted to the administrative or prosecution authorities for further action.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis and the resources.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 6

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

Article 6 needs to be compared with the Elements referred in the OIML D 1 (2012 E) in order to assess if a complete transposition of the international principles has been achieved.

Ref.: MET-026	Responsibilities OIML D 1 (2012 E)
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TEXT CLAUSE:

In the following, 'person' refers to both natural and legal persons (individuals, partnerships, corporations, companies, societies, associations, etc.).

Persons that use or keep measuring equipment covered by national metrology legislation are responsible for having the required metrological controls performed on the measuring equipment which they use or keep.

Persons importing, manufacturing, repairing, selling or hiring measuring equipment intended for uses covered by the national legislation on metrology are liable for having the required metrological controls performed on the instruments or installations which are the subject of their activities.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 10, Article 20

Text Clause(s) in local language:	Text Clause(s) English translation:
COMMENTS:	

Ref.: MET-027	Prohibited OIML D 1 (2012 E)
<p>TEXT CLAUSE:</p> <p><i>It shall be an offence to</i></p> <ul style="list-style-type: none"> <i>- sell, offer, or expose for sale a quantity less than the quantity represented, as prescribed in regulations (which may account for statistical variation),</i> <i>- take more than the represented quantity when, as the buyer, he/she furnishes the weight or measure by means of which the quantity is determined,</i> <i>- represent the quantity in any manner calculated or intending to mislead or in any way deceive another person,</i> <i>- misrepresent the price of any commodity or service sold, offered, exposed, or advertised for sale by quantity (weight, measure, or count/number), or represent the price in any manner calculated or intended to mislead or in any way deceive a person,</i> <i>- misrepresent measurements of quality of products used to determine the</i> 	

price or grade of the product,

- fail to register when registration is required,*
- not comply with obligations to keep records, or not make them available to legal metrology officials,*
- not comply with corrective actions requested/instructed by legal metrology officials,*
- hinder or obstruct any legal metrology official in the performance of their duties,*
- affix fake or undue conformity marking or verification marks, and*
- impersonate a legal metrology official.*
- refuse or fail to provide justifications of the measurement results provided in advertisements (or other public communications), and*
- provide false or misleading measurement results in advertisements (or other public communications).*
- use other units and symbols than those defined in application of Element no. 12, for the applications defined in Element no. 13*
- not perform the legally required measurements and document them when required,*
- not fulfil the metrological (including traceability) requirements prescribed in application of Element no. 17, or*
- perform measurements with instruments other than those prescribed.*
- sell or offer for sale any prepackage which does not satisfy the requirements of the regulations referred to in Element no. 18.*
- offer for sale (place on the market), sell or install instruments which do not comply with the legal requirements for the intended use,*
- use instruments (for other than personal use) which have not been submitted to legal control,*
- use instruments without conforming to their prescribed conditions of*

use,

- repair or install regulated instruments without required authorisations,
- affix false conformity markings or affix conformity markings illegally on measuring instruments,
- bias measuring instruments to yield an inaccurate result, or
- remove any tag, seal, or mark from any weight or measure or measuring instrument without being duly authorised by the proper authority

HYPOTHESIS FOR TREATMENT:

This clause is fundamental and shall be transposed in primary and secondary legislation.

Reference to Clause(s) in National (Draft) legislation:

Law of

On the establishment of rules regarding weights and measures and the use of the International System of Units (Metrology Act) [DRAFT], Article 10, Article 13, Article 14

Text Clause(s) in local language:

Text Clause(s) English translation:

COMMENTS:

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Ref.: MET-028	Financial OIML D 1 (2012 E)
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TEXT CLAUSE:

1. The metrological work carried out by the legal metrology authorities may give rise to the levying of official fees for services rendered. A financial regulation may fix the procedures to be followed, the operations for which fees have to be paid, and the amount of these fees.

2. Fees collected for services rendered may be used for facilities and personnel employed in carrying out established duties.

3. The conformity assessment and verification tasks carried out by the bodies mentioned in Element no. 17 shall be performed on demand of the individual or organisation responsible for the conformity.

HYPOTHESIS FOR TREATMENT:

This clause may be transposed in secondary legislation. However, primary legislation should provide the legal basis and the resources.

Reference to Clause(s) in National (Draft) legislation:

Text Clause(s) in local language:	Text Clause(s) English translation:
<p>COMMENTS:</p> <p>1. These principles are to be elaborated in the Surinamese draft Metrology Law.</p>	

CHAPTER 3: RECOMMENDATIONS ON THE PREFERRED STRUCTURE AND CONTENT OF A SURINAMESE LAW ON METROLOGY

In this chapter, the preferred structure of a Surinamese Law on Metrology, as recommended by the OIML Guide D 1, is presented. The experts also give suggestions for the content of the clauses.

Ref.: Article 1	Scope / aim / subject of the Law
<p>Elements recommended by OIML:</p> <ul style="list-style-type: none"> - protecting the interests of individuals and enterprises, - protecting national interests, - protecting public health and safety, including in relation to the environment and medical services, and - meeting the requirements of international trade. <p>Other elements that the OIML recommends is to include that the law intends to provide the legal basis for the adoption of regulations in order to define</p> <ul style="list-style-type: none"> - those measurements and measuring instruments that are subject to legal control, - the requirements applicable to these regulated measurements and measuring instruments, - the procedures for the legal control of measurements and measuring instruments, - the bodies in charge of carrying out certain tasks pertaining to this legal control and the requirements applicable to these bodies. <p>The OIML also recommends to include that the law and regulations shall comply with the obligations deriving from treaties such as the Metre</p>	

Convention, the OIML Treaty and the Technical Barriers to Trade Agreement of the World Trade Organization as well as other obligations deriving from regional treaties or agreements (these treaties shall be quoted in the Law on Metrology).

<p>Proposed Text in local language:</p>	<p>Proposed Text (English):</p> <p>Article 1: Purpose and Scope of this Law</p> <p>1. This Law governs the state system of metrology and requirements to carry out activities in scientific, industrial and legal metrology.</p> <p>2. The provisions of this Law shall apply to the organization of metrological activities, usage of legal measurement units and traceability of measurement standards in the Republic of Suriname, placing on the market and usage of the legal measuring instruments, the procedures for the legal control of measurements and measuring instruments, pre-packaged products, validity of foreign conformity documents and marks, as well as other metrology-related issues.</p>
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COMMENTS:

<p>Ref.: Article 2</p>	<p>Terms and definitions</p>
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Elements recommended by OIML:

The OIML strongly recommends to use the terms and definitions in documents OIML V 2 - 200::22012 *International Vocabulary of Metrology - Basic and General Concepts and Associated Terms (VVIM)* and to OIML V 1::22000 *International vocabulary of terms in legal metrology (VVIML)*).

The OIML recommends to include a such as "For terms and definitions not mentioned here, the definitions given in the OIML's '*International Vocabulary of Metrology*' (VIM) or *International vocabulary of terms in legal metrology (VVIML)*, respectively, shall apply".

Proposed Text in local language:

Proposed Text (English):

Article 2: Terms and Definitions

1. Terms used in this Law shall have the following meanings:

1.1. **SMA** - Surinamese Metrology Authority

1.2. **Metrology** - the science of measurement and its application;

1.3. **Measurement** - process of experimentally obtaining one or more values of quantity which reasonably may be attributed to a size;

1.4. **Measurement unit** - real scalar size, defined and adopted by convention, with which any other size of the same kind can be compared to express the ratio of the two sizes as a number;

	<p>1.5. Metrological traceability- characteristic of a measuring result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measuring uncertainty;</p> <p>1.6. Calibration - operation that, under specified conditions, in a first step establishes a relation between the values of quantity with uncertainties of measurement provided by measurement standards and corresponding indicators with associated measuring uncertainties and in a second step uses this information to establish a relation for obtaining a measuring result from an indicator;</p> <p>1.7. Measuring instrument -in the sense of VIM, the term covers measuring instruments and measuring systems, material measures and any part of the measuring instrument or measuring system which can be the object of specific requirements and of specific evaluation of conformity:</p> <p>1.7.1. Measuring instrument - a device used for making measurements, alone or in conjunction with one or more supplementary devices;</p> <p>1.7.2. Measuring system - set of one</p>
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or more measuring instruments and often other devices, including any reagent and supply, assembled and adapted to give information used to generate measured quantity values within specified intervals for quantities of specified kinds;

1.7.3. **Material measure** - measuring instrument reproducing or supplying, in a permanent manner during its use, quantities of one or more given kinds, each with an assigned quantity value;

1.8. **Measurement standard** - realization of the definition of a given quantity, with stated quantity value and associated measurement uncertainty, used as a reference;

1.9. **National measuring standard** - measurement standard recognized by national authority to serve in a state or economy as the basis for assigning quantity values to other measurement standards for the kind of quantity concerned;

1.10. **Reference material** - material, sufficiently homogeneous and stable with reference to specified properties, which has been established to be fit for its intended use in measurement or in examination of nominal properties;

1.11. **Certified reference material** - reference material, accompanied by documentation issued by an authoritative body and providing one or more specified property values with associated uncertainties and traceability, using valid procedures;

1.12. **Verification of a measuring instrument** - conformity assessment procedure (other than type evaluation) which results in the affixing of a verification mark and/or issuing of a verification certificate;

1.13. **Initial verification** - verification of a measuring instrument which has not been verified previously;

1.14. **Subsequent verification** - verification of a measuring instrument after a previous verification. Subsequent verification includes: mandatory periodic verification, verification after repair, and voluntary verification;

1.15. **Mandatory periodic verification** - subsequent verification of a measuring instrument, carried out periodically at specified intervals according to the procedure laid down by the regulations;

1.16. **Official measurement** - a measurement carried out by an authorized entity, in compliance with the decision for authorization. Official measurement shall be used as reliable evidence in procedures and decision-making of government body or courts.

1.17. **Legal metrological control** - means the whole of legal metrology activities the entire legal activities of metrology;

1.18. **Legal control of measuring instruments** - generic term used to globally designate legal operations to which measuring instruments may be subjected, e.g. type approval, verification, etc.;

1.19. **Metrological supervision** - means the activity of legal metrological control to check the observance of metrology laws and regulations;

1.20. **Market surveillance** - metrological supervision aimed at measuring instruments and prepackages intended to be placed on the market and/or put into service for the first time, to ensure that all the elements of the conformity assessment system function correctly, resulting in general compliance of the products with the provisions of the applicable

	<p>regulations across a country or free trade area;</p> <p>1.21. Surveillance of the use of measuring instruments - part of the metrological supervision which relates to examination whether the instruments that are subject to legal metrology control are correctly used;</p> <p>1.22. Accreditation - an attestation by a state accreditation body that a conformity assessment body meets the requirements set by harmonised standards and additional requirements, including those set out in relevant sector schemes to carry out specific conformity assessment activities;</p> <p>1.23. Placing on the market - the first making available of a measuring instrument or a prepackage on the market;</p> <p>1.24. Conformity assessment- demonstration that specified requirements relating to a product, process, system, person or body are fulfilled;</p> <p>1.25. Pre-package - combination of a product and the packing material in which it is pre-packed;</p> <p>1.26. Measuring Container Bottle (MCB) - measuring container commonly called bottle, made of glass or any</p>
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other substance having such rigidity and stability that it offers the same metrological guarantees as glass, when such containers:

a) are stoppered or designed to be stoppered and are intended for storage, transport or delivery of liquids,

b) have a nominal capacity of between 0,05 litre and five litres inclusive,

c) have metrological characteristics (design characteristics and uniformity of manufacture) such that they can be used as measuring containers, i.e. when they are filled up to a specified level or to a specified percentage of their brim capacity their contents can be measured with sufficient accuracy;

1.27. Type of a measuring instrument

- definitive model of a measuring instrument or module (including a family of instruments or modules) of which all the elements affecting its metrological properties are suitably defined;

1.28. Type evaluation of measuring instruments-

conformity assessment procedure for one or more sample of an identified type (pattern) of measuring instruments which results

in an evaluation report and/or an evaluation certificate;

1.29. **Type approval** - decision of legal relevance, based on the review of the type evaluation report, that the type of a measuring instrument complies with the relevant statutory requirements and results in the issuance of the type approval certificate;

1.30. **Inspection** - examination of a product design, product, process or installation and determination of its conformity with specific requirements or, on the basis of professional judgment, with general requirements;

1.31. **Designation** - governmental authorization of a conformity assessment body to perform specified assessment activities;

1.32. **NAWI** - means non-automatic weighing instruments;

1.33. **CIPM** - International Committee for Weights and Measures (Comité International des Poids et Mesures);

1.34. **MRA** - Mutual Recognition Arrangement (CIPM MRA) is the framework through which National Metrology Institutes demonstrate the international equivalence of their measurement standards and the

	<p>calibration and measurement certificates they issue;</p> <p>1.35. ILAC - is International Organization for Accreditation Bodies "International Laboratory Accreditation Cooperation";</p> <p>1.36. SI -International System of Units (Système Interstate D'unités);</p> <p>1.37. OIML -International Organization of Legal Metrology (Organisation Internationale de Métrologie Légale);</p> <p>1.38. CGPM - General Conference on Weights and Measures (Conférence Générale des Poids et Mesures) established under the Convention du Metre and serviced by the International Bureau of Weights and Measures;</p> <p>1.39. VIM -International Vocabulary of Metrology;</p> <p>1.40. VIML -International Vocabulary of Terms in Legal Metrology;</p> <p>1.41. 'Minister' - means the Minister of Trade and Industry;</p> <p>2. For terms and definitions not mentioned here, the definitions given in the OIML's '<i>International Vocabulary of Metrology</i>' (VIM) or '<i>International vocabulary of terms in legal metrology</i> (VVIML),</p>
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	respectively, shall apply.
COMMENTS: -	

Ref.: Article 3	National Strategy and Policy
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<p>Elements recommended by OIML:</p> <p>The Government shall designate the government department in charge of developing and implementing the national metrology policy. This policy shall be submitted for approval to the Government (or Parliament) and shall commit all ministerial departments. This policy shall be implemented in coordination with all concerned ministerial departments and local authorities.</p> <p>The OIML recommends to include in the national policy:</p> <ul style="list-style-type: none"> • consumer protection, environmental protection; • official measurements; • support of national industry including consultancy on technical regulations; • fair trade; • international recognition; • statement on the organization of the infrastructure, including advisory board with representatives of all stakeholders; • statement on the competence of laboratories on responsible persons; • education and/or training in metrology; and • mutual recognition of test results or certificates. 	
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Proposed Text in local language:	Proposed Text (English): 1. SMA shall be responsible to draft, develop and implement <i>the state metrology strategy and policy,</i>
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	<p>which shall be submitted to the Government for approval.</p> <p>2. This state strategy and policy shall be implemented in coordination with all departments of relevant ministries and shall address the following purposes:</p> <ul style="list-style-type: none">a) consumer protection and environmental protection;b) official measurements;c) support of industry, including consultancy for technical regulations;d) fair trade;e) international recognition;f) statement for organization of metrology infrastructure, including the Council of Metrology with representatives of all stakeholders;g) statement for the competence of authorised conformity assessment bodies regarding the responsible persons;h) education and/or training in metrology; andi) mutual recognition of testing/calibration results or certificates. <p>3. SMA shall draft policies in the</p>
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	<p>field of Metrology, which in the Private Sector Development Strategy, are incorporated in the strategic objective - Development and promotion of the quality infrastructure by approximating the legislation, as well as membership to relevant regional and international organizations, as well specific objective: Increase and improvement of accreditation, standardization and metrology services.</p>
<p>COMMENTS:</p> <p>-</p>	

Ref.: Article 4	National metrology infrastructure
<p>Elements recommended by OIML:</p> <p>The national metrology infrastructure should comprise:</p> <ul style="list-style-type: none"> • An authority in the Government in charge of the national metrology policy, and of coordinating the action of other departments related to metrological issues (3.2.2.1); • a legal corpus, including the laws and regulations that have provisions related to metrology (3.2.2.2); • one or several institutes in charge of tasks assigned at national level for the metrology policy (3.2.2.3); • a system of national measurement standards and dissemination of legal units (3.2.2.4); • a (voluntary) system for accrediting calibration laboratories and, if 	

required, testing laboratories, inspection bodies and certification bodies (3.2.2.5);

- structures for disseminating knowledge and competencies in metrology (e.g. training, education, etc.) (3.2.2.6);
- services to industry and to the economy in the field of metrology (3.2.2.7)
- supporting cooperation/participation in the metrological infrastructure (3.2.2.8).

Proposed Text in local language:

Proposed Text (English):

1. Surinamese Metrology Authority (SMA) is the only body of state administration that is responsible for the field of metrology and its application in the Republic of Suriname.
2. SMA is an independent body of state administration that operates within the Ministry of Trade and Industry.
3. Structure and organization of SMA shall ensure impartiality and objectivity in decision-making regarding the tasks in metrology.
4. SMA is headed by the General Director.
5. Law on State Administration of the Republic of Suriname shall apply for establishment, organization and functioning of SMA, unless otherwise

	<p>determined with this Law.</p> <p>6. The Minister shall adopt regulations that lay down the organization and structure of SMA.</p> <p>7. SMA shall be responsible for:</p> <ul style="list-style-type: none">a) Implementing the state metrology policy;b) Drafting the legislation in the field of metrology;c) Implementing the legal acts in the field of metrology at the state level;d) Development, realization, continuous maintenance of national measurement standards in the Republic of Suriname;e) Establishing the traceability to the SI, depending on the quantity, either by realizing the definition of the unit or by keeping, maintaining and continuously improving the national measurement standards that are traceable to a foreign institute;f) Performing research and development activities for the national measurement standards;g) Performing the legal control of
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	<p>measuring instruments;</p> <p>h) Performing quantitative control of pre-packaged products and measuring container bottles for the purpose of controlling the fulfilment of metrological requirements;</p> <p>i) Determining the procedure for keeping the register of manufacturers and importers of pre-packages and bottles as measuring containers;</p> <p>j) Performing the metrological supervision;</p> <p>k) Supervision of Conformity Assessment Body (authorized body) assigned with the duties for implementation of the bylaws on metrology;</p> <p>l) Authorization of economic operator for repairing and preparing measuring instruments for verification;</p> <p>m) Performing conformity assessment of measuring instruments;</p> <p>n) Performing activities for metrological expertise;</p> <p>o) Keeping the register of measuring instruments which are subject to the legal metrological control and other data outlined;</p> <p>p) Providing professional assistance</p>
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	<p>and delivering training sessions in the field of metrology;</p> <p>q) Cooperating with other state authorities, especially with those of quality infrastructure and consumer protection authorities;</p> <p>r) Serving as state reference for state accreditation authority for the field of calibration laboratories with regards to the calibration/testing abilities and measurement standards;</p> <p>s) Carrying out other activities in the field of metrology in compliance with the law;</p> <p>t) Representing the Republic of Suriname in international organizations of metrology, performing duties deriving from the membership in these organizations and establishing cooperation in the field of metrology;</p> <p>u) Participating in similar interstate activities, comparison and dedicated working groups;</p> <p>v) Studying the calibration and test equipment needed for the implementation of the legal metrology regulations and setting up this equipment in accordance with the national needs.</p>
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COMMENTS :

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Ref.: Article 5	Organisation of metrology infrastructure
<p>Elements recommended by OIML:</p> <p>Information about institutions/organisations/authorised bodies performing metrology activities.</p>	
Proposed Text in local language:	<p>Proposed Text (English):</p> <ol style="list-style-type: none"> 1. SMA shall be responsible to implement legal acts on metrology at state level. 2. SMA shall consult other competent institutions for drafting the state metrology policy and shall reach the consensus to: <ol style="list-style-type: none"> a) Ensure that the laws and regulations related to the metrology are considered and are in compliance with the relevant international provisions related to the metrology, and b) Ensure that laws and regulations do not prevent state authorities from reaching international agreements. 3. SMA shall actively cooperate with

	<p>state authorities responsible for standardization and accreditation activities, as well as with relevant interstate organizations for metrology.</p> <p>4. The structure of the metrology system shall integrate the holder of national measurement standards, authorized conformity assessment bodies, including calibration and testing laboratories, economic operators performing metrological services and other organizations involved in the task of metrology.</p>
<p>COMMENTS :</p>	

<p>Ref.: Article 6</p>	<p>Metrology Advisory Board/Council</p>
<p>Elements recommended by OIML:</p> <p>The Government shall set up an advisory board/council for metrology, to address, as a minimum, legal metrology.</p> <p>The council shall be composed of qualified personnel to advise the government on metrology issues should be considered.</p>	
<p>Proposed Text in local language:</p>	<p>Proposed Text (English):</p> <ol style="list-style-type: none"> 1. The Metrology Council shall be an advisory body operating within SMA. 2. Metrology Council shall identify priorities in the field of metrology

	<p>in the country, propose investments, scientific and training activities, and provide professional advices about the assessments for metrology issues.</p> <p>3. The manner of establishing the Metrology Council, the scope and selection and assignment of members shall be regulated with a regulation that will be issued by the Minister.</p>
<p>COMMENTS:</p>	

<p>Ref.: Article 7</p>	<p>Transparent availability of measurement results</p>
<p>Elements recommended by OIML:</p> <p>Those responsible for publishing or transmitting measurement results to the public may be required to provide justifications as to the relevance and reliability of these measurement results.</p> <p>Individuals and other interested parties may have access to any measurement result issued on the initiative of the government or transmitted to the government, and related to health, public safety, environment and economics, as long as the communication of this information does not cause an undue prejudice to an individual or to a company or other organization.</p> <p>The government should provide the public with an independent and impartial source of advice about the validity, credibility and reliability of metrological information. The national metrological infrastructure, shall provide the expertise needed for this advice, and shall be appropriately</p>	

funded by the government to accomplish this.	
Proposed Text in local language:	Proposed Text (English): The measurement results carried out with the request of state authorities or serving to the needs of state authorities and related to official transactions, healthcare, environmental protection, public order, costumer safety and protection, shall be made available to the public, in compliance with the applicable legal acts.
COMMENTS:	

Ref.: Article 8	Centralized Metrology Authority (CCMA) including a national metrology institute
Elements recommended by OIML: The Government shall designate a Central (National) Metrology Authority to be in charge of: - the implementation of the national metrology policy, - the enforcement of the legal metrology regulations at national level, and	

- the coordination of the Local Metrology Authorities.

If applicable, the Government shall designate Local Metrology Authorities to be in charge of

- contribution at local level to the implementation of the national metrology policy, and

- the enforcement of the legal metrology regulations at local level.

The enforcement of the legal metrology regulations by the local authorities shall be coordinated by the Central (National) Metrology Authority.

Proposed Text in local language:

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Proposed Text (English):

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COMMENTS:

In the experts opinion, this proposed article by the OIML overlaps with what they propose for Article 4 and Article 5. Therefore we propose not to have a third article with the same topic.

Ref.: Article 9

Local Metrology Authorities

Elements recommended by OIML:

Implementation at local level will be the responsibility of LMAs, which can be

- local offices of the ministries, or
- services of states in a federal organization, organizations or services depending on regional (provincial) or local elected authorities.

Smaller countries may not need local metrology authorities and the

implementation may then be taken care of by the national authorities.

Testing, assessing the conformity of, and marking for conformity the measuring instruments and prepackages may be carried out by specialized bodies designated or licensed by the local metrology authorities. Such designated or licensed bodies may be public or private.

The missions of the LMAs should be to

- implement the Law on Metrology in the field,
- identify contraventions of the Law on Metrology and prosecute (refer to prosecuting authorities),
- direct and implement the legal control of the instruments,
- support the development of the metrology infrastructure,
- conduct surveillance inspections and verifications on the sale of goods including prepackages and instruments or supervise these functions when carried out by designated or licensed bodies to ensure compliance with the Law on Metrology and regulations promulgated by the CMA,
- accept for use, and mark, such measuring instruments that are found to be correct, and
- reject and order to be corrected, replaced, or removed those measuring instruments that are found to be incorrect. Measuring instruments that have been rejected must not be used unless they have been corrected and have passed the re-verification when required, and may be seized if this has not been done within any time that might be specified, or if used or disposed of in a manner not specifically authorized. The head legal metrology official or designated agents shall remove from service and may seize any weights and measures found to be incorrect that are not capable of being rendered correct.

Proposed Text in local language:

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Proposed Text (English):

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COMMENTS:

We believe that the society in Suriname is too small to set up local meterology authorities, and the implementation can best be done by the SMA.

Ref.: Article 10

Legal units of measurement

Elements recommended by OIML:

It is strongly recommended to use the units covered by the "International System of Units (SI)", although in some cases units not covered by SI and customary units may be specified by the CMA. A number of quantities are not covered by the SI (colorimetry, biology, medicine, etc.). They are expressed in units which are not SI units.

The legal units of measurements are the following:

- units of the "International System of Units" (SI), adopted by the General Conference of Weights and Measures and recommended by the OIML for legal purposes;
- units used for quantities that are not covered by the SI, as specified by a decree of the Government; and
- customary units as decided by the Government.

Customary units may include specific units for particular applications, required

- by the necessities of international trade, or
- for specific uses such as air or maritime navigation, health care, or military applications, or
- for safety reasons.

When customary units are adopted, their use shall be periodically reviewed to ensure their continued relevance.

The use of units other than legal units is not allowed in trade, commercial

transactions, documentation and advertisements for products and services, publications, or training, with the following exceptions:

- documentation of and references to products produced and services carried out prior to the obligation of the units concerned;
- mentioning non legal units in a historical perspective in publications and training; and
- documents and publications which are intended for users in countries having different systems of units.

The use of units other than legal units may be accepted in applications for which international Conventions, Agreements or Treaties prescribe those specific units.

Proposed Text in local language:

Proposed Text (English):

1. In order to ensure the uniformity of measurements in the country is mandatory to be used legal units of measurement.

a) The units of International System of Units (SI) adopted by the General Conference of Weights and Measures and recommended by the OIML for legal purposes;

b) units used for quantities that are not covered by the SI, as specified by a sub-law of the Government; and

c) customary units as decided by the Government.

2. The use of SI units and other units not included in SI system,

	<p>when used internationally and does not directly derive from SI system, shall be defined with a bylaw.</p>
<p>COMMENTS:</p>	

<p>Ref.: Article 11</p>	<p>National measurement standards and reference materials</p>
<p>Elements recommended by OIML:</p> <p>A system of national measurement standards and reference materials shall be set up to provide traceability to the International System of Units (SI) and to provide international compatibility and acceptance. These tasks shall be allocated by a Governmental decision to a designated institute.</p> <p>A country should set up national measurement standards according to its needs. When relevant, these national measurement standards will be primary realizations of the SI units (or a copy of the international prototype of the kilogram), and in other cases, the national measurement standards may just be secondary measurement standards traceable to primary measurement standards of another country.</p>	
<p>Proposed Text in local language:</p>	<p>Proposed Text (English):</p> <p>1. The national measurement standards system and reference materials in the Republic of Suriname shall be created according to the needs of the state, in order to provide traceability to the International System of Units (SI) and to ensure international</p>

	<p>compliance and recognition. The national measurement standards shall in all cases be those that are the most accurate measurement standards of the country. The national measurement standards are part of the Surinamese national meteorological infrastructure.</p> <p>2. SMA shall be responsible to develop, keep and maintain the national measurement standards providing traceability to the International System of Units (SI).</p> <p>3. SMA may officially recognize any measurement standard that has been realized, conserved and maintained by a Surinamese legal entity established in Surinamese, as a National Measurement Standard in respect with the traceability to the International System of Units (SI).</p> <p>4. SMA shall cooperate with other public and/or private organizations for the purpose of identifying the opportunity to develop and preserve certain national measurement standards in order to support State Quality Infrastructure.</p> <p>5. For the quantities whose traceability can be easily obtained by the users and by the calibration and testing laboratories directly from the national standards of another country, and when the</p>
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	<p>traceability provided by this direct reference is acceptable to the state accreditation scheme, a national measurement standard may not be necessary. SMA shall consider establishment of a regional metrological infrastructure of traceability with one or more neighbourhood states or competing organizations.</p> <p>6. The responsibility for compliance with the applicable requirements for preservation and usage of national standards shall remain with the senior management of their holders.</p> <p>7. Requirements to be met by a reference measurement standards in order to be declared as a national measurement standards, conditions and reasons for annulling the declaration, necessary maintenance and manners for using the national measurement standards shall be regulated by a bylaw issued by the Minister.</p>
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<p>COMMENTS :</p> <p>-</p>	
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Ref.: Article 12	Traceability of measurement results
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Elements recommended by OIML:

For the application of any laws and regulations prescribing requirements on measurements, on prepackages and on measuring instruments, traceability to the realization of the SI shall be required and may be obtained

- either through the system of national measurement standards and certified reference materials,
- or through traceability to recognized national measurement standards or certified reference materials of other countries when the uncertainty level of the system of national measurement standards is not sufficient or when this system does not cover the considered quantity.

Certified calibration results, test results and measurement results established by the national institutes in the scope of their designation shall be traceable to the realization of the International System of Units (SI) and presented in compliance with the recommendations of the CGPM and the OIML, and with relevant international standards.

Proposed Text in local language:

Proposed Text (English):

1. To implement the law and bylaws that determine the requirements for measurement, measuring instruments, non-automatic weighing instruments, pre-packages, including MCB, it is required the traceability for realization of SI and that may be obtained:

a) through state measurement standards and certified reference materials referred to in Article ?? of this law.

b) through traceability for recognized the national measurement standards or certified reference

	<p>materials of other states where the level of uncertainty of state measuring etalons system is not sufficient or when the system does not cover the considered size.</p> <p>2. In order to confirm whether foreign measurement standards and national measurement standards meet the necessary requirements for traceability of measuring results, should be proved the ILAC Traceability Policy and dissemination of the SI shall be prove. A reference should be made to CIPM MRA and laboratories accredited by national accreditation bodies which are signatories of ILAC MRA or Regional Agreements recognized by ILAC.</p> <p>3. Certified calibration results, testing results and measurement results determined by SMA and entities which maintain and use national measurement standards in the Republic of Suriname, shall be traceable for realization of SI and shall be presented in compliance with recommendations of CGPM and OIML, as well as with relevant applicable national and international measurement standards.</p> <p>4. Technical ability of SMA laboratories shall be determined with accreditation.</p>
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	5. Metrological requirements of traceability shall be regulated by a bylaw issued by the Minister.
COMMENTS:	

Ref.: Article 13	Calibration/testing laboratories
<p>Elements recommended by OIML:</p> <p>In the same way as the economy and industry need infrastructures such as road, railways, ports, airports, banks, etc., metrological services to industry and to the economy are essential for ensuring economically sustainable development. The following services should exist in a country and be able to answer national needs:</p> <ul style="list-style-type: none"> - calibration services for ensuring traceability to the SI; - testing services provided by specialized laboratories; - service for the maintenance of measuring equipment; - accreditation of calibration and testing laboratories, accreditation of certification bodies and inspection bodies; - consulting services to support industry; - third party experts to be consulted in case of disputes; - etc. <p>The national metrology policy should address these needs. Actions of the State may be required to support these structures.</p> <p>For quantities whose traceability can easily be obtained by the users and by calibration laboratories directly to the national standards of another country, and when the traceability provided by this direct reference is acceptable to the national accreditation scheme, a national measurement standard may not be necessary.</p>	

<p>Proposed Text in local language:</p>	<p>Proposed Text (English):</p> <ol style="list-style-type: none"> 1. Calibration/testing laboratories shall support the state metrology infrastructure of the Republic of Suriname for: <ol style="list-style-type: none"> a) calibration services to ensure traceability for SI; b) testing services provided by designated laboratories; c) services for maintenance of measuring instruments. 2. The Minister may designate bodies to perform tasks pertaining to conformity assessment, verification or inspection in application the of the legal metrology bylaws. These bodies shall be competent and impartial. They shall perform their tasks in a non-discriminatory manner. 3. Bylaws adopted for implementation of this Law may require that implementation bodies that are responsible for certain duties, be accredited. 4. Manner of authorization for conformity assessment bodies shall be regulated through a bylaw issued by the Government of the Republic of Suriname.
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COMMENTS:

Ref.: Article 14

Conformity assessment of measuring instruments

Elements recommended by OIML:

The conformity assessment procedures defined in application of the regulations shall comply as far as possible with the procedures described in the relevant OIML publications. The Central Metrology Authority may decide to recognize international or foreign certification systems when they appear to give equivalent confidence. The bodies in charge of conformity assessment tasks may decide to accept and utilize in their work the results of international or foreign conformity assessment systems, providing that the level of confidence is recognized as equivalent to their own procedures.

Conformity assessment procedures may be required

- at the stage of the design of a type of instrument (see definition of a type),
- at the stage of the production of instruments or prepackages, before placing them on the market,
- at the stage of installing and putting an instrument into service,
- at the stage of repair of an instrument, before putting it back into service, and
- during the lifetime of the instrument in use. Applicable conformity assessment procedures should be defined by an appropriate legal document, in application of the Law on Metrology.

It is recommended that these conformity assessment procedures be defined according to the guidance given in the relevant OIML publications. When an OIML certification system has been developed, it is recommended that the national conformity assessment procedures take this OIML system into account.

<p>Proposed Text in local language:</p>	<p>Proposed Text (English):</p> <p>1. Measuring instruments used for reasons of public interest, public health, security and order, consumer protection and environmental protection, collection of taxes and liabilities, fair trade, which directly or indirectly impact the daily life of citizens, shall be subject to the legal metrological control in compliance with the provisions of this Law.</p> <p>2. Activities of the legal entities related to measuring instruments determined in paragraph 1 of this Article shall be subject of legal metrological control according to the designation and supervision based on this Law.</p> <p>3. Conformity assessment procedures applicable for measuring instruments mentioned in paragraph 1 of this Article shall be determined through relevant bylaws, as follows:</p> <p>a) during the phase of designing the type of measuring instrument,</p> <p>b) during the phase of production of measuring instruments, including non-automatic weighing instruments, pre-packages and MCB, prior placing them on the market,</p> <p>c) during the phase of installation</p>
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	<p>and placing the measuring instrument in use,</p> <p>d) during the phase of repairing the measuring instrument, before placing again on the market, and</p> <p>e) during the duration of using the measuring instrument.</p> <p>4. SMA may decide to recognize international or foreign certification systems when they provide equivalent reliability.</p> <p>5. SMA shall keep a register of conformity assessment certificates issued in compliance with the paragraph 4 of this Article.</p> <p>6. Bodies responsible for carrying out conformity assessment may receive and use during their work the results of international or foreign systems of conformity assessment, provided that the degree of reliability is recognized as equivalent with state procedures of the Republic of Suriname.</p>
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COMMENTS :

Ref.: Article 15	Industrial metrology including calibration service
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Elements recommended by OIML:

Certified calibration results, test results and measurement results established by the national institutes in the scope of their designation shall be traceable to the realization of the International System of Units (SI) and presented in compliance with the recommendations of the CGPM and the OIML, and with relevant international standards.

Proposed Text in local language:	<p>Proposed Text (English):</p> <ol style="list-style-type: none"> 1. Calibration of measurement standards and measuring instruments shall be carried out in the calibration laboratories, upon the request of the user 2. Traceability of the measurement standards and measuring instruments shall be ensured through the calibration or with certified reference materials. 3. Measurement standards with documented traceability in compliance with Article ??? of this Law shall be used to ensure the metrological traceability. Traceability of measurement results for a measurement standard shall be confirmed through the calibration certificate. 4. Depending on the applicable requirements and its usage, measuring instruments that are subject of legal metrological
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	<p>control may be calibrated. Except special cases provided for in applicable legal acts on metrology, calibration of measuring instruments is a decision that exclusively belongs to the user of the measuring instrument.</p> <p>5. The Suriname national calibration laboratories services infrastructure shall be organized according to the provisions related to accreditation in Law no???.</p>
<p>COMMENTS:</p>	

<p>Ref.: Article 16</p>	<p>Legally controlled measuring instruments</p>
<p>Elements recommended by OIML:</p> <ul style="list-style-type: none"> - regulations; - applications including list of measuring instruments belonging to the field of legal metrology; - special items such as precious metals; - marking; - stamps, seals; - responsibility and powers; and - liability of persons and corporate bodies. 	

Details should be laid down in decrees.

The Government shall make appropriate regulations in application of the Law on Metrology, in order to define

- those measurements and measuring instruments that are subject to legal control,
- the requirements applicable to these regulated measurements and measuring instruments,
- the procedures for the legal control of measurements and measuring instruments,
- the bodies in charge of carrying out certain tasks pertaining to this legal control and the requirements applicable to these bodies.

Proposed Text in local language:

Proposed Text (English):

1. Measuring instruments used in the fields determined in Article ??, paragraph 1 of this law shall be subject to legal metrological control, in compliance with the conformity assessment procedures, as follows:

- a) type approval;
- b) initial verification, and
- c) subsequent verification.

2. The measuring instruments categories that are used in the fields determined in Article ??, the conformity assessment procedures that are applicable to each measuring instrument and the maximum period of time between two

	<p>successive metrological verification, shall be documented through a bylaw issued by the Minister.</p> <p>3. For each category of measuring instruments determined with a bylaw referred to in paragraph 2 of this Article, the Minister shall issue bylaws, which shall determine the specific technical-metrological requirements in compliance with OIML Recommendations, ISO Standards and other relevant international documents.</p>
<p>COMMENTS:</p>	

<p>Ref.: Article 17</p>	<p>Regulations on measurements, responsibilities of authorities, manufacturer, user</p>
<p>Elements recommended by OIML:</p> <p>Regulations may be made by the Government to define quantities to be referred to in legal transactions for various methods of sale, to prescribe that certain measurements are to be the basis of transactions or law enforcement activities, and to define the list of measurements subject to legal metrological requirements. These regulations shall define the metrological requirements (including the required measurement uncertainty) and the legal control and supervision provisions applicable to these measurements in order to ensure confidence in the measurement results. When necessary and for specific applications, these regulations may define</p>	

requirements applicable to the individuals or bodies who perform the measurements and define controls to be applied by legal metrology officials or by specialized bodies regarding the activity of the individuals or bodies who perform the measurements.

Proposed Text in local language:

Proposed Text (English):

COMMENTS:

Ref.: Article 18

Regulations on prepackages

Elements recommended by OIML:

Regulations may be made by the Government to set up metrological requirements and legal control provisions applicable to the quantity of product in prepackages offered or presented for sale or sold. These regulations shall take account of OIML Recommendations and of the international standards related to prepackages and should as far as possible take into account international systems for the certification of prepackages or for acceptance and/or recognition of prepackage control. These regulations shall allow enforcement authorities to recognize the conformity to the national provisions of prepackages which bear marks of conformity affixed under the legal metrology regulations of other countries or under conformity marking systems set up by international bodies.

Proposed Text in local language:

Proposed Text (English):

1. The provisions of this law shall

	<p>apply for individual, combined packages without wrapping package and in measuring containers, which have been produced, placed on the market or provided for general consumption.</p> <p>2. Pre-packaged products within the meaning of this law shall not be considered free samples, which are pre-packaged products used for marketing purposes.</p> <p>3. Criteria and general measures for legally controlled pre-packages, metrological requirements for net quantity of pre-packages, mandatory ranges for the nominal amount of several pre-packages, referring methods for controlling net quantity of pre-packages, inscriptions and marks affixed in pre-packages shall be determined with a bylaw.</p> <p>4. Measuring container bottles shall contain marks indicating the nominal and filling volume to the complete level, as well as the mark identifying the manufacturer of measuring container.</p> <p>5. The bylaw defines the bottles that are legally controlled, metrological requirements for measuring container bottles, referring methods for the control of net volume of bottles, inscriptions and marks affixed on the measuring</p>
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	<p>container bottles.</p> <p>6. Pre-packaged goods and measuring containers bottles may be placed on the market only if they meet the metrological requirements determined by this law and shall have the inscriptions and marks described up to the time of purchase.</p> <p>7. Manufacturer, his authorized representative or importer shall be responsible for the compliance of the pre-packaged products and measuring bottles with measures determined in this law.</p> <p>8. Manufacturer shall apply his net quantity control system for pre-packages or control system for the net volume as manufactured measuring container bottles.</p> <p>9. Manufacturer, his authorized representative or importer shall be obliged to inform SMA when finding that pre-packages or measuring containers bottles placed on the market by him do not fulfil the metrological requirements in order to take appropriate measure for consumer protection.</p> <p>10. SMA shall conduct on-site supervisions of quantity control system of manufacturers, as well as shall monitor the quantity control</p>
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	<p>system approved in the conditions of the manufacturer and if necessary provide recommendations.</p> <p>11. Every manufacturer shall be obliged to obtain the approval of SMA for quantity control system.</p> <p>12. Manufacturers shall be registered and retained only if his quantity control system has been approved.</p> <p>13. SMA, may recognize the conformity of state provisions of pre-packages and MCB that hold conformity marks affixed in compliance with the legal metrology regulations of other states or according to conformity marking systems created by other international bodies.</p>
<p>COMMENTS:</p>	

<p>Ref.: Article 19</p>	<p>Regulations on areas of special government interest</p>
<p>Elements recommended by OIML:</p> <p>Reference to what was written above on national metrology policy.</p>	

<p>Proposed Text in local language:</p>	<p>Proposed Text (English):</p> <p>1. This Article shall be applicable only in cases there are products of interest for several important fields for the trade, manufacturing or assets of the country.</p> <p>2. The Minister shall identify fields in which regulations should be drafted, as follows:</p> <p>(i) Regulation on Measuring Instruments;</p> <p>(ii) Regulation on Non-Automatic Weights;</p> <p>(iii) Regulation for Pre-packaged Products;</p> <p>(iv) Regulation for Measuring Container Bottles;</p> <p>Other regulations that are in compliance with the government policy on metrology.</p>
<p>COMMENTS:</p> <p>If no areas of special government interest are defined, this article may be skipped.</p>	

<p>Ref.: Article 20</p>	<p>Measuring instruments/systems in legal metrology</p>
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Elements recommended by OIML:

Regulations may be made by the Government to set up metrological requirements and legal control provisions applicable to measuring instruments that are used for the applications listed in Element no. 16. Measuring instruments that comply with pertinent requirements and have passed the applicable legal control shall bear a conformity marking. These regulations shall take account of OIML Recommendations and of the international standards and shall as far as possible take into account international systems for the certification of measuring instruments or for acceptance and/or recognition of evaluation results of measuring instruments. They shall allow the bodies in charge of conformity assessment activities to enter into mutual acceptance or recognition arrangements and agreements with other countries with the goal of recognizing national or OIML Certificates or test reports or affixed conformity markings.

Details should be laid down in decrees.

Proposed Text in local language:

Proposed Text (English):

COMMENTS:

Ref.: Article 21

Placing measuring instrument on the market

Elements recommended by OIML:

The instruments subject to these regulations shall provide measurement results in the legal units, and the measurement results shall be traceable. These regulations shall specify the required metrological performance and technical requirements applicable to instruments in these categories. In

accordance with the OIML Convention and, when applicable, the WTO/TBT Agreement, these regulations shall be based on OIML Recommendations as far as possible. These regulations shall set up legal control, including supervision, of these instruments. The purpose of this legal control is to ensure that instruments are fit for their intended use, meet and maintain the necessary metrological performance requirements and provide adequate protection against misuse, incorrect interpretations of results and fraud.

Proposed Text in local language:

Proposed Text (English):

1. In the market of the Republic of Suriname may be placed and/or made available for use only those measuring instruments which:

a) meet the requirements deriving from this law;

b) meet technical and metrological requirements determined with applicable provisions of this law, as well as;

c) have passed the determined conformity assessment procedures.

2. Manufacturer, or his authorized representative, shall be responsible to carry out conformity assessment procedures and guarantee that the measuring instrument is in compliance with the determined metrological requirements.

3. Before being placed on the market, measuring instruments that fulfil the conditions referred to in paragraph 1 of this Article should

be marked with described conformity marks and be accompanied with conformity documents according to the legal provisions.

4. Measuring instruments in use should be used in compliance with the requirements for that type of measuring instrument, in compliance with the conformity documents and instructions of the measuring instrument manufacturer.

5. Measuring instruments that do not meet the conditions referred to in paragraph 1 of this Article, which have not been marked and possess no conformity documents according to the metrological requirements, shall not be allowed to be placed on the market and/or put into use.

6. If measuring instruments are in compliance with the requirements of initial verification and subsequent (periodic) verification, SMA or authorized conformity assessment bodies, shall affix to the measuring instrument the verification mark and issue the verification certificate.

7. Graphical representation, dimensions of verification marks and characteristics of the verification certificate shall be defined through a bylaw issued by the Minister.

8. Conformity mark, supplementary metrology mark and security

marks/seals placed in certain measuring instruments, which are placed on the market in compliance with the regulations for measuring and weighing instruments shall be considered as conformity marks. Declaration of conformity in this case shall be considered equal to the initial verification certificate.

9. Metrology marks - seals applied to measuring instruments shall have the same legal protection as each seal in compliance with the relevant law of the Republic of Suriname.

10. Measuring instruments that are not in conformity with the applicable legal requirements, shall be marked as refused and/or verification signs shall be removed, or forced to be in conformity, repaired or withdrawn from the market.

11. The user shall be responsible for legal measuring instruments in use and shall:

a) use only measuring instruments that have been verified;

b) keep measuring instruments in good technical conditions so they can ensure measuring accuracy;

c) submit for verification measuring

	<p>instruments in use, in compliance with this law;</p> <p>d) use legal measuring instruments in compliance with their destination;</p> <p>e) keep evidence about the maintenance and verification of legal measuring instruments in use, when this is defined.</p> <p>12. Legal measuring instrument that is not in use shall be visibly marked with the mark "Measuring instrument out of use".</p>
<p>COMMENTS:</p>	

<p>Ref.: Article 22</p>	<p>Inspection/supervision/surveillance</p>
<p>Elements recommended by OIML:</p> <p>The Central Metrology Authority shall be in charge of organizing</p> <ul style="list-style-type: none"> - the supervision and surveillance of the bodies to whom tasks have been assigned for the enforcement of the legal metrology regulations, - the market surveillance (see 3.1.12 of OIML Guide D 1), - the surveillance of the use of regulated instruments, and - the surveillance of obligations resulting from the regulations mentioned above. The division of responsibilities between the Central Metrology Authority and the Local Metrology Authorities for carrying out these 	

activities shall be laid down in the Legal Metrology Regulations.

All the persons subject to regulations under the Law on Metrology have the obligation to allow enforcement authorities to carry out surveillance tasks and to provide them with relevant information upon request.

Persons in charge of enforcing the provisions of the Law on Metrology (inspectors) shall be appropriately appointed. They should be empowered to

- request the information required,
- exert the legal control on prepackages,
- request information with respect to obligations made by the Law on Metrology to manufacturers, importers, installers, repairers and users of measuring instruments and producers and packers of prepackages, subject to legal control,
- perform inspections on measuring instruments subject to legal control,
- affix rejection marks and/or remove conformity marking, and
- perform surveillance on the bodies appointed.

Their findings concerning offences may be transmitted to the administrative or prosecution authorities for further action.

The legal metrology officials (inspectors), upon presentation of their credentials and in order to perform their duties, shall have the right of access (within national constitutional requirements) to all industrial establishments or commercial premises or vehicles, where measuring equipment subject to legal control is, or may be installed, kept or used. Also, the officials should have the right to access where prepackages are, or may be filled, labeled, kept or offered for sale.

The legal metrology officials (inspectors shall be empowered according to the national judicial procedures to issue stop-use, hold, and removal orders with respect to any measuring instruments subject to legal control, and also stop-sale, hold, and removal orders with respect to any packaged commodities or bulk commodities kept, offered, or exposed for sale. They shall be empowered according to the national judicial procedures to seize, for use as evidence, without formal warrant, any measuring instrument, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the legal metrology requirements. They may be empowered to issue non-judicial monetary penalties (civil penalties).

Proposed Text in local language:

Proposed Text (English):

1. The SMA is the responsible authority for:

a) supervision and surveillance of the bodies to whom tasks have been assigned for the enforcement of the legal metrology regulations;

b) market surveillance in field of metrology;

c) surveillance of the use of legally controlled measuring instruments, and

d) surveillance of obligations resulting from the regulations in force which are related to this Law.

2. Market surveillance and metrological supervision shall be carried out by officials who have the relevant knowledge of measuring

	<p>instruments and for the process they supervise.</p> <p>3. Persons in charge of enforcing the provisions of this law (metrology inspectors) shall be appropriately appointed.</p> <p>4. Persons mentioned in paragraph 3 of this article have the authority to:</p> <ul style="list-style-type: none">a) request the information required for implementing Article ?? of this Lawb) exercise legal control on pre-packages defined in Article ?? of this Law;c) request information with respect to obligations made by this law to manufacturers, importers, installers, repairers and users of measuring instruments and producers and packagers of pre-packages, subject to legal control;d) perform inspections on measuring instruments subject to legal metrological control;e) affix rejection marks and/or remove conformity marking in application of Article ?? of this
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	<p>Law, and</p> <p>f) perform surveillance of the bodies appointed for implementing paragraph 2 of Article ?? of this Law.</p> <p>5.The findings of inspectors concerning violations defined in Article ?? of this Law, may be transmitted to the administrative or prosecution authorities for further action.</p> <p>6. All the persons subject to regulations under this law have the obligation to allow enforcement authorities to carry out surveillance tasks and to provide them with relevant information upon request.</p> <p>7.The metrology inspectors shall in accordance with the Regulation on measuring instruments and Regulation on non-automatic weighing instruments, shall be authorized to access the buildings of legal entities who place measuring instruments on the market or in use, and access the building of users of measuring instruments and take</p>
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actions to enforce the law if necessary.

8. The metrology inspectors, upon presentation of their credentials and in order to perform their duties, shall have the right to access (within state constitutional requirements) all industrial establishments or commercial premises or vehicles, where measuring equipment is subject to legal control, or may be installed, kept or used.

9. The metrology inspectors shall be authorized according to the state judicial procedures to issue stop-use, hold, and removal orders with respect to any measuring instruments subject to legal control, and stop sale, hold, and removal orders with respect to any pre-packaged commodities or bulk commodities kept, offered, or exposed for sale. Metrology inspectors should have the right to access the buildings where pre-packages are located, or may be filled, labelled, kept or offered for sale.

10. The metrology inspectors shall

	<p>be empowered according to the state judicial procedures to seize and use as evidence, without formal warrant, any measuring instrument, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the legal metrology requirements.</p> <p>11. The metrology inspectors are authorized to issue administrative measures, non-judicial monetary penalties (civil penalties).</p> <p>12. The metrology inspector keeps an inspection record sheet reflecting acquired information. This inspection record sheet is maintained in two (2) copies, one of which is handed over to the inspected subject.</p>
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COMMENTS:

Ref.: Article 23	International Agreements
Elements recommended by OIML:	

The national metrology institute(s) shall have the power and resources to enter in negotiation for international acceptance and recognitions in the scope of their activity.

Certified calibration results, test results and measurement results established by the national institutes in the scope of their designation shall be traceable to the realization of the International System of Units (SI) and presented in compliance with the recommendations of the CGPM and the OIML, and with relevant international standards.

Bodies in charge of conformity assessment activities shall be allowed to enter into mutual acceptance or recognition arrangements and agreements with other countries with the goal of recognizing national or OIML Certificates or test reports or affixed conformity markings.

The Central Metrology Authority may appoint bodies to perform tasks pertaining to conformity assessment, verification, or inspection in application of the legal metrology regulations. These bodies shall be competent and impartial. They shall perform their tasks in a non-discriminatory manner. Appropriate accreditations are an acceptable way to show competence and impartiality.

The bodies appointed in application of this Element shall comply with the relevant parts of Articles 5 and 6 of the WTO/TBT Agreement, with the exception of the obligation to notify proposed conformity assessment procedures.

Proposed Text in local language:

Proposed Text (English):

1. SMA is member of the TO BE SPECIFIED.

2. The certified calibration results, test results and the results of measurements carried out

	<p>by national metrology institutes, which are traceable to the International System of Units (SI) and are presented in accordance to the recommendations of the CGPM and the OIML, and to relevant international standards, are recognized by the SMA.</p> <p>3. The SMA has the authority to enter into mutual arrangements and agreements with Metrology Institutes of other countries, for recognition of certificates and test reports or conformity marks, if they are in compliance with documents and recommendations of OIML, as well as with relevant international documents/standards in the field of metrology.</p> <p>4. SMA is responsible for scientific and legal metrology missions, as well as for entering into international agreements by determining the equivalence of metrology systems in the participating countries.</p>
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COMMENTS :

Ref.: Article 24	Enforcement
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Elements recommended by OIML:

The enforcement of the regulations taken in application of the Law on Metrology shall be placed under the responsibility of the Central Metrology Authority and should be carried out:

for actions at national level, by the Central Metrology Authority;

for actions at local level, by the Local Metrology Authorities if appropriate (when the size of the country allows it, it may be decided that the Central Metrology Authority will carry out the whole enforcement activities).

Technical tasks necessary for the enforcement of these regulations may be delegated to designated bodies (for example testing or assessing instruments), (see 3.7.2). Agents of the Central Metrology Authority and of the Local Metrology Authorities must be duly legally empowered for the enforcement activities that are incumbent on them.

Enforcement may be developed to address the following, escalating options:

- education;
- warning;
- removal from service;
- seizure;
- civil penalty (Administrative monetary penalty, name and shame); and
- prosecution. Some of these could be addressed in legislation, regulation or via policy.

Proposed Text in local language:

Proposed Text (English):

COMMENTS:

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Ref.: Article 25	Fees, financial provisions
<p>Elements recommended by OIML:</p> <ol style="list-style-type: none"> 1. The metrological work carried out by the legal metrology authorities may give rise to the levying of official fees for services rendered. A financial regulation may fix the procedures to be followed, the operations for which fees have to be paid, and the amount of these fees. 2. Fees collected for services rendered may be used for facilities and personnel employed in carrying out established duties. 3. The conformity assessment and verification tasks carried out by the bodies mentioned above shall be performed on demand of the individual or organization responsible for the conformity. 	
Proposed Text in local language:	<p>Proposed Text (English):</p> <ol style="list-style-type: none"> 1. Metrological activities realized by the SMA and authorized conformity assessment bodies are carried out under tariffs approved by the bylaw issued by the Minister. 2. The authorized conformity assessment bodies and national measurement standards laboratories outside the SMA for performing various metrological services shall use tariffs approved by Minister with bylaw. 3. Duties on conformity assessment

	<p>and verification, which are carried out by authorized bodies, shall be carried out upon the request of a natural or legal person who is responsible for conformity.</p>
<p>COMMENTS:</p>	

Ref.: Article 26	Offences
<p>Elements recommended by OIML:</p> <p>The list of offences that result from the non-observance of the obligations of the Law on Metrology should be written, and corresponding penalties should be defined in the penal law or in the Law on Metrology. The following offences are suggested:</p> <p>1. General:</p> <p>It shall be an offence to</p> <ul style="list-style-type: none"> - sell, offer, or expose for sale a quantity less than the quantity represented, as prescribed in regulations (which may account for statistical variation), - take more than the represented quantity when, as the buyer, he/she furnishes the weight or measure by means of which the quantity is determined, - represent the quantity in any manner calculated or intending to mislead or in any way deceive another person, - misrepresent the price of any commodity or service sold, offered, 	

exposed, or advertised for sale by quantity (weight, measure, or count/number), or represent the price in any manner calculated or intended to mislead or in any way deceive a person,

- misrepresent measurements of quality of products used to determine the price or grade of the product,
- fail to register when registration is required,
- not comply with obligations to keep records, or not make them available to legal metrology officials,
- not comply with corrective actions requested/instructed by legal metrology officials,
- hinder or obstruct any legal metrology official in the performance of their duties,
- affix fake or undue conformity marking or verification marks, and
- impersonate a legal metrology official.

2. Related to measurements provided in advertisements and other publications:

It shall be an offence to

- refuse or fail to provide justifications of the measurement results provided in advertisements (or other public communications), and
- provide false or misleading measurement results in advertisements (or other public communications).

3. Related to the use of legal units:

It shall be an offence to

- use other units and symbols than those defined in this law, for the applications defined in the law.

4. Related to regulations on measurements:

It shall be an offence to

- not perform the legally required measurements and document them when required,
- not fulfil the metrological (including traceability) requirements, or
- perform measurements with instruments other than those prescribed.

5. Related to regulations on prepackages:

It shall be an offence to sell or offer for sale any prepackage which does not satisfy the requirements of the regulations.

6. Related to measuring instruments for which legal control is required:

It shall be an offence to

- offer for sale (place on the market), sell or install instruments which do not comply with the legal requirements for the intended use,
- use instruments (for other than personal use) which have not been submitted to legal control,
- use instruments without conforming to their prescribed conditions of use,
- repair or install regulated instruments without required authorizations,
- affix false conformity markings or affix conformity markings illegally on measuring instruments,
- bias measuring instruments to yield an inaccurate result, or
- remove any tag, seal, or mark from any weight or measure or measuring instrument without being duly authorized by the proper authority.

Proposed Text in local language:	Proposed Text (English):
COMMENTS:	

Ref.: Article 27	Fines and penalties
<p>Elements recommended by OIML:</p> <p>Fines and penalties should be severe enough in order to prevent repetition of the offence. Publication of offenders could be a useful means ("name and shame" approach).</p>	
Proposed Text in local language:	<p>Proposed Text (English):</p> <ol style="list-style-type: none"> 1. The metrology inspector for the violation found based on this law shall impose the following fines: 2. Entities shall be fined in the amount of [AMOUNT] up to [AMOUNT], while with a fine in amount from [AMOUNT] up to [AMOUNT] shall be fined the responsible entity in the following cases: <ol style="list-style-type: none"> a) for usage of measuring units in violation of regulations specified under the provisions of this Law and provisions of bylaw which regulates the usage of measuring units, as

	<p>provided for in Article ?? of this Law;</p> <p>b) possession within a business a measuring device which is not in use and which is not visibly marked with the sign "measuring instrument out of use", as provide for in paragraph 2 of Article ?? of this Law;</p> <p>2.3. failure to provide periodical verification of measuring instrument within specified intervals, according to Article ??, paragraph 1 and sub-paragraph 1.5 of this Law;</p> <p>2.4. failure to provide measuring devices for periodical verification upon their repair, as specified in Article ?? of this Law,</p> <p>2.5. failure to meet requirements for registration, as described in Article ?? of this Law.</p> <p>3. Authorized entities shall be fined in the amount from [AMOUNT] up to [AMOUNT], while the responsible entity individual shall be fined in the amount from [AMOUNT] up to [AMOUNT], in the following cases:</p> <p>a) failure to regularly maintain measuring instruments, according to paragraph ??, Article ?? of this Law;</p> <p>b) production, importing and making</p>
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	<p>available on the market of pre-packaged products and bottles as measuring container, which do not meet metrological requirements and do not have inscriptions and signs as provided for in Article ?? of this Law;</p> <p>3.3. an action in violation with provisions described in Article ?? and Article ?? of this Law.</p> <p>4. Entity shall be fined in the amount from [AMOUNT] up to [AMOUNT] while the responsible person of entity shall be fined in amount from [AMOUNT] up to [AMOUNT] if:</p> <p>a) placing on the market and for use of measuring instruments is in violation with provisions described in paragraph ?, Article ?? of this Law;</p> <p>b) usage of legal measuring instrument is in violation with provisions defined in sub-paragraphs ??? of paragraph ?, Article ?? of this Law;</p> <p>c) an action is in violation with provisions defined in paragraph 1, Article ??, paragraph ?, Article ?? and paragraph ?, Article ?? of this Law;</p>
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	<p>d) failure to provide necessary information and data to metrology inspector for completion of surveillance, in violation with provisions of sub-paragraph ??, paragraph ?, Article ?? of this Law.</p>
<p>COMMENTS:</p>	

<p>Ref.: Article 28</p>	<p>Coming into force, transition period</p>
<p>Elements recommended by OIML:</p> <p>, The transition period should be long enough to avoid unacceptably high financial losses and/or to allow for adequate adaptation to the new regulations.</p>	
<p>Proposed Text in local language:</p>	<p>Proposed Text (English):</p> <ol style="list-style-type: none"> 1. This law shall enter into force ?? (??) days after its publication in the Official Gazette of the Republic of Suriname. 2. Entry into force of this Law shall repeal Law No. ??
<p>COMMENTS:</p>	

CHAPTER 4: PROPOSED TEXT OF SURINAMESE LAW ON METROLOGY

The structure for a law proposed by the OIML is not always logical. The experts also feel that it sometimes is better to split topics in separate articles. Therefore we have made the following consolidated version of the text for a Surinamese Law on Metrology:

Law on Metrology

CHAPTER I

GENERAL PROVISIONS

Article 1:

Purpose and Scope of this Law

1. This Law governs the state system of metrology and requirements to carry out activities in scientific, industrial and legal metrology.
2. The provisions of this Law shall apply to the organization of metrological activities, usage of legal measurement units and traceability of measurement standards in the Republic of Suriname, placing on the market and usage of the legal measuring instruments, the procedures for the legal control of measurements and measuring instruments, pre-packaged products, validity of foreign conformity documents and marks, as well as other metrology-related issues.

Article 2:

Terms and Definitions

1. Terms used in this Law shall have the following meanings:

- 1.1. **SMA** - Surinamese Metrology Authority
- 1.2. **Metrology** - the science of measurement and its application;
- 1.3. **Measurement** - process of experimentally obtaining one or more values of quantity which reasonably may be attributed to a size;
- 1.4. **Measurement unit** - real scalar size, defined and adopted by convention, with which any other size of the same kind can be compared to express the ratio of the two sizes as a number;
- 1.5. **Metrological traceability**- characteristic of a measuring result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measuring uncertainty;
- 1.6. **Calibration** - operation that, under specified conditions, in a first step establishes a relation between the values of quantity with uncertainties of measurement provided by measurement standards and corresponding indicators with associated measuring uncertainties and in a second step uses this information to establish a relation for obtaining a measuring result from an indicator;
- 1.7. **Measuring instrument** -in the sense of VIM, the term covers measuring instruments and measuring systems, material measures and any part of the measuring instrument or measuring system which can be the object of specific requirements and of specific evaluation of conformity:
- 1.7.1. **Measuring instrument** - a device used for making measurements, alone or in conjunction with one or more supplementary devices;
- 1.7.2. **Measuring system** - set of one or more measuring instruments and often other devices, including any reagent and supply, assembled and adapted to give information used to generate measured quantity values within specified intervals for quantities of specified kinds;
- 1.7.3. **Material measure** - measuring instrument reproducing or supplying, in a permanent manner during its use, quantities of one or more given kinds, each with an assigned quantity value;

- 1.8. **Measurement standard** - realization of the definition of a given quantity, with stated quantity value and associated measurement uncertainty, used as a reference;
- 1.9. **National measuring standard** - measurement standard recognized by national authority to serve in a state or economy as the basis for assigning quantity values to other measurement standards for the kind of quantity concerned;
- 1.10. **Reference material** - material, sufficiently homogeneous and stable with reference to specified properties, which has been established to be fit for its intended use in measurement or in examination of nominal properties;
- 1.11. **Certified reference material** - reference material, accompanied by documentation issued by an authoritative body and providing one or more specified property values with associated uncertainties and traceability, using valid procedures;
- 1.12. **Verification of a measuring instrument** - conformity assessment procedure (other than type evaluation) which results in the affixing of a verification mark and/or issuing of a verification certificate;
- 1.13. **Initial verification** - verification of a measuring instrument which has not been verified previously;
- 1.14. **Subsequent verification** - verification of a measuring instrument after a previous verification. Subsequent verification includes: mandatory periodic verification, verification after repair, and voluntary verification;
- 1.15. **Mandatory periodic verification** - subsequent verification of a measuring instrument, carried out periodically at specified intervals according to the procedure laid down by the regulations;
- 1.16. **Official measurement** - a measurement carried out by an authorized entity, in compliance with the decision for authorization. Official measurement shall be used as reliable evidence in procedures and decision-making of government body or courts.
- 1.17. **Legal metrological control** - means the whole of legal metrology activities the entire legal activities of metrology;

1.18. **Legal control of measuring instruments** - generic term used to globally designate legal operations to which measuring instruments may be subjected, e.g. type approval, verification, etc.;

1.19. **Metrological supervision** - means the activity of legal metrological control to check the observance of metrology laws and regulations;

1.20. **Market surveillance** - metrological supervision aimed at measuring instruments and prepackages intended to be placed on the market and/or put into service for the first time, to ensure that all the elements of the conformity assessment system function correctly, resulting in general compliance of the products with the provisions of the applicable regulations across a country or free trade area;

1.21. **Surveillance of the use of measuring instruments** - part of the metrological supervision which relates to examination whether the instruments that are subject to legal metrology control are correctly used;

1.22. **Accreditation** - an attestation by a state accreditation body that a conformity assessment body meets the requirements set by harmonised standards and additional requirements, including those set out in relevant sector schemes to carry out specific conformity assessment activities;

1.23. **Placing on the market** - the first making available of a measuring instrument or a prepackage on the market;

1.24. **Conformity assessment** - demonstration that specified requirements relating to a product, process, system, person or body are fulfilled;

1.25. **Pre-package** - combination of a product and the packing material in which it is pre-packed;

1.26. **Measuring Container Bottle (MCB)** - measuring container commonly called bottle, made of glass or any other substance having such rigidity and stability that it offers the same metrological guarantees as glass, when such containers:

a) are stoppered or designed to be stoppered and are intended for storage, transport or delivery of liquids,

b) have a nominal capacity of between 0,05 litre and five litres inclusive,

c) have metrological characteristics (design characteristics and uniformity of manufacture) such that they can be used as measuring containers, i.e. when they are filled up to a specified level or to a specified percentage of their brim capacity their contents can be measured with sufficient accuracy;

1.27. **Type of a measuring instrument** - definitive model of a measuring instrument or module (including a family of instruments or modules) of which all the elements affecting its metrological properties are suitably defined;

1.28. **Type evaluation of measuring instruments**- conformity assessment procedure for one or more sample of an identified type (pattern) of measuring instruments which results in an evaluation report and/or an evaluation certificate;

1.29. **Type approval** - decision of legal relevance, based on the review of the type evaluation report, that the type of a measuring instrument complies with the relevant statutory requirements and results in the issuance of the type approval certificate;

1.30. **Inspection** - examination of a product design, product, process or installation and determination of its conformity with specific requirements or, on the basis of professional judgment, with general requirements;

1.31. **Designation** - governmental authorization of a conformity assessment body to perform specified assessment activities;

1.32. **NAWI** - means non-automatic weighing instruments;

1.33. **CIPM** - International Committee for Weights and Measures (Comité International des Poids et Mesures);

1.34. **MRA** - Mutual Recognition Arrangement (CIPM MRA) is the framework through which National Metrology Institutes demonstrate the international equivalence of their measurement standards and the calibration and measurement certificates they issue;

1.35. **ILAC** - is International Organization for Accreditation Bodies "International Laboratory Accreditation Cooperation";

- 1.36. **SI** -International System of Units (Système InterstateD'unités);
- 1.37. **OIML** -International Organization of Legal Metrology (Organisation Internationale de Métrologie Légale);
- 1.38. **CGPM** - General Conference on Weights and Measures (Conférence Générale des Poids et Mesures) established under the Convention du Metre and serviced by the International Bureau of Weights and Measures;
- 1.39. **VIM** -International Vocabulary of Metrology;
- 1.40. **VIML** -International Vocabulary of Terms in Legal Metrology;
- 1.41. '**Minister**' - means the Minister of Trade and Industry;

2. For terms and definitions not mentioned here, the definitions given in the OIML's '*International Vocabulary of Metrology*' (VIM) or *International vocabulary of terms in legal metrology (VVIML)*, respectively, shall apply.

Article 3

Transparent availability of measurement results

The measurement results carried out with the request of state authorities or serving to the needs of state authorities and related to official transactions, healthcare, environmental protection, public order, costumer safety and protection, shall be made available to the public, in compliance with the applicable legal acts.

CHAPTER II

ORGANIZATION OF METROLOGY INFRASTRUCTURE

Article 4

Surinamese Metrology Agency

1. The Surinamese Metrology Agency (SMA) is the only body of state administration that is responsible for the field of metrology and its application in the Republic of Suriname.
2. SMA is an independent body of state administration that operates within the Ministry of Trade and Industry.
3. Structure and organization of SMA shall ensure impartiality and objectivity in decision- making regarding the tasks in metrology.
4. SMA is headed by the General Director.
5. Law on State Administration of the Republic of Suriname shall apply for establishment, organization and functioning of SMA, unless otherwise determined with this Law.
6. Organization and structure of SMA shall be regulated through a bylaw adopted by the [Government of the Republic of Suriname]¹.

Article 5

Functions and responsibilities of the Surinamese Metrology Agency

1. Surinamese Metrology Authority (SMA) is the only body of state administration that is responsible for the field of metrology and its application in the Republic of Suriname.
2. SMA is an independent body of state administration that operates within the Ministry of Trade and Industry.
3. Structure and organization of SMA shall ensure impartiality and objectivity in decision- making regarding the tasks in metrology.
4. SMA is headed by the General Director.
5. Law on State Administration of the Republic of Suriname shall apply for establishment, organization and functioning of SMA, unless otherwise determined with this Law.

¹ Or alternatively the Minister.

6. The Minister shall adopt regulations that lay down the organization and structure of SMA.

7. SMA shall be responsible for:

- a) Implementing the state metrology policy;
- b) Drafting the legislation in the field of metrology;
- c) Implementing the legal acts in the field of metrology at the state level;
- d) Development, realization, continuous maintenance of national measurement standards in the Republic of Suriname;
- e) Establishing the traceability to the SI, depending on the quantity, either by realizing the definition of the unit or by keeping, maintaining and continuously improving the national measurement standards that are traceable to a foreign institute;
- f) Performing research and development activities for the national measurement standards;
- g) Performing the legal control of measuring instruments;
- h) Performing quantitative control of pre-packaged products and measuring container bottles for the purpose of controlling the fulfilment of metrological requirements;
- i) Determining the procedure for keeping the register of manufacturers and importers of pre-packages and bottles as measuring containers;
- j) Performing the metrological supervision;
- k) Supervision of Conformity Assessment Body (authorized body) assigned with the duties for implementation of the bylaws on metrology;
- l) Authorization of economic operator for repairing and preparing measuring instruments for verification;
- m) Performing conformity assessment of measuring instruments;

- n) Performing activities for metrological expertise;
- o) Keeping the register of measuring instruments which are subject to the legal metrological control and other data outlined;
- p) Providing professional assistance and delivering training sessions in the field of metrology;
- q) Cooperating with other state authorities, especially with those of quality infrastructure and consumer protection authorities;
- r) Serving as state reference for state accreditation authority for the field of calibration laboratories with regards to the calibration/testing abilities and measurement standards;
- s) Carrying out other activities in the field of metrology in compliance with the law;
- t) Representing the Republic of Suriname in international organizations of metrology, performing duties deriving from the membership in these organizations and establishing cooperation in the field of metrology;
- u) Participating in similar interstate activities, comparison and dedicated working groups;
- v) Studying the calibration and test equipment needed for the implementation of the legal metrology regulations and setting up this equipment in accordance with the national needs.

Article 6

Organisation of the Surinamese metrology infrastructure

1. SMA shall be responsible to implement legal acts on metrology at state level.
2. SMA shall consult other competent institutions for drafting the state metrology policy and shall reach the consensus to:
 - a) Ensure that the laws and regulations related to the metrology are considered and are in compliance with the relevant international provisions related to the metrology, and

b) Ensure that laws and regulations do not prevent state authorities from reaching international agreements.

3. SMA shall actively cooperate with state authorities responsible for standardization and accreditation activities, as well as with relevant interstate organizations for metrology.

4. The structure of the metrology system shall integrate the holder of national measurement standards, authorized conformity assessment bodies, including calibration and testing laboratories, economic operators performing metrological services and other organizations involved in the task of metrology.

Article 7

Metrology Council

1. The Metrology Council shall be an advisory body operating within SMA.

2. Metrology Council shall identify priorities in the field of metrology in the country, propose investments, scientific and training activities, and provide professional advices about the assessments for metrology issues.

3. The manner of establishing the Metrology Council, the scope and selection and assignment of members shall be regulated with a regulation that will be issued by the Minister.

Article 8

National strategy and policy

1. SMA shall be responsible to draft, develop and implement *the state metrology strategy and policy*, which shall be submitted to the Government for approval.

2. This state strategy and policy shall be implemented in coordination with all departments of relevant ministries and shall address the following purposes:

- a) consumer protection and environmental protection;
- b) official measurements;
- c) support of industry, including consultancy for technical regulations;
- d) fair trade;
- e) international recognition;
- f) statement for organization of metrology infrastructure, including the Council of Metrology with representatives of all stakeholders;
- g) statement for the competence of authorised conformity assessment bodies regarding the responsible persons;
- h) education and/or training in metrology; and
- i) mutual recognition of testing/calibration results or certificates.

3. SMA shall draft policies in the field of Metrology, which in the Private Sector Development Strategy, are incorporated in the strategic objective - Development and promotion of the quality infrastructure by approximating the legislation, as well as membership to relevant regional and international organizations, as well specific objective: Increase and improvement of accreditation, standardization and metrology services.

CHAPTER III

LEGAL MEASURING UNITS

Article 9

Legal units of measurement

1. In order to ensure the uniformity of measurements in the country is mandatory to be used legal units of measurement.

a) The units of International System of Units (SI) adopted by the General Conference of Weights and Measures and recommended by the OIML for legal purposes;

b) units used for quantities that are not covered by the SI, as specified by a sub-law of the Government; and

c) customary units as decided by the Government.

2. The use of SI units and other units not included in SI system, when used internationally and does not directly derive from SI system, shall be defined with a bylaw.

CHAPTER IV NATIONAL MEASUREMENT STANDARDS AND METROLOGICAL TRACEABILITY

Article 10

National measurement standards and reference materials

1. The national measurement standards system and reference materials in the Republic of Suriname shall be created according to the needs of the state, in order to provide traceability to the International System of Units (SI) and to ensure international compliance and recognition. The national measurement standards shall in all cases be those that are the most accurate measurement standards of the country. The national measurement standards are part of the Surinamese national meteorological infrastructure.

2. SMA shall be responsible to develop, keep and maintain the national measurement standards providing traceability to the International System of Units (SI).

3. SMA may officially recognize any measurement standard that has been realized, conserved and maintained by a Surinamese legal entity established in Surinamese, as a National Measurement Standard in respect with the traceability to the International System of Units (SI).
4. SMA shall cooperate with other public and/or private organizations for the purpose of identifying the opportunity to develop and preserve certain national measurement standards in order to support State Quality Infrastructure.
5. For the quantities whose traceability can be easily obtained by the users and by the calibration and testing laboratories directly from the national standards of another country, and when the traceability provided by this direct reference is acceptable to the state accreditation scheme, a national measurement standard may not be necessary. SMA shall consider establishment of a regional metrological infrastructure of traceability with one or more neighbourhood states or competing organizations.
6. The responsibility for compliance with the applicable requirements for preservation and usage of national standards shall remain with the senior management of their holders.
7. Requirements to be met by a reference measurement standards in order to be declared as a national measurement standards, conditions and reasons for annulling the declaration, necessary maintenance and manners for using the national measurement standards shall be regulated by a bylaw issued by the Minister.

Article 11

Reference material

1. National measurement standards system includes a system that provides certified reference materials.

2. Certified reference materials shall be materials whose composition or characteristics are certified by organizations intended and/or accredited to provide traceability for International System of Units (SI) and to provide international compliance and recognition.

3. Certified reference material shall be accompanied by a certificate outlining one or more values of characteristics, along with uncertainties and level of reliability. The certificate shall document and confirm that applicable procedures for confirmation of characteristics and traceability have been applied.

4. The Minister shall allocate these duties to one or more destined legal entities.

5. The procedure for importing, preparing and certifying a certified reference material shall be regulated by a bylaw issued by the Minister.

Article 12

Traceability of measurement results

1. To implement the law and bylaws that determine the requirements for measurement, measuring instruments, non-automatic weighing instruments, pre-packages, including MCB, it is required the traceability for realization of SI and that may be obtained:

a) through state measurement standards and certified reference materials referred to in Articles 10 and 11 of this law.

b) through traceability for recognized the national measurement standards or certified reference materials of other states where the level of uncertainty of state measuring etalons system is not sufficient or when the system does not cover the considered size.

2. In order to confirm whether foreign measurement standards and national measurement standards meet the necessary requirements for traceability of measuring results, should be proved the ILAC Traceability Policy and dissemination of the SI shall be prove. A reference should be made to CIPM MRA and laboratories accredited by national accreditation bodies which are signatories of ILAC MRA or Regional Agreements recognized by ILAC.

3. Certified calibration results, testing results and measurement results determined by SMA and entities which maintain and use national measurement standards in the Republic of Suriname, shall be traceable for realization of SI and shall be presented in compliance with recommendations of CGPM and OIML, as well as with relevant applicable national and international measurement standards.

4. Technical ability of SMA laboratories shall be determined with accreditation.

5. Metrological requirements of traceability shall be regulated by a bylaw issued by the Minister.

CHAPTER V

MEASUREMENT STANDARDS, MEASURING INSTRUMENTS AND MEASUREMENTS

Article 13

Calibration/testing laboratories

1. Calibration/testing laboratories shall support the state metrology infrastructure of the Republic of Suriname for:

- a) calibration services to ensure traceability for SI;
- b) testing services provided by designated laboratories;
- c) services for maintenance of measuring instruments.

2. The Minister may designate bodies to perform tasks pertaining to conformity assessment, verification or inspection in application the of the legal metrology bylaws. These bodies shall be competent and impartial. They shall perform their tasks in a non-discriminatory manner.

3. Bylaws adopted for implementation of this Law may require that implementation bodies that are responsible for certain duties, be accredited.

4. Manner of authorization for conformity assessment bodies shall be regulated through a bylaw issued by the Government of the Republic of Suriname.²

Article 14

Industrial Metrology-Calibration of measurement standards and measuring instruments

1. Calibration of measurement standards and measuring instruments shall be carried out in the calibration laboratories, upon the request of the user

2. Traceability of the measurement standards and measuring instruments shall be ensured through the calibration or with certified reference materials.

3. Measurement standards with documented traceability in compliance with Article 12 of this Law shall be used to ensure the metrological traceability. Traceability of measurement results for a measurement standard shall be confirmed through the calibration certificate.

² Or alternatively, the Minister.

4. Depending on the applicable requirements and its usage, measuring instruments that are subject of legal metrological control may be calibrated. Except special cases provided for in applicable legal acts on metrology, calibration of measuring instruments is a decision that exclusively belongs to the user of the measuring instrument.

5. The Surinamese national calibration laboratories services infrastructure shall be organized according to the provisions related to accreditation in the Law No???.

Article 15

Conformity assessment of measuring instruments

1. Measuring instruments used for reasons of public interest, public health, security and order, consumer protection and environmental protection, collection of taxes and liabilities, fair trade, which directly or indirectly impact the daily life of citizens, shall be subject to the legal metrological control in compliance with the provisions of this Law.

2. Activities of the legal entities related to measuring instruments determined in paragraph 1 of this Article shall be subject of legal metrological control according to the designation and supervision based on this Law.

3. Conformity assessment procedures applicable for measuring instruments mentioned in paragraph 1 of this Article shall be determined through relevant bylaws, as follows:

a) during the phase of designing the type of measuring instrument,

- b) during the phase of production of measuring instruments, including non-automatic weighing instruments, pre-packages and MCB, prior placing them on the market,
- c) during the phase of installation and placing the measuring instrument in use,
- d) during the phase of repairing the measuring instrument, before placing again on the market, and
- e) during the duration of using the measuring instrument.

4. SMA may decide to recognize international or foreign certification systems when they provide equivalent reliability.

5. SMA shall keep a register of conformity assessment certificates issued in compliance with the paragraph 4 of this Article.

6. Bodies responsible for carrying out conformity assessment may receive and use during their work the results of international or foreign systems of conformity assessment, provided that the degree of reliability is recognized as equivalent with state procedures of the Republic of Suriname.

CHAPTER VI

LEGAL METROLOGICAL CONTROL

Article 16

Legally controlled measuring instruments

1. Measuring instruments used in the fields determined in Article 15, paragraph 1 of this law shall be subject to legal metrological control, in compliance with the conformity assessment procedures, as follows:

- a) type approval;
- b) initial verification, and
- c) subsequent verification.

2. The measuring instruments categories that are used in the fields determined in Article 15 paragraph 1, the conformity assessment procedures that are applicable to each measuring instrument and the maximum period of time between two successive metrological verification, shall be documented through a bylaw issued by the Minister.

3. For each category of measuring instruments determined with a bylaw referred to in paragraph 2 of this Article, the Minister shall issue bylaws, which shall determine the specific technical-metrological requirements in compliance with OIML Recommendations, ISO Standards and other relevant international documents.

Article 17

Type approval for legally controlled measuring instruments

1. For measuring instruments not included in any, General Director of SMA shall approve the type of the measuring instruments, following the recommendation of responsible officers of the SMA, when this measuring instrument meets the technical and metrological requirements.

2. The General Director shall take a decision for refusal or withdrawal of measuring instruments, following the recommendation of responsible officers of the SMA, when this measuring instrument does not meet required technical and metrological requirements, determined for a testing procedure.

3. An appeal may be filed against the decision for refusal or withdrawal of measuring instruments to the professional commission for appeals, which shall be established with a decision of the Minister.

4. A bylaw shall determine the procedures for approval of the type of legally controlled measuring instruments.

Article 18

Certifications and conformity marks issued outside the country

1. SMA may receive conformity certificates and documents issued outside the country, if they are in compliance with the applicable regulations in the field of metrology.

2. SMA shall receive testing and verification reports, if they are issued in accordance with the requirements of the International Organization of Legal Metrology.

3. SMA shall keep a register of measuring instruments that are allowed to be placed on the market in the Republic of Suriname, which possess conformity certificates and marks, issued in compliance with paragraph 1 of this Article.

Article 19

Initial verification

1. For new measuring instruments not included in any metrology regulations, and for which a certificate of type approval has been issued, the initial verification shall apply.

2. Measuring instrument may be submitted for initial verification by a local manufacturer, authorized representative/importer or authorized distributor.

Article 20

Placing on the market the legally controlled measuring instruments

1. In the market of the Republic of Suriname may be placed and/or made available for use only those measuring instruments which:

- a) meet the requirements deriving from this law;
- b) meet technical and metrological requirements determined with applicable provisions of this law, as well as;
- c) have passed the determined conformity assessment procedures.

2. Manufacturer, or his authorized representative, shall be responsible to carry out conformity assessment procedures and guarantee that the measuring instrument is in compliance with the determined metrological requirements.

3. Before being placed on the market, measuring instruments that fulfil the conditions referred to in paragraph 1 of this Article should be marked with described conformity marks and be accompanied with conformity documents according to the legal provisions.

4. Measuring instruments in use should be used in compliance with the requirements for that type of measuring instrument, in compliance with the conformity documents and instructions of the measuring instrument manufacturer.

5. Measuring instruments that do not meet the conditions referred to in paragraph 1 of this Article, which have not been marked and possess no conformity documents according to the metrological requirements, shall not be allowed to be placed on the market and/or put into use.

Article 21

Verification mark

1. If measuring instruments are in compliance with the requirements of initial verification and subsequent (periodic) verification, SMA or authorized conformity assessment bodies, shall affix to the measuring instrument the verification mark and issue the verification certificate.

2. Graphical representation, dimensions of verification marks and characteristics of the verification certificate shall be defined through a bylaw issued by the Minister.

3. Conformity mark, supplementary metrology mark and security marks/seals placed in certain measuring instruments, which are placed on the market in compliance with the regulations for measuring and weighing instruments shall be considered as conformity marks. Declaration of conformity in this case shall be considered equal to the initial verification certificate.

4. Metrology marks - seals applied to measuring instruments shall have the same legal protection as each seal in compliance with the relevant law of the Republic of Suriname.

5. Measuring instruments that are not in conformity with the applicable legal requirements, shall be marked as refused and/or verification signs shall be removed, or forced to be in conformity, repaired or withdrawn from the market.

Article 22

Responsible persons for the legal measuring instruments in use

1. The user shall be responsible for legal measuring instruments in use and shall:

- a) use only measuring instruments that have been verified;
- b) keep measuring instruments in good technical conditions so they can ensure measuring accuracy;
- c) submit for verification measuring instruments in use, in compliance with this law;
- d) use legal measuring instruments in compliance with their destination;
- e) keep evidence about the maintenance and verification of legal measuring instruments in use, when this is defined.

2. Legal measuring instrument that is not in use shall be visibly marked with the mark "Measuring instrument out of use".

Article 23

Subsequent verification of legally controlled measuring instruments

1. All measuring instruments being used shall be traceable up to the national measurement standards, namely international measurement standards, as determined in Article 12 of this Law.

2. Measuring instruments in use shall meet the requirements according to the approved type of the measuring instrument and/or determined metrological requirements.

3. The approval of the type of measuring instruments determines the usage of measuring instrument, whereas the fulfilment of metrological requirements shall be confirmed with verification.

4. Verification of legally controlled measuring instruments may be initial, subsequent/periodic, carried out in specific intervals- not regular and extraordinary.

5. The user shall be responsible to ensure regular and non-regular verification of legal measuring instruments.

6. SMA or an authorized legal entities shall be obliged to issue the certificate of verification upon the request of the applicant, even if the measuring instrument already has a verification mark affixed.

7. Measuring instruments, which do not need to be verified, shall be regularly maintained. Procedure, content and intervals, after the regular maintenance, shall be determined by the Minister through a bylaw.

Article 24

Regular verification of measuring instruments

1. SMA shall carry out regular verification of measuring instruments within set deadlines for certain types of measuring instruments.

2. Legal entities who sell thermal energy, electricity, water or gas, and all natural or legal persons possessing legal measuring instruments are obliged to take care about regular verification of measuring instruments of thermal energy, gas meter, water meter and electricity meter.

3. Manners and deadlines for regular verification of measuring instruments shall be determined by the Minister in a bylaw.

Article 25

Non-regular verification of measuring instruments

Non-regular verification of measuring instruments shall be made in cases when the legal measuring instrument was not being used due to the defect or technical shortcoming, following the repairing or in the case when the instrument has not been subject to the regular verification within the set deadline.

Article 26

Extraordinary verification of measuring instruments

1. Extraordinary verification of measuring instruments and check of the official measurements shall be made with metrological expertise when there are doubts for malfunctioning of legal measuring instruments.

2. The request for extraordinary verification of legal measuring instruments may be filed by:

- a) Relevant institutions supervising the market and measuring instruments in the marked;
- b) Legal entity/owner of measuring instruments;
- c) Users of measuring instruments; and
- d) Consumer who consider that they have been damaged from legal measuring instruments.

3. Procedure of extraordinary verification and the expenditures deriving from the extraordinary verification of measuring instruments and official measurements shall be determined with a bylaw.

Article 27

Validity of verification of measuring instruments

1. Validity of verification of measuring instruments shall be discontinued if:

- a) verification validity has expired;
- b) changes have been applied to the measuring instrument which can impact its metrological characteristics;
- c) measuring instrument has been damaged in that way that may lose any important property that is subject of verification;
- d) verification mark has been damaged;
- e) it is clearly seen that the measuring instrument has lost necessary metrological properties even if the verification mark has not been damaged;
- f) the place for installation of measuring instruments has changed.

Article 28

Measurement standards and reference materials in the legal metrology

1. For verification of legally controlled measuring instruments should be used only calibrated measurements standards that have valid calibration certificate and certified reference material that have valid reference material certificate.

2. Calibration of measurement standards and certification of reference materials that are used for verification of legally controlled measuring instruments shall be carried out by SMA or accredited calibration/testing laboratories.

3. Director General of SMA shall recommend maximum recalibration intervals for measurement standards used for verification of legally controlled measuring instruments.

Article 29

Pre-packages

1. The provisions of this law shall apply for individual, combined packages without wrapping package and in measuring containers, which have been produced, placed on the market or provided for general consumption.

2. Pre-packaged products within the meaning of this law shall not be considered free samples, which are pre-packaged products used for marketing purposes.

3. Criteria and general measures for legally controlled pre-packages, metrological requirements for net quantity of pre-packages, mandatory ranges for the nominal amount of several pre-packages, referring methods for controlling net quantity of pre-packages, inscriptions and marks affixed in pre-packages shall be determined with a bylaw.

Article 30

Measuring Container Bottles

1. Measuring container bottles shall contain marks indicating the nominal and filling volume to the complete level, as well as the mark identifying the manufacturer of measuring container.

2. The bylaw defines the bottles that are legally controlled, metrological requirements for measuring container bottles, referring methods for the control of net volume of bottles, inscriptions and marks affixed on the measuring container bottles.

Article 31

Placing on the market the pre-packages and measuring containers bottles

1. Pre-packaged goods and measuring containers bottles may be placed on the market only if they meet the metrological requirements determined by this law and shall have the inscriptions and marks described up to the time of purchase.

2. Manufacturer, his authorized representative or importer shall be responsible for the compliance of the pre-packaged products and measuring bottles with measures determined in this law.

3. Manufacturer shall apply his net quantity control system for pre-packages or control system for the net volume as manufactured measuring container bottles.

4. Manufacturer, his authorized representative or importer shall be obliged to inform SMA when finding that pre-packages or measuring containers bottles placed on the market by him do not fulfil the metrological requirements in order to take appropriate measure for consumer protection.

Article 32

Registration of manufacturers and importers

1. Registration of manufacturers and importers shall be made based on their request to SMA.

2. Manner and procedure for registration shall be determined through a bylaw of the Minister.

3. Manufacturers and importers shall be obliged to inform SMA for any change following the registration.

Article 33

Approval and monitoring of quantity control system of pre-package manufacturers

1. SMA shall conduct on-site supervisions of quantity control system of manufacturers, as well as shall monitor the quantity control system approved in the conditions of the manufacturer and if necessary provide recommendations.

2. Every manufacturer shall be obliged to obtain the approval of SMA for quantity control system.

3. Manufacturers shall be registered and retained only if his quantity control system has been approved.

4. SMA, may recognize the conformity of state provisions of pre-packages and MCB that hold conformity marks affixed in compliance with the legal metrology regulations of other states or according to conformity marking systems created by other international bodies.

Article 34

Applicable sub-laws for special interest of Government

1. This Article shall be applicable only in cases there are products of interest for several important fields for the trade, manufacturing or assets of the country.

2. The Minister shall identify fields in which regulations should be drafted, as follows:

(i) Regulation on Measuring Instruments;

(ii) Regulation on Non-Automatic Weights;

(iii) Regulation for Pre-packaged Products;

(iv) Regulation for Measuring Container Bottles;

Other regulations that are in compliance with the government policy on metrology.

Article 35

Designated conformity assessment bodies

1. When a conformity assessment body demonstrates its conformity with the criteria determined in applicable bylaws, standards and guidelines, it proves that it complies with applicable provisions of this Law.

2. For the implementation of this Law, the Minister, through bylaws, shall require that conformity assessment bodies that are responsible for applicable fields of legal metrology be accredited.

3. The Minister, through a relevant bylaw on the manner of designation for conformity assessment bodies, shall regulate the assessment procedures to designate conformity assessment bodies in specific fields of legal metrology.

4. Designated conformity assessment bodies shall maintain the database along with the relevant registers for measuring instruments that have been subject to the legal metrological control in compliance with their competence.

5. Designated conformity assessment bodies shall assume the obligation to ensure the damages caused against third parties in regards to the activities for assessing conformity of measuring instruments.

6. Procedures for organization and manner on how to perform the legal metrological control for designated conformity assessment bodies shall be determined through a bylaw for metrological supervision that will be issued by the Minister.

7. Applicable requirements for conformity assessment bodies that provide services of conformity assessment for the field of legal metrology shall be determined with bylaws that will be issued by the Minister, in compliance with the applicable standards.

Article 36

Authorization of legal entity for repair and preparation of measuring instruments for verification

1. The General Director of SMA may authorize economic operator who meets the conditions for carrying out repair and preparation of legal measuring instruments for verification.

2. The authorized legal entity who does the repair and preparation of measuring instruments for verification pursuant to paragraph 1 of this Article cannot perform verification of measuring instruments.

3. The authorization may be granted if the economic operator:

- a) possesses necessary technical equipment and space to perform activities that require authorization;
- b) has ensured traceability of the measurement standards and measuring instruments that are used,
- c) employs professionally trained persons to perform the tasks provided by the authorization;
- d) guarantees for compensation of damages incurred by their work, and
- e) is not undergoing bankruptcy procedure.

4. The Minister, through a bylaw, determines technical metrological conditions and criteria for authorization of legal entity to perform activities for repairing services and preparation of measuring instruments for verification.

Article 37

Timeline for issuing the authorization

1. For authorization under Article 36 of this Law, within thirty (30) days from the date of submitting the application, the General Director of SMA shall issue the decision for authorization.

2. The decision for authorization determines the field and volume of authorization.

3. Authorization is valid for three (3) years.

Article 38

Annulment of the decision

1. Decision for authorization in Article 36, may be partially or entirely annulled if the authorised entity partially or completely:

- a) fails to fulfil requirements defined in this Law, provisions for its implementation and decision for authorization;
- b) does not perform its duties as foreseen by the law;
- c) shows professional and technical deficiencies in performing the duties in the field of authorization;
- d) upon request of the entity.

2. The authorized entity whose decision has been annulled, with the justification that he/she did not work in compliance with provisions, professionally and in conformity with authorization, cannot submit a new application for authorization during a three (3) year time limit, starting from the day of its annulment.

Article 39

Invalidity of authorization

1. The authorization in Article 36 becomes invalid when:

- a) its validity expires;
- b) is issued the decision to revoke the authorization
- c) the authorized entity makes a written request to withdraw from authorization.

Article 40

Publication of the authorization decision

The decision on the authorization, changes and discontinuance of validity of the authorization shall be published in the web page of the SMA.

Article 41

Obligations of authorised entity

1. Authorized entity shall:

- a) perform his/her activities in compliance with provisions, with professionalism and in conformity with authorization decision;
- c) immediately notify SMA about the discontinuance or modification of the conditions of authorization;
- d) perform the duties regarding administrative issues in the field which has been authorized in compliance with provisions, if it is not otherwise regulated with this law or provisions regarding implementation;
- e) within determined deadlines and in regular basis present to SMA the data on activates for repair of measuring instruments.

f) present to SMA the necessary information within the set deadline according to procedures for registration of legally controlled measuring instruments in the appropriate register.

Article 42

Inspection/supervision/surveillance

1. The SMA is the responsible authority for:

- a) supervision and surveillance of the bodies to whom tasks have been assigned for the enforcement of the legal metrology regulations;
- b) market surveillance in field of metrology;
- c) surveillance of the use of legally controlled measuring instruments, and
- d) surveillance of obligations resulting from the regulations in force which are related to this Law.

2. Market surveillance and metrological supervision shall be carried out by officials who have the relevant knowledge of measuring instruments and for the process they supervise.

3. Persons in charge of enforcing the provisions of this law (metrology inspectors) shall be appropriately appointed.

4. Persons mentioned in paragraph 3 of this article have the authority to:

- a) request the information required for implementing Article 21 of this Law
- b) exercise legal control on pre-packages defined in Article 31 of this Law;
- c) request information with respect to obligations made by this law to manufacturers, importers, installers, repairers and users of measuring

instruments and producers and packagers of pre-packages, subject to legal control;

d) perform inspections on measuring instruments subject to legal metrological control;

e) affix rejection marks and/or remove conformity marking in application of Article 21 and Article 22 of this Law, and

f) perform surveillance of the bodies appointed for implementing paragraph 2 of Article 13 of this Law.

5. The findings of inspectors concerning violations defined in Article ?? of this Law, may be transmitted to the administrative or prosecution authorities for further action.

6. All the persons subject to regulations under this law have the obligation to allow enforcement authorities to carry out surveillance tasks and to provide them with relevant information upon request.

7. The metrology inspectors shall in accordance with the regulations on measuring instruments and on (non-automatic) weighing instruments, shall be authorized to access the buildings of legal entities who place measuring instruments on the market or in use, and access the building of users of measuring instruments and take actions to enforce the law if necessary.

8. The metrology inspectors, upon presentation of their credentials and in order to perform their duties, shall have the right to access (within state constitutional requirements) all industrial establishments or commercial premises or vehicles, where measuring equipment is subject to legal control, or may be installed, kept or used.

9. The metrology inspectors shall be authorized according to the state judicial procedures to issue stop-use, hold, and removal orders with respect to any measuring instruments subject to legal control, and stop sale, hold, and removal orders with respect to any pre-packaged commodities or bulk commodities kept, offered, or exposed for sale. Metrology inspectors should have the right to access the buildings where pre-packages are located, or may be filled, labelled, kept or offered for sale.

10. The metrology inspectors shall be empowered according to the state judicial procedures to seize and use as evidence, without formal warrant, any measuring instrument, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the legal metrology requirements.

11. The metrology inspectors are authorized to issue administrative measures, non-judicial monetary penalties (civil penalties).

12. The metrology inspector keeps an inspection record sheet reflecting acquired information. This inspection record sheet is maintained in two (2) copies, one of which is handed over to the inspected subject.

Article 43

Complaints procedure

1. Against the decision of SMA a complaint may be filed within fifteen (15) days, from the day of receiving the decision.

[Define a complaint procedure]

CHAPTER VII
INTERNATIONAL COOPERATION

Article 44

International activities of SMA

1. SMA is member of the TO BE SPECIFIED.

2. The certified calibration results, test results and the results of measurements carried out by national metrology institutes, which are traceable to the International System of Units (SI) and are presented in accordance to the recommendations of the CGPM and the OIML, and to relevant international standards, are recognized by the SMA.

3. The SMA has the authority to enter into mutual arrangements and agreements with Metrology Institutes of other countries, for recognition of certificates and test reports or conformity marks, if they are in compliance with documents and recommendations of OIML, as well as with relevant international documents/standards in the field of metrology.

4. SMA is responsible for scientific and legal metrology missions, as well as for entering into international agreements by determining the equivalence of metrology systems in the participating countries.

CHAPTER VIII
FEES AND TARIFFS

Article 45

Service fees and tariffs

1. Metrological activities realized by the SMA and authorized conformity assessment bodies are carried out under tariffs approved by the bylaw issued by the Minister.

2. The authorized conformity assessment bodies and national measurement standards laboratories outside the SMA for performing various metrological services shall use tariffs approved by Minister with bylaw.

3. Duties on conformity assessment and verification, which are carried out by authorized bodies, shall be carried out upon the request of a natural or legal person who is responsible for conformity.

Article 46

Punitive provisions

1. The metrology inspector for the violation found based on this law shall impose the following fines:

2. Entities shall be fined in the amount of [AMOUNT] up to [AMOUNT], while with a fine in amount from [AMOUNT] up to [AMOUNT] shall be fined the responsible entity in the following cases:
 - a) for usage of measuring units in violation of regulations specified under the provisions of this Law and provisions of bylaw which regulates the usage of measuring units, as provided for in Article 9 of this Law;
 - b) possession within a business a measuring device which is not in use and which is not visibly marked with the sign "measuring instrument out of use", as provide for in paragraph 2 of Article 22 of this Law;

c) failure to provide periodical verification of measuring instrument within specified intervals, according to Article 22, paragraph 1 subparagraph e) of this Law;

d) failure to provide measuring devices for periodical verification upon their repair, as specified in Article 25 of this Law,

e) failure to meet requirements for registration, as described in Article 32 of this Law.

3. Authorized entities shall be fined in the amount from [AMOUNT] up to [AMOUNT], while the responsible entity individual shall be fined in the amount from [AMOUNT] up to [AMOUNT], in the following cases:

a) failure to regularly maintain measuring instruments, according to paragraph 7, Article 23 of this Law;

b) production, importing and making available on the market of pre-packaged products and bottles as measuring container, which do not meet metrological requirements and do not have inscriptions and signs as provided for in Article 31 of this Law;

3.3. an action in violation with provisions described in Article 38 and Article 41 of this Law.

4. Entity shall be fined in the amount from [AMOUNT] up to [AMOUNT] while the responsible person of entity shall be fined in amount from [AMOUNT] up to [AMOUNT] if:

a) placing on the market and for use of measuring instruments is in violation with provisions described in paragraph 1, Article 31 of this Law;

b) usage of legal measuring instrument is in violation with provisions defined in sub-paragraphs a), b), c), and d) of paragraph 1, Article 22 of this Law;

c) an action is in violation with provisions defined in paragraph 1, Article 15, paragraph 1, Article 16 and paragraph 1, Article 20 of this Law;

d) failure to provide necessary information and data to metrology inspector for completion of surveillance, in violation with provisions of subparagraph c) of paragraph 1, Article 38 of this Law.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

Article 48

1. This law may be referred to as the Metrology Law.
2. It will be promulgated in the State Gazette of the Republic of Suriname.
3. It takes effect on a date to be determined by the President of the Republic of Suriname.
4. The Minister is charged with enforcing this law.