

# Regulations Governing Commissioned Metrological Activities

[Chronicle of Promulgation and Amendments]

Adopted and promulgated by Ministerial Order on July 23, 2003.

Articles 2 promulgated by Ministerial Order on November 16, 2010

Articles 2, 3, 6, 9 and 11 amended and Article 2-1 added and promulgated by Ministerial Order on November 15, 2012

Articles 2 promulgated by Ministerial Order on November 28, 2014

## Article 1

These Regulations are established in accordance with Paragraph 2, Article 6 of the Weights and Measures Act (hereinafter referred to as “the Act”).

## Article 2

Government agencies or organizations commissioned to conduct metrological activities involving in nine categories measuring instruments, including Electricity meters, Radar speedometers, Laser speedometers, Inductive loop speedometers, Sound level meters, Breathe alcohol testers and analyzers, Rice grain moisture meters, Field Corn Moisture Meters, Vehicle exhaust emissions analyzers, and Illuminance meters shall meet the following requirements:

1. Administrative bodies or institutions, public or private college or university, or non-profit juristic persons of the Republic of China
2. To be equipped with complete testing equipment and adequate space inside the country to conduct the commissioned activities;
3. To have testing laboratories accredited by the Taiwan Accreditation Foundation. However, an approval certificate issued by the dedicated weights and measures authority for the accreditation is also acceptable when concerned items are not available to Taiwan Accreditation Foundation.
4. To have technical supervisors and technicians actually engaged in the commissioned activities that meet the following qualifications:
  - (1) The technical supervisors shall fulfill the qualification for Class A metrological technical personnel with a certificate issued by the dedicated weights and measures authority; and
  - (2) The technicians actually engaged in the commissioned activities shall fulfill the qualification for Class B metrological technical personnel with a certificate issued by the dedicated weights and measures authority.
5. Other activities that the commissioned agency engaging in shall have no conflict of interest with the commissioned activities, and shall not affect the impartiality of the commissioned activities.

The technical supervisors mentioned in item 1, subparagraph 4, paragraph 1 shall fulfill the qualification for Class A metrological technical personnel with a certificate issued by the dedicated weights and measures authority prior to December 31, 2015.

The technical supervisors that aren't able to get the certificate prior to the above date, will be allowed to work on the position as the subparagraph 4, paragraph 1 to execute upon condition that are college or university graduate and science or engineering major and have engaged in related testing for more than three years.

## Article 2.1

Government agencies or organizations commissioned to conduct metrological activities on weighing instruments shall meet the following requirements:

1. Administrative bodies or institutions, public or private college or university, or non-profit juristic persons of the Republic of China;
2. To be equipped with complete testing equipment and adequate space inside the country to

- conduct the commissioned activities;
3. To have testing laboratories accredited by the weights and measures authority or by the Taiwan Accreditation Foundation.
  4. The technical supervisors and technicians actually engaged in the commissioned activities shall fulfill the qualification for Class A or Class B metrological technical personnel with a certificate issued by the dedicated weights and measures authority, respectively.
  5. Other activities that the commissioned agency engaging in shall have no conflict of interest with the commissioned activities, and shall not affect the impartiality of the commissioned activities.

### **Article 3**

Government agency meeting the requirements set in the 2 preceding Articles want to be a commissioned agency shall submit application form and relevant documents to the dedicated weights and measures authority.

The applicant agency or organization mentioned in the preceding Paragraph that have passed the initial review shall be subject to on-site assessments conducted team convened by the dedicated weights and measures authority to assessment its quality management systems, technical competence and capacity to perform activities against metrological technical specifications.

The dedicated weights and measures authority may commission metrological activities, by negotiating the terms and fees concerning the commissioned activities, to the applicant agency or organization that has passed the assessment.

### **Article 4**

A commission contract may be signed depending on the content of the commissioned activities.

The commission contract referred to the preceding Paragraph shall be made in writing, and shall prescribe the scope of business.

### **Article 5**

The commissioned agency shall maintain sufficient resources and capacity to conduct the commissioned activities effectively and shall not subcontract the commissioned activities to third parties.

With the consent of the dedicated weights and measures authority, the commissioned agency may subcontract non-major parts of the commissioned activities to third parties.

### **Article 6**

During the term of the commission, a newly appointed technical supervisor or technician engaged in the commissioned activities shall meet the requirements set forth in Article 2 or Article 2.1 and shall report to the dedicated weights and measures authority for reference within ten days after they take the duties.

### **Article 7**

When serious incidents or other causes that will affect the performance of the commissioned activities occur during the term of commission, the commissioned agency shall immediately notify the dedicated weights and measures authority, and the two parties shall negotiate with each other to adjust the commissioned activities.

## **Article 8**

The commissioned agency shall maintain relevant documents for a period in accordance with relevant laws and regulations.

The outdated documents may be destroyed with the approval of the dedicated weights and measures authority and the records of destroying such documents shall be maintained.

## **Article 9**

The dedicated weights and measures authority and its branches may supervise and audit the commissioned agency's performance of the commissioned activities. The commissioned agency shall cooperate and may not evade, hinder or refuse such supervision and audit. When non-conformities are found, the commissioned agency shall take corrective action within a given time limit.

## **Article 10**

The commissioned agency shall submit a monthly statistical report on the performance of commissioned activities to the dedicated weights and measures authority before the tenth day of following month.

The commissioned agency shall submit an annual report listing the unused conformity certificates or marks to the dedicated weights and measures authority and return them within one month after the end of each year. The commissioned agency shall also submit a final report, including analysis of objectives, summary of achievements, analysis of expenses and performance evaluation, to the dedicated weights and measures authority. When necessary, the dedicated weights and measures authority may request that the commissioned agency give briefings or accept on-site investigation.

## **Article 11**

The dedicated weights and measures authority may suspend a commissioned agency from conducting commissioned activities under any of the following circumstances:

1. When the agency fails to effectively maintain the qualification set forth in Article 2 or Article 2.1,
2. When the agency fails to comply with the provision of Paragraph One of Article 5 by not maintaining sufficient resources and capability or subcontracting the commissioned activities to others,
3. When the agency fails to comply with the provision of Paragraph Two of Article 5 by subcontracting the commissioned activities to other agencies without approval from the dedicated weights and measures authority,
4. When the agency fails to report in accordance with the provision of Article 6 within a given time limit,
5. When the agency fails to notify the dedicated weights and measures authority in accordance with the provision of Article 7,
6. When the agency fails to maintain relevant documents in accordance with the provision of Paragraph One of Article 8,
7. When the agency fails to take correction action within the specified time limit in accordance with the provision of Article 9, or
8. When the agency fails to submit monthly statistical reports at least two times in accordance with the provision of Paragraph One of Article 10.

The commissioned agency may continue to conduct the commissioned activities after it is

confirmed by the dedicated weights and measures authority that the circumstances described in the preceding Paragraph have already been corrected or improved.

#### **Article 12**

The dedicated weights and measures authority may terminate the entitlement of a commissioned agency to conduct commissioned activities under any of the following circumstances:

1. When the agency fails to conduct the commissioned activities within the scope of business agreed upon in the commission contract as referred to in Article 4, or slacks in performing the contract,
2. When the agency violates the provision of Paragraph Two of Article 8,
3. When the agency violates the provision of Article 9 and evade, hinder or refuse supervision or audit, or
4. Other causes that will terminate the commission contract as agreed upon in the contract.

#### **Article 13**

A commissioned agency shall not apply for conducting commissioned activities in accordance with the provision of Article 3 within two years under any of the following circumstances:

1. When the agency violates the provision of Article 9 and has evaded, hindered or refused supervision or audits for at least two times, or
2. When the agency fails to list and return the unused conformity certificates and conformity marks within the given time limit, or fails to submit a final report in accordance with the provision of Paragraph Two of Article 10.

#### **Article 14**

These Regulations shall come into force as of the date of promulgation.