Report on the regulatory impact analysis of the draft Order amending Order ICT/155/2020 of 7 February 2020 regulating State metrological control of certain measuring instruments

EXECUTIVE SUMMARY

Proposing Ministry/Body	Spanish Centre of Metrology. Secretary of State for Industry. Ministry of Industry and Tourism.	**Date**	XX-05-2024
Title of Regulation	Order amending Order ICT/155/2020 of 7 February 2020 regulating State metrological control of certain measuring instruments		
Report type	Normal ☐ Abbreviated ☒		
TIMELINESS OF THE PROPOSAL			

Matter regulated	Order ICT/155/2020 of 7 February 2020 is amended as follows: • Introduction of amendments to Articles 9, 11, 12, 14, 15, 17, 18 and 19 relating to the execution of State metrological control. • Inclusion of a single repealing provision to repeal Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures. • Amendment of the following Annexes for better applicability as well as to correct detected errors: - Annex III. Water meters. - Annex IV. Gas meters and volume conversion devices. - Annex VI: Measuring systems for liquids other than water. - Annex VII. Taximeters. - Annex XI. Temperature recorders and thermometers. - Annex XII. Instruments for measuring the running speed of motor vehicles. - Annex XV. Manometers for measuring motor vehicle tyre pressure. - Annex XVI. Instruments for measuring the sugar content of grape must, concentrated musts and rectified concentrated musts. - Annex XVII. Meters incorporated in type 'B' and 'C' amusement and gaming machines. - Annex XVIII. Systems for counting and controlling the flow of people in public places. • Amendment of Annex VI. Measuring systems for liquids other than water to establish the metrological control of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG). • Inclusion of two new Annexes for the implementation of State metrological control: - ANNEX XX. Charging stations for electric vehicles. - ANNEX XXI. Instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines.
Objectives pursued	Since the adoption of Order ICT/155/2020 of 7 February 2020 regulating State metrological control of certain measuring instruments, it has been necessary, on the one hand, to amend certain aspects of the Order for better applicability as well as to correct detected errors and, on the other hand, to amend Annex VI to establish the metrological control of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of

	liquefied natural gas (LNG), and to include two new Annexes to establish State metrological control of charging stations for electric vehicles and instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines. The objective of this Order is therefore to adapt various parts of the Order to a greater understanding and alignment with the needs that have emerged since its publication.
Main alternatives considered	Non-amendment and therefore: • non-adaptation of the Order for better applicability; • non-rectification of errors; • non-inclusion of specific regulation for measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG), as well as for charging stations for electric vehicles and for instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines. However, non-regulation is not considered a valid option because: Some aspects of a general nature would not be adapted for better implementation and errors detected would not be corrected. On the other hand, with regard to the new regulated instruments: Being within the scope of consumer protection, in the case of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG), as well as charging stations for electric vehicles, and for environmental protection, in the case of instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines, as laid down in Article 8(1) of Law 32/2014 of 22 December 2014 on Metrology. In addition, in the case of charging stations, there are currently more than 35 000 installed and by 2030 it is expected that there shall be 240 000, so citizens need a specific regulation to protect them. Measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG) are currently not a problem as there is no fleet introduced in the market, but shall start to be introduced in the very near future. Regarding instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines, there is Commission Recommendation (EU) 2023/688 of 20 March 2023 on particle number measurement for the periodic technical inspection of vehicles equipped with compression ignition engines.

	Finally, it is necessary to repeal Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures, as it has never been implemented since its approval and is currently not considered necessary.

CONTENT AND LEGAL ANALYSIS	
Structure of the standard	The draft Regulation consists of a single article, a single repealing provision and two final provisions. In the single article: • Paragraphs 1 to 8 amend administrative aspects relating to the general regulation of State metrological control. • Paragraph 9 amends aspects relating to the metrological control of water meters. • Paragraph 10 amends aspects relating to the metrological control of gas meters and volume conversion devices. • Paragraph 11 amends aspects relating to the metrological control of measuring systems intended for the continuous and dynamic measurement of quantities (volumes or masses) of liquids other than water, and provides for the metrological control of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG). • Paragraph 12 amends aspects relating to the metrological control of taximeters. • Paragraph 13 amends aspects relating to the metrological control of temperature recorders and thermometers. • Paragraph 14 amends aspects relating to the metrological control of speedometers. • Paragraph 15 amends aspects relating to the metrological control of manometers for measuring the tyre pressure of motor vehicles. • Paragraph 16 amends aspects relating to the metrological control of instruments for measuring the sugar content of grape must,

concentrated musts and rectified concentrated musts.

- Paragraph 17 amends aspects relating to the metrological control of meters incorporated in type ‘B’ and ‘C’ amusement and gaming machines.
- Paragraph 18 amends aspects relating to the metrological control of systems for counting and controlling the flow of people in public places.
- Paragraph 19 regulates the metrological control of charging stations for electric vehicles.
- Paragraph 20 regulates the metrological control of instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines.

The single repealing provision repeals Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures.

The first final provision includes the title of competence and the second final provision the entry into force.

Required reports	The draft was submitted to a public hearing and information procedure in accordance with Article 26(6) of Law 50/1997 of 27 November 1997, from 9 February to 20 February 2024. It shall be subject to the procedure for the provision of information in the field of technical regulations laid down in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015. A report shall be requested from the National Commission on Markets and Competition. A report shall be requested from the following Ministries: Foreign Affairs, European Union and Cooperation; Defence; Interior; Transport and Sustainable Mobility; Agriculture, Fisheries and Food; Ecological Transition and Demographic Challenge; Economy, Trade and Enterprise; Social Rights, Consumer Affairs and 2030 Agenda; and Digital Transformation and Civil Service. It shall be submitted to the Plenary of the Higher Council of Metrology [Consejo Superior de Metrología] for information and approval. The General Technical Secretariat of the proposing Ministry shall also issue a report and shall request the prior approval of the Ministry of Digital Transformation and Civil Service.
Hearing procedure	The draft was submitted to a public hearing and information procedure, via the urgency procedure, in accordance with Article 26(6) of Law 50/1997 of 27 November 1997, from 9 February to 20 February 2024.

IMPACT ANALYSIS		
Compliance with the distribution of powers	This Order is in line with the distribution of competences in the field of metrology, since Article 149(1)(12) of the Spanish Constitution confers on the State exclusive competence to issue legislation on weights and measures, the traditional terms for what is now referred to as metrology.	
Economic and budgetary impact	General impact on the economy	No significant effects except for charging stations for electric vehicles already installed. However, in this case the additional economic burden on manufacturers shall result in an economic benefit for citizens.

	With regard to competition	☒ The Regulation has no significant impact on competition. ☐ The Regulation has a positive impact on competition. ☐ The Regulation has a negative impact on competition.
	From the point of view of administrative burdens	☐ It implies a reduction of administrative burdens in the State Administration since, in light of the previous regulation, the rule of default administrative silence is accepted. Estimated quantification:_____ ☐ It incorporates new administrative burdens. Estimated quantification:_____ ☒ It does not affect administrative burdens.

	From the point of view of budgets, the law ☐ Affects the budgets of the State Administration. ☐ Affects the budgets of other Regional Administrations.	☒ It does not entail an increase in expenditure insofar as it is limited to updating the regulation of certain exclusively technical aspects already regulated previously, to repealing Order ITC/3721/2006 since it has never been implemented, and to regulating new instruments whose implementation does not involve any variation in budgets. ☐ Involves an income.
Gender impact	The regulation has a gender impact	Negative ☐ Zero ☒ Positive ☐
Impact on children and adolescents, and on the family	Impact of the Regulation on children and adolescents, and on the family	Negative ☐ Zero ☒ Positive ☐
Impact of the Regulation on equal opportunities, non-discrimination and universal accessibility for persons with disabilities	Impact of the Regulation on equal opportunities, non-discrimination and universal accessibility for persons with disabilities	Negative ☐ Zero ☒ Positive ☐
Impact due to climate change	Impact of the regulation on climate change	Negative ☐ Zero ☒ Positive ☐

Impact on SMEs	Impact of the Regulation on SMEs	Negative ☐ Zero ☒ Positive ☐
Other considerations	The new changes presented by the project are elaborated on in the body of the report.	

I. JUSTIFICATION OF THE ABBREVIATED NATURE OF THE REPORT

This draft Order amending Order ICT/155/2020 of 7 February 2020 regulating State metrological control of certain measuring instruments amends certain aspects of the Order to improve its application and understanding as well as corrects errors that have been observed. In addition, Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures, is repealed. Furthermore, the draft Order regulates State metrological control and establishes State metrological control of charging stations for electric vehicles and instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines.

The draft amendment to Order ICT/155/2020 of 7 February 2020 for the instruments regulated therein does not lay down significant obligations additional to existing ones, nor does it create new bodies or structures, and therefore has no budgetary effect or additional cost for any of the actors involved, administration, bodies or users, and does not impose any additional administrative burden of any kind. For new regulated instruments, charging stations for electric vehicles and instruments for measuring the PN emitted by vehicles equipped with compression ignition engines, it also does not create new bodies or structures and therefore has no budgetary effect and does not impose any additional administrative burden of any kind. With regard to additional economic burdens on manufacturers, these would result in an economic benefit for citizens in the case of charging stations for electric vehicles and in a benefit for health and the environment in the case of instruments for measuring the PN emitted by vehicles equipped with compression ignition engines, so that the balance of burdens shall ultimately be positive for citizens. It is obvious that its gender impact is zero.

The aim of the proposed Regulation is to improve certain aspects of Order ICT/155/2020 of 7 February 2020, for better applicability as well as to correct detected errors. In addition, it repeals Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures, because it has not been implemented since its publication. It is also necessary to amend Annex VI to Order ICT/155/2020 of 7 February 2020 and to include two new Annexes, to establish State metrological control of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG), of charging stations for electric vehicles and of instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines for falling within the scope of consumer protection.

To this end, Order ICT/155/2020 of 7 February 2020 is amended in a single article.

Therefore, in accordance with the provisions of Article 3 of Royal Decree 931/2017 of 27 October 2017 regulating the Regulatory Impact Analysis Report, when it is deemed that the proposed legislation does not result in appreciable impacts in the areas mentioned in Article 2, or these are not significant, an abbreviated report shall be made which must include the following paragraphs: timeliness of the regulation; identification of the prevailing competency title; list of regulations repealed; budgetary and gender impact.

II. TIMELINESS OF THE ORDER

1. Reasons

Since the publication of Order ICT/155/2020 of 7 February 2020, it has been observed, on the one hand, that certain aspects of the Order need to be amended for better applicability as well as to correct detected errors. On the other hand, there is the need to repeal Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures, because it has not been implemented since its publication. It is also necessary to amend Annex VI to Order ICT/155/2020 of 7 February 2020 to establish State metrological control of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG), and to include two new Annexes to establish State metrological control of charging stations for electric vehicles and instruments for measuring the PN emitted by vehicles equipped with compression ignition engines.

2. Objectives of the Regulation

The purpose of the amendment to Order ICT/155/2020 of 7 February 2020 is:

- The adaptation of various parts of the Order to a greater understanding and alignment with the needs that have emerged since its publication.
- The repeal of Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures.
- The regulation of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG).
- The regulation of charging stations for electric vehicles.
- The regulation of instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines.

It also responds to the demands made by certain sectors that need this amendment in order for measuring instruments to comply with the requirements laid down therein and on the need to regulate the new instruments.

3. Analysis of alternatives

Non-amendment and therefore:

- Non-adaptation of the Order for better applicability;

- Non-rectification of errors;

- Non-inclusion of specific regulation for measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG), as well as for charging stations for electric vehicles and for instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines.

However, non-regulation is not considered a valid option because:

Some aspects of a general nature would not be adapted for better implementation and errors detected would not be corrected.

On the other hand, with regard to the new regulated instruments:

Being within the scope of consumer protection, in the case of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG), as well as charging stations for electric vehicles, and for environmental protection, in the case of instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines, as laid down in Article 8(1) of Law 32/2014 of 22 December 2014 on Metrology,

In addition, in the case of charging stations, there are currently more than 35 000 installed and by 2030 it is expected that there shall be 240 000, so citizens need a specific regulation to protect them.

Measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG) are currently not a problem as there is no fleet introduced in the market, but shall start to be introduced in the very near future. Regarding instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines, there is Commission Recommendation (EU) 2023/688 of 20 March 2023 on particle number measurement for the periodic technical inspection of vehicles equipped with compression ignition engines.

Finally, it is necessary to repeal Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures, since it has never been implemented since its approval and is currently not considered necessary. Therefore, the most appropriate alternative for meeting the objectives to be achieved is the drawing up and approval of this draft Regulation.

4. Adherence to the principles of sound regulation

This draft meets the principles of sound regulation under which public authorities must act in exercising legislative initiative and regulatory powers, such as the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency, provided for in Article 129 of Law 39/2015 of 1 October 2015 on common administrative procedures in public administration.

It is clear that the principles of necessity and effectiveness are complied with, given the general interest on which the content is based, since the Regulation seeks to correct errors and amend technical aspects in order to adapt to the current situation. The Regulation is in accordance with the principle of proportionality, since it contains the regulation essential for the achievement of the aforementioned objectives. The Regulation also complies with the principle of legal certainty, since this Regulation is consistent with the rest of the legal system and is intended to be clear and to facilitate action and decision-making by all actors involved in the State's metrological control. As regards the principle of transparency, the various procedures for public participation, such as public hearings and information for the persons and entities concerned, have been complied with in the processing of the Regulation. With regard to the principle of efficiency, the draft Regulation does not entail new administrative burdens. In addition, with regard to public expenditure, it should be noted that the budgetary impact of the Regulation is zero, and it does not compromise the principles of budgetary stability and financial sustainability.

III. CONTENT

The draft Order consists of an explanatory part, a single article, a single repealing provision and two final provisions.

In the single article:

- Paragraphs 1 to 8 amend administrative aspects relating to the general regulation of State metrological control.

- Paragraphs 1 to 8 amend administrative aspects relating to the general regulation of State metrological control.

- Paragraph 9 amends aspects relating to the metrological control of water meters.

- Paragraph 10 amends aspects relating to the metrological control of gas meters and volume conversion devices.

- Paragraph 11 amends aspects relating to the metrological control of measuring systems intended for the continuous and dynamic measurement of quantities (volumes or masses) of liquids other than water, and provides for the metrological control of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, and for the supply of liquefied natural gas (LNG).

- Paragraph 12 amends aspects relating to the metrological control of taximeters.

- Paragraph 13 amends aspects relating to the metrological control of temperature recorders and thermometers.

- Paragraph 14 amends aspects relating to the metrological control of speedometers.

- Paragraph 15 amends aspects relating to the metrological control of manometers for measuring the tyre pressure of motor vehicles.

- Paragraph 16 amends aspects relating to the metrological control of instruments for measuring the sugar content of grape must, concentrated musts and rectified concentrated musts.

- Paragraph 17 amends aspects relating to the metrological control of meters incorporated in type 'B' and 'C' amusement and gaming machines.

- Paragraph 18 amends aspects relating to the metrological control of systems for counting and controlling the flow of people in public places.

- Paragraph 19 regulates the metrological control of charging stations for electric vehicles.

- Paragraph 20 regulates the metrological control of instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines. The single repealing provision repeals Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures.

The first final provision includes the title of competence and the second final provision the entry into force.

IV. LEGAL ANALYSIS

1. Legal basis and regulatory status

The legal basis for the draft Regulation, which takes the form of an Order, lies in the second final provision, 'Enabling development and other authorisations for regulatory production', of Royal Decree 244/2016 of 3 June 2016 implementing Law 32/2014 of 22 December 2014 on Metrology.

> *Second final provision. Enabling development and other authorisations for regulatory production.*
>
> *1. The Minister of Industry, Energy and Tourism is authorised to lay down any provisions necessary for the application and development of the provisions of this Royal Decree.*
>
> *2. The Minister of Industry, Energy and Tourism is authorised to update, by means of an Order, the content of the annexes, in order to keep them in line with technical progress and European and international metrology standards.*
>
> *3. The Minister of Industry, Energy and Tourism is also responsible, by means of an Order, for the specific regulation, at its various stages, of the metrological control of the measuring instruments referred to in Article 8(1) of Law 32/2014 of 22 December 2014 on Metrology.*

From the perspective of formal legality, the draft also complies with the general conferral of regulatory powers to the Government in Article 97 of the Constitution, further delegated to the Council of Ministers in Article 4(1)(b) of Government Law 50/1997 of 27 November 1997.

In accordance with Article 24(1)(f) of Government Law 50/1997 of 27 November 1997 and in view of the above, the regulatory status of the draft is deemed appropriate, in addition to the fact that it amends other regulations of the same regulatory status.

From the joint analysis of all the aforementioned precepts,it can be concluded that there is an adequate legal basis for the processing of the draft in question by this ministerial department.

Although the third final provision of Order ICT/155/2020 of 7 February 2020 authorises the head of the General Secretariat for Industry and Small and Medium-Sized Enterprises to update by means of a Resolution the content of each of the annexes to this Order to the technical innovations that occur, following a report from the Higher Council of Metrology, consideration has been given to the processing of the Regulation by means of a Ministerial Order, since it amends aspects contained in the body of the aforementioned Order and includes new annexes regulating the specific aspects of State metrological control of new instruments.

2. Repeal of regulations

The draft Order repeals Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures, since it has never been implemented and it is considered that these instruments, although falling within the scope of public safety laid down in Article 8(1) of Law 32/2014 of 22 December 2014 on Metrology, have sufficient guarantees as they are manufactured in accordance with European standards.

3. Entry into force

In accordance with the provisions of Article 23 of Government Law 50/1997 of 27 November 1997, the entry into force of the Regulation shall be 20 days after its publication in the 'Official State Gazette', since there are no cases provided for in that article that justify a delayed entry into force, i.e. the Regulation does not impose new obligations on natural or legal persons carrying out an economic or professional activity as a result of the exercise of that activity.

Likewise, the validity shall be indefinite.

V. COMPLIANCE OF THE REGULATION WITH THE DISTRIBUTION OF COMPETENCES.

The title of competence for drawing up this draft Regulation is found in the provisions of Article 149(1)(12) of the Spanish Constitution, which confers on the State the exclusive competence to legislate on weights and measures and determination of the official time, a competence which extends to all legislation and not only over the bases or basic legislation, but also over that issued in development of Law 32/2014 of 22 December 2014 on Metrology, which includes regulations, as declared by the Constitutional Court in its Judgment 100/91 of 13 May 1991, in the appeal of unconstitutionality brought by the Executive Council of the Generalitat of Catalonia.

VI. PROCESSING

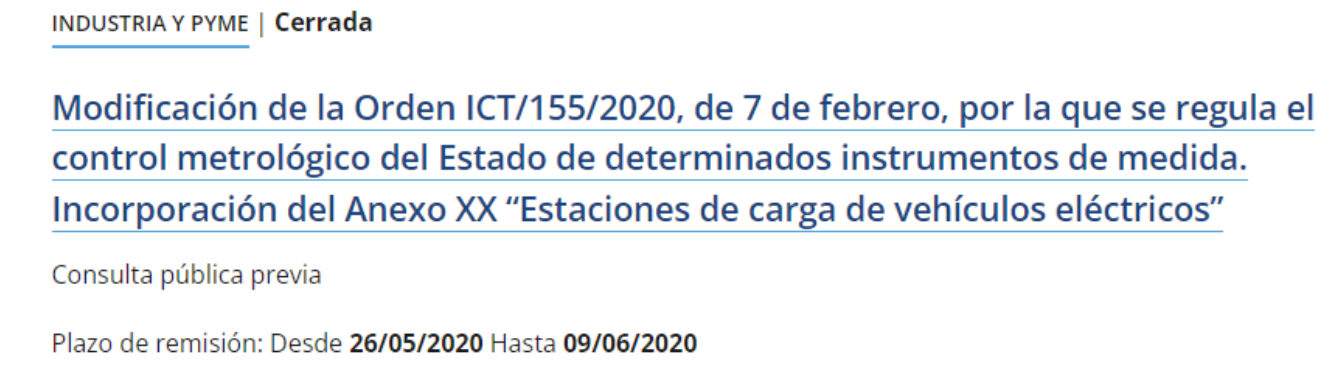
The text was submitted to a public hearing and information procedure with a reduced time period in accordance with Article 26(6) of Government Law 50/1997 of 27 November 1997. The urgency procedure has been applied due to the urgent need to regulate measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide, for the supply of LNG, and charging stations for electric vehicles, as they are increasingly entering the market to the extent that there were more than 35 000 electric vehicle charging stations by the end of 2023 and it is expected that there shall be 240 000 by 2030.

Furthermore, the European Union is working to start regulating these instruments. It has therefore been necessary to hold a public hearing and information procedure as a matter of urgency in order to be able to submit it to the European Commission as soon as possible in accordance with the procedure for the provision of information in the field of technical regulations and of rules on Information Society services, as provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015, and in Royal Decree 1337/1999 of 31 July 1999 regulating the transmission of information in the field of technical standards and regulations and rules on Information Society services, and to prevent the European Commission from starting its own legislative process, which would block the processing of this Order, thus resulting in a legal vacuum for at least 3 years and a problem for the instruments installed in our country.

The draft is accompanied by the mandatory abbreviated MAIN, drawn up in accordance with the provisions of Article 26(3) of Law 50/1997 of 27 November 1997, and Royal Decree 931/2017 of 27 October 2017 regulating the Regulatory Impact Analysis Report.

1. Procedures conducted

1. Prior public consultation, provided for in Article 26(2) of Law 50/1997 of 27 November 1997. The procedure was carried out solely for the incorporation of Annex XX on charging stations for electric vehicles, from 26 May 2020 to 9 June 2020. For the other amendments, it was not considered necessary as the proposed legislation for the other aspects does not have a significant impact on economic activity, does not impose relevant obligations on the addressees, and regulates partial aspects of a matter.


INDUSTRIA Y PYME | **Cerrada**

Modificación de la Orden ICT/155/2020, de 7 de febrero, por la que se regula el control metrológico del Estado de determinados instrumentos de medida. Incorporación del Anexo XX "Estaciones de carga de vehículos eléctricos"

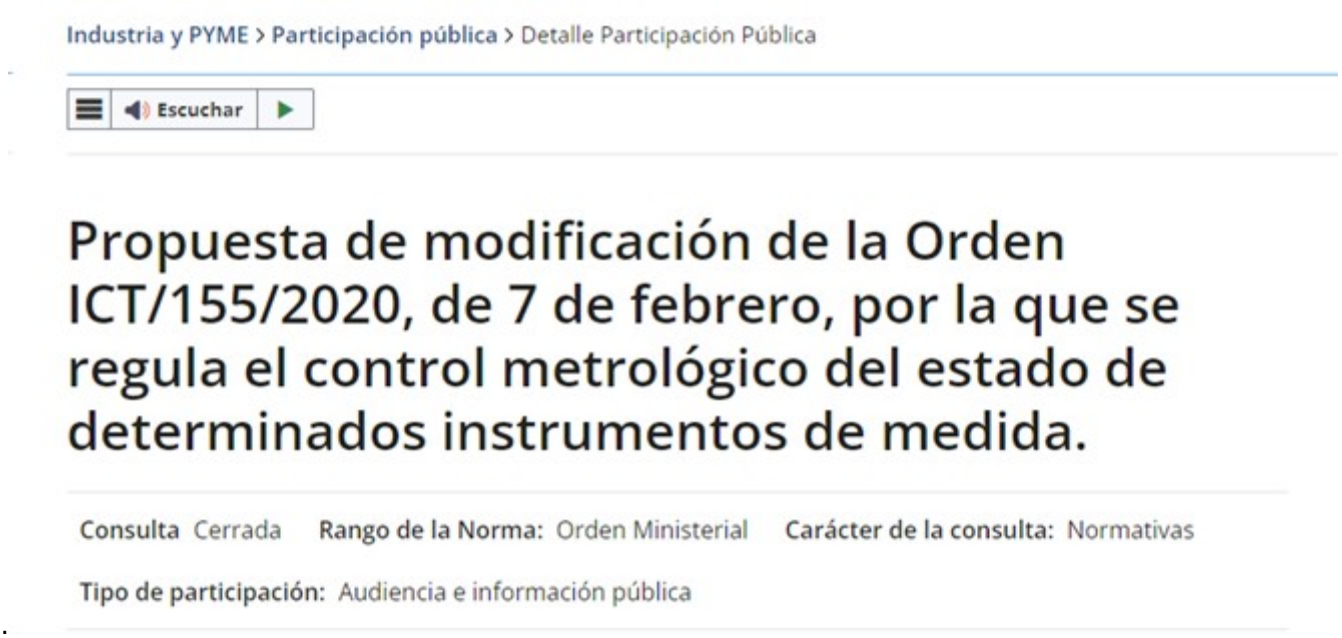
Consulta pública previa

Plazo de remisión: Desde **26/05/2020** Hasta **09/06/2020**

INDUSTRIA Y PYME / Cerrada	INDUSTRY AND SMEs / Closed
Modificatión de la Orden ICT/155/2020 ,de 7	Amendment of Order ICT/155/2020 of

de febrero,por la que se regula el control metrológico del Estado de determinados instrumentos de medida.Incorporatión del Anexo XX “Estaciones de carga de vehículos eléctricos”.	7 February 2020 regulating State metrological control of certain measuring instruments. Incorporation of Annex XX ‘Charging stations for electric vehicles’.
Consulta publica previa	Prior public consultation
Plazo de remision : Desde 26/05/2020 Hasta 09/06/2020	Period for submission: From 26 May 2020 to 9 June 2020

2. Public hearing and information: The public hearing and information procedure provided for in Article 26(6) of the aforementioned Law 50/1997 of 27 November 1997 was carried out. The procedure was carried out over a reduced period of 11 days and took place from 9 February to 20 February 2024. During this hearing procedure, arguments and comments were received from ASERCORP, SGS, ENAGAS, SEDIGAS, CLM – Applus, LGAI – Applus, LEM, Applus, OCME – GT5; UFD, Exanergía, AEDIVE, AFME, ENDESA, INGETEAM POWER TECHNOLOGY S.A. and CEM, concerning Seals; Clean water meters; Gas meters; Electricity meters; Temperature recorders and thermometers; Measuring systems in tankers for the supply of cryogenic liquids with a boiling point below 120 K (-153 °C). Measuring systems for the supply of liquefied carbon dioxide. Measuring systems for the supply of liquefied natural gas (LNG); Instruments for measuring the sugar content of grape must, concentrated musts and rectified concentrated musts and charging stations for electric vehicles.



Industria y PYME> Participation publica > Detalle Participation Publica Escuchar	Industry and SME > Public Participation > Public Participation Detail Listen
Propuesta de modification de la Orden ICT/155/2020, de 7 de febrero ,por la que se	Proposed amendment to Order ICT/155/2020 of 7 February 2020 regulating State

regula el control metrologico del estado de determinados instrumentos de medida.	metrological control of certain measuring instruments.
Consulta Cerrada Rango de la Norma: Orden Ministerial Carácter de la consulta: Normativas	Consultation: Closed Status of the Regulation: Ministerial Order Nature of the consultation: Regulatory
Tipo de participatión: Audiencia e información pública	Type of participation: Public hearing and information

The MAIN annex shall report on the outcome of these procedures, analysing the comments received.

2. Pending procedures

In accordance with the provisions of the first subparagraph of Article 26(5) of Government Law 50/1997 of 27 November 1997, the following reports shall be requested:

- Report from the National Commission on Markets and Competition.
- Report from the Ministry of Foreign Affairs, European Union and Cooperation.
- Report from the Ministry of Defence.
- Report from the Ministry of the Interior.
- Report from the Ministry of Transport and Sustainable Mobility.
- Report from the Ministry of Agriculture, Fisheries and Food.
- Report from the Ministry of Ecological Transition and Demographic Challenge.
- Report from the Ministry of Economy, Trade and Enterprise.
- Report from the Ministry of Social Rights, Consumer Affairs and 2030 Agenda.
- Report from the Ministry of Digital Transformation and Civil Service.

- It shall be submitted to the Plenary of the Higher Council of Metrology in accordance with Article 2(1)(h) of Royal Decree 584/2006 of 12 May 2006 determining the structure, composition and functioning of the Higher Council of Metrology, which provides that: It shall inform as a matter of necessity draft provisions of a general nature affecting the field of metrology.
- It shall be submitted to the services of the European Commission in accordance with the procedure for the provision of information in the field of technical regulations and of rules on Information Society services, as provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015, and in Royal Decree 1337/1999 of 31 July 1999 regulating the transmission of information in the field of technical standards and regulations and rules on Information Society services.
- Prior approval must be sought from the Ministry of Digital Transformation and Civil Service in accordance with the fifth subparagraph of Article 26(5) of Law 50/1997 of 27 November 1997.

The MAIN shall report on the outcome of these procedures, analysing the comments received.

3. The following procedures are not necessary:

The prior public consultation procedure provided for in Article 26(2) of Law 50/1997 of 27 November 1997 is omitted, except for the incorporation of Annex XX on charging stations for electric vehicles, since the proposed legislation does not have a significant impact on economic activity, does not impose relevant obligations on the addressees, and regulates partial aspects of a matter, except for Annex XX on charging stations for electric vehicles, which took place from 26 May 2020 to 9 June 2020.

VII. IMPACT ANALYSIS

1. Economic impact

Measuring instruments subject to State metrological control must comply with the requirements laid down in Royal Decree 244/2016 of 3 June 2016 and Order ICT/155/2020 of 7 February 2020. Both Regulations are in force.

In accordance with Article 26(3)(d) of Law 50/1997 of 27 November 1997 and Article 2(1)(d)(1) of Royal Decree 931/2017 of 27 October 2017 regulating the Regulatory Impact Analysis Report, given the nature of the draft amendment to Order ICT/155/2020 of 7 February 2020, for the instruments regulated in the Order, it does not lay down significant obligations additional to existing ones, nor does it create new bodies or structures, and therefore does not impose a new economic burden on any of the actors involved, administration, bodies or users.

The repeal of ITC/3721/2006 of 22 November 2006 does not have any economic impact either, since it has never been implemented.

With regard to the additional economic burdens of these new regulated instruments, in the case of charging stations for electric vehicles, they could mainly be significant in adapting the fleet of 5 314 DC charging stations already installed, however, the cost would be amortised with the benefit of the accuracy of the measure for citizens within a maximum period of 4 years.

The economic effects for measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG), as well as new charging stations for electric vehicles and instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines, manufactured in accordance with the additional Annexes, should not lead to a significant increase in the cost of the instruments.

On the other hand, in the case of measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG) and charging stations for electric vehicles, they shall result in an economic benefit for citizens, and in the case of instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines, in a benefit for health and the environment, which shall ultimately bring an economic benefit to citizens.

2. Budgetary impact

The budgetary impact analysis is undertaken in accordance with Article 26(3)(d) of Law 50/1997 of 27 November 1997 and Article 2(1)(d)(2) of Royal Decree 931/2017 of 27 October 2017.

Approval of this draft Order shall not lead to any increase in public expenditure. Consequently, no budgetary impact can be seen.

The proposed measures shall not generate an increase in allocations, remuneration or other public sector staff costs. Any additional tasks that the Order may entail shall be dealt with by existing means.

3. Effects on competition

This draft Order correcting certain aspects of Order ICT/155/2020 of 7 February 2020 repeals Order ITC/3721/2006 of 22 November 2006 regulating State metrological control at the stage of placing on the market and putting into service of working instruments known as manometers, manovacuometers and vacuometers with elastic receiving elements and direct indications, intended for the measurement of pressures, by amending the single repealing provision of Order ICT/155/2020 of 7 February 2020, as well as regulating measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG), charging stations for electric vehicles and instruments for measuring the particle number (PN) emitted by vehicles equipped with compression ignition engines, by amending Annex VI to the Order and including two new Annexes, shall allow for better harmonisation in the application of the Order in State metrological control activities by the actors involved. There is no negative effect on competition but rather greater clarity of interpretation.

4. Analysis of administrative burdens

This draft Order does not affect administrative burdens, in accordance with the provisions of Article 26(3)(e) of Law 50/1997 of 27 November 1997 and Article 2(1)(e) of Royal Decree 931/2017 of 27 October 2017.

The publication of this Order shall not increase administrative burdens since it is an amendment to an already existing Order, which is improved and clarified, repealing Order ITC 3721/2006 of 22 November 2006, which has never been implemented, and regulating measuring systems in tankers for the supply of cryogenic liquids with a boiling point below -153 °C, for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG), charging stations for electric vehicles and instruments for measuring the particle number (PN) emitted by vehicles

equipped with compression ignition engines falling within the scope of consumer and environmental protection, as laid down in Article 8(1) of Law 32/2014 of 22 December 2014 on Metrology. Already existing administrative burdens are therefore maintained.

The draft Order does not impose additional administrative obligations on businesses and citizens and therefore does not create a new administrative burden.

5. Gender-based impact on childhood and adolescence and on the family

In accordance with the provisions of article 19 of Organic Law 3/2007, of 22 March 2007, for effective equality between men and women and article 23(3)(f) of Government Law 50/1997, of 27 November 1997, it is reported that this Royal Decree does not have, in substance or form, gender impact and, obviously, does not contain any provision that could favour situations of discrimination on grounds of gender.

In any case, given its specific scope of regulation, it is not possible to establish specific measures from a gender perspective, either in childhood and adolescence or in the family.

6. Impact of the Regulation on equal opportunities, non-discrimination and universal accessibility for persons with disabilities

Additional provision 5 of Law 26/2011 of 1 August 2011 on regulatory adaptation to the International Convention on the Rights of Persons with Disabilities contains the same obligation to include disability impact in the reports: 'The regulatory impact analysis reports, which must accompany draft laws and draft regulations, shall include the impact of the Regulation on equal opportunities, non-discrimination and universal accessibility for persons with disabilities, where such impact is relevant.'

The draft Order is a Regulation that deals exclusively with technical issues of measuring instruments that are subject to State metrological control and has no impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities.

7. Climate change impact

The fifth final provision of Law 7/2021, of 20 May 2021, on climate change and energy transition, has introduced this impact due to climate change.

It is noted that the draft Regulation has no impact due to climate change, valued in terms of adaptation and mitigation.

8. Impact on SMEs

It is noted that the draft Regulation has no impact due to SMEs. The amendments to Order ICT/155/2020 of 7 February 2020 do not change the burdens on SMEs.

VIII. EX-POST EVALUATION

Article 3 of Royal Decree 931/2017 of 27 October 2017 regulating the Regulatory Impact Analysis Report provides that the abbreviated report shall include a description of the way in which, where appropriate, the results of the application of the Regulation shall be analysed in accordance with the provisions of Article 2(1)(j) on ex-post evaluation. As this is a Ministerial Order, it is not included in the Annual Regulatory Plan and is therefore not subject to *ex-post* evaluation.

ANNEX

Analysis of the comments received during the public hearing and information procedure

Assessment of the arguments received:

ASERCORP

Proposal:

Use the amendment of ICT/155/2020 to clarify what is meant by 'light industry' in accordance with Article 1 of Annex III to Order ICT/155/2020.

Response:

It is not considered necessary to define light industry, since the term light industry is included in Annex III to Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments which was transposed by Royal Decree 244/2016 of 3 June 2016 implementing Law 32/2014 of 22 December 2014 on Metrology. No problems have been identified so far in its implementation.

SGS

Proposal:

For water meters for other uses, set a time period for the first verification of 5 years as well as for subsequent verifications.

Response:

This is not considered necessary as the useful life of these instruments was set at 12 years with 5-year useful life applications in accordance with paragraph 4 of Annex III to ICT/155/2020. The proposed amendment aims to ensure that meters for clean water in service with a permanent flow rate $Q_3 \geq 63$ m3/h are eligible for periodic verification or verification after repair. It is therefore not considered appropriate to amend the initial period by setting a period shorter than the useful life. In addition, the request is not supported by experimental data justifying the reduction of the period.

ENAGAS

Proposal:

In paragraph 3.2 of Annex IV, either delete ‘For these purposes, residential, commercial or light industrial use shall mean use where the gas meter has a maximum flow rate equal to or less than 250 m^3/h or equivalent mass flow rate’, or add ‘provided that it serves a final user or consumer and is not located in a transmission network at a pressure equal to or greater than 16 bar’, in order to clarify that ICT/155/2020 does not apply to gas transmission measuring systems.

Response:

Although there is no evidence that any problems have been detected in the application, the following shall be added to make the text clearer: ‘and not in a transmission network at a pressure of 1.6 MPa or higher’.

SEDIGAS

Proposal:

With regard to the amendment of paragraph 4.1 of Annex IV on gas meters, establish a period for replacement of 10 % in the sixth year instead of 15 % and add ‘In any event, this replacement plan shall be adjusted according to the date of approval of the regulatory development that establishes the necessary conditions for the deployment of smart gas meters provided for in Article 14 of Royal Decree-Law 18/2022’.

Response:

Only the percentage change in the first period is accepted. Amendment based on the regulatory development provided for in Article 14 of Royal Decree-Law 18/2022 is not possible as it is not considered an appropriate regulatory practice to make the application of one Ministerial Order conditional on another.

Proposal:

Establish the definition of light industry based on the energy consumed and not on the gas flow rate, since energy depends not only on the flow rate but also on other factors such as pressure, temperature, gas quality. Light industry is defined as where the gas meter has a maximum gas flow rate of 250 m^3/h or less and which in terms of energy is less than 3 GWh/year. The following mechanism to determine whether it is light industry or not is also proposed:

‘Dynamics for the establishment of verification periods:

• Once the year X is reached, it must be assessed whether the equipment has consumed on average during this period (verified by the distributor’s determination of consumption) more or less than 3 GWh/year.

• If 3 GWh/year or more have been consumed, it would not be considered light industry and therefore, as the measuring equipment is outside the scope of ICT/155/2020, the verification should be carried out on the basis of the specific regulations of the gas sector, the PD-01 of the NGTS or the legislation replacing it, and the first verification should be carried out after Y years.

• *For the next verification, every Z years it would be checked whether the point has had an average consumption equal to or greater than 3 GWh/year. If this had been the case, since the measuring equipment is outside the scope of ICT/155/2020, the verification should be carried out on the basis of the specific regulations of the gas sector, the PD-01 of the NGTS or the legislation replacing it, and the verification would be maintained as a reference W years after the first verification. If the average consumption had been lower, it would be considered as light industry and the scheme proposed for Order ICT/155 would be followed, i.e. verification at GW years after the first verification, and so on.'*

Response:

This is not accepted as the instrument measures gas volume and its conversion to energy depends on other parameters.

Proposal:

Amend paragraph 3.5.3 of Appendix II to Annex IV on converters to provide for the possibility of verifying converters 'in situ' as follows:

'Gas volume converters may be verified "in situ" in order to be able to reflect installation conditions either at the time of verification or in a laboratory.

Where verification is carried out in a laboratory, the following criteria shall be established:

- ± 0.5 % for pressure and temperature conversion devices at an ambient temperature of 20 °C ± 3 °C, an ambient humidity of 60 % ± 15 %, and with the nominal values for energy supply;

- ± 0.7 % for temperature conversion devices at rated operating conditions;

- ± 1 % for other conversion devices at rated operating conditions.

- The error of the gas meter shall not be taken into account.

Where verification is carried out in situ, the following criteria shall be established.

- ± 0.5 % for pressure and temperature conversion devices, with stable ambient temperatures within the temperature range of use of the converter and the standard equipment used as test reference, and stable ambient humidity within the humidity range of use of the converter and the standards used as test reference, and with the nominal values for energy supply;

- ± 0.7 % for temperature conversion devices, with stable ambient temperatures within the temperature range of use of the converter and the standard equipment used as test reference, and stable ambient humidity within the humidity range of use of the converter and the standards used as test reference, and with the nominal values for energy supply;

- ± 1 % for other conversion devices, with stable ambient temperatures within the temperature range of use of the converter and the standard equipment used as test reference, and stable ambient humidity within the humidity range of use of the converter and the standards used as test reference, and with the nominal values for energy supply;

- The error of the gas meter shall not be taken into account.

In any case, in the case of electronic equipment, attempts shall be made to adjust the values to an error below 50 % of the class of the equipment.'

Response:

The proposed amendment is accepted and therefore a new paragraph is introduced, with the exception of the final subparagraph on adjustment because this is not a function of the authorised verification bodies.

Proposal:

With regard to the amendment to Article 9(4)(a) of Order ICT/155/2020, it is proposed to add specific conditions for gas measuring equipment, by adding the following text:

'*In the case of gas measuring equipment, it shall also inform the gas distribution company of this fact or record the signs of tampering in the verification report.*'

Response:

This is not accepted as it does not fall within the scope of this Order.

CLM – Applus, LGAI – Applus, LEM, Applus,

These entities submit identical submissions.

Proposal:

With regard to the amendment of point 2 of Appendix III to Annex XI on temperature recorders, the following wording is proposed:

'*2. Metrological examination. The tests for periodic verification and verification after repair or modification are those indicated in paragraphs 5.1 to 5.5 and 6 of Standard EN13486:2023.*'

The following considerations to be taken into account when introducing uncertainty in the MPE validation criterion are also set out:

1. When requesting verification, the customer may choose any authorised and accredited body for this purpose, but shall not be aware of the body's uncertainty as no uncertainties are stated in the technical inspection annexes.

This shall lead to a situation of vulnerability for the customer, which may lead to complaints and appeals, even if the body's actions are correct.

2. It may happen that in front of the same instrument to be verified which has a determined error, depending on the standard and the uncertainty of the bodies, the same equipment may or may not be favourable.

This situation creates great inconsistency, as they are two bodies accredited and appointed by the Administration giving contradictory verdicts.

3. It should be borne in mind that Module F, which could constitute a barrier to the free movement of equipment within the European Union if it follows the EN13486:2023 criteria, but the in-service stage is national legislation and therefore has no effect at European Union level if it is considered a different criterion to EN13486:2023 in terms of acceptance conditions.

4. For class 0.5 recorders mainly, it may be the case that they have been verified in accordance with EN13486:2002 that would currently not pass the verification when taking into account the new acceptance criterion, i.e. adding the uncertainty to the error because, even if the uncertainty in their commissioning is taken into account, the installation and in-situ testing conditions are decisive.

5. Taking into account the uncertainty could lead to a change in the current structuring of technical annexes of ENAC Authorised Metrological Verification Bodies as uncertainties are not declared. In this case, the inspection standard would take an approach closer to the calibration standard.

6. Currently, legal metrology does not take uncertainty into account in any of the instruments subject to in situ metrological control for conformity.

Response:

The proposed amendment to point 2 of Appendix III to Annex XI is not considered necessary as the draft already refers to the tests for periodic verification and verification after repair or modification.

With regard to the comments on uncertainty in the conformity assessment, the proposal is amended to differentiate equipment with type examination before and after the amendment of the Order. As follows:

'*2. Modules F and D.*

For instruments with type examination prior to the entry into force of this amendment to the Order:

The tests to be carried out and passed satisfactorily by the instrument are those indicated in paragraph 5.3 of Standard UNE-EN 13485.2002 for thermometers and in paragraphs 6.3 and 6.5 of Standard UNE-EN 12830:2019 for temperature recorders, as well as the correct marking and sealing defined in their corresponding type examinations. In the case of recorders, for the test to determine the error in the recording of time, the provisions of paragraph 6.5 of Standard UNE-EN 12830:2019 shall be followed, with the test being carried out only at the temperature corresponding to normal or average operating conditions.

The maximum permissible errors in the tests shall be those laid down in Standard UNE-EN 13485:2002 for thermometers and in Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2, 3, 4 and 5 of this Appendix). All data display, printing and downloading devices associated with the recorder and listed in the type examination shall be checked for correct operation.

For instruments with type examination after the entry into force of this amendment to the Order:

The tests to be carried out and passed satisfactorily by the instrument are those indicated in paragraph 5.3 of Standard EN 13485.2023 for thermometers and in paragraphs 6.3 and 6.5 of Standard UNE-EN 12830:2019 for temperature recorders, as well as the correct marking and sealing defined in their corresponding type examinations. In the case of recorders, for the test to determine the error in the recording of time, the provisions of paragraph 6.5 of Standard UNE-EN 12830:2019 shall be followed, with the test being carried out only at the temperature corresponding to normal or average operating conditions.

The maximum permissible errors in the tests shall be those laid down in Standard EN 13485:2023 for thermometers and in Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2 and 5 of this Appendix). All data display, printing and downloading devices associated with the recorder and listed in the type examination shall be checked for correct operation.

Once the tests for this module have been carried out with a satisfactory result, in the case of instruments requiring subsequent installation for which a seal must be lifted and replaced without altering the initial connection, the authorised repairer or manufacturer shall check the correct functioning of the instruments once installed and place the lifted seals. The type examination shall indicate which seals can be lifted in the installation without requiring verification after subsequent repair. If, in addition, the installation involves changes in the connection or installation of new conductors covered by the relevant type examination between the temperature sensors and the reading equipment, with respect to the assembly that has been tested, the tests for verification after modification as described in Appendix III to this Annex shall be carried out.

Furthermore, the application of testing programmes corresponding to the regulatory documents, as defined in Article 2 of Royal Decree 244/2016 of 3 June 2016, or to the guidelines of the Higher Council of Metrology [Consejo Superior de Metrología] and/or to the guides of the Legal Metrology Commission [Comisión de Metrología Legal], shall provide presumption of partial or complete conformity with the essential requirements.'

Thirty. Appendix III to Annex XI shall read as follows:

' APPENDIX III

Technical testing procedure for verification after repair or modification and for periodic verification of temperature recorders and thermometers

The procedure for verification after repair or modification and periodic verification of a temperature recorder or thermometer shall consist of the steps and actions set out below.

1. Administrative examination. For verification after repair or modification, this shall be carried out in accordance with Article 9 of this Order.

For periodic verification, this shall be carried out in accordance with Article 15 of this Order.

2. Metrological examination.

For instruments with type examination prior to the entry into force of this amendment to the Order:

The tests for periodic verification and verification after repair or modification are those indicated in Standard UNE-EN 13486:2002. 'Temperature recorders and thermometers for the transport, storage and distribution of chilled, frozen, deep-frozen/quick-frozen food and ice cream - Periodic verification'

The maximum permissible errors for periodic verification and for verification after repair or modification are those indicated in Standard UNE-EN 13485:2002 for thermometers and in Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2, 3, 4 and 5 of Appendix II to this Annex).

For instruments with type examination after the entry into force of this amendment to the Order:

The tests for periodic verification and verification after repair or modification are those indicated in Standard EN 13486:2023. 'Temperature recorders and thermometers for measuring the ambient or internal temperature for the transport, storage and distribution of temperature sensitive goods – Periodic verification'.

The maximum permissible errors for periodic verification and for verification after repair or modification are those indicated in Standard EN 13485:2023 for thermometers and Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2 and 5 of Appendix II to this Annex).

The temperature recorder or thermometer must comply with the maximum permissible errors for the class that appears on its name plate. In no case shall a periodic verification or verification after repair or modification be considered favourable for a class other than the class of the marking.

Furthermore, the application of testing programmes corresponding to the regulatory documents, as defined in Article 2 of Royal Decree 244/2016 of 3 June 2016, or to the guidelines of the Higher Council of Metrology [Consejo Superior de Metrología] and/or to the guides of the Legal Metrology Commission [Comisión de Metrología Legal], shall provide presumption of partial or complete conformity with the essential requirements.

In the case of temperature recorders, if, during the periodic verification or verification after repair or modification, the time lag of the recorder exceeds 2 hours, the verification shall be deemed to be unfavourable.'

OCME – GT5

Proposal:

A change in the wording of Amendment 5, deleting the new point 5 of Article 15(a) on verification of seals by the OAVM [Authorised Metrological Verification Body], and leaving only the amendment to point 4 of Article 15(a), as follows:

> '*4. The authorised metrological verification body shall immediately inform the competent public administration of any evidence of fraudulent manipulation of the measuring instrument that it has detected.*'

Response:

The inclusion of Article 15(a) is intended to prevent fraud and this is therefore not accepted.

Proposal:

A redrafting of the amendment to point 2 of Appendix III to Annex XI on temperature recorders and thermometers as follows:

> '*2. Metrological examination. The tests for periodic verification, verification after repair or verification after modification are those indicated in Standard EN 13486:2023. "Temperature recorders and thermometers for measuring the ambient or internal temperature for the transport, storage and distribution of temperature sensitive goods – Periodic verification", paragraphs 5 and 6 (only for temperature recorders).*'

Response:

This is not considered necessary as the proposed text already refers to tests for periodic verification and verification after repair or modification.

Proposal:

A transitional provision is added to Appendix III to Annex XI concerning temperature recorders and thermometers as follows:

> '*Temperature recorders and thermometers whose models complied with the technical regulations, standards or procedures prior to the entry into force of this Order XXXX amending Order ICT/155/2020 of 7 February 2020 must have the instrument stage in service in accordance with the metrological tests referred to in Standard UNE-EN 13486:2002: "Temperature recorders and thermometers for the transport, storage and distribution of chilled, frozen, deep-frozen/quick-frozen food and ice cream - Periodic verification". The maximum permissible errors for periodic verification, verification after repair and verification after modification are those indicated in Standard UNE-EN 13485:2002 for thermometers and in Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2, 3, 4 and 5 of Appendix II to this Annex).'*

Response:

The proposed concept is accepted but worded as follows:

'2. Modules F and D.

For instruments with type examination prior to the entry into force of this amendment to the Order:

The tests to be carried out and passed satisfactorily by the instrument are those indicated in paragraph 5.3 of Standard UNE-EN 13485.2002 for thermometers and in paragraphs 6.3 and 6.5 of Standard UNE-EN 12830:2019 for temperature recorders, as well as the correct marking and sealing defined in their corresponding type examinations. In the case of recorders, for the test to determine the error in the recording of time, the provisions of paragraph 6.5 of Standard UNE-EN 12830:2019 shall be followed, with the test being carried out only at the temperature corresponding to normal or average operating conditions.

The maximum permissible errors in the tests shall be those laid down in Standard UNE-EN 13485:2002 for thermometers and in Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2, 3, 4 and 5 of this Appendix). All data display, printing and downloading devices associated with the recorder and listed in the type examination shall be checked for correct operation.

For instruments with type examination after the entry into force of this amendment to the Order:

The tests to be carried out and passed satisfactorily by the instrument are those indicated in paragraph 5.3 of Standard EN 13485.2023 for thermometers and in paragraphs 6.3 and 6.5 of Standard UNE-EN 12830:2019 for temperature recorders, as well as the correct marking and sealing defined in their corresponding type examinations. In the case of recorders, for the test to determine the error in the recording of time, the provisions of paragraph 6.5 of Standard UNE-EN 12830:2019 shall be followed, with the test being carried out only at the temperature corresponding to normal or average operating conditions.

The maximum permissible errors in the tests shall be those laid down in Standard EN 13485:2023 for thermometers and in Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2 and 3 of this Appendix). All data display, printing and downloading devices associated with the recorder and listed in the type examination shall be checked for correct operation.

Once the tests for this module have been carried out with a satisfactory result, in the case of instruments requiring subsequent installation for which a seal must be lifted and replaced without altering the initial connection, the authorised repairer or manufacturer shall check the correct functioning of the instruments once installed and place the lifted seals. The type examination shall indicate which seals can be lifted in the installation without requiring verification after subsequent repair. If, in addition, the installation involves changes in the connection or installation of new conductors covered by the relevant type examination between the temperature sensors and the reading equipment, with respect to the assembly that has been tested, the tests for verification after modification as described in Appendix III to this Annex shall be carried out.

Furthermore, the application of testing programmes corresponding to the regulatory documents, as defined in Article 2 of Royal Decree 244/2016 of 3 June 2016, or to the guidelines of the Higher Council of Metrology [Consejo Superior de Metrología] and/or to the

guides of the Legal Metrology Commission [Comisión de Metrología Legal], shall provide presumption of partial or complete conformity with the essential requirements.'

Thirty. Appendix III to Annex XI shall read as follows:

' APPENDIX III

Technical testing procedure for verification after repair or modification and for periodic verification of temperature recorders and thermometers

The procedure for verification after repair or modification and periodic verification of a temperature recorder or thermometer shall consist of the steps and actions set out below.

1. Administrative examination. For verification after repair or modification, this shall be carried out in accordance with Article 9 of this Order.

For periodic verification, this shall be carried out in accordance with Article 15 of this Order.

2. Metrological examination.

For instruments with type examination prior to the entry into force of this amendment to the Order:

The tests for periodic verification and verification after repair or modification are those indicated in Standard UNE-EN 13486:2002. 'Temperature recorders and thermometers for the transport, storage and distribution of chilled, frozen, deep-frozen/quick-frozen food and ice cream - Periodic verification'

The maximum permissible errors for periodic verification and for verification after repair or modification are those indicated in Standard UNE-EN 13485:2002 for thermometers and in Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2, 3, 4 and 5 of Appendix II to this Annex).

For instruments with type examination after the entry into force of this amendment to the Order:

The tests for periodic verification and verification after repair or modification are those indicated in Standard EN 13486:2023. 'Temperature recorders and thermometers for measuring the ambient or internal temperature for the transport, storage and distribution of temperature sensitive goods – Periodic verification'.

The maximum permissible errors for periodic verification and for verification after repair or modification are those indicated in Standard EN 13485:2023 for thermometers and Standard UNE-EN 12830:2019 for temperature recorders (see Tables 2 and 3 of Appendix II to this Annex).

The temperature recorder or thermometer must comply with the maximum permissible errors for the class that appears on its name plate. In no case shall a periodic verification or verification after repair or modification be considered favourable for a class other than the class of the marking.

Furthermore, the application of testing programmes corresponding to the regulatory documents, as defined in Article 2 of Royal Decree 244/2016 of 3 June 2016, or to the guidelines of the Higher Council of Metrology [Consejo Superior de Metrología] and/or to the guides of the Legal Metrology Commission [Comisión de Metrología Legal], shall provide presumption of partial or complete conformity with the essential requirements.

In the case of temperature recorders, if, during the periodic verification or verification after repair or modification, the time lag of the recorder exceeds 2 hours, the verification shall be deemed to be unfavourable.'

Proposal:

Incorporation of new wording of the added point E on Measuring systems in tankers for the supply of cryogenic liquids with a boiling point below 120 K (-153 °C), for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG) into Appendix II to Annex VI on Systems for the continuous and dynamic measurement of quantities of liquids other than water, as well as a regulatory period of 2 years for the measuring systems associated with this new point E.

Response:

Paragraph 5 of Annex VI on periodic verification includes clarifications for instruments in service at the entry into force of the Order:

Measuring systems in tankers for the supply of cryogenic liquids with a boiling point below 120 K (-153 °C), for the supply of liquefied carbon dioxide and for the supply of liquefied natural gas (LNG) in service at the entry into force of this amendment to the Order have a period of 1 year from its entry into force to be subject to their first periodic verification.

Proposal:

The last subparagraph of paragraph 2 of Annex XX on charging stations for electric vehicles is amended to read as follows:

'*For the measurement of transferred energy, the charging station must have an integrated measuring system within the charging station. The metrological requirements set out in this Annex may be different in case of DC or AC power supply.'*

Response:

The proposed amendment is not accepted as the current text includes it.

UFD

Proposal:

‘Paragraph 4 of Annex V on electricity meters is amended to extend the useful life of the electricity meters installed during 2014 and 2015, giving them an additional period of up to 5 years to be replaced in order to laminate the tips of the fleet.’

Response:

This is not considered appropriate as no justification for the requested amendment has been provided. The lamination of the tips referred to can be carried out by bringing forward the replacements.

Proposal:

In relation to the new Annex XX on charging stations for electric vehicles, including verification that the communication systems used for their remote management do not interfere with the electricity meter remote control systems defined in Annex V.

Response:

This is not considered necessary as it is covered by the EMC Directive (emission).

EXANERGÍA and AEDIVE

These entities submit identical submissions.

Proposal:

In relation to the new Annex XX on charging stations for electric vehicles, 8 years of exemption from the publication of the Order for already existing charging points, considering as ‘already existing’ all those charging points that are being processed. Almost all the charging points installed (some 30 000 according to the latest information) do not comply with the requirements set out in Annex XX. Full alignment within 2 years would have a very significant negative impact on the sector.

Response:

The adaptation period is extended to 4 years and a new article is established as follows:

> Paragraph 8. Instruments in service at the entry into force of this Order.
>
> Charging stations that are in service at the entry into force of this Order shall have a period of 4 years, from its entry into force, to be regularised in accordance with the provisions of Appendix IV to this Annex.
>
> Paragraph 9. Instruments to be installed for 2 years from the entry into force of this Order.

The installation of charging stations without conformity assessment is permitted for a period of 2 years from the entry into force of this Order.

Charging stations that are installed without conformity assessment must be adapted in accordance with Appendix IV to this Annex within a period of 4 years of the entry into force of this Order.

Argument:

In relation to the new Annex XX on charging stations for electric vehicles, for already existing direct current (DC) charging points:

'Adaptation based on introducing a certified measurement at the connection point of the vehicle shall have a significant cost, since it requires hardware, software and physical installation which in some models is even unfeasible, requiring full replacement of equipment. It should be noted that such charging points are far from being amortised and there is no positive result in commercial operation, due to the current low use of public charging infrastructure.

The vast majority of already existing charging points have a MID meter in AC at the entrance. Therefore, in order to avoid a very negative impact on the business model, it is proposed to use the corrected AC measurement in such a way that the energy measurement to be billed to the customer covers losses up to the point of energy delivery to the vehicle.

This would make it possible to maintain measurement with a MID meter in AC at the entrance and bill the customer, for example, for 94 % (or certified "security" percentage) of what is measured, making the savings from the implementation of the requirements of Annex XX significant.'

Response:

This is covered by paragraph 3 on Suitability of Appendix 1 to Annex XX.

Argument:

In relation to the new Annex XX on charging stations for electric vehicles, for already existing alternating current (AC) charging points:

'There is a low probability that they shall have an external display meeting the criteria indicated in Annex XX, even if they have an AC MID certified energy meter.

It is therefore very possible that they shall not be worth updating and shall need to be replaced, with a very significant economic impact. In this case, it is proposed to remove the need for an external display and replace it with information obtained through the operator's digital platform, provided that an AC MID measurement is available at the charging point.'

Response:

The proposal is not feasible as it does not comply with the common requirement of the MID Directive to have a display.

Proposal:

In relation to the new Annex XX on charging stations for electric vehicles, delay entry into force to at least 3 years for all new equipment, for the following reasons:

> *'Manufacturers of charging points must design, test and validate new equipment. Once the equipment is commercially available on the market, operators shall be able to buy it and start installing it.*
>
> *Verification and accreditation laboratories (ITE, SGS, APPLUS, etc.) shall need to define the verification tests and processes, acquire and parametrise the equipment and be certified by ENAC.*
>
> *Digital platforms receiving the measurement must be updated to preserve their integrity.'*

Response:

The adaptation period is extended to 4 years and a new article is established as follows:

> Paragraph 8. Instruments in service at the entry into force of this Order.
>
> Charging stations that are in service at the entry into force of this Order shall have a period of 4 years, from its entry into force, to be regularised in accordance with the provisions of Appendix IV to this Annex.
>
> Paragraph 9. Instruments to be installed for 2 years from the entry into force of this Order.
>
> The installation of charging stations without conformity assessment is permitted for a period of 2 years from the entry into force of this Order.
>
> Charging stations that are installed without conformity assessment must be adapted in accordance with Appendix IV to this Annex within a period of 4 years of the entry into force of this Order.

AFME

Proposal:

In relation to the new Annex XX on charging stations for electric vehicles:

- Amend the text of paragraph 8 as follows:

'*Charging stations in service at the entry into force of this Order shall have a period of 3 years from its entry into force to be regularised in accordance with the provisions of Appendix IV to this Annex.*'

- Replace the value of I_{tr} in AC that currently indicates '≤ 5 A' with '≤ 8 A' in Table 1, justified by the fact that Standard UNE-EN IEC 61851-1:2020 does not allow loads below 6 A and there is equipment on the market that has been manufactured in accordance with the EV-Ready specification (Renault specification), which does not allow loads below 8 A.
- Add definitions of I_{st}, I_{tr} either in the definitions section or in Table 1. The definitions are in accordance with Standard UNE-EN 50470-1:2007: I_{tr} = Transition current and I_{st} = starting current.
- Add the condition or magnitude of influence for the fourth row starting from the end of Table 1. It should read 'frequency'.
- Add definition of 'AC charging station' in Appendix I, paragraph 1, to clarify whether it refers to AC output or AC supply. This problem concerns other parts of Annex XX.
- Add definition of MPE at the beginning of Annex XX with the other definitions: MPE = Maximum Permissible Error.
- Delete the row in Table 3 relating to 'I_{st} ≤ I ≤ $I_{tr.}$ as the value of I_{st} is defined by the manufacturer and the row makes no sense.'
- Add definition of 'DC charging station' in Appendix I, paragraph 1, to clarify whether it refers to DC output or DC supply. This problem concerns other parts of Annex XX.
- In Table 6, establish a value for the variation in network frequency of the AC charging station, indicating that the OIML indicates 2 %.
- In Table 6, adapt the radiated RF electromagnetic field test to Standard IEC 61851-21-2:2018, as the standard provides for testing up to 2.7 GHz and Annex XX up to 6 GHz. (The values of the standard are for frequencies from 80 MHz to 1 000 MHz field strength ≤ 10 V/m and for frequencies from 1 400 MHz to 2 700 MHz field strength ≤ 3 V/m).
- In 2.8.1 and 2.8.2, change BMPE to EBMP.
- In Table 7, amend the contact electrostatic discharges up to 4 kV to align with IEC 61851-21-2:2018. This is currently set at 6 kV.
- In Table 7, amend voltage dips to align with IEC 61851-21-2:2018. Set at 40 % of residual voltage for 10 cycles at 50 Hz, 70 % of residual voltage 25 cycles at 50 Hz and 0 % of residual voltage 1 cycles at 50 Hz. Currently set at Test a) 30 %, 0.5 cycles; Test b) 60 %, 1 cycle; and Test c) 60 %, 25 cycles.
- In Table 7, change 'Overvoltages in AC power lines (Immunity to shock waves)' to 'Immunity to shock waves (AC power supply)' to align it with the text.
- In Appendix I, paragraph 3 on Suitability, it is proposed to introduce the following subparagraph after subparagraph 2 in order to be able to apply a lighter measure in DC chargers where energy transfer is applied, which could be considered as valid to be able to apply corrections to compensate for the energy loss introduced, via the charging station application option, and after a prior verification by an operator trained by the CEM. The procedure for sealing the elements considered to be metrologically relevant may also be applied. Software correction, if done while maintaining accuracy, opens up the possibility of using different technological solutions, allowing for lower manufacturing or adaptation costs.

  'In the case of existing DC installations, a charging station applying corrections via software application, to compensate for the energy loss introduced by the power module, cable and connector between the position where the energy is measured and the connection point, shall be considered valid.

The error must be obtained and compensated after a first review and the same review period shall be established as in the case defined for replacement of metrologically relevant components in Annex XXI.'

- In Appendix I, paragraph 5, amend the text laying down the minimum height of 4 mm, as the MID Directive does not require this, to read as follows:

  Mandatory, by means of an indicator visible from outside the charging station and capable of providing all the legally relevant data of the transaction. The data submitted should be easy to read under normal conditions of use.

- In Appendix II, letter (h) of point A, amend the text as Table 3 of the ITC-BT-52 does not include mode 4 equipment as it only covers AC-charging sockets, mode 4 sockets are defined in previous subparagraphs of paragraph 5.4 of ITC-BT-52, as follows:

  'The type of connectors or sockets, as indicated in paragraph 5.4 of ITC BT 52 'Special Purpose Facilities. Infrastructure for charging electric vehicles.'

- In Appendix II, letter (k) of point A, replace the text as it is necessary to clarify what the text refers to when referring to measuring software, as follows:

  'The metrologically relevant software version of the charging station and, where applicable, that of the measuring equipment'

- Delete letter (n) from Appendix II as it is not related to metrology.
- In Appendix II, paragraph 2, amend the text as for DC chargers where there is an output voltage range of e.g. 150 V to 1 000 V it is not possible to do what is indicated. The voltage values at which the test is to be carried out should be defined as follows:

  'For the DC charging station, the test must be performed at two representative points within the range of output voltages.'

- Delete or amend in the Appendix, paragraph 2, the requirement that at each point the minimum transferable amount of energy shall be supplied as it is covered by the prerequisite '*Load at a specific power level for a specific amount of energy (must be higher than MCT).*'
- It is argued that 20 days is insufficient time for any laboratory to be accredited to carry out the tests required by Annex XX, nor shall manufacturers have time to make the necessary modifications to their equipment. It is therefore necessary to consider the case concerned by Annex XX separately. Therefore, it is proposed that Annex XX should enter into force 36 months after its publication in the Official State Gazette.

Response:

The adaptation period is extended to 4 years and a new article is established as follows:

Paragraph 8. Instruments in service at the entry into force of this Order.

Charging stations that are in service at the entry into force of this Order shall have a period of 4 years, from its entry into force, to be regularised in accordance with the provisions of Appendix IV to this Annex.

Paragraph 9. Instruments to be installed for 2 years from the entry into force of this Order.

The installation of charging stations without conformity assessment is permitted for a period of 2 years from the entry into force of this Order.

Charging stations that are installed without conformity assessment must be adapted in accordance with Appendix IV to this Annex within a period of 4 years of the entry into force of this Order.

It is not accepted to replace the value of I_{tr} in AC that currently indicates '≤ 5 A' with '≤ 8 A' in Table 1, justified by Standard UNE-EN IEC 61851-1:2020, as the standard does not cover metrological aspects. The OIML G 22 guide provides for this value of I_{tr}. With this value, the specifications of its accuracy class should be met. This is compatible with the station being specified in order not to release this intensity.

The definition of I_{st} e $I_{tr.}$has been introduced in Table 1.

The amendment to the fourth row from the end of Table 1 is not accepted as it closely reflects OIML G 22.

Definitions of DC and AC charging stations have been introduced in the definitions section of Appendix I.

MPE is already defined in the legends of Tables 3 and 4 and is therefore not considered necessary.

The following row in Table 3 has been deleted: 'I_{st} ≤ I ≤ $I_{tr.}$

A value for the variation in network frequency of the AC charging station of 2 % has been set in Table 6.

The amendment concerning the radiated RF electromagnetic field test in Table 6 is not accepted as it closely reflects OIML G 22.

In 2.8.1 and 2.8.2, BMPE is changed to EBMP.

The amendment concerning the voltage dips test in Table 7 is not accepted as it closely reflects OIML G 22.

In Table 7, 'Overvoltages in AC power lines (Immunity to shock waves)' is changed to 'Immunity to shock waves (AC power supply)'.

The amendment to paragraph 3 on Suitability of Appendix I is not accepted as it is considered that it does not add anything to what has already been established.

The deletion of the requirement for characters with a minimum height of 4 mm in paragraph 5 of Appendix I is not accepted as it closely reflects OIML G 22.

The reference to Table 3 of the ITC-BT-52 has been deleted, leaving only the reference to the ITC-BT-52 of the Low Voltage Electrotechnical Regulation.

It is not considered necessary to amend letter (k) of point A of Appendix II, as the description of the measuring software is considered necessary for the conformity assessment.

It is not accepted to delete letter (n) of point A of Appendix II as the description of the connection of the charging station is considered necessary for the conformity assessment.

It is not accepted to change the test requirement in Appendix II, paragraph 2, to only two representative points within the output voltage range as charging stations must comply with their requirements throughout their operating range and the choice of only two points within their range does not ensure compliance.

The amendment to the effect that the minimum transferable amount of energy referred to in paragraph 2 of Appendix II shall be supplied at each point is not accepted as it closely reflects OIML G 22.

Paragraph 9 on time periods has been included.

ENDESA

Argument:

In relation to the new Annex XX on charging stations for electric vehicles:

> *'The proposed text presents metrological requirements that are a priori much higher than the current standards. It equates the requirements for both AC and DC, and introduces requirements that much of the current equipment, although designed and constructed to comply with MID standards, shall probably not now be able to comply with under Annex XX.*
>
> *On the other hand, paragraph 8 states: "Instruments in service at the entry into force of this Order: Charging stations that are in service at the entry into force of this Order shall have a period of 2 years, from its entry into force, to be regularised in accordance with the provisions of Appendix IV to this Annex", together with the provisions of Appendix IV, "A charging station shall be deemed to be adapted to a charging station with a type examination in force if it has the same mechanical, electrical and electronic components as the approved system (same make and model) and has the same design and construction."*
>
> *As owners and operators of charging stations, we consider that this Annex XX shall in many cases require action to be taken on equipment in operation or shorten its useful life because it is not viable to update it, penalising operators that have more heavily committed to deployment, making certain projects economically unviable and penalising the sector in general, which does not appear to be in line with the electrification objectives that we have as a country. On the other hand, the proposed timetable provides for very short deadlines for manufacturers to adapt their equipment, obliging operators to continue deploying "what is available" until equipment complying with the new Regulation is available on the market*

(expected no earlier than 1 year after the entry into force of the Annex, as verification bodies must establish test procedures and manufacturers must obtain certificates of conformity for the equipment to be placed on the market).

We consider that for equipment in operation, at least for the first verification, the verification criteria should be delayed or made less stringent than those currently required in Annex XX and that the already deployed infrastructure should be allowed to continue to operate normally and without the need for additional action.'

Response:

The adaptation period is extended to 4 years and a new article is established as follows:

Paragraph 8. Instruments in service at the entry into force of this Order.

Charging stations that are in service at the entry into force of this Order shall have a period of 4 years, from its entry into force, to be regularised in accordance with the provisions of Appendix IV to this Annex.

Paragraph 9. Instruments to be installed for 2 years from the entry into force of this Order.

The installation of charging stations without conformity assessment is permitted for a period of 2 years from the entry into force of this Order.

Charging stations that are installed without conformity assessment must be adapted in accordance with Appendix IV to this Annex within a period of 4 years of the entry into force of this Order.

INGETEAM POWER TECHNOLOGY S.A.

Argument:

In relation to the new Annex XX on charging stations for electric vehicles:

'Annex XX shall enter into force 20 days after the adoption of the text in accordance with the Second Final Provision.

- Charging stations already installed shall have 2 years to be regularised in this Annex with retroactive effect, as stated in paragraph 8.

Given that control bodies and accredited laboratories shall be required for the tests to be carried out, these deadlines are insufficient:

- It is impossible for accredited laboratories to already exist within 20 days of the approval of the amendment to the Order. Technically therefore, 20 days after its publication, no more chargers could be installed in Spain until someone has been certified. Bearing in mind that laboratories take more than 1 year to become accredited, and that due to the nature of the

tests and the certification process, a piece of equipment may take months rather than weeks, this would even be a very tight deadline for equipment already installed for 2 years. We believe that a reasonable period of time for entry into force could be around 3 years.

- Due to the collapse in newly accredited laboratories when all laboratories go to certify our products at the same time, it is likely that we shall leave those that are already installed until later.

It would therefore be appropriate to maintain 2 more years for these from the entry into force of the Order.'

Response:

The adaptation period is extended to 4 years and a new article is established as follows:

Paragraph 8. Instruments in service at the entry into force of this Order.

Charging stations that are in service at the entry into force of this Order shall have a period of 4 years, from its entry into force, to be regularised in accordance with the provisions of Appendix IV to this Annex.

Paragraph 9. Instruments to be installed for 2 years from the entry into force of this Order.

The installation of charging stations without conformity assessment is permitted for a period of 2 years from the entry into force of this Order.

Charging stations that are installed without conformity assessment must be adapted in accordance with Appendix IV to this Annex within a period of 4 years of the entry into force of this Order.

CEM

Proposal:

The following amendments are included in ANNEX XVI 'Instruments for measuring the sugar content of grape must, concentrated musts and rectified concentrated musts' of Order ICT/155/2020:

1) Amendment to paragraph 1 of Appendix I

In APPENDIX I Specific essential requirements for refractometers, paragraph 1. Requirements, in point 1.1, Regulations (EC) No 606/2009 and (EC) No 479/2008 are repealed, therefore:

It is proposed to delete point 1.1 and renumber point 1.2 to 1, as the regulations referred to in that point are continuously amended. On the other hand, the aim of point 1.1 was to clarify

that the method to be applied for the determination of sugar in grape must is refractometry, but this could be deleted as it is not an essential requirement.

It would read as follows:

'*1. The metrological and technical requirements to be met by refractometers used for the determination of the sugar content of grape must, concentrated musts and rectified concentrated musts are those laid down in the OIML Recommendation R 124 "Refractometers for the measurement of the sugar content of grape must" in force, except as specifically provided for in this Annex.'*

2) Amendment of point 4.2 of Appendix I

In point 4.2 there is an error in the step of the probable alcohol scale; instead of ± 1.13 step, it should read ± 1.3 step.

It would read as follows:

'*4.2 Maximum permissible errors for instruments in service.*

– Refractive index scale: ± 1.5 step.

– °Brix scale: ± 1.7 step.

– Probable alcohol scale: ± 1.3 step.'

3) Amendment of point 3 of Appendix IV

- It has not been specified that the polynomial indicated in point 3 is only valid for rectified concentrated musts from 50 °Brix.

- In the paragraph of point 3 there is an error because it indicates the refractive index in vacuum but actually refers to the refractive index 'n' calculated from the Edlén formula.

It is proposed to delete the reference in vacuum and to include two paragraphs in point 3:

- Paragraph 3.1 for the ratio between the probable alcohol content, y, expressed in % (% vol. at 20 °C) and the refractive index for musts or concentrated musts, and

- Paragraph 3.2 for the ratio between the probable alcohol content, y, expressed in % (% vol. at 20 °C) and the refractive index from 50 °Brix.

It would read as follows:

'*3. Ratio between refractive index and probable alcohol content*

3.1 For musts and concentrated musts, the ratio between the probable alcohol content, y, expressed in % (% vol. at 20 °C) and the refractive index of this solution, n, at a temperature of 20 °C and for a wavelength of 589 nm, is given in the Resolutions of the International Organisation of Vine and Wine (OIV) in force.

3.2 For rectified concentrated musts from 50 °Brix, the ratio between the probable alcohol content, y, expressed in % (% vol. at 20 °C) and the refractive index of this solution, n, at a temperature of 20 °C and for a wavelength of 589 nm, is given by the formula:

y = 193.959 n2 - 109.023 n - 199.030'

4) Amendment of point 4 of Appendix V

The way in which point 4 is drafted is inconsistent with the wording of point 7 of the same Appendix, since in point 4 it limits the basis for probable alcohol to 16.83 g/l and in point 7 it allows a range as a basis for the calculation of probable alcohol.

It would read as follows:

'*4. The refractometer must indicate the measurement result in one of the following ways:*

a) value of the refractive index (nD); or

b) percentage by mass of a sucrose solution having the same refractive index (°Brix); or

c) probable alcohol content (% vol.)'

Response:

The technical proposals assessed are accepted and included in the Order as follows:

Thirty-six. Point 1.1, paragraph 1 of Appendix I to Annex XVI is deleted to read as follows:

'1. Requirements.

1.1 The metrological and technical requirements to be met by refractometers used for the determination of the sugar content of grape must, concentrated musts and rectified concentrated musts are those laid down in the OIML regulatory document R 124 "Refractometers for the measurement of the sugar content of grape must", except as specifically provided for in this Annex.'

Thirty-seven. Point 4.2 of Appendix I to Annex XVI is amended as follows:

'4.2. Maximum permissible errors for instruments in service.

– Refractive index scale: ± 1.5 step.

– °Brix scale: ± 1.7 step.

– Probable alcohol scale: ± 1.3 step.’

Thirty-eight. Point 3 of Appendix IV to Annex XVI is amended as follows:

‘3. Ratio between refractive index and probable alcohol content

3.1 For musts and concentrated musts, the ratio between the probable alcohol content, y, expressed in % (% vol. at 20 °C) and the refractive index of this solution, n, at a temperature of 20 °C and for a wavelength of 589 nm, is given in the Resolutions of the International Organisation of Vine and Wine (OIV) in force.

3.2 For rectified concentrated musts from 50 °Brix, the ratio between the probable alcohol content, y, expressed in % (% vol. at 20 °C) and the refractive index of this solution, n, at a temperature of 20 °C and for a wavelength of 589 nm, is given by the formula:

y = 193.959 n2 - 109.023 n - 199.030’

Thirty-nine. Point 4 of Appendix V to Annex XVI is amended as follows:

‘4. The refractometer must indicate the measurement result in one of the following ways:

a) value of the refractive index (nD); or

b) percentage by mass of a sucrose solution having the same refractive index (°Brix); or

c) probable alcohol content (% vol.)’