

Act No. 505/1990 Coll., on Metrology, as later amended

Act No. 505/1990 Coll. as amended by Act No. 119/2000 Coll.

Act No. 13/2002 Coll.

Act No. 137/2002 Coll.

Act No. 226/2003 Coll.

Act No. 444/2005 Coll.

Act No. 481/2008 Coll.

Act No. 223/2009 Coll.

Act No. 155/2010 Coll.

Act No. 18/2012 Coll.

Act No. 85/2015 Coll.

Act No. 264/2016 Coll.

Act No. 183/2017 Coll.

Act No. 152/2021 Coll.

505/1990 Coll.

Act

of 16 November 1990

on metrology

The Federal Assembly of the Czech and Slovak Federative Republic has adopted this Act of the Czech Republic:

PART ONE

GENERAL PROVISIONS

Section 1

Purpose

The purpose of this Act is the regulation of the rights and obligations of natural persons, who are entrepreneurs, and legal persons (hereinafter referred to as 'bodies') and State administration authorities, within the scope necessary to ensure the uniformity and accuracy of the measuring instruments and measurements.

Section 2

(1) The bodies and the State administration authorities shall be obliged to use the basic units of measurement set out in subsection 2, their symbols, multiples and submultiples specified in the Decree, as well as other units, their symbols, definitions,

multiples and submultiples specified in the Decree. In international relations other units of measurement corresponding to international commercial usage may be used.

(2) The basic units of measurement⁷⁾ shall be:

- a) a unit of time – second (s),
- b) a unit of length– metre (m),
- c) a unit of mass – kilogram (kg),
- d) a unit of electric current – ampere (A),
- e) a unit of thermodynamic temperature – kelvin (K),
- f) a unit of amount of substance – mole (mol),
- g) a unit of luminous intensity – candela (cd).

(3) The basic units of measurement ⁷⁾ shall be defined:

a) the second, symbol s, is the SI unit of time. It is defined by taking the fixed numerical value of the caesium frequency $\Delta\nu_{\text{Cs}}$, the unperturbed ground-state hyperfine transition frequency of the caesium-133 atom, to be 9 192 631 770 when expressed in the unit Hz, which is equal to s^{-1} .

b) the metre, symbol m, is the SI unit of length. It is defined by taking the fixed numerical value of the speed of light in vacuum c to be 299 792 458 when expressed in the unit m s^{-1} , where the second is defined in terms of the caesium frequency $\Delta\nu_{\text{Cs}}$.

c) the kilogram, symbol kg, is the SI unit of mass. It is defined by taking the fixed numerical value of the Planck constant h to be $6.626\,070\,15 \times 10^{-34}$ when expressed in the unit J s, which is equal to $\text{kg m}^2 \text{s}^{-1}$, where the metre and the second are defined in terms of c and $\Delta\nu_{\text{Cs}}$.

d) the ampere, symbol A, is the SI unit of electric current. It is defined by taking the fixed numerical value of the elementary charge e to be $1.602\,176\,634 \times 10^{-19}$ when expressed in the unit C, which is equal to A s, where the second is defined in terms of $\Delta\nu_{\text{Cs}}$.

e) the kelvin, symbol K, is the SI unit of thermodynamic temperature. It is defined by taking the fixed numerical value of the Boltzmann constant k to be $1.380\,649 \times 10^{-23}$ when expressed in the unit J K^{-1} , which is equal to $\text{kg m}^2 \text{s}^{-2} \text{K}^{-1}$, where the kilogram, metre and second are defined in terms of h , c and $\Delta\nu_{\text{Cs}}$.

f) the mole, symbol mol, is the SI unit of amount of substance. One mole contains exactly $6.022\,140\,76 \times 10^{23}$ elementary entities. This number is the fixed numerical value of the Avogadro constant, N_{A} , when expressed in the unit mol^{-1} and is called the Avogadro number; the amount of substance, symbol n , of a system is a measure of

the number of specified elementary entities. An elementary entity may be an atom, a molecule, an ion, an electron, any other particle or specified group of particles.

g) the candela, symbol cd, is the SI unit of luminous intensity in a given direction. It is defined by taking the fixed numerical value of the luminous efficacy of monochromatic radiation of frequency 540×10^{12} Hz, K_{cd} , to be 683 when expressed in the unit lm W^{-1} , which is equal to cd sr W^{-1} , or $\text{cd sr kg}^{-1} \text{m}^{-2} \text{s}^3$, where the kilogram, metre and second are defined in terms of h , c and $\Delta\nu_{Cs}$.

Section 3

Measuring instruments

(1) The measuring instruments serve to determine the value of a measured quantity. Together with the essential auxiliary measuring instruments, they include for the purposes of this Act:

- a) standards;
- b) legally controlled working measuring instruments (hereinafter referred to as 'legal measuring instruments');
- c) other working measuring instruments (hereinafter referred to as 'working measuring instruments');
- d) certified reference materials and other reference materials, in so far they are intended to have a function of a standard or of a legal or of a working measuring instrument.

(2) The standard for a unit of measurement or for a scale of certain quantity is a measuring instrument serving for realization and maintenance of this unit or scale and for their transfer to measuring instruments of a lower accuracy. The maintenance of a standard shall mean any operation necessary for the maintenance of metrological characteristics of the standard within the determined limits.

(3) The legal measuring instruments are measuring instruments which have been specified by the Ministry of Industry and Trade (hereinafter referred to as 'Ministry') in its Decree for mandatory verification with regard to their importance:

- a) in contractual relationships, such as sale, hire or donation of a thing, provision of services or for determining the amount of compensation for damages, or other property;
- b) for determining the sanctions, charges, rates and taxes;
- c) for health protection;
- d) for environmental protection;

e) for safety at work; or

f) for protection of other public interests protected by special legal regulations.

(4) The working measuring instruments are measuring instruments which are neither standards nor legal measuring instruments.

(5) The certified reference materials and other reference materials shall be materials or substances of precisely determined composition or characteristics, being used, in particular, for verification or calibration of instruments, evaluation of measuring methods and quantitative determination of the characteristics of materials.

(6) In the case of doubts, the classification of a measuring instrument into one of the mentioned categories of measuring instruments shall be carried out by the Office for Standards, Metrology and Testing (hereinafter referred to as 'Office'); in the case of measuring instruments designed or used for the measurement of ionizing radiation and radioactive substances in the agreement with the State Office for Nuclear Safety.

Section 4

The Office may, at a request of the user of the legal measuring instrument, exempt the legal measuring instrument from the type approval and verification obligations for a specified period.

Section 5

Traceability of measuring instruments

(1) For the purposes of this Act, the traceability of measuring instruments means the inclusion of given measuring instruments into an uninterrupted sequence of transfer of the value of a quantity, beginning with the standard of the highest metrological quality for the given purpose.

(2) The National standards have the highest metrological quality at the national level for the given field of measurement. They shall be approved by the Office which shall lay down also the manner of their creation, maintenance and use. The creation, development and maintenance of national standards fall within the responsibility of the State which ensures these activities pursuant to this Act. The national standards are maintained by the Czech Metrology Institute or by authorised bodies entrusted to this activity by the Office. The Czech Metrology Institute coordinates the building and development of national standards and their maintenance. The national standards exhibit traceability to international standards maintained pursuant to international agreements or to national standards of other States with a corresponding metrological quality.

(3) For other standards of the highest metrological quality in fields of measurement where no national standard has been approved at the national level the provisions of subsection 2 shall apply mutatis mutandis.

(4) For the protection of national standards a protection zone may be established around the location of their maintenance pursuant to special regulations.

(5) The main standards form the basis of the traceability of measuring instruments at the bodies and they are subject to mandatory calibration. The calibration of main standards is carried out, at a request of the user, by the Czech Metrology Institute or by accredited calibration laboratories and foreign bodies which guarantee a corresponding metrological level. The period of the subsequent calibration of a main standard is determined by the user of the main standard with regard to the metrological and technical characteristics, the method and the frequency of the usage of the main standard. The Czech Metrology Institute, if asked for calibration of a main standard in the fields of measurement where legal measuring instruments have been specified, shall be obliged to carry out the calibration or it may, alternatively, arrange this calibration abroad.

(6) The way of the traceability of working measuring instruments shall be established by the user of the measuring instrument. The calibration of working measuring instruments may be established by their users themselves by means of their main standards or by other domestic or foreign bodies having the main standards of a measured quantity exhibiting their traceability pursuant to subsection 5.

PART TWO

TYPE APPROVAL OF MEASURING INSTRUMENTS

Section 6

Type approval of measuring instruments of domestic production

(1) The measuring instruments which are subject to type approval before the start of their production, are specified by the Ministry in its Decree. At a request, also types of other newly produced measuring instruments may be approved.

(2) The type approval of a measuring instrument is carried out by the Czech Metrology Institute. It ascertains whether the measuring instrument will be able to perform the function for which it is intended. This requirement shall be considered to be met if the measuring instrument has the required metrological and technical characteristics as laid down by a measure of a general nature. The measures of a general nature, in addition to the required metrological and technical characteristics of the measuring instrument, shall also provide for the type approval tests. The procedure of the type approval of a measuring instrument shall be laid down by the Ministry in its Decree. The minimum number of samples of the measuring instrument needed for the type approval of the measuring instrument, to be provided by the manufacturer free of charge, shall be prescribed by the Czech Metrology Institute.

(3) On the basis of technical tests and other examinations the Czech Metrology Institute issues a certificate confirming the approval of the measuring instrument type and assigns a type approval mark which the manufacturer shall affix, if it is laid down by the Ministry in its Decree, to the measuring instrument. The requisites of the type

approval certificate for a measuring instrument and the design of the type approval mark shall be laid down in that Decree. The validity of the type approval certificate for the measuring instrument expires after ten years since the date of its issuing. At a request of the manufacturer or the importer, the Czech Metrology Institute may extend this period for another ten years; the number of measuring instruments which may be manufactured pursuant to the approved type is not limited.

(4) Where the economic aspects of the approval or its technical feasibility is not adequate to the importance of the given measuring instrument approval, the Czech Metrology Institute may inform the manufacturer that the type in question is not subject to type approval.

(5) The validity of a type approval certificate is suspended where, due to a change in the design of the measuring instrument, in the material used or in its manufacturing technology, the characteristics decisive for its approval have been affected. The manufacturer of the measuring instrument of an approved type shall inform the Czech Metrology Institute on such changes in advance. The Czech Metrology Institute approving the measuring instrument type decides then whether it is necessary to carry out a new type approval or whether the original type approval is still valid. The Czech Metrology Institute may suspend or repeal the validity of a type approval certificate also by itself, if the manufactured measuring instruments do not conform to the approved type.

(6) The Czech Metrology Institute shall repeal the type approval certificate if a measuring instrument in service which corresponds to the approved type exhibits a defect of general nature which causes that the measuring instrument is inappropriate for the intended use.

(7) The measuring instruments of an unapproved type, if the type is subject to approval, cannot be put into circulation.

(8) The Czech Metrology Institute is entitled to check at the manufacturer if the measuring instruments are manufactured in conformity with the approved types.

(9) The Czech Metrology Institute may lay down in the type approval certificate a limitation to the extent laid down by the Ministry in its Decree.

(10) The measuring instruments already in use and newly categorised as legal measuring instruments are not subject to type approval.

Section 7

Type approval of imported measuring instruments

(1) The newly imported types of legal measuring instruments shall be subject to mandatory type approval. Other newly imported types of measuring instruments, with the exception of the reference materials, may be approved according to this Act at a request. The provisions of Section 6 shall apply to the approval of imported measuring instruments mutatis mutandis, unless specified below otherwise.

(2) The application for the type approval of an imported measuring instrument shall be submitted to the Czech Metrology Institute by the one who makes the import (hereinafter referred to as 'importer'), unless the type has been already approved at a request of the foreign manufacturer prior to import. If it is not possible or economical to submit samples, the importer shall be obliged to allow the Czech Metrology Institute to examine the conditions decisive for the measuring instrument type approval in another way sufficient for the purpose of the type approval.

(3) Where a measuring instrument was manufactured and put into circulation in a Member State of the European Union or of the European Economic Area or in a State with which an international agreement on recognition binding the Czech Republic has been concluded, pursuant to the relevant regulations of that State and that measuring instrument is subject to type approval requirement in the Czech Republic, the results of the metrological findings made in that State shall be recognised, provided that they guarantee the metrological level required by the legislation in the Czech Republic and that these results are available to the Czech Metrology Institute.

(4) The measuring instruments referred to in subsection 3 shall be considered as instruments the type of which was approved pursuant to this Act.

Section 8

Certification of reference materials

(1) The certified reference materials are materials the composition or characteristics of which have been certified by the Czech Metrology Institute or an authorised metrological centre or which have been certified by an accredited manufacturer of certified reference material.

(2) The certification of a reference material confirms the value of one or several characteristics of the material or substance by means of a procedure ensuring the traceability to a correct realisation of a unit by which the values of the characteristics stated in the certificate are expressed. The requisites of the certificate shall be laid down by the Ministry in its Decree.

(3) Where a reference material is certified, a certificate, stating one or several values of characteristics and their uncertainties and confirming that the specified procedures for confirmation of the characteristics and for the traceability have been observed, shall be issued.

(4) For verification of legal measuring instruments or calibration of main standards the certified reference materials shall be used. Where due to technical reasons the certified reference materials cannot be used other reference materials may be used.

(5) The Ministry shall lay down in its Decree more detailed procedure for preparing and certifying a reference material.

(6) The manufacturers or importers who put certified reference material and other reference materials into circulation shall be obliged to specify in the documentation their metrological characteristics.

PART THREE

VERIFICATION AND CALIBRATION OF MEASURING INSTRUMENTS

Section 9

Verification and calibration

(1) The purpose of verification of a legal measuring instrument is to confirm that the legal measuring instrument has the required metrological characteristics. This requirement shall be considered to be met if the measuring instrument has the required metrological characteristics as laid down by a measure of a general nature. The measures of a general nature, in addition to the required metrological characteristics of the measuring instrument, shall also provide for the verification tests. The procedure of the verification of a legal measuring instrument shall be laid down by the Ministry in its Decree.

(2) The Czech Metrology Institute or the authorised metrological centre shall affix the official mark to the verified measuring instrument or issue a certificate of verification or shall use a combination of both methods. The design of the official mark and the requisites of the certificate of verification shall be laid down by the Ministry in its Decree.

(3) The conformity marking and manufacturer's security marking affixed to a legal measuring instrument which has been placed on the market pursuant to a special legal regulation⁵⁾ shall be also considered as the official mark of the initial verification.

(4) The damaging or altering of valid official marks is prohibited.

(5) When calibrating a working measuring instrument, its metrological characteristics are compared usually with a standard or, where no standard is available, a certified reference material or other reference material may be used provided that the principles of the traceability of the measuring instruments have been observed.

(6) Where a measuring instruments was manufactured and put into circulation in a Member State of the European Union or of the European Economic Area or in a State with which an international agreement on recognition binding the Czech Republic has been concluded, pursuant to the relevant regulations of that State and that measuring instrument is subject to initial verification requirement in the Czech Republic, the results of the metrological findings made in that State shall be recognised, provided that they guarantee the metrological level required by the legislation in the Czech Republic and that these results are available to the Czech Metrology Institute

(7) The measuring instruments referred to in subsection 6 shall be considered as instruments the initial verification of which was approved pursuant to this Act.

(8) For selected types of legal measuring instruments, the validity of the verification can be extended based on the positive result of the statistical sampling test. The Ministry shall lay down by its Decree the types of legal measuring instruments the validity of verification of which is extended on the basis of the positive result of the statistical selection test and the time period for which the validity of the verification is further extended for each selected type of a legal measuring instrument.

(9) The statistical sampling tests for the purpose of the extension of the validity of the verification shall be carried out by the Czech Metrology Institute according to measures of a general nature which determine the test procedures and conditions and the criteria for their positive result for each of the selected type of a legal measuring instrument. The application for a statistical sampling test may be submitted at the earliest 2 years and at the latest 1 year before the expiry of the validity of the previous verification of the legal measuring instrument.

(10) The applicant for the extension of the validity of the verification shall be obliged to inform the persons affected by the measurement on the extension of the validity period of the verification within 3 months from the date of issuing of the protocol on the verification extension.

Section 9a

Pre-packaged goods and bottles used as measuring containers for pre-packaged goods

(1) For the purposes of this Act, the pre-packaged goods shall mean the combination of a product and a package to which is the product pre-packed. A product is pre-packed when it is placed in a package of whatever nature without the presence of a purchaser where the quantity of the product in the package, expressed as a volume or weight, has a predetermined value which cannot be altered without opening the package or undergoing a perceptible modification of the package.

(2) The Ministry may lay down in its Decree nominal volumes or weights of pre-packed goods which can be placed on the market only at these nominal volumes or weights.

(3) The packers of pre-packaged goods shall be authorised to place the goods on the market marked with the symbol 'e' if:

a) they dispose of a system of the accuracy control ensuring the fulfilment of requirements laid down in the Decree including conclusive records of the frequency and results of the measurement, they have informed the Czech Metrology Institute, in written, on placing on the market the pre-packaged goods marked with the symbol 'e' and they have passed to the Czech Metrology Institute, at the same time, the documentation containing the production control procedures of the quantity of goods in the package;

b) the tolerable errors in the contents of pre-packaged goods specified in the Decree have been observed;

c) the packages of pre-packaged goods bear the indications specified by the Decree.

(4) The importers shall be entitled to place on the market the pre-packed goods marked with the symbol 'e' provided that they have submitted to the Czech Metrology Institute the evidence that the foreign packer fulfills the requirements laid down in subsection 3.

(5) The metrological control of the pre-packaged goods marked with the symbol 'e' in order to ascertain whether the conditions pursuant to subsection 2 have been fulfilled, shall be performed by the Czech Metrology Institute; when the requirements have been fulfilled, it shall issue a certificate the requisites of which shall be laid down by the Ministry in its Decree, in the case of repeated controls, it shall issue a protocol confirming the validity of the certificate.

(6) The manufacturers and importers of bottles used as measuring containers for pre-packaged goods (hereinafter referred to as 'bottles') shall be authorised to place on the market the bottles marked with the symbol '3' if:

a) they possess a certificate on metrological control issued by the Czech Metrological Institute, with the exception of the cases set out in Section 12 subsection 1; the way and methods of the metrological control and the requisites of the certificate of the metrological control of bottles shall be laid down by the Ministry in its Decree;

b) the tolerable errors of the volume of bottles have been observed;

c) they affix on the bottles the identification marking laid down by the Ministry in its Decree.

(7) The metrological control of the bottles marked with the symbol '3' to ascertain whether the conditions specified in subsection 6 have been fulfilled shall be carried out by the Czech Metrology Institute.

(8) The Czech Metrological Institute shall be entitled, with a provided refund, to take from packers or importers of pre-packed goods marked with the symbol '3' and from manufacturers or importers of bottles marked with the symbol '3' samples required to carry out the metrological control. The Czech Metrological Institute shall pay for the provided samples an amount equal to the selling price. Refund shall not be granted if the packer, manufacturer or importer waives it. The right for the refund shall not arise if the pre-packed good marked with the symbol 'e' or bottles marked with the symbol '3' do not fulfill the requirements set out in the Decree.

(9) The distributor shall be obliged to act in order to prevent from distributing of pre-packed goods or bottles marked with the symbol '3' which do not fulfill the requirements set out in this Act and in the implementing legal regulations relating to nominal volumes or weights and to mandatory information given for packages of pre-packed goods marked with the symbol 'e' and for bottles marked with the symbol '3'.

Section 10

Putting the measuring instruments into circulation

- (1) Before the legal measuring instruments are put into circulation, their manufacturer and, after repair of those instruments, the repairer shall be obliged to ensure their verification. Before a certified reference material is put into circulation, its manufacturer shall be obliged to submit the reference material for certification, unless he is an accredited manufacturer.
- (2) The initial verification of imported legal measuring instruments and the certification of imported reference materials intended as the certified reference materials shall be ensured by their user, unless it has been already ensured by the importer or by the foreign manufacturer.

Section 11

Use of measuring instruments

- (1) The legal measuring instruments can be used for the given purpose only within the validity period of their verification. These measuring instruments shall not be subject to new verification if they have evidently ceased to be used for the purposes for which they were set out as legal measuring instruments.
- (2) The Czech Metrology Institute shall be entitled to check at the users whether the obligations to submit legal measuring instruments for verification has been met. Where it is found that a legal measuring instrument has been used without a valid verification, it shall seal the measuring instrument or invalidate the official mark.
- (3) A selected group of measuring instruments can be made subject to mandatory verification also by other legal regulations.
- (4) The Czech Metrology Institute may, for the purpose of the verification of a legal measuring instrument the type approval certificate of which has expired, allow its structural change if this structural change involves replacement of the defective or worn part by a different part from the original but functionally identical, and this change does not have influence on
 - a) the function of a legal measuring instrument;
 - b) the technical characteristics of the legal measuring instrument relevant for the type approval; and
 - c) the metrological characteristics of the legal measuring instrument relevant for the type approval.
- (5) The uniformity and accuracy of the working measuring instruments shall be ensured to the necessary extent by their user by means of calibration, unless another way or method more suitable for the given measuring instrument exists.

Section 11a

(1) The user of the legal measuring instrument shall be required, at the request of a person who may be affected by its incorrect measurement, to request an examination of the legal measuring instrument.

(2) The Czech Metrology Institute and the bodies authorised pursuant to this Act to verify the relevant type of legal measuring instruments shall examine the legal measuring instrument and issue the examination certificate, accompanied by a test report. The requisites of the examination certificate and the requisites of the test report shall be determined by the Ministry in its Decree.

(3) The legal measuring instrument is considered to be satisfactory if it has, when tested, metrological characteristics determined by the measure of a general nature. Measures of a general nature, in addition to the required metrological characteristics of a legal measuring instrument, shall also provide for examination testing when they are different from those for the verification.

(4) The costs of examination of the legal measuring instrument are covered by

a) the applicant for examination if the legal measuring instrument has been found when examined as satisfactory;

b) the user of the legal measuring instrument if the legal measuring instrument has been found when examined as non-satisfactory.

PART FOUR

FOREIGN RELATIONS

Section 12

(1) The certificate having a form of a document or of a foreign mark on verification, approval or certification of a measuring instrument, its type or reference material issued by an international organisation or an authority of another State or a foreign document on metrological control of the pre-packed goods or bottles shall be recognised as an evidence of the verification or approval or of the metrological control of the pre-packaged goods or bottles carried out pursuant to this Act if this arises from an international agreement which is binding for the Czech Republic.

(2) The provisions of this Act shall be applied only if an international agreement which is binding for the Czech Republic does not provide otherwise. The Ministry shall determine by its Decree the principles ensuring uniformity and accuracy of measuring instruments and measurements as they arise from international agreements which are binding for the Czech Republic.

PART FIVE

OBLIGATIONS OF STATE ADMINISTRATION AUTHORITIES AND BODIES

Section 13

Czech Office for Standards, Metrology and Testing

(1) In the field of metrology the Office shall

- a) establish the programme of the State metrology and ensures its implementation;
- b) represent the Czech Republic in international metrological bodies and organisations, ensure the fulfilment of tasks arising from such membership and coordinates the participation of bodies and organisations on fulfilment of the these tasks and on tasks arising from international agreements;
- c) authorises bodies for activities in the field of verification of legal measuring instruments, certification of reference materials and official measurements, entrust authorised bodies with the maintenance of national standards and inspect the fulfilment of imposed obligations on all these bodies; if it finds deficiencies in the fulfilment of the imposed obligations, it may withdraw the authorisation;
- d) inspect the activities of the Czech Metrology Institute;
- e) inspect observance of the obligations set out by this Act; in exercising the inspection it shall proceed pursuant to the special legal regulation^{2a)};
- f) provide expertise in metrology, issue certificates of professional competency of metrological personnel and lay down conditions in order to ensure uniform practice of bodies entrusted with the maintenance of national standards, authorised metrological centres and bodies authorised for performance of the official measurements;
- g) publish in the Journal of the Office for Standards, Metrology and Testing, in particular, bodies entrusted with the maintenance of national standards, authorised metrological centres, bodies authorised for the official measurements, national standards, lists of certified reference materials and approved types of measuring instruments;
- h) fulfill tasks pursuant to special regulations.

(2) The Office shall provide the institutions of the European Communities or competent authorities of countries, with which international agreements have been concluded and within the scope resulting from those agreements, with information on bodies authorised for the type approval and verification of measuring instruments.

Section 14

Czech Metrology Institute

(1) The Czech Metrology Institute shall

- a) carry out metrological research and the maintenance of national standards, including the transfer of values of the units of measurement to measuring instruments of a lower accuracy;

- b) carry out the certification of reference materials;
- c) approve the type of measuring instruments and verify legal measuring instruments;
- d) register bodies which repair or carry out as appropriate assembly of legal measuring instruments;
- e) carry out the State metrological inspection at authorised metrological centres, at bodies authorised for the performance of the official measurement, at bodies which manufacture or repair legal measuring instruments or carry out as appropriate assembly of legal measuring instruments, at users of measuring instruments;
- f) carry out research and development in the area of electronic communication and cooperates across borders in this area;
- g) carry out the metrological control of the pre-packed good marked with the symbol 'e' and bottles marked with the symbol '3';
- h) assess the conformity and carry out testing of products to the extent determined by the given authorisations or accreditation pursuant to a legal regulation laying down the area of technical requirements on products^{2b)};
- i) assess technical suitability of measuring instruments and technical instruments for their use in electronical communications;
- j) issue the measures of a general nature pursuant to Section 6 subsection 2, Section 9 subsection 1, Section 9 subsection 9 and Section 11a subsection 3;
- k) provide professional expertise in the field of metrology;
- l) carry out the statistical sampling tests pursuant to Section 9 subsection 9;
- m) carry out the examinations of legal measuring instruments pursuant to Section 11a.

(2) The Czech Metrology Institute may allow

- a) structural change of a legal measuring instrument in accordance with the conditions pursuant to Section 11 subsection 4;
- b) a short-term use of a legal measuring instrument between the end of its repair or its installation and the verification, with a limitation of that time.

(3) The Czech Metrology Institute shall provide the institutions of the European Communities or competent authorities of countries, with which international agreements have been concluded and within the scope resulting from those agreements, with information on the issuance, amendments, withdrawals or limitations of certificates relating to the approval of measuring instruments.

Authorised metrological centres

(1) The authorised metrological centres are the bodies which have been, on the basis of their application, authorised by the Office for the verification of legal measuring instruments or certification of reference materials after the inspection of the level of their metrological and technical equipment carried out by the Czech Metrology Institute and after examination of the qualification of their responsible personnel attested by a certificate of competency issued by an accredited body^{2b)} or by an attestation of professional competency issued by the Office. For the purposes of the authorisation, the findings acquired during the accreditation procedure may be used. The requisites of the application for authorisation and the conditions of authorisation shall be laid down by the Ministry in its Decree. There is no legal claim for granting the authorisation. If the authorised body fails to comply with the obligations stipulated in the Act or with the conditions set in the decision on authorisation, or at its request, the Office shall suspend, amend or withdraw the decision on authorisation.

(2) The Office shall assign to an authorised metrological centre an official mark for certifying the verification of a measuring instrument or, where applicable, it shall withdraw it. In its decisions and certificates the authorised metrological centre shall be obliged to indicate its name and affix to the signature a stamp-print of the authorised metrological centre.

(3) Other bodies than those which have been authorised for this activity shall not be entitled to use the indication of an authorised metrological centre, neither as a part of their name.

Section 17

Competence of the Czech Metrology Institute personnel

Where carrying out the tasks provided for by this Act, the personnel of the Czech Metrology Institute shall be entitled to enter the premises and objects of inspected bodies, to require the necessary information, documents and data as well as the necessary conditions for the performance of their stipulated duties. They shall observe the State, economic and professional secrets as well as the special legal regulations for the entry to individual premises. The personnel of the Czech Metrology Institute shall prove their identity by a special card or by an authorisation issued by the Office. The inspected bodies shall be obliged to enable the personnel of the Czech Metrology Institute to fulfill their tasks and to provide them with the necessary collaboration.

Section 18

Tasks of bodies

The bodies shall:

a) keep records of legal measuring instruments in use which are subject to a subsequent new verification including the date of the last verification, and submit these measuring instruments for verification;

b) ensure the uniformity and accuracy of measuring instruments and measurements and have to create, adequately to their activities, metrological prerequisites for health protection of the personnel, safety at work and environmental protection.

Section 19

Registration of bodies

(1) The bodies which intend to carry out the repair or assembly of legal measuring instruments shall be obliged to submit an application for the registration to the Czech Metrology Institute. If the applicant has the necessary prerequisites for the performance of the relevant activity, as specified in the Decree, the Czech Metrology Institute shall register the applicant and issue a certificate thereof. The requisites of the application for registration and of the certificate on registration shall be provided by the Ministry in its Decree. The Czech Metrology Institute shall revoke the registration if the reasons for which it has been done do not exist anymore. The body shall be obliged to notify to the Czech Metrology Institute the permanent termination of the registered activity.

(2) The registration pursuant to subsection 1 shall be acquired also upon the expiry of the time-limit and in the manner set out in Sections 28 to 30 of the Act on Free movement of services.

Section 21

Official measurement

In the cases deserving special consideration the Office may authorise a body, at its request, to carry out the official measurements in a specified field of measurement after having verified the level of its technical and metrological equipment. The conditions for the performance shall be the using of measuring instruments where the metrological traceability is ensured, a certificate on professional competency of the official measurement expert issued by an accredited body^{2b)}, or attestation of professional competency issued by the Office and supervision carried out by the Czech Metrology Institute. The official measurement shall mean the metrological operation the result of which is contained in a document issued by the authorised body which has the character of a public document. The requisites of it shall be laid down by the Ministry in its Decree. If the authorised body fails to comply with the obligations stipulated in the Act or with the conditions set in the decision on authorisation the Office shall suspend, amend or withdraw the decision on authorisation. The requisites of the application for authorisation and the conditions for authorisation shall be laid down by the Ministry in its Decree.

PART SIX

PAYMENT AND OFFENCES

Section 22

Payments

The metrological operations are provided for payment, unless the regulations on administrative charges stipulate for imposing a fee.

Section 23

Offences

(1) A body will commit an offence when

a) has put into circulation a measuring instrument the type of which has not been approved, although it should have been, or a measuring instrument which lacks the characteristics of the approved type or which has not been verified, although it should have been;

b) has used a legal measuring instrument without a valid verification for the purpose for which the given type of a measuring instrument has been set out as legal;

c) has misapplied, altered or damaged the official mark of a measuring instrument;

d) has verified a legal measuring instrument without the authorisation pursuant to Sections 14 or 16 or has carried out an official measurement without the authorisation pursuant to Section 21, or a repair or, as appropriate, an assembly of a measuring instrument without the registration pursuant to Section 19 of this Act;

e) has failed to provide the personnel of the Czech Metrology Institute with the collaboration set by the Act;

f) fails to meet the obligations stipulated in Section 18;

g) has affixed to the certified reference material an invalid certificate;

h) has placed on the market or distributed the pre-packaged goods marked with the symbol 'e' or bottles marked with the symbol '3' contrary to the obligations pursuant to Section 9a subsections 3, 4, 6 or 9 or has placed on the market or distributed pre-packed contrary to the obligations pursuant to Section 9a subsection 2;

i) as an applicant for the extension of the validity of the verification has not informed the persons affected by the measurement on the extension of the validity of the verification pursuant to Section 9 subsection 10;

j) has made a structural change of a legal measuring instrument without the authorisation pursuant to Section 11 subsection 4.

(2) In case of an offence pursuant to subsection 1 the penalty up to 1 million CZK may be imposed.

(3) The offences pursuant to subsection 1 shall be under consideration of the Office.

PART SEVEN

COMMON AND FINAL PROVISIONS

Section 24

Proceedings

(1) The decision making pursuant to this Act is subject to the general regulations on administrative procedures, unless stipulated in this Act otherwise. As regards the type approval of a measuring instrument or the certification of a reference material, instead of an administrative decision, a certificate shall be issued, and as regards the verification of a legal measuring instrument, instead of an administrative decision, a verification document shall be issued or an official mark affixed to the measuring instrument. As regards the metrological control of pre-packaged goods, instead of an administrative decision, a certificate shall be issued. Where, on the basis of a test, a certificate or a verification certificate has not been issued or an official mark has not been affixed to the measuring instrument, or a certificate on the metrological control of pre-packaged goods has not been issued, a decision on their refusal in an administrative procedure shall be extradited.

(2) The Czech Metrology Institute and the authorised metrological centres shall be obliged to carry out the metrological operations within the periods of time set out in Section 25. The Czech Metrology Institute and the authorised metrological centres shall be entitled to suspend the procedure where the participant of the procedure fails to provide the necessary collaboration.

(3) The decisions on remedies against the decisions of the Czech Metrology Institute and authorised metrological centres shall be taken by the Office. An appeal against these decisions shall not have a suspensive effect. A remedy against the decisions of the Office shall have a suspensive effect.

(4) The decisions on the registration of bodies pursuant to Section 19 shall be reviewed by a Regional court pursuant to special regulations³⁾. An application for the review of a decision can be submitted to the Regional court only after exhaustion of regular remedies in the administrative proceedings⁴⁾.

Section 24a

A measuring instrument must not bear marks and indications which, as to their meaning and form, are likely to lead to confusion with the official marks referred to in Sections 7 and 9.

Section 24b

The provisions of this Act relating to the type approval and initial verification shall not apply where a special legal regulation⁵⁾ provides otherwise.

Section 24d

(1) The authorities concerned to discuss a draft measure of a general nature shall be the State administration authorities in the field of metrology⁶⁾.

(2) The measure of a general nature shall take effect on the fifteenth day following its publication, unless the Czech Metrological Institute provides a later date for it to take the effect. The date of publication is the date given in the heading of the measure of a general nature.

Section 25

Time limits for operations of the type approval of measuring instruments, verification of legal measuring instruments and certification of reference materials

(1) A type approval of a measuring instrument or its refusal shall be carried out not later than 90 days from the date of the delivery of a sample of the measuring instrument, in the case of the operation carried out at the manufacturer from the date of the first act of the Czech Metrology Institute. For other acts of the Czech Metrology Institute and authorised metrological centres the time limit shall be 60 days from the date of delivery of the measuring instrument or of the relevant document.

(2) Where the Czech Metrology Institute or the authorised metrological centre cannot take a decision within the prescribed time limit, it shall be obliged to inform the participant of the procedure thereof stating the reasons and to set for the given operation an alternative time limit.

(3) The Czech Metrology Institute or the authorised metrological centre may agree with the participant of the procedure on other time limit than it is prescribed.

Section 26

Transitional provision

(1) The proceedings on matters of the State metrology commenced before the date of entry into force of this Act shall be completed pursuant to the existing regulations.

(2) The time limits for periodical verification of the measuring instruments prescribed pursuant to the existing regulations shall remain in force till the first verification of the measuring instrument is carried out under the effect of this Act; from this verification the time limits prescribed in this Act shall begin to run. Where an organisation uses a measuring instrument which has been newly classified as the legal measuring instrument, it shall apply for its verification within 90 day at the latest from the date of its classification. The measuring instrument may be preliminarily used till the completion of the verification procedure.

(3) The authorisations of organisations for performance of the verification of measuring instruments or for other metrological activities granted pursuant to the existing regulations remain in force till their replacement by the authorisation acts issued pursuant to this Act, unless they will be withdrawn, but not later than one year from the date of entry into force of this Act.

Section 27

Empowering provision

The Ministry of Industry and Trade shall issue Decrees on the implementation of Section 2 subsection 1, Section 3 subsection 3, Section 6 subsections 1 to 3 and 9, Section 8 subsection 2 and 5, Section 9 subsections 1, 2 and 8, Section 9a subsections 2, 3, 5 and 6, Section 11a subsection 2, Section 12 subsection 2, Section 16 and Sections 19 to 21.

Section 28

Repealing provision

The following are hereby repealed

1. Act No. 85/1866 Imp. C. on Public Institutes for Weights and Measures;
2. Regulation No. 126/1876 Imp. C. of the Ministry of Trade issuing a Rule for the Implementation of the Act No. 85/1866 Imp. C. on Public Institutes for Weights and Measures;
3. Act No. 35/1962 Coll. on the Measurement Service, as amended by Act No. 57/1975 Coll.;
4. Decree No. 61/1963 Coll. of the Office for Standards and Measurement on Ensuring the Accuracy of Measuring Instruments and Measurement, as amended by the Decree No. 102/1967 Coll. of the Office for Standards and Measurement;
5. Decree No. 33/1964 Coll. of the Office for Standards and Measurement on Czechoslovak Analytical Standards, as amended by the Decree No. 26/1983 Coll. of the Office for Standards and Measurement;
6. Ruling ref. 922/79/15-Jn/Sn of the Office for Standards and Measurement of 1 November 1979 on National and Corporate Verification Marks for Measuring Instruments, published in the Part No. 26/1979 Coll.;
7. Ruling No. 902/1981 of the Office for Standards and Measurement of 28 October 1981 on the National Mark of Measuring Instrument, Type Approval for Measuring Instrument, Type Verification of Measuring Instruments or for Approval of Measuring Instrument Samples, published in the Part No. 34/1981 Coll.;
8. Decree No. 93/1988 Coll. of the Office for Standards and Measurement on Legally Controlled Measuring Instruments.

Section 29

Entry into force

This Act shall enter into force on the 1 February 1991.

Havel (signed)

Dubček (signed)

Čalfa (signed)

- 1) Act No. 50/1976 Coll., on Spatial Planning and Building Regulations (Building Code).
- 2) Section 2 paragraph o) of the Act No. 110/1997 Coll., on Foodstuffs and Tobacco Products and on Amendment of Some Related Acts, as amended by the Act No. 306/2000 Coll.
- 2a) Act No. 552/1991 Coll. on State Control, as later amended.
- 2b) Act No. 22/1997 Coll. on Technical Requirements for Products and on Changes and Amendments to Some Acts, as later amended.
- 2c) Part Six of the Act No. 500/2004 Coll., Administrative Procedure Code.
- 2e) Section 14 of the Act No. 22/1997 Coll., as amended by the Act No. 71/2000 Coll.
- 3) Section 244 and following of the Civil Procedure Code.
- 4) Sections 53 to 61 of the Act No. 71/1967 Coll. on Administrative Procedure (Code of Administrative Procedure).
- 5) e.g. Government Order No. 326/2002 Coll., laying down Technical Requirements for Non-automatic Weighing Instruments and Government Order No. 464/2005 Coll. laying down Technical Requirements on Measuring Instruments.
- 6) Section 2 of the Act No 20/1993 Coll., on the Organisation of the State Administration in the Field of Standards, Metrology and Testing, as later amended.
- 7) Commission Directive (EU) 2019/1258 of 23 July 2019, by which the annex is adapted to technical progress Council Directive 80/181/EEC as regards definitions basic SI units."