

J.L. of 2001, No. 36, item 636**ACT**

of 11 May 2001

Law on Measures

Chapter 1

General provisions

Article 1. The Act shall ensure uniformity of measures and required accuracy of measurements of physical quantities performed in the Republic of Poland.

Article 2. 1. The Act shall address the matters concerning:

- 1) legal measurement units and national standards of these measurement units;
- 2) regulatory metrological control of measuring instruments;
- 3) competencies and tasks of the government administration bodies competent for measure-related matters, hereinafter referred to as “measure administration bodies”;
- 4) supervision of the application of the provisions hereof.
 2. (repealed)
 3. (repealed)

4. The Act shall not apply to digital tachographs to the extent stipulated in the Act on the System of Digital Tachographs of 29 July 2005 (J.L. item 1494, J.L. of 2007 item 661, J.L. of 2011 item 622 and 1016 and J.L. of 2015 item 1893).

Article 2a. Pursuant to the European Union directives, measuring instruments marketed in the Member States of the European Union shall be allowed to be marketed in the Republic of Poland.

Article 3. The Minister of Economy shall determine, by way of a regulation, the manner in which activities shall be conducted and organised in order to ensure uniformity of measures and accuracy of measurements related to state defence and security, in agreement with the Minister of National Defence and minister competent for internal affairs, taking into consideration requirements for:

- 1) measuring procedures;

Drawn up on
the basis of: i.e.
J.L. of 2016,
item 884, 1948;
J.L. of 2017
item, 976

- 2) regulatory metrological control of measuring instruments;
- 3) reference to the national standards of units of measure;
- 4) performance of obligations resulting from international agreements that are binding for the Republic of Poland.

Article 4. The terms used in the Act shall have the following meaning:

- 1) legal measurement unit – a unit of measurement the use of which is required or permitted by a legal regulation;
- 2) measurement unit standard – a measuring instrument intended for defining, implementing, maintaining or reproducing a unit of measure or one or more values of a given physical quantity which at the same is a reference;
- 3) official measurement unit standard – a measurement unit that is officially recognised in the Republic of Poland as the basis for assigning value to other measurement unit standards for given physical quantity;
- 4) International System of Units (SI) – a consistent system of measurement units adopted and recommended by the General Conference on Weights and Measures;
- 5) measuring instrument – a device, a measuring instruments or its elements that are intended to perform measurements on their own or in combination with one or more auxiliary devices; measure standards and reference materials shall be treated as measuring instruments;
- 6) measure standard – a device intended to reproduce or provide one or more known values of given physical quantity in a constant manner during its use;
- 7) reference material – material or a substance one or more properties of which are sufficiently homogeneous and determined to the extent enabling its use for calibration of a measuring instrument, assessment of a measurement method or assignment of a value to properties of other materials;
- 8) requirements – technical and metrological requirements that shall be met by a measuring instrument;
- 9) regulatory metrological control – an action the aim of which is to determine that a measuring instrument meets requirements laid down in applicable regulations;
- 9a) manufacturer – a natural or legal person or an organisational unit without legal personality that designs and manufactures a measuring instrument or for which such instrument has been designed or manufactured in order to be placed on the

- market or used under its own name or trademark;
- 9b) importer – a natural or legal person or an organisational unit without legal personality established in a Member State of the European Union or a member state of the European Free Trade Agreement (EFTA) – party to the Agreement on the European Economic Area that places measuring instruments from third countries on the market or puts them into use;
 - 9c) authorised representative – a natural or legal person or an organisational unit without legal personality established in a Member State of the European Union or a member state of the European Free Trade Agreement (EFTA) – party to the Agreement on the European Economic Area authorised by a manufacturer in writing to act on their behalf;
 - 10) type testing – actions the goal of which is to determine whether a measuring instrument of given type meets the requirements; they shall constitute the basis for type approval;
 - 11) (repealed)
 - 12) type approval – confirmation, by way of decision, that given type of measuring instrument meets the requirements;
 - 13) validation – a set of activities that involve verifying and deciding, by way of decision, acknowledged solely with a certificate of validation that a measuring instrument meets the requirements;
 - 14) calibration – activities the aim of which is to determine the relationship between values of a quantity measured that is shown by a measuring instrument and corresponding values of physical quantities realised by the measurement unit standard;
 - 15) placing on the market – providing a measuring instrument for the first time to the seller to the user by a manufacturer, their authorised representative or an importer;
 - 16) putting into use – using a measuring instrument for the first time for the purpose for which it is intended;
 - 17) validation point – a place in which measure administration bodies perform activities related to validation of large quantities of specific types of measuring instruments at their manufacturer, importer or entrepreneur repairing or installing them;
 - 18) calibration of ship tanks – a set of activities the aim of which is to determine the

- capacity of inland and intercoastal navigation vessels;
- 19) type approval mark – a mark placed on a measuring instrument that certifies its conformity with the approved type;
 - 20) certificate of validation – a certificate of validation or a validation mark placed on a measuring instrument certifying validation.

Chapter 2

Legal measurement units and national measurement unit standards

Article 5. 1. The following units shall be legal measurement units:

- 1) the measurement units of the International System of Units (SI);
- 2) units that are not defined as part of the International System of Units (SI) authorised for use in the Republic of Poland;
- 3) decimal submultiples and multiples of units referred to in point 1 and 2;

2. The Council of Ministers shall stipulate by way of a regulation:

- 1) legal measurement units that are not defined as part of the International System of Units (SI) which may be used in the Republic of Poland;
- 2) names, definitions and designations of legal measurement units;
- 3) prefixes and their designations for creating decimal submultiples and multiples of legal measurement units;
- 4) spelling rules of designations of legal measurement units;

– taking into consideration obligations resulting from international agreements that are binding for the Republic of Poland.

Article 6. 1. The obligation to use legal measurement units shall be mandatory while using measuring instruments, performing measurements and expressing values of physical quantities.

2. Measurement units other than legal measurement units may be applied, pursuant to international agreements, in maritime, air and rail transport.

3. It shall be permissible to use additional designations expressed in measurement units other than legal measurement units. A designation expressed as legal measurement unit shall be of superior nature; in particular it shall be expressed by symbols that are not of lower value than symbols denoting another measurement unit.

Article 6a. 1. The measure administration bodies may, at the request of interested

entities, calibrate measuring instruments in order to ensure the transfer of values of legal measurement units from the national measurement unit standards to measuring instruments.

2. Calibration performed at the request of an interested entity may additionally include stating the conformity of given measuring instrument with requirements or specifications indicated by this entity.

3. The calibration result allowing indications of a measuring instrument be assigned appropriate values of the quantity measured or corrections and errors of these indications be determined shall be certified by a measure administration body in calibration certificates.

Article 7. The minister competent for economy shall stipulate, by way of a regulation, conditions and procedure for recognizing measurement unit standards to be national standards, taking into consideration obligations of organisational units applying for recognition of standards as national measurement unit standards as well as ensuring consistency of these standards and international measurement unit standards or standards applicable in other countries.

Chapter 3

Regulatory metrological control

Article 8. 1. Measuring instrument that could be used:

- 1) to protect health, life and environment,
- 2) to ensure safety and public security,
- 3) to protect consumer rights,
- 4) to collect fees, taxes and other budget receivables and to determine discounts, contractual penalties, remuneration and compensation as well as to collect and determine receivables and benefits of similar nature,
- 5) to carry out customs and tax control,
- 6) in trade

– and are determined in regulations issued on the basis of sec. 6, shall be subject to regulatory metrological control.

2. Regulatory metrological control of measuring instruments shall be performed in the following manner:

- 1) approval of measuring instrument type based on type testing – before such measuring instrument is placed on the market; or
- 2) primary validation or unit validation – before given measuring instrument is placed on the market or put into use; and
- 3) re-validation – of measuring instruments placed on the market or put into use.

2a. After assessment of conformity carried out pursuant to Article 2(12) of Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93 (OJ No L 218 of 13 August 2008, p. 30), hereinafter referred to as “conformity assessment”, measuring instruments placed on the market or put into use that are used in fields referred to in sec. 1 and that have been listed in regulations issued pursuant to sec. 6, shall be subject to regulatory metrological control while being used.

3. Unit validation shall be a primary validation of a measuring instrument pertaining only to given unit constructed for a particular, specific application.

4. (repealed)

4a. Re-validation of recording devices used in road transport (tachographs) shall be performed solely after their repair.

5. Depending on the type of measuring instrument, the regulatory metrological control may consist of:

- 1) type approval and primary validation or unit validation and re-validation;
- 2) type approval and primary validation or unit validation;
- 3) type approval only;
- 4) primary validation or unit validation and re-validation;
- 5) re-validation only.

6. The minister competent for economy shall stipulate, by way of a regulation, the types of measuring instruments subject to regulatory control and scope thereof in relation to given type of instruments, with regard to the need, from the perspective of application areas, to subject certain measuring instruments to regulatory metrological control, quantitative extent of these applications, measurement fields in which they are used, and obligations arising from international agreements that are binding for the Republic of Poland.

Article 8a. 1. Measuring instruments subject to regulatory metrological control may be placed on the market, put into use and used provided that a valid type approval or validation has been issued for them.

2. The President of the Central Office of Measures, hereinafter referred to as “President”, may recognise, by way of a decision, relevant documents acknowledging that a regulatory metrological control of a measuring instrument has been carried out by a competent foreign metrological institutions be equivalent to type approval and primary validation.

Article 8b. 1. Regulatory metrological control of measuring instruments shall be performed by measure administration bodies and authorised entities within the scope of authorisations granted.

2. Proceedings regarding the approval of measuring instruments’ type shall be conducted by the President.

3. Validation of measuring instruments shall be performed by:

- 1) President – within the scope of unit validation;
- 2) President and measure administration bodies referred to Article 10(2) – within the scope of primary validation of measuring instruments that are validated without type approval;
- 3) measurement administration bodies and entities authorised to conduct primary validation of specific types of measuring instruments – within the scope of primary validation of measuring instruments the type of which has already been approved;
- 4) measure administration bodies and entities authorised to conduct re-validation of specific types of measuring instruments – within the scope of re-validation.

Article 8c. Regulatory metrological control of measuring instruments may be performed at:

- 1) the seat of measure administration body;
- 2) a validation point;
- 3) a place in which a measuring instrument has been installed or is used if it results from the requirements;
- 4) a place in which primary validation or re-validation is carried out by an entity provided with an authorisation to conduct primary validation or re-validation by

the President.

Article 8ca. If regulatory metrological control of a measuring instrument is conducted at a place in which it has been installed or is used and such control has to be conducted there in order to ensure that a measuring instrument is verified in a correct manner, a measure administration body or an authorised entity shall request that the applicant:

- 1) provide access to specialist equipment, in particular to measure standards along with evidence of measurement consistency, and applicable technical measures;
- 2) provide access to materials and substances needed to verify given measuring instrument;
- 3) provide additional pieces of measuring instruments reflecting the type to be approved, its parts or auxiliary devices for type verification;
- 4) ensure assistance of associated personnel while verifying given measuring instrument.

Article 8d. 1. The manufacturer or their authorised representative may apply for approval of the type of measuring instrument.

2. Such type approval application shall be accompanied by documents needed to conduct type testing, in particular technical and design documents pertaining to the type of measuring instrument and at least one piece of measuring instrument reflecting the type to be approved or a place in which this piece has been installed shall be indicated in the application if so stipulated in the requirements.

Article 8e. 1. If data provided for in the type approval application are not complete or required documents have not been attached to the application, the President shall request the applicant to provide them within 14 days from the date of service of the request.

2. Should the applicant fail to provide the aforesaid documents in due time limit, the application shall not be examined.

Article 8f. 1. If type approval application is complete, type testing of the measuring instrument shall be performed.

2. Type testing of a measuring instrument:

- 1) shall include analysis of documents and examination of technical and metrological

characteristics of a specified number of pieces representing measuring instrument type or

- 2) may be limited to analysis of documents submitted if the applicant provided reports containing results of tests conducted by competent metrological institutions or laboratories demonstrating that given type of measuring instrument meets the requirements.

3. As a result of type testing conducted, the President may issue a decision on:

- 1) type approval;
- 2) type approval with restrictions, in particular as regards: the number of measuring instruments that may be placed on the market, an obligation of the applicant to notify measure administration bodies of a place these instruments are installed; or may decide to limit their application if new technical solutions, not envisaged in the requirements, have been introduced to a given type of measuring instruments;
- 3) refusing type approval if a measuring instrument fails to meet the requirements.

4. At the request of a manufacturer or their authorised representative, the President may alter the decision approving the type, in particular if a measuring instrument has been modified or new elements have been introduced to it provided that they exert or may exert impact on measurement results, conditions of proper use or technical conditions of use of these instruments after re-conducting type testing to the extent necessary.

5. While issuing the decision referred to in sec. 3(1) and (2), the President:

- 1) shall assign a type approval mark if a measuring instrument is subject solely to type approval;
- 2) may assign a type approval mark if a measuring instrument is subject to type approval and validation;
- 3) may determine areas in which validation marks and safety marks consistent with the type approved are placed on the measuring instruments.

6. Descriptions, drawings, diagrams or photographs may be attached to the decision if it is necessary to characterize and identify the type of a measuring instrument and explain its operation.

Article 8g. 1. The President shall, by way of a decision, withdraw type approval if measuring instruments manufactured in line with the type approved have defects

hindering their intended use.

2. The President may withdraw type approval if:

- 1) measuring instruments placed on the market or put into use are not consistent with the type approved or fail to meet the requirements;
- 2) limitations stipulated in the type approval decision are not observed.

Article 8h. 1. The type approval shall be valid for 10 years unless separate provisions stipulate otherwise.

2. At the request of a manufacturer or their authorised representative, the validity may be extended by a further period of 10 years.

3. The validity of a type approval with restrictions shall not exceed 2 years. It may be extended by no more than 3 years.

4. The validity may not be extended if the requirements have been altered and type approval decision could not have been issued pursuant to the regulations amended.

5. Where the validity has expired, the type approval shall be deemed valid if it is applicable to measuring instruments already put into use.

Article 8i. The manufacturer:

- 1) shall place the type approval mark assigned in the case of measuring instruments subject to type approval only;
- 2) may place a type approval mark, if assigned, in the case of measuring instruments subject to type approval and validation.

Article 8j. 1. Primary or unit validation of a measuring instrument shall be conducted at the request of:

- 1) a manufacturer or their authorised representative;
- 2) an importer.

2. The application for primary validation of a measuring instrument that is not subject to type approval and the application for unit validation shall be accompanied by technical and design documents of such measuring instrument.

Article 8k. 1. Re-validation of a measuring instrument shall be conducted at the request of:

- 1) a user;
- 2) an entity repairing or installing this measuring instrument.

2. A measuring instrument shall be reported for re-validation:

- 1) before validity of primary validation, unit validation or prior re-validation stipulated in regulations issued pursuant to Article 9(4) expires;
- 2) before the time limit for conformity assessment stipulated in regulations issued pursuant to Article 9(4) expires;
- 3) after it is installed in the place of use before validity of primary validation expires provided that compliance with the requirements is verified before or after its installation in this place;
- 4) if a place of installation or use in which conformity assessment or validation took place has been altered;
- 5) if validation marks or safety marks placed in the course of validation are damaged or destroyed;
- 6) if designations or safety marks placed in the course of conformity assessment are damaged or destroyed;
- 7) after it has been repaired.

3. A time limit referred to in sec. 2(2) shall commence on the first day of December in year which was placed on an instrument during its conformity assessment.

Article 8l. Measure administration body and an authorised entity shall refuse, by way of a decision, to perform validation if:

- 1) type of the measuring instrument subject to type approval is not approved;
- 2) measuring instrument is damaged, incomplete or cannot be verified;
- 3) validation-related activities are to be performed in place referred to in Article 8c(3) and the applicant failed to ensure conditions mentioned in Article 8c(a).

Article 8m. 1. Measure administration body and an authorised entity shall assess conformity of the measuring instrument with requirements during validation thereof.

2. In the course of primary validation, such assessment shall apply to:

- 1) conformity of design, execution, materials and metrological characteristics with the type approved or requirements with the proviso that if these requirements have been altered before reporting a measuring instrument subject to type approval, conformity assessment involves solely to the type approved;
- 2) required designations and marks;
- 3) conformity of design with technical and design documents if the type approval is

not required.

3. In the course of unit validation, such assessment shall involve:

- 1) analysis of documents and examination of technical and metrological characteristics of an instrument or
- 2) analysis of documents submitted if the applicant provided reports containing results of tests conducted by competent metrological institutions or authorised laboratories demonstrating that given measuring instrument meets the requirements.

4. In the course of re-validation, such assessment shall involve:

- 1) inspection of the instrument in order to determine whether it is not damaged and whether required designations and marks are in place;
- 2) assessment of metrological characteristics' conformity with requirements.

4a. During re-validation of a measuring instrument placed on the market or put into use as a result of conformity assessment, such instrument shall be assessed in terms of conformity to requirements based on which the conformity assessment was conducted and that were applicable in year in which such assessment was conducted.

[5. Primary validation of a homogeneous batch of measuring instruments may be conducted as a verification of each piece or with the use of a statistical method.]

<5. Validation of a homogeneous batch of measuring instruments may be conducted as a verification of each piece or with the use of a statistical method.>

<6. The statistical method referred to in sec. 5 shall consist in random collection of a sample from each homogeneous batch of measuring instruments and verification of each measuring instrument from the sample collected.>

Article 8n. 1. Should it be determined based on verification of a measuring instrument that given measuring instrument meets the requirements, measure administration body or an authorised entity shall certify such validation with a certificate of validation and secure certain elements of a measuring instrument against access unauthorized access by means of safety marks.

1a. Should it be determined based on verification of a measuring instrument that given measuring instrument does not meet the requirements, measure administration body or an authorised entity shall, by way of a decision, refuse to provide a certificate of validation that this instrument meets the requirements.

The new wording of sec. 5 and sec. 6 added to Article 8m shall enter into force on 19 May 2018 (J.L. of 2017, item 976).

2. Validation shall be valid for a specified period of time.

3. Should a measuring instrument be subject solely to type approval and primary validation or unit validation, validation shall be valid for an indefinite period of time.

4. Validation shall become invalid if:

- 1) it is determined that given measuring instrument ceased to meet requirements;
- 2) given measuring instruments is damaged;
- 3) validation marks or safety marks are damaged or destroyed;
- 4) place of installation or use of a measuring instrument in which validation was conducted has been changed.

Article 9. The minister competent for economy shall stipulate by way of a regulation:

- 1) the manner in which measuring instruments shall be reported for metrological control, in particular data to be provided in an application for control, and types of documents attached to the application, including the scope of technical and design documents, and cases in which type approval application shall be accompanied with a greater number of pieces representing given type of measuring instrument;
- [2) *detailed manner in which regulatory metrological control shall be conducted, including cases in which primary validation may be performed using a statistical method and the manner in which it is performed,*]
- <2) **detailed manner in which regulatory metrological control is conducted, including validation using a statistical method, types of measuring instruments to be validated by means of this method and conditions for homogeneity of the batch of measuring instruments,>**
- 3) certificates of validation issued for specific types of measuring instruments;
- 4) validity of validation for specific types of measuring instruments and time limits within which measuring instruments placed on the market or put into use after conformity assessment shall be reported for re-validation, with regard to the conditions of use of these instruments and their expected application;
- 5) templates of:
 - a) decisions approving the type and certificates of validation, having the need to include necessary information in these documents in prospect,
 - b) type approval marks, validation marks and safety marks, determining their

The new wording of Article 9(2) shall enter into force on 19 May 2018 (J.L. of 2017, item 976).

shape and dimensions,

- 6) values of basic physical constants and numerical reference data for the properties of specific substances and materials used in the course of regulatory metrological control of specific types of measuring instruments,
- taking into consideration obligations resulting from international agreements that are binding for the Republic of Poland.

Article 9a. The minister competent for economy shall, by way of a regulation, stipulate the following requirements for specific types or groups of measuring instruments:

- 1) requirements to be met by measuring instruments subject to regulatory metrological control with respect to their design, execution, materials and metrological characteristics as well as, if necessary, conditions of proper use and areas in which validation marks and safety marks are placed,
 - 2) detailed scope of tests and verifications conducted in the course of regulatory metrological control as well as their procedures and methods, if necessary,
 - 3) information that should be provided in a manual and additional documents certifying metrological properties of a measuring instrument if they are necessary to test given type of measuring instrument in a correct manner,
- taking into consideration application of these measuring instruments and obligations resulting from international agreements that are binding for the Republic of Poland.

Article 9b. 1. Measure administration bodies shall calibrate the tanks of inland and intercoastal navigation vessels, at the request of interested entities.

2. Calibration shall be certified by a measure administration body which issues a certificate of calibration and places safety marks referred to in Article 8n(1) on specific parts of given tank.

3. The certificate of calibration and safety marks shall be valid for 12 years.

4. The certificate of calibration and safety marks shall become invalid if a tank is deformed, repaired or its design is altered so that its measurement characteristics is changed.

5. The minister competent for economy shall stipulate, by way of a regulation, a detailed manner for calibration of ship tanks and documenting its results, conditions for issuing calibration certificates and placing safety marks, along with a template of the

certificate of calibration, taking into consideration obligations resulting from international agreements that are binding for the Republic of Poland.

Chapter 4

The competencies and tasks of measure administration bodies

Article 10. There shall be the following measure administration bodies:

- 1) President of the Central Office of Measures, who shall be the central body of government administration;
- 2) directors of district offices of measures, hereinafter referred to as “Directors”;
- [3) *chiefs of district offices of measures, hereinafter referred to as “Chiefs”.]*

Article 10a. The minister competent for economy shall supervise the President.

Article 10b. 1. The Metrology Council, hereinafter referred to as “Council”, shall act by the President.

2. The Council shall issue opinions on:

- 1) the state or directions of development of the national metrology;
- 2) substantive activity of the measure administration;
- 3) the strategic plan referred to in Article 16(2);
- 4) annual plans and reports referred to in Article 16(3).

3. The President and the minister competent for economy may commission the Council to draw up and present analyses or opinions other than the ones presented in sec. 2.

4. Opinions and analyses drawn up by the Council shall be presented to the President and the minister competent for economy.

5. In order to pursue its tasks, the Council shall have the right to inspect measure administration documents and may request the President provide necessary information, with the exception of documents and information constituting company secrets or other legally protected secrets.

Article 10c. 1. Members of the Council shall be selected from candidates put up by the authorities, entities and organizations referred to in sec. 2 and appointed by the minister competent for economy.

2. The Council shall consist of:

- 1) a representative of the minister competent for economy;

**The provision
repealing
Article 10(3)
shall enter into
force on 1
January 2018
(J.L. of 2017,
item 976).**

- 2) a representative of the minister competent for science;
- 3) a representative of the Polish Committee for Standardization;
- 4) a representative of the Polish Centre for Accreditation;
- 5) a representative of the Military Metrology Centre;
- 6) 5 representatives of national economic organisations or organisations of entrepreneurs conducting research on measurement technologies;
- 7) 5 representatives of universities the organisational units of which are authorised to confer a doctoral degree in natural, exact or technical sciences;
- 8) a representative of district offices of measures who has knowledge of and experience in administration of measures.

3. A candidate for a Council member shall be a person who:

- 1) enjoys full public rights;
- 2) has not been finally and non-revisably convicted for intentional criminal offence or intentional fiscal offence;
- 3) has knowledge of and experience in metrology;
- 4) has a university degree.

4. The term of the Council shall last for 5 years.

5. The same person may serve as a Council Member no longer than for two terms.

6. The minister competent for economy shall recall a Council Member if such Member:

- 1) submits resignation;
- 2) loses capacity to perform duties as a result of a long-term illness lasting at least 6 months;
- 3) fails to perform their duties or perform them in an improper manner;
- 4) ceases to meet any of the requirements set out in sec. 3(1) and (2).

7. Should a Council Member be recalled or die before the end of their term, the minister competent for economy shall promptly appoint another person to serve this function. New Council Member shall be appointed by the end of the Council's term. Provisions of sec. 2 and 3 shall apply *mutatis mutandis*.

Article 10d. 1. The Council's work shall be managed by a chairperson elected by the Council from its Members.

2. The chairperson shall convene the Council's meetings as needed at least once in

6 months.

3. The chairperson shall convene the Council's meetings on their own initiative or at the request of the minister competent for economy, President or at least five Council Members at least within 4 weeks since the receipt of such request.

4. The Council shall adopt resolutions by an absolute majority of votes in the presence of at least half of the Council Members. In the event of a tie, the Chairperson shall have the casting vote.

5. The Council may appoint issue-specific committees. External experts may become members of such committee.

6. Detailed procedure of the Council, election of the chairperson along with appointment and operation of the issue-specific committees shall be set out in the regulations established by the Council.

7. The Council Members shall be entitled to reimbursement of travel expenses pursuant to Article 77⁵(2) of the Labour Code of 26 June 1974 (J.L. of 2016, item 1666, 2138 and 2255, and of 2017, item 60 and 962) if Council's meetings are held outside of their place of residence or work.

8. The Central Office of Measures shall provide organisational and finance service of the Council.

Article 11. 1. The President shall perform his tasks with the assistance of the Central Office of Measures, hereinafter referred to as "Office".

[2. Directors and chiefs shall perform their tasks with the assistance of their offices.]

<2. Directors shall perform their tasks with the assistance of their offices.>

Article 12. 1. The President shall be elected by the Prime Minister among candidates selected in an open and competitive recruitment at the request of the minister competent for economy. The Prime Minister shall recall the President.

2. (repealed)

3. The Vice-Presidents shall be elected by the minister competent for economy among candidates selected in an open and competitive recruitment at the President's request. The Vice-Presidents shall be recalled by the minister competent for economy at the President's request.

3a. The position of the President may be held by a person who:

The new wording of Article 11(2) shall enter into force on 1 January 2018 (J.L. of 2017, item 976).

- 1) has a master's degree or an equivalent degree;
- 2) is a Polish citizen;
- 3) enjoys full public rights;
- 4) has not been finally and non-revisably convicted for intentional criminal offence or intentional fiscal offence;
- 5) has managerial expertise;
- 6) has professional experience of at least 6 years, including professional experience of at least 3 years in a managerial position;
- 7) has educational qualifications and expertise in manners falling within the competence of the President.

3b. Information about the recruitment for the post of the President shall be announced by placing the notice commonly available at the Office and in the Public Information Bulletin of the Prime Minister's Office. Such notice shall include:

- 1) name and address of the Office;
- 2) description of the position;
- 3) position-related requirements arising from the provisions of law;
- 4) responsibilities of the position;
- 5) information about requirements required;
- 6) time limit and place for submitting documents;
- 7) information on recruitment methods and techniques.

3c. The time limit referred to in sec. 3b(6) shall not be shorter than 10 days from the date of publication of the notice in the Public Information Bulletin of the Prime Minister's Office.

3d. The recruitment for the position of the President shall be conducted by a team appointed by the minister competent for economy. Such team shall consist of 5 members whose knowledge of and expertise in guarantee that the best candidates be selected, including at least 2 Council Members. A candidate's professional experience, knowledge necessary to perform tasks at a position under recruitment and managerial expertise shall be assessed during recruitment.

3e. Knowledge and managerial expertise referred to sec. 3d may be assessed at the team's request by a person who is not a team member but who has sufficient expertise to conduct such assessment.

3f. A team member or a person referred to in sec. 3e shall be obliged to keep

information about candidates obtained during the recruitment secret.

3g. No more than 3 candidates shall be selected during the recruitment process. They shall be presented to the minister competent for economy.

3h. The team shall draw up a recruitment report that contains:

- 1) name and address of the Office;
- 2) description of the position and number of candidates;
- 3) full names and addresses of no more than 3 best candidates ranked in terms of compliance with recruitment requirements;
- 4) information on recruitment methods and techniques;
- 5) justification of the choice made or reasons for not selecting the candidate;
- 6) team composition.

3i. The recruitment result shall be promptly announced by placing information about this fact in the Public Information Bulletin of the Office and of the Prime Minister's Office. Information about the recruitment result shall include:

- 1) name and address of the Office;
- 2) description of the position being recruited;
- 3) full names of candidates selected and their place of residence within the meaning of the Polish Civil Code or information about failure to select a candidate.

3j. Announcement of the recruitment and its result in the Public Information Bulletin of the Office and of the Prime Minister's Office shall be free of charge.

3k. The team recruiting for the positions referred to in sec. 3 shall be appointed by the President.

3l. Sec. 3a-3j shall apply *mutatis mutandis* to the recruitment for the positions referred to in sec. 3.

4. The President shall appoint and assign directors and perform other activities within the scope of the labour law.

[5. The chiefs shall be appointed and recalled by the President at the request of the respective director.]

[6. The President shall supervise and control the respective activities performed by directors and chiefs.]

<6. The President shall supervise the respective activities performed by directors, verify that offices managed by them operate in a proper manner and conduct inspections in this area.>

The provision repealing sec. 5 and the new wording of Article 12(6) shall enter into force on 1 January 2018 (J.L. of 2017, item 976).

[Article 13. The minister competent for economy shall, by way of a regulation, establish and abolish regional and district offices of measures as well as determine their area of activity and seat, taking into consideration local needs, economic development and practices in individual provinces and poviats as well as economic conditions for activity thereof.]

<Article 13. 1. The minister competent for economy shall, by way of a regulation, establish and abolish district offices of measures as well as determine their area of activity and seat, in particular taking into consideration a demand for metrological activities in given regions, economic development and practices related thereto.

The new wording of Article 13 shall enter into force on 1 January 2018 (J.L. of 2017, item 976).

2. By way of regulation referred to in sec. 1, the minister competent for economy may establish and abolish branch offices as part of district offices of measures, taking into consideration a demand for metrological activities in given regions, economic development and practices related thereto.>

Article 14. 1. The Office's structure shall be determined in a statute established by the minister competent for economy by way of a regulation that is to be published in Monitor Polski [The Polish Monitor] – the Official Journal of the Republic of Poland.

[2. The structure of district offices of measures shall be determined in regulations established by the President, by way of an ordinance, taking into consideration of economic demands and technical capabilities of these offices.]

<2. The structure of district offices of measures shall be determined in statutes and regulations established by the President by way of an ordinance.>

The new wording of sec. 2 and the provision repealing Article 14(3) shall enter into force on 1 January 2018 (J.L. of 2017, item 976).

[3. The structure of district offices of measures shall be determined in regulations established by the President, by way of an ordinance, at directors' request, taking into consideration of economic demands and technical capabilities of these offices.]

Article 15. The Office and district offices of measures shall constitute budgeted entities within the meaning of the Public Finance Act.

Article 15a. 1. Financial resources obtained for financing tasks referred to in Article 16(1)(2), with the exception of resources indicated in Article 5(1)(2) of the

Public Finance Act of 27 August 2009 (J.L. of 2016, item 1870, as amended¹⁾), shall be deposited on a separate account kept by Bank Gospodarstwa Krajowego.

2. The financial resources referred to in sec. 1 shall not constitute the revenue of the National Budget.

Article 16. 1. The President shall be responsible for:

- 1) maintaining and developing the system of legal measurement units and national standards of these measurement units, in particular:
 - a) establishing, maintaining and modernisation of the national standards of measurement units and measurement systems used to transfer measurement units kept at and used by the Office, and conducting development activities related thereto,
 - b) notifying, by way of an announcement, that standards of measurement units meet the criteria laid down for the national standards of measurement units,
 - c) ensuring, by way of comparisons, that the national standards of measurement units are compatible with the international standards of measurement units or standards of measurement units applicable in other countries as well as acknowledging competence related to calibrations and measurements performed;
 - d) ensuring that the value of legal measurement units be transferred from the national standards of measurement units to measuring instruments, also for the benefit of entities conducting activity in order to ensure uniformity of measures and accuracy of measurements related to state defence and security the organisation of which shall be laid down in a regulation issued pursuant to Article 3,
 - e) supervising activities of organisational units and laboratories that are not members of measure administration which own and maintain the national standards of measurement units, and make them available,
 - f) manufacturing and certifying the reference materials,
 - g) drawing up expert opinions and testing measuring instruments,

¹⁾ Amended consolidated text of the Act listed above were announced in J.L. of 2016, item 1948, 1984 and 2260 and J.L. of 2017, item 60, 191, 659, 933 and 935.

- h) determining values of quantities by measuring objects for which measurement activities are performed,
- i) organising and performing domestic inter-laboratory comparisons;
- 2) conducting research and development related to metrology, measurement technologies in particular, and cooperating with other scientific units in this scope;
- 3) supporting and fostering development of domestic industry, in particular:
 - a) offering advice and technical consultations regarding instruments, measurement methods and technologies,
 - b) organising and conducting specialist trainings in the field of measures and measurement technologies,
 - c) conducting activities promoting the issues of measures and metrology, including publishing,
 - d) initiating standardisation schemes related to measures,
 - e) initiating research, development and other undertakings in metrology-related fields as well as establishing cooperation and cooperating with domestic entities involved in such activities;
- 4) ensuring international cooperation on measures, in particular:
 - a) representing the Republic of Poland in international and regional metrological organisations,
 - b) cooperating with international institutions conducting activities related to measures;
- 5) performing tasks in the field of regulatory metrological control, in particular:
 - a) approving types of measuring instruments based on test results and assigning type approval marks, by way of a decision, as well as withdrawing type-approving decisions,
 - b) maintaining register of approved types of measuring instruments,
 - c) conducting regulatory metrological control and recognising an adequate control performed by the competent foreign metrological institutions as equivalent to regulatory metrological control in the Republic of Poland,
 - d) granting and revoking, by way of a decision, authorisations to validate or re-validate particular types of measuring instruments,
 - e) issuing certificates of conformity as part of the International Organisation of Legal Metrology;

- 6) supervising and coordinating the service of measures in Poland, in particular:
 - a) supervising measure administration bodies and their offices as well as ensuring that their activities are correct and coherent,
 - b) exercising supervision over activities resulting from authorisations and permits that are pursued by units referred to in point 5c and 5d,
 - c) granting, refusing to grant and revoking, by way of a decision, permits for repairs and installation, and verifying specific types of measuring instruments,
 - d) performing the tasks of the market surveillance authority within the meaning of the Act on conformity assessment and market surveillance systems of 13 April 2016 (J.L. item 542, 1228 and 1579) related to proceedings on non-compliant or hazardous devices placed on the market or put into use in relation to measuring instruments and non-automatic weighing instruments,
 - e) developing draft ordinances on respective matters,
 - f) issuing opinions on draft legal acts sent to the Office,
 - g) notifying competent authorities of the need to undertake legislative measures in the matter of measures;
- 7) publishing the Official Journal of the Central Office of Measures;
- 8) performing other metrological tasks in their respective competences;
- 9) performing tasks envisaged in separate acts or assigned by the Prime Minister.

2. The President shall draw up a four-year strategic action plan of the Central Office of Measures together with Council's opinion thereon and present it to the minister competent for economy for approval. Such plan shall include main objectives, challenges and directions of Office's tasks in combination with development strategies referred to in the Act on the Principles of Pursuing Development Policy of 6 December 2006 (J.L. of 2016, item 383, 1250, 1948 and 1954 and J.L. of 2017, item 5).

3. The President shall draw up and submit the following documents, with Council's opinion thereon, to the minister competent for economy by 31 March of each calendar year:

- 1) annual action plan of the Central Office of Measures focusing on implementation of individual tasks referred to in sec. 1, with provisions of the plan referred to in sec. 2, and
- 2) annual report on the implementation of the Office's tasks.

Article 16a. 1. The President may authorize the interested entity to perform primary validation or re-validation of specified types of measuring instruments. Documents acknowledging that the conditions for such authorisation have been met shall be appended to the application for such authorisation.

2. An entity applying for the authorisation shall:

- 1) have at their disposal staff with technical expertise needed to validate types of measuring instruments under application;
- 2) have at their disposal technical equipment needed to validate types of measuring instruments;
- 3) be independent and impartial in relation to entities applying for validation.

3. An authorised entity shall be obliged to maintain documentation of activities performed during validation and retain it for a period of at least 30 days from expiry of the validity date of a given measuring instrument.

4. The President shall issue authorisation for primary validation or re-validation after verifying that an interested entity meets the conditions for such authorisation to be granted.

5. Authorisation for primary validation and re-validation shall be issued for a period of 36 months and its validity may be extended by subsequent periods of 36 months, at the request of an interested entity, having verified whether the conditions for such authorisation are met.

6. The President may withdraw the authorisation before its expiry date, if as a result of the control of the authorised entity it is determined that the entity no longer meets the conditions for issuing the authorisation or fails to observe applicable regulations while conducting validation.

7. If an authorised entity ceased to conduct business under authorisation or an authorisation was revoked, such entity is obliged to promptly provide the measure administration body competent for the place of business with all documents referred to in sec. 3.

Article 16b. The minister competent for economy shall stipulate by way of a regulation:

- 1) the types of measuring instruments for which authorisations to conduct primary validation or re-validation may be granted,

- 2) a procedure for granting and extending authorisations to conduct primary validation or re-validation, including data to be included in an application for issuing or extending an authorisation and types of documents to be attached to such application,
- 3) detailed conditions for issuing authorisations, including manner in which it shall be confirmed that the staff has required knowledge and the facility has basic technical equipment necessary to conduct validation of given types of measuring instruments,
- 4) scope and manner in which authorised entities document the activities conducted during validation,

– taking into consideration the scope and types of activities, the need to record necessary data on a measuring instrument and activities performed, and obligations resulting from international agreements that are binding for the Republic of Poland.

Article 16c. 1. In order to conduct business related to installation and repairs as well as periodical inspections for compliance with requirements, before and after installation and after repair of specific types of measuring instruments, if it results from international agreements binding for the Republic of Poland, it is required to obtain a permit to conduct such activity, hereinafter referred to as “permit”.

2. The President shall be the authority competent for permits.

3. An entrepreneur applying for a permit shall:

- 1) have at their disposal staff with technical expertise needed to perform installations or repairs and to inspect measuring instruments;
- 2) have at their disposal technical equipment needed to perform installations or repairs and to inspect measuring instruments;
- 3) be independent and impartial in relation to entities for the benefit of which such entrepreneur provides services.

4. A permit shall be issued at a written request that includes:

- 1) designation of an entrepreneur, their seat and address;
- 2) statistical number REGON and tax identification number;
- 3) information on the types of measuring instruments which are to be installed, repaired or inspected;
- 4) information on the place in which the services are provided;

5) information on the scope of services provided.

5. Documents acknowledging that conditions referred to in sec. 3 are met shall be annexed to the request.

Article 16d. 1. The permit shall be issued for a fixed term of at least 12 months but not longer than 48 months.

2. The permit:

1) shall indicate:

- a) an authorised entrepreneur, their seat and address,
- b) types of measuring instruments and scope of services under permit,
- c) place in which the services are provided,
- d) its validity;

2) shall assign a special mark to be placed by an authorised entrepreneur on installed or repaired and inspected measuring instrument in order to acknowledge that these activities have been performed.

3. Additionally, the permit shall include other information necessary for correct identification of the entrepreneur and provided services related to repairs, installation and inspections.

3a. The entrepreneur who has been granted a permit shall be obliged to notify the President in writing of all altered data referred to in Article 16c(3) and (4) within 14 days since they have taken place.

4. The entrepreneur who has been granted a permit shall maintain documents and records of activities conducted during repairs, installation and inspections of measuring instruments.

4a. Documents referred to in sec. 4 shall be by the entrepreneur:

- 1) retained for at least 3 years from the day given activity has been performed;
- 2) made available upon each request of measure administration body;
- 3) provided to the measure administration body competent for the place of business if business is wound up or a permit has been revoked or expired.

5. The minister competent for economy shall stipulate by way of a regulation:

- 1) a template of the application for a permit to conduct business in the field of installation or repair and inspections of measuring instruments,
- 2) types of documents to be appended to the application,

- 3) information on basic technical equipment needed to conduct installations or repairs, and inspections of measuring instruments and manner in which it is confirmed that the staff has appropriate knowledge,
 - 4) periods in which these measuring instruments are inspected,
 - 5) manner of documenting and keeping records of activities conducted during installation and repairs of measuring instruments,
 - 6) a template of special mark assigned to the entrepreneur with an indication of its shape and dimensions,
- taking into consideration obligations resulting from international agreements that are binding for the Republic of Poland.

6. Information on permits granted and revoked shall be announced by the President, by way of an announcement, in the Official Journal of the Central Office of Measures at least once a year.

Article 16e. The President shall refuse to grant a permit if:

- 1) an application for a permit fails to meet requirements laid down in Article 16c(4) or
- 2) required documents are not appended thereto, or
- 3) an entrepreneur fails to meet the requirements referred to in Article 16c(3).

Article 16f. 1. The President shall revoke the permit if:

- 1) the entrepreneur ceased to meet the requirements referred to in Article 16c(3);
- 2) a final and non-revisable decision prohibiting the entrepreneur to conduct business under permit has been issued;
- 3) a decision to wind up the entrepreneur has been taken;
- 4) the entrepreneur failed to remove unlawful factual circumstances within indicated time limit;
- 5) the entrepreneur uses measuring instruments the regulatory metrological control of which has not been proven.

2. If a decision to revoke the permit has been issued for reasons referred to in Article 16f(1)(2), (4) and (5), an entrepreneur may re-submit an application for such permit after 2 years from the date on which the decision became final.

Article 16g. 1. Measure administration bodies shall be authorised to inspect entities and enterprises referred to in Article 16a and 16c for compliance with

requirements needed to act on the authorisations and permits granted and with the provisions hereof.

2. Article 21(1)(1) and (4) and sec. 2 and 4 shall apply *mutatis mutandis* to the inspection of authorised entities and enterprises.

Article 17. 1. Having consulted with a competent director, the President may, by way of a decision, establish validation points for a fixed term at a request of a manufacturer, importer or entrepreneur performing repairs or installations, taking into consideration the needs of economy.

2. The President may abolish validation points if their feasibility or unprofitability is determined in the case of staffing difficulties preventing the point from being handled or if such point ceases to meet requirements laid down upon its establishment.

3. An entity applying for establishment of a validation point shall be obliged to meet technical and organisational conditions for validation, and in particular to ensure an appropriate place for validation, proper technical equipment and staff during validation.

4. The minister competent for economy shall stipulate, by way of a regulation, data to be provided for in an application for establishment of a validation point, detailed conditions for establishment thereof and technical equipment available at the point, with regard to the nature and scope of activities performed during validation.

Article 18. 1. Announcements of the President referred to in Article 16(1)(1)(b) shall be published in the Official Journal of the Republic of Poland – Monitor Polski [The Polish Monitor].

2. The following information in particular shall be published in the Official Journal of the Central Office of Measures:

- 1) register of approved types of measuring instruments;
- 2) information on establishment or abolishment of validation points;
- 3) information on the types of measuring instruments approved by competent authorities and institutions of other countries, in accordance with the international agreement that are binding for the Republic of Poland;

[4] *President's ordinances on matters referred to in Article 14(2) and (3).]*

<4> **President's ordinances on matters referred to in Article 14(2).>**

3. Pursuant to the international agreements that are binding for the Republic of

The new wording of Article 18(2)(4) shall enter into force on 1 January 2018 (J.L. of 2017, item 976).

Poland, the President shall provide the competent foreign institutions and organisations with information on decisions approving the type issued, amended decisions and refusal to approve the type, revoking type approval and on matters pertaining to granted and revoked permits referred to in Article 16c.

Article 19. (repealed)

Article 20. 1. *[Directors and chiefs shall perform the following activities in accordance with territorial competence of their offices:]* **<Directors shall perform the following activities:>**

- 1) inspecting measuring instruments in order to ensure that tasks referred to in Article 2(1)(2) are performed, validation of measuring instruments in particular;
- 1a) performing tasks referred to in Article 4(1) of the Act on Packaged Goods of 7 May 2009 (J.L. of 2015, item 1161);
- 2) exercising supervision over implementation of the provisions hereof and cooperation with public administration in this respect;
- 3) performing other tasks entrusted by the President.

1a. The director shall perform the tasks of the market surveillance authority within the meaning of the Act on conformity assessment and market surveillance systems of 13 April 2016 in order to inspect compliance of measuring instruments and non-automatic weighing instruments with requirements.

<1b. Directs shall perform tasks referred to in sec. 1(1-2) in the territory of the offices reporting to them.>

[2. District and regional offices of measures may perform other metrological works pursuant to competences and technical capabilities, including calibration and issuing expert opinions of measuring instruments.]

<2. District offices of measures may perform other metrological works pursuant to their competences and technical capabilities, including calibration and issuing expert opinions of measuring instruments.>

<3. The district offices of measures may cooperate with domestic and foreign organisations, institutions and universities conducting activities related to measures, having consulted this fact with the President.>

The new wording of enumeration introduced in sec. 1 and sec. 1b added to Article 20 shall enter into force on 1 January 2018 (J.L. of 2017, item 976).

The new wording of sec. 2 and sec. 3 added to Article 20 shall enter into force on 1 January 2018 (J.L. of 2017, item 976).

Chapter 5

Supervision of the application of the provisions of the Act

Article 21. 1. Measure administration bodies shall exercise supervision of the application of the provisions hereof and the provisions of the Act on Packaged Goods of 7 May 2009 by:

- 1) issuing post-inspection recommendations and checking the status of their implementation;
- 2) filing motions for penalties with competent authority adjudicating upon misdemeanours;
- 3) enforcing non-monetary obligations pursuant to the provisions on enforcement proceedings in administration;
- 4) notifying appropriate authority of crimes committed in the case of justified suspicions of forging certificates of regulatory metrological control;
- 4a) temporary withdrawing measuring instruments from use, by way of a decision, the validation of which became invalid pursuant to Article 8n(4);
- 5) withdrawing, by way of a decision:
 - a) measuring instruments that do not meet the requirements – from the market or use,
 - b) measuring instruments if it is not certified with a certificate of validation that the measuring instrument meets the requirements in a period provided for in a decision referred to in item 4a.

2. Measure administration bodies shall exercise supervision referred to in sec. 1 on the basis of inspections conducted by authorised employees of offices of measures who having presented identification card and written authorisation shall be authorised to:

- 1) enter the premises or rooms in which the inspection is carried out;
- 2) examine documents and collect oral and written explanations pertaining to matters under inspection;
- 3) gather and secure evidence that provisions of the Act have been violated;
- 4) check identification cards, in justified cases, in order to establish identity;
- 5) impose fines by way of a penalty notice.

3. Natural persons, legal persons and organisational unit without legal personality,

hereinafter referred to as “inspected entities” shall be subject to the inspection referred to in sec. 2 of the application of legal measurement units or measuring instruments referred to in Article 6 and Article 8(1).

4. The inspected entities shall be authorised to:

- 1) obtain information about their rights and the scope of the inspection;
- 2) be present during all activities performed during the inspection by employees of the offices of measures;
- 3) sign the inspection report or submit a written justification of the reason for refusal to sign it within 7 days since delivery of the report.

5. Decision referred to in sec. 1(4a) shall be issued for a period of 3 months and shall be immediately enforceable. This period may be extended for subsequent 3-month periods upon reasonable request of the party.

6. While issuing a decision referred to in sec. 1(4a), the measure administration body shall extend the application of safety measures mentioned in Article 22j(3) for the duration of such decision.

7. The decision referred to in sec. 1(4a) shall become invalid before the end of the period for which it was issued, as of the day of acknowledgement that the measuring instrument meets the requirements with a certificate of validation.

Article 21a. 1. The President shall, by way of a decision, prohibit measuring instruments manufactured in line with the type approved which have defects hindering their intended use from being placed on the market or put into use.

2. In the case of measuring instruments subject solely to type approval, the President may, by way of a decision, prohibit the manufacturer from placing on the market or using measuring instruments of given type if after a prior request, this manufacturer does not bring the measuring instruments produced into line with approved type or requirements within the prescribed period of time.

3. The President shall promptly notify Member States of the European Union and the European Commission of the activities referred to in sec. 1 and 2, providing the reasons for the decision.

Article 22. 1. Other measure administration bodies, in particular trade inspection, sanitary inspection and mining authorities, shall be authorised to inspect the application of the provisions hereof and the provisions of the Act on Packaged Goods of 7 May

2009, within their competence.

2. Measure administration bodies shall cooperate while exercising the supervision of the application of the provisions hereof and the provisions of the Act on Packaged Goods of 7 May 2009 with entities referred to in sec. 1 in exchanging:

- 1) expertise;
- 2) information on violation of the provisions of the Act;
- 3) information on initiatives and preventive measures regarding compliance with the provisions of the Act;
- 4) information on measuring instruments failing to meet the requirements of the Act, revealed during an inspection or obtained otherwise which may be useful for these authorities and units.

3. Authorities or employees of measure administration may, in urgent cases, request (also orally) assistance of police officers, if they encounter resistance which prevents or hinders supervision over the implementation of the provisions of this Act and the Act on Packaged Goods of 7 May 2009.

Article 22a. 1. The inspection conducted by measure administration bodies while exercising supervision over the application of the provisions hereof and the provisions of the Act on Packaged Goods of 7 May 2009 shall include:

- 1) complying with the obligation to use legal measurement units while using measuring instruments, performing measurements and expressing values of physical quantities;
- 2) verifying whether measuring instruments subject to regulatory metrological control which have been placed on the market or put into use, or are used and stored ready for use in fields referred to in Article 8(1) meet the requirements;
- 3) verifying whether entities placing measuring instruments on the market or putting them into use or users of measuring instruments subject to regulatory metrological control have valid certificates of such control at their disposal;
- 4) obeying the requirements for the proper use of measuring instruments subject to regulatory metrological control;
- 5) complying with the obligation of having authorisations to conduct primary validation or re-validation of measuring instruments granted by the President of the Central Office of Measures, hereinafter referred to as “authorisations”, and

permits to conduct business related to repairs or installations and testing of recording devices used in road transport (tachographs) issued by the President of the Central Office of Measures, hereinafter referred to as “permits”;

- 6) fulfilling the obligation to maintain and make national standards of measurement units available by non-administrative organisational units and laboratories that own these standards;
- 7) meeting the requirements necessary to perform activities on the basis of authorisations and permits granted;
- 8) complying with the requirements for packaging products and production of measuring bottles.

2. During the inspection the inspected entity shall make available the following items at the request of the inspector and for the time necessary to carry out the inspection:

- 1) measuring instruments in a manner allowing for:
 - a) conducting external inspection,
 - b) verifying metrological properties,
 - c) verifying the conditions of proper use;
- 2) documents related to measuring instruments – in the scope referred to in sec. 1.

Article 22b. The inspection shall determine the facts related to the inspected item, document it in a reliable manner and verify whether the inspected entity complies with the provisions of the Act and the Act on the Packaged Goods of 7 May 2009.

Article 22c. 1. Entrepreneurs placing measuring instruments on the market or having authorisations or permits, or conducting business without such authorisations or permits, packaging goods and manufacturing measuring bottles shall be inspected upon presentation of the inspector’s identity card and submitting authorisation to inspect entrepreneur’s business activity.

2. Users of measuring instruments who are natural persons, legal persons and organisational unit without legal personality as stipulated in Article 22s(1)(1-4) shall be inspected upon written authorisation issued for given holder.

Article 22d. 1. The inspecting entity shall conduct inspections in teams with at least two members.

2. The measure administration body managing the inspections shall determine the

composition of the team referred to in sec. 1 and appoint a chairperson thereof.

Article 22e. 1. The inspector shall not participate in the inspection if the results thereof may pertain to their claims, rights or obligations, or claims, rights or obligations of their spouse or actual cohabitants, relatives and relatives by affinity up to the second degree or persons related due to adoption, custody or guardianship.

2. The inspector shall also not participate in the inspection if the measure administration body ordering the inspection reveals other reasons which may affect the inspector's impartiality.

3. The measure administration body ordering the inspection shall decide on inspector's participation, *ex officio* or at the inspector's or the inspected entity's request, and may appoint other person for further inspection.

Article 22f. 1. Inspection may be conducted:

- 1) in places in which measuring instruments subject to regulatory metrological control should or may be used or stored ready to use;
- 2) at the premises or in rooms in which:
 - a) measurement unit standards or documents pertaining to these standards are kept,
 - b) activity under authorisations or permits is conducted,
 - c) products are packaged and measuring bottles are manufactured.

2. Inspections shall be conducted during working hours or when the inspected entity actually conducts their business.

Article 22g. The inspectors shall subject to the occupational health and safety regulations applicable at the inspected entity during the inspection.

Article 22h. 1. The inspected entity shall be obliged to provide the inspectors with the conditions necessary to conduct the inspection, in particular to:

- 1) provide all necessary explanations;
- 2) provide, at request of the inspectors, documents and materials under inspection other than referred to in Article 22a(2)(2);
- 3) draw up certified copies or excerpts from these documents;
- 4) ensure the integrity of measuring instruments secured by the inspectors which have been left for storage at the inspected entity.

2. The inspectors shall be authorised to enter the premises or rooms referred to in Article 22f(1) without. They shall not need to obtain a pass or undergo body search.

Article 22i. The inspectors shall make findings based on information collected throughout the inspection and explanations obtained from the controlled entity and their employees or proofs, in particular documents and secured measuring instruments.

Article 22j. 1. If it is revealed or suspected that:

- 1) a measuring instrument subject to regulatory metrological control fails to meet the requirements, in particular that errors of measuring instruments exceed the limits of maximum permissible errors,
- 2) a measuring instrument is used in conditions other than conditions needed for its proper use,
- 3) certificates of validation acknowledging primary validation or re-validation have been issued by unauthorised entities, were destroyed or damaged or there are no certificates of validation for given measuring instrument,
- 4) validation became invalid pursuant to Article 8n(4),

– the inspectors may secure the measuring instruments in order to preserve it in an unaltered condition.

2. The measuring instrument in the case of which the security measure referred to in sec. 1 was applied shall be withdrawn from use.

3. Measuring instruments and other certificates shall be secured by:

- 1) placing covers or a seal;
- 2) storing them with a receipt at the inspected entity in a separate closed and sealed room;
- 3) taking them with a receipt to the office of measures.

4. The security measure referred to in sec. 3 shall be applied for the period of time needed to:

- 1) conduct activities the aim of which is to determine and explain circumstances of the matter inspected to remove irregularities detected during the inspection but for no longer than 2 months, or
- 2) issue the decision referred to in sec. 21(1)(4a).

5. Should the security measures referred to in sec. 3 be applied by the inspectors, the inspectors shall draw up a note with a detailed description of the security measure

applied. Such note shall be appended to the inspection report referred to in Article 22k(1).

Article 22k. 1. The inspection results shall be documented by the inspectors in the report thereof.

2. The inspection report shall be drawn up in two copies, one of which shall be received by the inspected entity.

3. The inspection report shall be signed by the inspector and the inspected entity. Should the inspection be conducted in the presence of a person authorised by the inspected entity or other employee of the inspected entity or in the presence of a witness, the report shall be also signed by these persons.

4. Should the inspected entity refuse to sign the inspection report, the inspector shall draw up a note about this fact in the inspection report.

5. Even though the inspected entity refuses to sign the inspection report, the inspectors may still sign the report and this fact shall not stay the implementation of findings thereof.

Article 22l. 1. Should any irregularities be determined, the measure administration body ordering the inspection shall develop post-inspection recommendations that shall be provided to the inspected entity.

2. The post-inspection recommendations shall include an assessment of the controlled activity resulting from the findings described in the inspection report along with remarks and conclusions aimed at removing identified irregularities.

Article 22m. 1. The inspected entity may file a reasoned objection against assessments, remarks and conclusions provided for in the post-inspection recommendations with the measure administration body ordering the inspection within 7 days from the date of receipt of post-inspection recommendations.

2. The measure administration body ordering the inspection shall examine the objections within 14 days from the date of their receipt and takes a position in this matter.

3. The position of the measure administration body ordering the inspection shall be final and shall be delivered to the inspected entity together with justification.

Article 22n. 1. The inspected entity shall be obliged to notify the measure

administration body ordering the inspection of the manner in which remarks and post-inspection conclusions will be applied, actions undertaken or reasons for failing to take the actions aimed at removing irregularities revealed within a time limit set in the post-inspection recommendations.

2. Should the inspected entity file objections, the time limit referred to in sec. 1 shall be stayed until the position referred to in Article 22m(3) is delivered.

Article 22o. Provisions of chapter 5 of the Act on Freedom of Economic Activity of 2 July 2004 (J.L. of 2015, item 584, as amended²⁾) shall apply to inspections of an entrepreneur's economic activity.

Article 23. The minister competent for economy shall stipulate, by way of a regulation, templates of authorisations to inspect, check identification cards and report templates, taking into consideration the inspection scope and type and ensuring possibility of identifying the inspection authority and persons performing inspection activities.

Chapter 6

Fees for the activity of measure administration bodies and offices reporting to them

Article 24. 1. The official activities undertaken by measure administration bodies and offices reporting to them that are laid down in the present Act and its implementing measures and activities resulting from tasks envisaged in separate acts shall be subject to a fee.

2. A fee shall be collected for the following activities:

- 1) issuing, altering or refusing to issue a decision approving the type of measuring instruments;
- 2) issuing a certificate of validation or performing verification activities if a measuring instrument failed to meet the requirements and may not be validated;
- c) recognising and refusing to recognise an adequate control performed by the competent foreign metrological institutions as equivalent to regulatory

²⁾ Amended consolidated text of the Act listed above were announced in J.L. of 2015, item 699, 875, 978, 1197, 1268, 1272, 1618, 1649, 1688, 1712, 1844 and 1893 and J.L. of 2016, item 65, 352, 615 and 780.

- metrological control in the Republic of Poland;
- 4) granting, refusing to grant or amending an authorisation for primary validation or re-validation;
 - 5) granting or refusing to grant a permit to perform repairs or installations of measuring instruments and to verify measuring instruments;
 - 6) issuing, altering or refusing to issue a decision to establish a validation point;
 - 7) calibrating the ship tanks;
 - 8) activities performed during the inspection referred to in Article 16g(1);
 - 9) activities related to recognition of standards of measurement units as the national measurement unit standards;
 - 10) activities related to supervision over non-administrative units and laboratory that own these standards;
 - 11) activities related to the control of packaged goods;
 - 12) issuing or refusing to issue a confirmation referred to in Article 111(6b) of the Act on Value Added Tax of 11 March 2004 (J.L. of 2016, item 710).

2a. The fee referred to in sec. 2(12) shall be determined by the President, by way of a decision, taking into consideration the scope and duration of the activities performed, hourly rates for the working time of employees of the Central Office of Measures and costs of tests conducted in order to issue a decision.

2b. The fee referred to sec. 2(12) shall be determined on the basis of an hourly rate for work performed by employees of the Central Office of Measures and shall be calculated according to this rate, multiplied by the number of hours needed to perform activities related to issuing or refusal to issue a confirmation stipulated in Article 111(6b) of the Act on the Value Added Tax.

2c. The rate referred to in sec. 2b shall be equal to the hourly rate for the working time of an employee of the office reporting to the measure administration body, constituting the basis for determining the fee for activities related to issuing or refusal to issue a decision to approve the type of measuring instruments referred to in sec. 2(1).

3. The fees shall constitute the revenue of the National Budget.

4. The fees referred to in sec. 2(1–7) and (12) shall be paid by the applicant.

5. The fees referred to in sec. 2(8–11) shall be paid by the inspected or supervised entity.

6. The provisions of Section 3 of the Tax Ordinance Act shall apply *mutatis*

mutandis to the fees paid, with the stipulation that the powers of tax authorities shall be vested in measure administration bodies.

7. The provisions of the Tax Ordinance Act pertaining to deferred tax payment dates or payment of taxes in arrears, tax payment in instalments or payment of taxes in arrears and writing off taxes in arrears, subject to sec. 8.

8. Fees referred to in sec. 2 shall be written off pursuant to Article 67d of the Tax Ordinance Act.

Article 24a. 1. The fees due referred to in Article 24(2)(1), (3) and (8–11) shall be determined by the measure administration bodies, by way of a decision, taking into consideration the nature, scope and duration of the activities performed and applicable hourly rates for the working time of employees of the measure administration.

2. The fees due referred to in Article 24(2)(2) and (4–7) shall be determined by the applicant on the basis of applicable rates.

3. The applicant shall pay the fees referred to in:

- 1) Article 24(2)(2) and (7) – within 7 days from submitting the application;
- 2) Article 24(2)(4–6) and (12) – within 14 days from delivery of the decision;

3a. Should the fees referred to in Article 24(2)(2) and (7) not be paid in time, the application shall not be examined.

4. The minister competent for public finances shall stipulate, by way of a regulation, in agreement with the minister competent for economy, the amount of fees referred to in Article 24 and how to charge them, taking into consideration the types of measuring instruments, nature of activities undertaken, degree of complexity and duration of tests and verifications and their justified costs, as well as price growth rates for consumer goods and services, and the following factors in the case of fees referred to in Article 24(2)(4) and (5):

- 1) scope of authorisations and permits granted;
- 2) validity of authorisations and permits.

Article 25. Other activities undertaken by measure administration bodies and offices reporting to them under civil law contracts, related to:

- 1) testing of measuring instruments and issuing certificates of conformity as part of the International Organisation of Legal Metrology,
- 2) calibrating and drawing up expert opinions on measuring instruments,

- 3) furnishing recipients with standards of measures and reference materials,
 - 4) offering advice and technical consultations regarding selection and use of measuring instruments,
 - 5) conducting specialist trainings in measures for non-administrative units and entities,
- shall be remunerated pursuant to these contracts.

Chapter 7

Sanctions for violation of the provisions of the Act

Article 26. 1. Whoever contrary to the provisions of the Act:

- 1) expresses values of physical quantities in measurement units other than official ones,
 - 2) places measuring instruments subject to regulatory metrological control without required certificates or failing to meet the requirements on the market or puts them into use or stores them ready for use,
 - 3) uses measuring instruments in fields referred to in Article 8(1) contrary to the conditions of their proper use,
 - 4) conducts primary validation or re-validation of measuring instruments without the required authorisation,
 - 5) (repealed)
 - 6) deliberately hinders measure administration bodies from performing their tasks related to supervision,
- shall be fined.

1a. Whoever deliberately uses or stores ready for use measuring instruments withdrawn from use pursuant to a decision referred to in Article 21(1)(4a) or (5) or deliberately damages safety marks referred to in Article 22j(3)(1)

– shall be punishable with arrest, restriction of liberty or fine of up to PLN 10,000.

2. Proceedings related to matters referred to in sec. 1 and 1a shall be conducted pursuant to provisions of the Polish Code of Proceedings pertaining to misdemeanours.

Article 26a. 1. Whoever:

- 1) conducts business activities in the field of installation or repair of traffic measurement instruments used in road transport (tachographs) without required

- permit,
- 2) uses measuring instruments subject to mandatory verification referred to in items 2 and 3 of Chapter VI of Annex No. 1 to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment used in road transport (OJ No L 370 of 31 December 1985, p. 8 and OJ No L 274 of 9 October 1998, p. 1) without required verification
- shall be punishable with a fine of PLN 5,000.

2. Penalty payments referred to in sec. 1 shall constitute the revenue of the National Budget.

Chapter 8

Adapting, transitional and final provisions

Article 27. (omitted)

Article 28. The existing provisions shall apply in cases initiated and not ended in a final decision before the Act enters into force.

Article 29. (omitted)

Article 29a. (omitted)³⁾

Article 30. (omitted)

Article 31. (omitted)

Article 32. The Act on Establishment of the Central Office of Measures of 3 April 1993 (J.L. item 247, J.L. of 1998, item 202 and J.L. of 2000, item 1268) shall become invalid.

Article 33. The Law on Measures of 3 April 1993 (J.L. item 248, J.L. of 1997, item 272 and 770 and J.L. of 2000, item 489 and 1268) shall become invalid.

Article 34. The Act shall enter into force on 1 January 2003, with the exception of Article 9(8), Article 16(10), Article 24(1)(5), Article (26(1)(5) and Article 31 which shall enter into force 14 days after the day of announcement⁴⁾.

³⁾ It is published in the announcement of the Marshal of the Sejm of the Republic of Poland of 21 June 2016 on announcement of a consolidated text of the Law on Measures (J.L. item 884).

⁴⁾ The Act was promulgated on 22 June 2001.