

Act on units of measurement, measurements and standard time

An unofficial translation of LOV 2007-01-26 nr 04: Act on measurement units, measurements and standard time.

(Comment: The delegation of power is not given directly in the law; however, when the King is mentioned, it is in practice the government. The delegation of authority in this act is mostly given to either the Ministry or to the Norwegian Metrology Service (Justervesenet). The regulation entered into force 1 January 2008 according to resolution 26 January 2007 No. 86.).

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Chapter 1. Introduction

§ 1 Objective

The objective of this Act is to ensure a metrological infrastructure that provides confidence nationally and internationally and to contribute to efficient use of society's resources.

This Act shall contribute that measuring and the results of measurements are satisfactorily accurate from the objective of efficient use of society's resources and interests necessary of protection.

§ 2 Scope and definitions

This Act establishes requirements only for measuring instruments, measuring (the use of measuring instruments), the statement of measuring results and the quantitative content of products when this is particularly determined in or pursuant to this Act. This Act does not apply to measuring and application of measuring results for private use.

For the purpose of this Act 'measuring' means the use of measuring instruments or measuring methods in order to determine the quantity of the measurand. The quantity (measuring result) is stated in units of measuring, percentage or numbers.

For the purpose of this Act, 'measuring instrument' means any device, equipment, instrument or system used to obtain a measuring result. Justervesenet may, through regulation or administrative decision, specify what is to be regarded as the measuring instrument or part of a measuring instrument according to the first sentence. The Ministry may similarly, through regulation or administrative decision, decide that an item that comes under the definition of measuring instrument according to this Act, nevertheless shall not be regarded as a measuring instrument.

§ 3 Authority

Justervesenet is the national metrologic authority. The King may decide that a different authority than Justervesenet shall be the metrologic authority for specific areas. The Authority has in these specific areas the same authority as Justervesenet is provided by this Act, unless otherwise stated.

The Authority shall have the necessary metrological expertise and documented traceability of the measurements performed by the authority. The Ministry may specify requirements for the authority's expertise and other matters of importance for the authority's metrological activities under the Act.

Chapter 2. Basic metrology infrastructure

§ 4 Units of measurement

The King determines, through regulation, the units of measurement that are valid in Norway.

The King may, through regulation, allow other units of measurement to be used in addition to the valid units of measurement in special cases.

§ 5 Realization of units of measurement

The national need for the realization of units of measurement shall be covered. Justervesenet shall implement the necessary measures to ensure this.

If Justervesenet does not realize the needed units of measurement, Justervesenet may designate laboratories to be responsible for realizing one or more of the units of measurement that will be the national reference for other measurements. Justervesenet may set criteria for the designation, as well as modify or withdraw the designation.

The King may, through regulation, lay down the criteria for designation, modification and withdrawal of designation of laboratories.

§ 6 Norwegian standard time

Standard time in Norway is one hour ahead of Coordinated Universal Time (UTC +1).

The King may determine a different standard time for particular times of the year.

Chapter 3. Requirements for measuring instruments when sold etc.

§ 7 Requirements for measuring instruments's quality when sold, etc.

The King may, through regulation, decide that measuring instruments shall meet certain requirements when they are offered for sale or sold, if;

- a) there are requirements for the measuring instruments when they are used, c.f. chapter 4,
- b) it is required by international obligations or
- c) it is otherwise considered necessary to ensure the objectives of this Act, c.f. §1.

The requirements that these measuring instruments shall meet, are established by Justervesenet through regulation or administrative decisions.

The King may, through regulation or individual decision, decide that other forms of transferences shall be regarded and treated as sale under this Act.

§ 8 Conformity assessment

Conformity assessment which determines that the measuring instrument meets specified requirements should be completed and documented before the measuring instrument is offered for sale, unless otherwise decided by Justervesenet. For the purpose of this Act 'Conformity assessment' means an assessment that determines whether a measuring instrument meets the requirements laid down under the provisions of this Act.

Justervesenet establishes, through regulation, which conformity assessments that shall be made and the procedures for performing conformity assessments. In special cases, Justervesenet may determine requirements for conformity assessments and procedures for conformity assessments through administrative decisions.

§ 9 Cancellation of the decision on conformity

Justervesenet may, through regulations or administrative decisions, decide that the decision of conformity shall have limited period of validity. In case of renewal of the conformity decision, the requirements that exist at the time of renewal shall apply, unless special circumstances dictate otherwise.

The decision of conformity may also become invalid before the validity period is over, if it turns out that the requirements which are the basis for the decision, are clearly deficient. The final resolution stating that the decision is invalid, may at the earliest be made by Justervesenet one year after the notification of invalidity is published in the Norwegian Gazette or in any other appropriate way. If any further supply and sale of the measuring instrument can have major social consequences, the Ministry may decide that the decision shall immediately be declared invalid.

Chapter 4. Requirements for measuring instruments in service (measurements)

§ 10 Requirements for measurements to ensure sufficiently accurate measuring results

The King determines, through regulations, to which objective for use the requirements for measuring instruments and measuring methods that are determined pursuant to this chapter, shall apply. In this context, the objective for use is the application of the measuring result produced by the measurement.

In cases where requirements apply, c.f. first subsection, Justervesenet determines, through regulations or administrative decision,

- a) further requirements to be met by the measuring instruments when in service,
- b) further provisions concerning permissible tasks of measuring instruments, and
- c) requirements for use, installation, maintenance, environment and other conditions which may affect the measuring result produced by the measuring instrument.

Requirements pursuant to this provision may only be established if it is considered to be necessary to ensure the Act's objective of sufficiently accurate measurements and measurement results.

§ 11 Requirements to use specific measuring instruments and measuring methods

When it, pursuant to § 10, is decided that there shall be requirements for the measuring performed for certain objectives of use, Justervesenet may, through regulations or administrative decisions, decide which measuring instruments and measuring methods that shall be allowed for these objectives.

§ 12 Requirements for measuring instruments that have already been put into use

Requirements for measuring instruments also apply to measuring instruments that have already been put into use when the requirements are established. Justervesenet determines, through regulation or administrative decisions, to which extent new requirements nevertheless do not apply to measuring instruments which already are in use.

§ 13 Requirements for validity of assessment of conformity

If measuring instruments are subject to the requirement for assessment of conformity pursuant to § 8, the measuring instrument is allowed to be used only if a conformity assessment exists. Justervesenet may give exemptions from this requirement. In cases where the decision is invalid pursuant to § 9 second paragraph, the measuring instrument is no longer allowed to be used.

§ 14 Requirements due to the location of the measuring instrument

The provisions of this chapter will also apply to a measuring instrument for which there is no requirements under § 10 if

- a) the measuring instrument is in the same location as measuring instruments which are subject to requirements, and
- b) the measuring instrument can be mistaken for measuring instruments which are subject to requirements.

Chapter 5. Requirements for statement of measurement values

§ 15 Requirements for statement of measuring results

There shall be consistency between the actual measuring result and the result displayed, in cases where there are requirements for the measuring and measuring results according to chapter 4, c.f. § 10.

Justervesenet may, through regulation or administrative decision, determine further requirements to how a satisfactorily statement of the measuring results will be ensured and when conformity is considered to exist.

§ 16 Requirements for the quantitative content of products

The Ministry may, through regulation, decide

- a) that products can only be marketed or sold in certain quantities, and
- b) that a product's weight, volume, alcoholic contents or other quantitative content shall be declared on the product.

When the quantitative content of a product is declared, Justervesenet may, through regulation, specify further which requirements that shall apply to

- a) the quantitative content of the product, including how the quantitative content shall be calculated,
- b) control of the product's quantitative content, including the requirements for approval schemes, and
- c) labelling to provide information about the quantitative content of the product, including particular requirements for labelling of products that are subject to control by this provision.

Chapter 6. Specific obligations and requirements

§ 17 Obligations to ensure compliance with regulations

The Ministry may, through regulation, decide that those who are responsible by this Act, shall take concrete measures to ensure compliance with regulations. The Ministry may also require approval schemes for measuring instruments in service.

Those responsible by this Act shall ensure that it is possible to control that the statutory requirements are met. Justervesenet may, through regulation or administrative decisions, issue further provisions on this.

The Ministry may, through regulation, require those who are selling or otherwise transferring the measuring instruments, to

- a) inform the buyer of a measuring instrument that the measuring instrument is subject to specific requirements by this Act or the regulations established pursuant to this Act, and
- b) report the sale of measuring instruments to Justervesenet.

§ 18 Obligations for others with responsibilities related to measuring instruments and measurings

Repairer, installer, maintenance worker and others who have responsibilities related to measurings and measuring instruments that are subject to requirements in or pursuant to this Act, must have sufficient expertise for the tasks they perform. Competence must be documented by request of Justervesenet. Justervesenet may, through regulations or administrative decisions, specify what is considered sufficient expertise. The Ministry may, through regulations, require approval schemes when deemed necessary to ensure sufficient expertise of these bodies.

The Ministry may, by regulation, determine that such bodies must notify Justervesenet about assignments related to measuring and measuring instruments.

§ 19 Requirements for marking of measuring instruments

Justervesenet may, through regulation or administrative decision, require that measuring instruments shall be marked with

- a) the approval or control mark, including the required reference to the approval document,
- b) technical specifications of the product,
- c) current operating conditions for the measuring instrument and
- d) who the supplier or manufacturer of the measuring instrument is, and the identification number of the measuring instrument.

Chapter 7. Supervision

§ 20 Supervision

Justervesenet carries out the necessary inspections to ensure compliance with the provisions laid down in or pursuant to this Act.

Justervesenet may leave to others with particular expertise and sufficient independence to perform inspection on their behalf. The provisions of §§ 22-24 apply to those who perform inspection on the behalf of Justervesenet, unless Justervesenet decides otherwise.

§ 21 Justervesenet's execution of control on request

Justervesenet may, on request, verify the condition of a measuring instrument compared to the regulations if

- a) it is impossible or unreasonably difficult to verify that the measuring instrument fulfills the specified requirements in any other way, or
- b) there are other special reasons that call for a verification.

Any expenses for Justervesenet due to performing the verification shall be charged the requisitioner.

§ 22 Unobstructed access

Justervesenet shall have unobstructed access to places and facilities when this is considered necessary to perform inspections by this Act.

If necessary, police assistance may be requested to ensure access.

Justervesenet has no access to private homes unless there are other legal grounds.

§ 23 Right to information

Justervesenet may require that manufacturers, importers, distributors and others who hand over products and measuring instruments, users of measuring instruments, repairers, installers, maintenance workers and others who have responsibilities related to measurings and measuring instruments, present information which is relevant to the inspection.

Similar obligations to present information applies to employees and others acting on behalf of those covered by the first paragraph.

Justervesenet may specify how information shall be presented.

§ 24 Practical assistance and facilitation of the inspection

Anyone who is subject to inspection under this Act, shall ensure facilitation so that the inspection can be carried out in practice, and shall provide the necessary assistance during the inspection.

The inspected entities can not claim costs caused by the performance of necessary inspection.

Justervesenet may through regulations or administrative decisions decide how the

conditions for the inspection shall be facilitated.

§ 25 Information to consider the need for new provisions, etc.

Justervesenet may, to a reasonable extent, request information and investigate the facts deemed necessary to assess whether there is a need to implement new rules or measures to ensure the objectives of this Act. Such information will include technical conditions of measuring instruments, practices and procedures for the measuring methods and statistics.

Chapter 8. Sanctions for violation of the regulatory framework

§ 26 Correction, prohibiting further use and making unusable

In cases of violation of the provisions of this Act or regulations established pursuant to this Act, Justervesenet may demand correction within a given time limit.

If the violation is significant, Justervesenet may require that the violation stopped immediately unless prohibiting further use is considered highly unreasonable. When the correction according to the first paragraph is not completed within the given time limit, this in itself may lead to the violation being considered significant. In cases of prohibiting further use, Justervesenet may also require that the measuring instruments or devices that present a measuring result shall be marked, sealed, removed or otherwise made unusable until the conditions are corrected.

If there is reason to believe that the responsible party is not going to comply with the prohibition of further use, or if it for other reasons is deemed practical, Justervesenet may take the necessary actions to prevent the illegal use, including marking, sealing, temporarily removing or otherwise making the measuring instrument unusable. The cost of Justervesenet's measures shall be covered by the responsible party.

The Ministry may, through regulation, decide further provisions for when stopping is required.

§ 27 Prohibition of sale and withdrawal from the market

If products and measuring instruments do not meet the requirements laid down in or pursuant to this Act, Justervesenet may decide prohibition of sale of these products and measuring instruments. Justervesenet may also require that products and measuring instruments already available for sale or other forms of transfer, are withdrawn. Prohibition of sale and order of withdrawal may be decided for individual products and individual devices or for specified product lots, production series etc. The provision of § 26 third subsection applies correspondingly to decision under this provision.

§ 28 Withdrawal of approval

Justervesenet may withdraw an approval given under this Act or the regulations pursuant to this Act if:

- a) the person who has approval, or anyone acting on his behalf, violates provisions of this Act or regulations pursuant to this Act, and
- b) it is considered indefensible to let the approval still apply.

§ 29 Coercive fines

Justervesenet may impose fines to ensure that obligations under this Act or the regulations pursuant to the Act, are met. Fines may be imposed as a single fine or a series of fines until the conditions that justify the coercive measure has ceased.

Justervesenet may waive the accrued fines entirely or partly.

The King may issue regulations on the size and duration of the fine and any other provisions concerning the determination and implementation.

§ 30 Infringement penalty

Justervesenet may impose an infringement penalty on those who intentionally or negligently violate the provisions of §§ 4, 7-9, 10 second paragraph and 11-13 (cf. §§ 10 first paragraph and 14), 15-19 and 22-25. The same applies to violations of provisions pursuant to these provisions when it is stated in the regulation that violation of that provision may lead to such an administrative sanction.

Unless otherwise specified, the time limit to pay the infringement penalty is four weeks. The King issues regulation on the determination of the infringement penalty. To determine the infringement penalty, either criteria for determining the infringement penalty and a maximum amount, or fixed rates, shall be established. The regulation may also contain provisions on the interest rate and additional fees if the infringement penalty is not paid when due.

The final decision of an infringement penalty is basis for distraint.

Companies may be imposed infringement penalty according to this provision when the violation is committed by someone acting on behalf of the company. This applies even if no individual person can be imposed infringement penalty. 'Company' here means any enterprise, one-man firm, association or other partnership, foundation, estate or public enterprise.

In deciding whether a company shall be imposed infringement penalty, the following shall be particularly considered;

- a) the gravity of the violation,
- b) whether the company through guidelines, instruction, training, control or other measures could have prevented the violation,
- c) whether the violation is committed to promote the company's interests,
- d) whether the company has had or could have gained any advantage by the violation,
- e) whether there has been repetitions, and
- f) the company`s financial capability.

Chapter 9. Supplementary provisions

§ 31 Fees and charges

The Ministry may issue regulations on fees for processing approvals and for other decisions as provided by this Act or regulations pursuant to this Act. The Ministry may also, through regulation, impose fees for supervision and inspection which is carried out to ensure compliance with this Act or provisions pursuant to this Act. The fees shall cover the costs of

the metrological activities.

If it is not considered practical to impose individual fees directly, the Ministry may, through regulation, establish a general charge to cover the costs of the metrological activities.

For delayed payment of fees and charges, an interest shall be charged in accordance with Act of December 17th 1976 No. 100 on interests on overdue payment etc.

The decision to impose fees and charges is basis for distraint.

§ 32 Rules of procedure

The Ministry may lay down supplementary regulations concerning proceedings under this act.

Chapter 10. Final provisions

§ 33 Entering into force

This Act enters into force on the date decided by the King.

§ 34 Repeals and amendment of other acts

When this Act enters into force, the following acts shall be repealed:

1. Act of June 29th 1894 no. 1 on standard time for the kingdom of Norway.
2. Act of October 31st 1946 no. 2 on measures and weights.

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§ 35 Transitional Provisions

Regulations issued pursuant to the Act 31 October 1946 No. 2 on weights and measures and act 29 June 1894 No. 1 on standard time for the kingdom of Norway applies even after this Act has entered into force, unless they conflict with the provisions of this Act or regulations pursuant to this Act.

The Ministry decides, through regulation, to which measuring instruments there should still be further requirements, and in which situations, in a transitional period until a new assessment of whether further requirements shall apply, is completed in pursuance of §§ 7 and 10.

The Ministry may also determine other specific transitional provisions through regulation.