



STATUTORY INSTRUMENTS.

S.I. No. 627 of 2025

EUROPEAN UNION (NON-AUTOMATIC WEIGHING INSTRUMENTS)
(AMENDMENT) REGULATIONS 2025

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I, PETER BURKE, Minister for Enterprise, Tourism and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) (as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007)) and for the purpose of giving full effect to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019¹ and of giving further effect to Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014², hereby make the following Regulations:

Citation

1. These Regulations may be cited as the European Union (Non-Automatic Weighing Instruments) (Amendment) Regulations 2025.

Interpretation

2. (1) In these Regulations, “Principal Regulations” means the European Union (Non-Automatic Weighing Instruments) Regulations 2018, as amended by the European Union (Non-Automatic Weighing Instruments) (Amendment) Regulations 2023.

(2) A word or expression that is used in these Regulations has the same meaning that it has in the Principal Regulations.

(3) A word or expression that is used in these Regulations and is also used in Regulation (EU) 2019/1020 has, unless the context otherwise requires, the same meaning in these Regulations as it has in Regulation (EU) 2019/1020.

Market surveillance authority

3. Except in paragraph (1) of Regulation 2, in Regulations 34, 34A and 39A and in paragraph (4) of Regulation 48 as inserted by these Regulation, references to the Director in the Principal Regulations shall be construed as references to the Legal Metrology Service, references to “he or she” shall be construed as references to “it” and references to “his or her” shall be construed as references to “its”.

Amendments to the Principal Regulations

4. The Principal Regulations are amended as follows:

¹ OJ No. L 169, 25.6.2019, p. 1

² OJ No. L 96, 29.3.2014, p. 107

(a) paragraph (1) of Regulation 2 is amended by the insertion of the following:

“‘Member State’ means a Member State of the European Union and, in so far as may be necessary to give effect to the obligations of the State pursuant to the Agreement on the European Economic Area signed in Oporto on 2 May 1992³, shall be construed as including a reference to a State (not being a Member State of the European Union) which is a contracting party to that Agreement;

‘person in charge’ means, in relation to a place—

- (a) the person under whose direction and control the activities at that place are being conducted, or
- (b) the person whom the authorised officer has reasonable grounds for believing is the person referred to in subparagraph (a);

‘Regulation (EU) 2019/1020’ means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011;

‘market surveillance authority’ means—

- (a) in the State, the Legal Metrology Service, or
- (b) in another Member State, any authority or body designated as market surveillance authority by that Member State for the purposes of the Directive;”,
- (b) the heading for Part 2 as appeared in the Principal Regulations when first made is deleted,
- (c) Regulation 6A is amended by the substitution of “Part” for “Part 2”,
- (d) paragraph (10) of Regulation 30 is amended by the substitution of “is withdrawn or amended following submissions made pursuant to paragraph (3) or (4) of Regulation 33B” for “is withdrawn or amended under Regulation 35(5)”,
- (e) paragraph (5) of Regulation 32 is amended by the substitution of “is withdrawn or amended following submissions made pursuant to paragraph (3) or (4) of Regulation 33B” for “is withdrawn or amended under Regulation 35(5)”,
- (f) subparagraph (e) of paragraph (2) of Regulation 33B is amended by the deletion of “or Director”,
- (g) paragraphs (3) to (11) of Regulation 34 are revoked,

³ OJ No. L 1, 3.1.1994, p 3

(h) paragraph (1) of Regulation 34A is amended by the insertion of the following after “these Regulations,”:

“in relation to any instrument to which these Regulations apply that has been made available or placed on the market or has been put into service or is in service,”,

(i) the following is substituted for subparagraphs (o) to (x) of paragraph (1) of Regulation 34A:

“(o) where appropriate, install, use and maintain at a place referred to in subparagraph (a) monitoring instruments, systems and seals for the purposes of Regulation (EU) 2019/1020 or these Regulations;

(p) cause any instrument found at any place to be subjected, at the place it is found or any other location, to any testing, examination or analysis (but not so as to damage or destroy it unless this is necessary for the purposes of Regulation (EU) 2019/1020 or these Regulations) and where an authorised officer proposes to exercise the power conferred by this subparagraph and if so requested by the person in charge, cause anything that is to be done by virtue of this subparagraph to be done in the presence of the person in charge save that the person in charge is responsible for his or her own costs in attending at the exercise of any power under this subparagraph and cannot unreasonably delay the authorised officer in the exercise of those powers;

(q) For the purposes of exercising a power under subparagraph (p)—

(i) require the person in charge to supply to the authorised officer without charge any instrument or samples thereof, and

(ii) where necessary, remove, or have removed, to another location any instrument or samples thereof;

(r) remove and retain for such period as is necessary any instrument found at a place for one or more of the following purposes:

(i) to examine or arrange for the examination, testing or analysis of the instrument in accordance with subparagraph (p);

(ii) to ensure that the instrument is not tampered with before the examination, testing or analysis of it under clause (i) is completed;

- (iii) to ensure that the instrument is available for use as evidence in any proceedings;
- (s) require an economic operator to provide any relevant document, technical specification, data or information on compliance and technical aspects of instruments, including providing access to embedded software in so far as such access is necessary for the purpose of assessing the compliance of any instrument with these Regulations and the Directive, in any form or format and irrespective of the medium of storage or the place where such document, technical specification, data or information is stored;
- (t) take or obtain copies of any document, technical specification, data or information referred to in subparagraph (s);
- (u) require an economic operator to provide relevant information on the supply chain, on the details of the distribution network, on quantities of instruments on the market and on other product models that have the same technical characteristics as the products in question, where relevant for compliance with the applicable requirements in these Regulations or the Directive;
- (v) require an economic operator to provide relevant information required for the purpose of ascertaining the ownership of a website, where the information in question is related to the subject matter of an investigation;
- (w) require an economic operator to provide any other information that is relevant for compliance;
- (x) acquire product samples, including under a cover identity, to inspect those samples and to reverse engineer them in order to identify non-compliance and to obtain evidence;
- (y) where no other effective means are available to eliminate a serious risk—
 - (i) require the removal of content referring to the relevant instrument from an online interface or require the explicit display of a warning to end users when they access an online interface; or
 - (ii) where a request under clause (i) has not been complied with, require an information society service provider to restrict access to the online interface,

including by requesting a relevant third party to implement such measures.”

- (j) the heading before Regulation 34A is substituted by “Powers of authorised officers (Regulation (EU) 2019/1020)”,
- (k) Regulations 35 and 36 are revoked,
- (l) paragraph (1) of Regulation 37 is amended by the substitution of “Regulation 30, 31, 32, 33, 34B, 34F, 34I or 34K” for “Regulation 30, 31, 32, 33, 34B, 34F, 34I 34K or 36”, and
- (m) paragraph (1) of Regulation 39 is amended by the deletion of “40,”,
- (n) paragraph (3) of Regulation 48 is amended by the substitution of “special body” for “authorised body”,
- (o) paragraph (4) of Regulation 48 is amended by the insertion of “nor the Director nor the Legal Metrology Service” after “National Standards Authority of Ireland” and by the substitution of “special body” for “body authorised”,
- (p) paragraph (2) of Regulation 60 is amended by the substitution of “special body” for “notified body” in each place that the latter appears.

Amendments to the European Union (Non-Automatic Weighing Instruments) (Amendment) Regulations 2023

5. The European Union (Non-Automatic Weighing Instruments) (Amendment) Regulations 2023 are amended as follows:

- (a) paragraph (1) of Regulation 2 is revoked, and
- (b) paragraph (b) of Regulation 7 is revoked.



GIVEN under my Official Seal,
17 December, 2025.

PETER BURKE, TD,
Minister for Enterprise, Tourism and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations may be cited as the European Union (Non-Automatic Weighing Instruments) (Amendment) Regulations 2025. These Regulations amend the 2023 Regulations by providing for the replacement of the Director of Legal Metrology with the Legal Metrology Service as the Market Surveillance Authority while retaining the Director's powers of appointment and prosecution; remedying all drafting errors that were identified in the 2023 Regulations; and providing for further necessary amendments.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

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