Digital transformation of weighing industry requires harmonised legal framework

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The digitalisation of the weighing industry is a key opportunity to develop new services, business models and increase efficiency that benefit users and consumers. Consequently, further digitalisation is crucial to improve the competitiveness of the European weighing industry. The weighing industry, represented by CECIP, is continuously innovating to make the industry more digital. However, to ensure the digital transformation of the weighing industry the right legal framework is essential.

In the previously published CECIP position paper described already the required changes with respect to technical requirements and implementation[1]. This paper focusses on the need for further harmonisation at EU level to reap the full benefits of digitalisation. Digitalisation erases borders and creates new global opportunities. Current rules and requirements such as reverifications are set in national legislation where borders create significant barriers that hamper innovation. Harmonisation in numerous areas will encourage European businesses to develop new digital solutions and increase the uptake of new instruments and services. In this document CECIP describes the areas where harmonisations is needed and what solutions are possible.

Where does the current framework create problems?

One software update for all Europe

One first aspect where a harmonised approached is necessary concerns software updates. At the moment each Member State treats a software update differently. Companies sell the same weighing instrument with the same software all over Europe. Ideally, the software could be updated in the same manner as can be relatively easily done in a digital economy. However, differences between Member States result in separate actions in each Member State. Where it could be relatively simple to update the software, different cumbersome and unnecessary procedures need to be followed in each Member State. With the increasing importance of software, one approach at EU level is vital.

Data doesn't care about borders

Secondly, there is a need for harmonisation due to the advantages resulting from the free flow of quality data. In its core a weighing instrument is gathering data on the weight of a product. There is enormous potential in using the European-wide data collected by weighing instruments to improve processes and make analyses. In the European Commission's data strategy the aim is to make the EU a leader in a data-driven society by creating a single market for data. It is important that this data has the same quality and is interoperable to function as a Single Market. Hence, further harmonisation at EU level is needed to guarantee the quality of the data and facilitate the free flow of data. For example,

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[1] *Encourage digitalisation of European weighing industry with futureproof legal metrology framework* (CECIP), 11 June 2020, https://bit.ly/3bGnhS8

certain differences exist between the aspects tested during reverification which impact the reliability of certain parameters.

<u>Future architecture of weighing instruments is borderless</u>

A consequence of digitalisation is a new architecture of weighing instruments that will lead to various new situations. One example is a load cell one country that sends the data to an indicator or database in another. For these cross-border systems it becomes less obvious which national legislation is applicable and possibly the whole instrument needs to be in compliance with legislation from more than one country. These complex situations can create cumbersome extra administrative procedures or even loopholes. European procedures and requirements or further alignment between countries can avoid these difficulties.

Where is harmonisation needed?

<u>Aligned test for one single market for data</u>

The European data strategy aims at creating one European single market for data. This requires a consistent quality of data in Europe. Since the data provide by weighing instruments depends on the accuracy and reliability of the instruments, it is crucial this is ensured by similar reverification tests that guarantee the accuracy and reliability. The same elements need to be tested in a similar manner ensuring the same quality of output. In the current situation differences exist in the test methods, making it more complicated to compare data. CECIP believes that the best way forward is to harmonise test methods in different Member States. This can be done by aligning national requirements or, ideally, establishing EU harmonised reverification test methods.

<u>Common interpretations on digitalisation aspects</u>

Implementing the technical requirements is a competency for national authorities. When developing these technical requirements it is nearly impossible to imagine all future digital solutions. A first step would be to allow for sufficient flexibility in interpreting the essential requirements. If there are different opinions, a fast and inclusive procedure should be in place that can result in widely-approved decisions. This provides clarity to manufacturers and service providers and enables them to develop the digital solutions that fit the legal requirements. CECIP encourages Member States to cooperate via organisations such as WELMEC to further improve the process to find agreements on common interpretations.

<u>One European platform for legal metrology</u>

In a digital economy it is only natural that most procedures and platforms are digital. CECIP believes digitising procedures such as the registrations of weighing instruments, authorisations and reverifications is the only way forward. If the procedures and platforms are digital, the next logical step would be a harmonised platform at European level. It makes it easier for manufacturers and service providers as they need to work with one platform only. Additionally, it creates advantages for national authorities such as the possibility for authorities to find relevant certificates and approvals. Moreover, it is efficient when only one platform in Europe needs to be developed and maintained. Hence, CECIP

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supports initiatives such as the MetrologyCloud project that aim for a European digital platform on legal metrology. CECIP encourages Member States authorities to collaborate to make such a platform possible in the future.

<u>Common authorisations for repair and reverification</u>

Due to the new complex digital architectures of weighing instruments, consumer protection in more than one country will be impacted by one instrument. In certain cases it might also become increasingly complex to decide which national legislation is applicable. Consequently, when a reverification is carried out other Member States need be confident the authorisations for these reverifications are of sufficient quality in all Member States. Moreover, if multiple authorisations are needed for instruments covered by more than one national law it creates an additional burden for businesses. This interdependence requires a harmonised solution that is effective and efficient. CECIP is strongly convinced the most practical and efficient solution is creating reverification authoritisations that are acceptable in all Member States where private reverifications are allowed. This can be reached by either improving the process of mutual recognition or one European reverification authorisation.

Conclusions

The European weighing industry will become more digital in the coming decades. This will result in new products, services and business models that benefit the European society. Few examples are mentioned, still, this is probably the top of the iceberg and a lot of new ideas and solutions are not known yet and will arise in the future. For many of them harmonisation is crucial for the feasibility and success of the product, service or solution. Considering the long timeframe of working on technical legislation CECIP is convinced now is the time to create the right legal framework. One of the key aspects is the harmonisation of requirements for weighing instruments. Where harmonised requirements are in place for placing the products on the market, there is a need for harmonising reverification tests, authorisations, interpretations and information platforms. CECIP calls on EU decision makers and Member States to take the initiatives to enable the weighing industry to digitalise further by harmonising legal metrology requirements.