

Agli Associati Comufficio

Milano, 4 dicembre 2024

Oggetto: Guida per la vendita online di bilance NAWI

Abbiamo il piacere di inoltrare agli Associati di Comufficio un documento, realizzato da alcune Autorità di vigilanza del mercato, nell'ambito di un'attività congiunta sviluppata ai sensi dell'articolo 9 del Regolamento (UE) n. 2019/1020 e realizzata con la collaborazione di **CECIP** (European Weighing Industry Association) e la Commissione Europea.

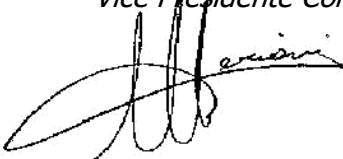
Il documento raccoglie le **best practice** relative alla **vendita online di bilance di tipo a funzionamento non automatico (NAWI)** ed è dedicato ai rivenditori/distributori/produttori di tali strumenti che commercializzano o vogliono commercializzare detti strumenti mediante piattaforme web per il **mercato unico dell'UE**.

Ricordiamo che le linee guida presenti nel documento riflettono il **punto di vista degli autori** e, in quanto tali, **non sono giuridicamente vincolanti** ma rappresentano un utile supporto informativo per verificare se si stanno rispettando le corrette modalità operative.

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Cordiali saluti.

Maurizio Ceriani
Vice Presidente Comufficio





Market Surveillance

Guide for online sellers & online platforms of Non-Automatic Weighing Instruments (NAWIs) for the EU single market

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This guide was prepared by the following Market Surveillance Authorities, under a Joint Activity developed according to Article 9 of Regulation (EU) n° 2019/1020:

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1 Purpose of the guidance document

This guidance document aims to provide detailed information to online sellers and online platforms¹ of Non-Automatic Weighing Instruments (NAWIs) for the EU single market.

This document is particularly targeted to economic operators, more specifically, distributors, website providers and fulfilment service providers (see [Chapter 4](#)), who sell NAWIs via online platforms (or marketplace).²

- **Distributors** make the NAWIs available on the EU single market, after these have been placed on the market by the manufacturers or importers.
- **Website and fulfilment service providers** are companies that operate an online platform (or marketplace). They offer two of the following services: warehousing, dispatching, packaging, and addressing, but do not own the product.

This document will inform online sellers and online platforms (or marketplaces) of:

- their legal obligations;
- the information they need to provide to consumers on the weighing instruments, so that they can purchase the right product for their intended purpose.

1) The definition of an online seller, online platform and online marketplace, can be found in the [Glossary](#) chapter of this document.

2) More detailed information about the responsibilities of distributors and fulfilment service providers can be found in [Chapter 4](#) of this guidance document.

2 Scope and target audience

2.1 Definition

A **Non-Automatic Weighing Instrument (NAWI)** is an instrument that requires the intervention of an operator during the weighing process to function. For example, the person could place an object to be weighed on the instrument.

There are many weighing instruments, characterised as NAWIs, such as:

- the scales used in shops to weigh food (e.g., fruit, meat or fish) we buy;
- the scales used in industrial environments (e.g., pre-packing of a packet of sugar that can be bought later in the supermarket);
- the scales we use in our homes to know how much we weigh.

2.2 Types of Non-Automatic Weighing Instruments

All NAWIs placed on the market in the EU and EFTA countries must comply with the requirements of Directive 2014/31/EU relating to Non-Automatic Weighing Instruments (NAWID)³.

Based on the NAWID, NAWIs are categorised into two groups, depending on their intended use:

- **Group 1:** Weighing instruments for regulated purposes;
- **Group 2:** Weighing instruments for non-regulated purposes.

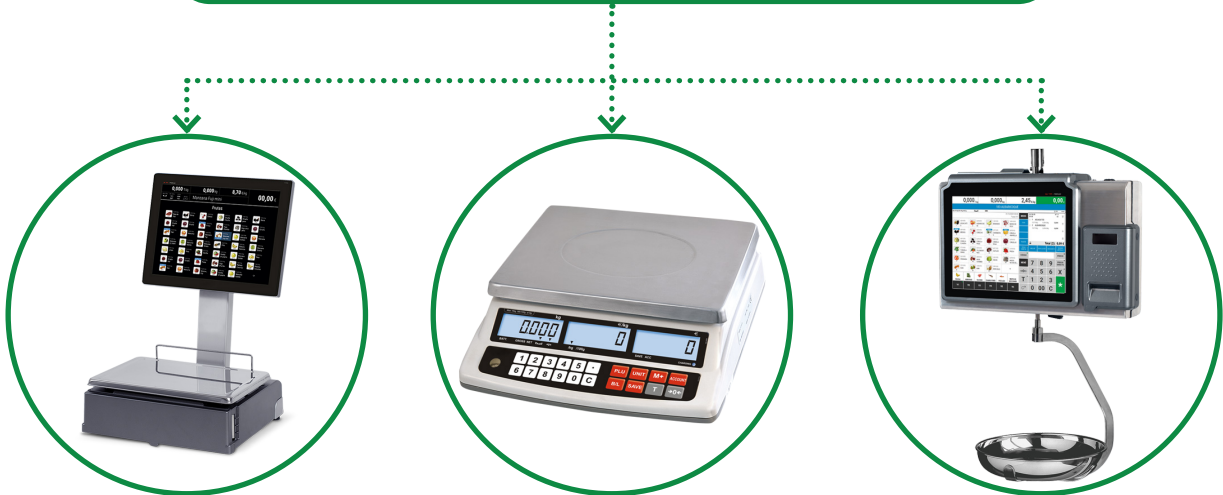
³) More information about the Directive can be found in: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0031>

2.2.1 Group 1: Weighing instruments for regulated purposes

Weighing instruments used for regulated purposes must meet specific requirements and regulations to ensure that they provide accurate and reliable measurements, while ensuring protection and fair trade.

Examples of these types of NAWIs are:

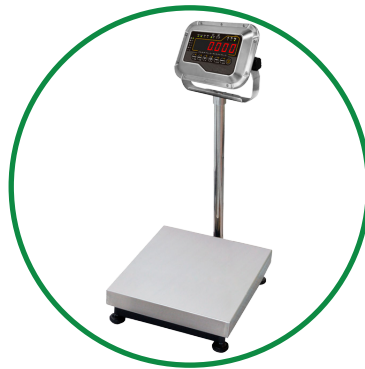
Shops and markets



Jewellery & medical/ pharmaceutical



Postal expeditions



Public health



These type of NAWIs are used to determine weight for:

a. Commercial transactions

This refers to weighing instruments used in activities where goods are bought or sold by weight.

b. The calculation of a toll, tariff, tax, bonus, penalty, remuneration, indemnity, or similar type of payment

This refers to weighing instruments used to calculate financial charges or compensations. For example, weighing trucks at a toll booth to determine the toll fee based on the vehicle's mass.

c. The application of laws or regulations or for an expert opinion given in court proceedings

They are used to ensure compliance with legal standards or to provide evidence in legal cases.

d. The practice of medicine for weighing patients for the purposes of monitoring, diagnosis and medical treatment

They can be used for various purposes, including dosing medications and assessing patient health.

e. For making up medicines on prescription in a pharmacy and determination of mass in analyses carried out in medical and pharmaceutical laboratories

This refers to the precision measurement for preparing medications and conducting laboratory analyses.

f. Price on the basis of mass for the purposes of direct sales to the public and the making-up of prepackages.

This involves weighing goods to determine their price when sold directly to consumers, such as at a grocery store, or when pre-packaging items.

NOTE:



Non-compliant NAWIs included in this group can seriously harm citizens, end-users and business interests. Therefore, these types of equipment are subject to strict requirements.

2.2.2 Group 2: Weighing instruments for non-regulated purposes

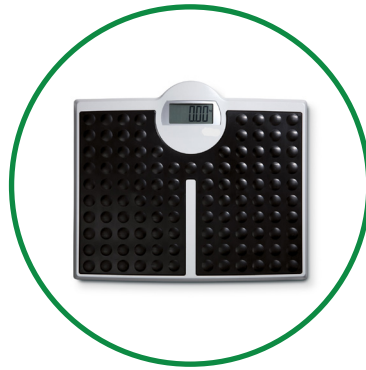
Non-regulated weighing instruments are mainly used for domestic or internal business purposes, where an incorrect measurement will not jeopardise consumer protection or fair trade and does not have legal implications.

These types of NAWIs can include:

Domestic use



Personal care



3 Identifying a regulated and non-regulated NAWI by its markings

Two markings need to be considered when identifying a NAWI.

CE marking (applicable for Group 1 & Group 2)



- Stands for 'European Conformity';
- 'CE marking' is used by the manufacturer to indicate that the instrument conforms to the requirements set out in EU harmonisation legislation;
- The manufacturer must indicate this marking;
- The CE mark should be at least 5 mm high

Supplementary metrology mark (applicable only for Group 1)

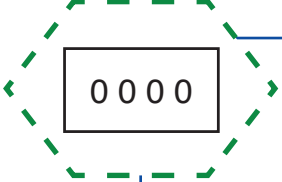


- The manufacturer must indicate the marking
- Consists of a capital "M" followed by two digits;
- The two digits indicate the last two numbers of the year in which the marking was affixed;
- The supplementary metrology marking must be inside a rectangle;
- The height of the rectangle must be equal to the height of the CE marking;
- The supplementary metrology marking immediately follows the CE marking.

In this example, the number 24 indicates that the M marking was affixed in 2024. These two digits will change depending on the year the M marking is affixed.

In addition to this, the two markings shall be followed by the identification number(s) of the notified body involved in the assessment process of the NAWI.

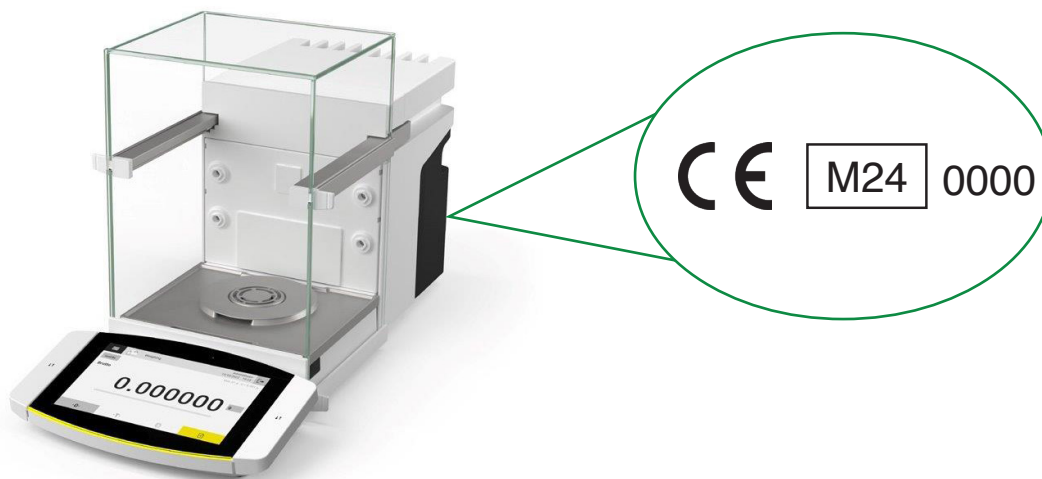
Identification number of the notified body (applicable only for Group 1)



- Four digits identifying the notified body involved in the assessment process of the NAWI;
- The identification number(s) of the notified body or bodies follow the CE and supplementary metrology mark;
- The identification number of the notified body is affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative.

It is possible to distinguish NAWIs for regulated purposes from those used for non-regulated purposes.

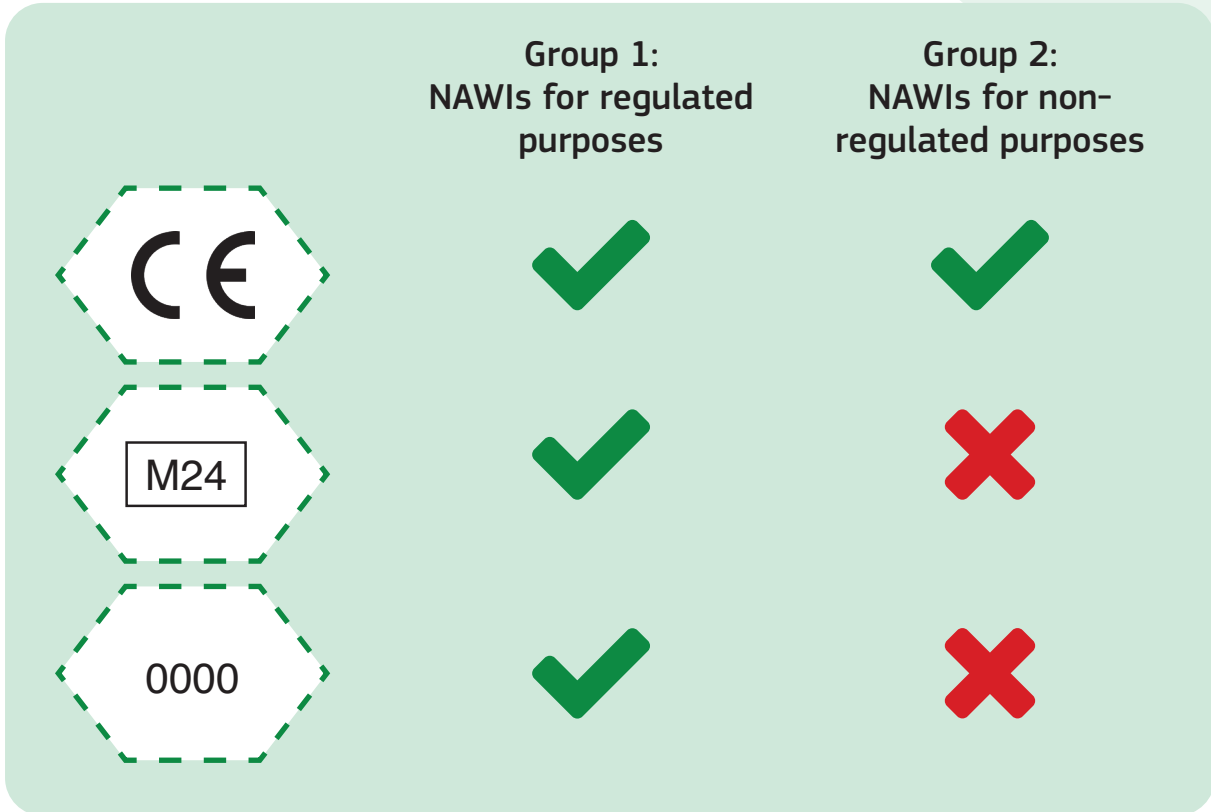
Both markings followed by the identification numbers of the notified body must be affixed to **NAWIs for regulated purposes** as shown in the figure below.



The CE marking, the supplementary metrology marking, and the identification number(s) of the notified body or bodies may be followed by any other mark indicating a special risk or use.

NAWIs for non-regulated purposes must only bear the CE marking.

This is further illustrated in the diagram below.



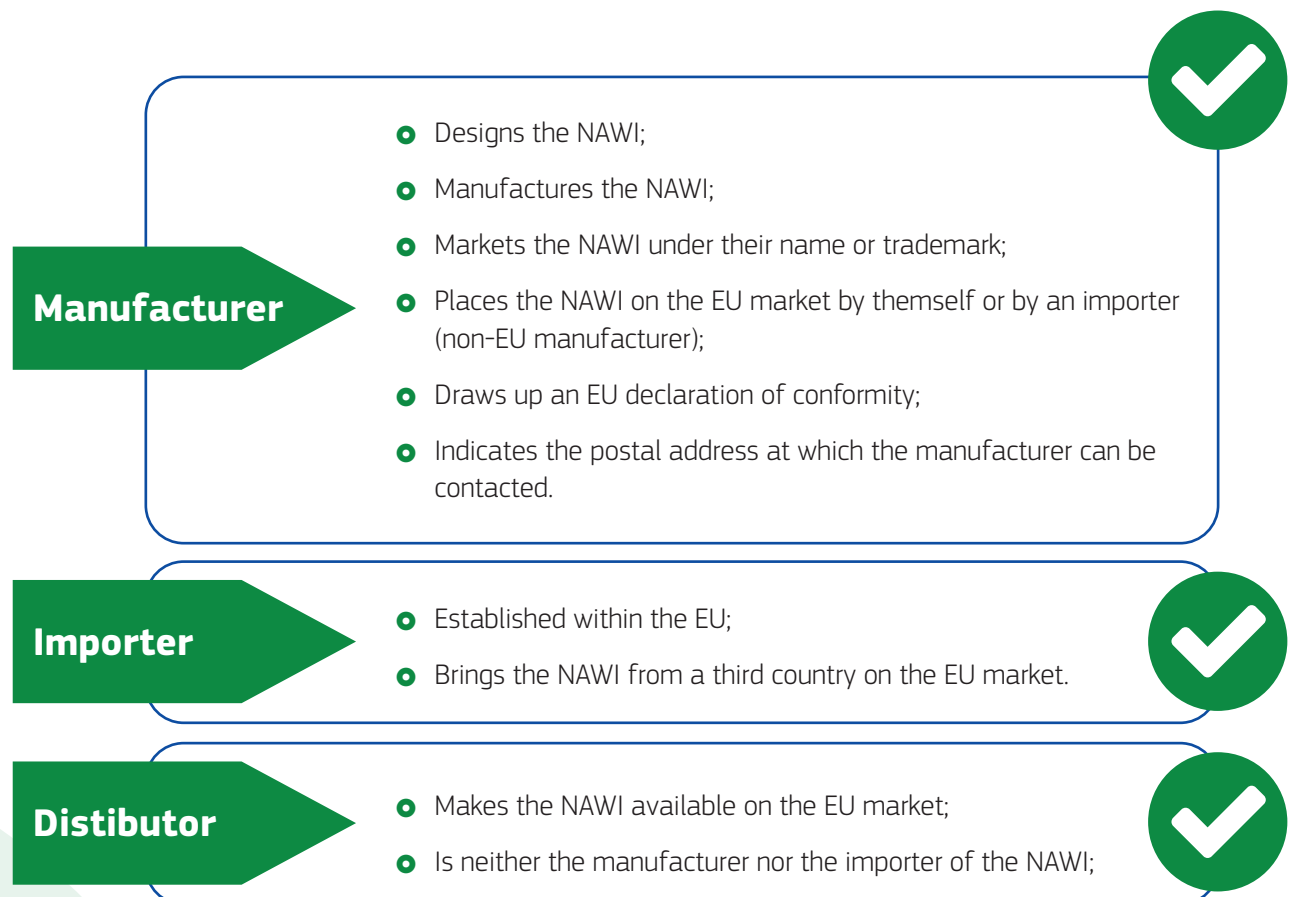
4 Responsibilities of online sellers and online platforms

4.1 Role of economic operators

An economic operator is any individual or company involved in creating products or providing them for use on the EU single market. This includes manufacturers, official representatives, importers, distributors, fulfilment service providers and others with related responsibilities.⁴

The responsibilities of an economic operator running a website that sells NAWIs mainly depend on their relationship to the product.

The economic operator of a NAWI can exercise the following roles:



⁴ The definition of an economic operator can be found in Regulation (EU) 2019/1020 of Market Surveillance Article 3 (13).

Fulfilment service provider

- Offers the NAWI on their website;
- Offers two of the following services:
 - ✓ warehousing;
 - ✓ dispatching;
 - ✓ packaging;
 - ✓ addressing;

The fulfilment service provider is **NOT**:

- ✗ a manufacturer;
- ✗ an importer;
- ✗ a distributor of the NAWI.

Services provided **EXCLUDE**:

- ✗ postal services;
- ✗ parcel delivery;
- ✗ any other postal or freight transport services.

DOES NOT own the NAWI.

A NAWI can be placed on the EU single market only if there is an economic operator established in the EU who is responsible for the tasks outlined in Article 4 (3) of the Regulation (EU) 2019/1020 on market surveillance and compliance of products. Details on the tasks of an economic operator outline in Article 4 (3) can be found in [Chapter 5](#) of this guidance document.

As indicated in [Chapter 1](#), this guidance document is targeted to distributors, website providers and fulfilment service providers who sell NAWIs via online platforms (or marketplaces).⁵

⁵) More detailed information about the responsibilities of distributors and fulfilment service providers can be found in [Chapter 4](#) of this guidance document.

4.2 Main responsibilities of online sellers and online platforms

Most commonly, website providers and fulfilment service providers who offer NAWIs for regulated purposes for online sale are deemed to be distributors.

4.2.1 Responsibilities of website provider and fulfilment service providers as distributors

Any distributor that offers a NAWI intended for use in any of the regulated purposes identified in [Chapter 2](#) of this guidance document⁶, must verify that the NAWI:

- ✓ **Is accompanied by the Declaration of Conformity of the manufacturer;**
- ✓ **Has the required conformity markings:**
 - CE marking;
 - Supplementary metrology marking;
 - Four digits identifying the notified body involved in the conformity assessment process of the NAWI.
- ✓ **Has instructions and safety information in a language that is easily understood by consumers and other end-users;**
- ✓ **Bears:**
 - A type;
 - Batch; or
 - Serial number; or
 - Other element allowing its identification.

The distributor must ensure that the manufacturer and importer have provided their name, registered trade name, or trademark and have included their contact address on the NAWI, as highlighted in the NAWID.

4.2.2 Responsibilities of a website provider and a fulfilment service provider as non-distributor

A website provider and fulfilment service provider bear a heavy responsibility when, for the NAWI it supplies, there is no:

- Manufacturer established in the EU;
- Importer, where the manufacturer is not established in the EU; or
- Authorised representative with a written mandate from the manufacturer appointing them to perform certain tasks on the manufacturer's behalf.

Where the NAWI is intended to be used for regulated purposes, the website provider and fulfilment service provider must comply with the following elements:

1. EU declaration of conformity

Website providers and fulfilment service providers must keep the EU declaration of conformity, which is a document that states the NAWI meets all the relevant EU requirements, available for Market Surveillance Authorities⁷ for at least 10 years after the NAWI has been placed on the market.

6) On their website, and/or provide at least two services (warehousing, dispatching, packaging, and/or addressing) for this NAWI.

7) These are the bodies responsible for ensuring products comply with EU standards.

2. Technical documentation

Website providers and fulfilment service providers must ensure that the technical documentation for the NAWI is available on request by Market Surveillance Authorities. This documentation provides detailed information about the design, manufacture and operation of the product and demonstrates that the NAWI complies with the requirements set out in the applicable Union harmonisation legislation.

3. Markings and information

In addition to the above-mentioned requirements, website providers and fulfilment service providers shall check if the NAWI bears:

- CE marking;
- supplementary metrology marking;
- four digits identifying the notified body involved in the conformity assessment process of the NAWI
- a type, batch or serial number, and or other element allowing.

Additionally, website providers and fulfilment service providers shall check if instructions and safety information are presented in a language that is easily understood by consumers and other end-users.

Legislative Framework

The above responsibilities come from the Regulation (EU) 2019/1020 on Market Surveillance under Article 4. A more detailed explanation of the responsibilities of all the above-mentioned operators can also be found in:

- The Blue Guide for the implementation of European product legislation (Communication 2022/C247/01).
- “The Guidelines for economic operators and market surveillance authorities on the practical implementation of Article 4 of Regulation (EU) 2019/1020 on market surveillance and compliance of products”.⁸

8) Regulation (EU) 2019/1020 available at:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019R1020>

Blue Guide available at:
https://single-market-economy.ec.europa.eu/news/blue-guide-implementation-product-rules-2022-published-2022-06-29_en

The Guidelines of Art. 4 available at:
<https://ec.europa.eu/docsroom/documents/44908>

5 Check list for online sellers and online platforms

To ensure the safety of consumers and end-users in the EU, and to avoid action from Market Surveillance Authorities, online sellers and online platforms (or marketplaces) must ensure that NAWIs intended for regulated purposes are properly marked and accompanied by the required documents.

Therefore, when a supplier (i.e. the manufacturer, importer or distributor) proposes selling a NAWI to an online seller and an online platform, the online seller and online platform should ask the supplier to specify if the NAWI is intended for any of the following:

- Pricing goods for sale by weight to the public;
- Weighing items in business transactions;
- Calculating charges like tolls, taxes, or penalties based on weight;
- Applying laws, regulations, or providing expert weight-based opinions in legal cases;
- Weighing patients in medical settings for diagnosis or treatment;
- Preparing prescription medicines or conducting laboratory analyses by weight.

When a supplier indicates that a NAWI is intended for any of these regulated uses, the online platform should ask the supplier to declare the following information about the product:

1. Markings

The product bears the CE marking and the supplementary metrology marking.

2. Manufacturer's information

The product bears the name, registered trade name or registered trademark of the manufacturer and a contact address in a language easily understood by final consumers and Market Surveillance Authorities.

3. Importer's information

The product bears the name, registered trade name or registered trademark of the importer and a contact postal address in a language easily understood by end-users and Market Surveillance Authorities. This information is only required if there is an importer of the NAWI.

4. Documents and instructions

The product is accompanied by all the necessary documents, instructions and information in a language easily understood by end-users in Member States where it will be sold.

Additionally, if a supplier based outside the EU wants to sell a NAWI on an online platform, the online platform must ensure that:

- The manufacturer is based in the EU; or
- The NAWI is imported by an EU-based entity; or
- There is an authorised representative in the EU with a mandate from the manufacturer to handle specific tasks. These tasks are related to Article 4(3) of Regulation (EU) 2019/1020 on Market Surveillance and Compliance of Products (see below).

If none of the above three conditions are met and the online platform acts as a fulfilment service provider, it must ensure that it can itself perform the tasks listed in Article 4(3) of Regulation (EU) 2019/1020, by requesting all the documentation and guarantees it considers necessary.

Legislative Framework

The tasks mentioned in Article 4(3) of Regulation EU 2019/1020 on Market Surveillance and Compliance of Products are:

(a) Documentation verification and access:

- *Check that the EU declaration of conformity or performance and technical documentation are properly created.*
- *Keep these documents available for Market Surveillance Authorities for the required time and ensure the technical documentation can be provided to those authorities when asked.*

(b) Information provision:

- *Following a detailed request from a Market Surveillance Authority, supply all the information and documentation needed to prove the product's compliance in a language the authority can easily understand.*

(c) Risk reporting:

- *If there is reason to believe a product is risky, inform the Market Surveillance Authorities.*

(d) Cooperation and corrective action:

- *Cooperate with Market Surveillance Authorities. This includes responding to requests and taking corrective action to address any non-compliance with EU requirements, or to mitigate risks associated with the product. This should be done when the authorities request it, or on the operator's own initiative if they consider the product a risk.*

Lastly, an online seller should follow the requirements of the Directive 2006/114/EC concerning misleading and comparative advertising.

The Misleading and Comparative Advertising Directive (2006/114/EC) requires Member States to ensure that measures are in place to prevent misleading advertising in their territories. Misleading advertising is defined as any promotion that could deceive buyers, consumers and their spending behaviour or harm a competitor.

For online platform suppliers selling NAWIs, this Directive means they must be careful about how they present these products in advertisements. They should avoid suggesting that a NAWI is suitable for regulated uses if it is not approved for such uses. For example, if a 15 kg price-computing scale is shown with fruits and vegetables in the background, it might imply that the scale is suitable for retail sale of goods by weight. If the scale is not certified for this purpose, the advertisement could be misleading and therefore violate Directive 2006/114/EC.

Based on DIRECTIVE 2006/114/EC on misleading and comparative advertising, an online seller or online platform (marketplace) shall:

- Ensure that any advertisement for NAWIs on their online platform is correct and does not contain any false or deceptive information that could mislead consumers.
- Ensure that the images and text published in the NAWI advertisements do not suggest that a NAWI can be used for specific purposes of which they are not officially certified for. For example, a domestic scale being presented as a scale for retail use.
- Provide clear and correct information about what the NAWIs can and cannot do. This includes any limitations the product may have, ensuring that consumers are fully informed before making a purchase.

6 Guidelines for online sellers on providing clear product information for NAWIS

Online sellers must provide clear information on their websites to consumers and end-users about the permissible uses of the NAWIs they offer. Ensuring that online sellers provide clear information about their products can prevent misleading advertising.

If the supplier has not specified that a NAWI is suitable for any regulatory uses and does not have all the required markings and documents, the website provider or fulfilment service provider must include under the product's online description the following statement:



CAUTION

This weighing instrument **CANNOT be used** for any of the following (Article 3 of Directive 2014/31/EU):

- Determination of mass for commercial transactions;
- Determination of mass for the calculation of a toll, tariff, tax, bonus, penalty, remuneration, indemnity or similar type of payment;
- Determination of mass for the application of laws or regulations, or for an expert opinion in court proceedings;
- Determination of mass in the practice of medicine for weighing patients for the purposes of monitoring, diagnosis and medical treatment;
- Determination of mass for making up medicines on prescription in a pharmacy and determination of mass during analyses in medical and pharmaceutical laboratories;
- Determination of price on the basis of mass for the purposes of direct sales to the public and the preparation of packages.

List of abbreviations

CE	European Conformity
EFTA	European Free Trade Agreement
EU	European Union
NAWI	Non-Automatic Weighing Instruments
NAWID	Non-Automatic Weighing Instruments Directive

Glossary

CE marking⁹	Means a marking by which the manufacturer indicates that the instrument is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing
Conformity assessment¹⁰	Means the process demonstrating whether the essential requirements of this Directive relating to an instrument have been fulfilled;
Distributor¹¹	Any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;
Economic operator¹²	Is any individual or company involved in creating products or providing them for use on the EU single market. This includes manufacturers, official representatives, importers, distributors, fulfilment service providers and others with related responsibilities.
Fulfilment service providers¹³	Any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services, parcel delivery services and any other postal services or freight transport services;
Importer¹⁴	Any natural or legal person established within the Union who places a product from a third country on the Union markets
Manufacturer¹⁵	Any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark

9) Directive 2014/31/EU relating to non-automatic weighing instruments. Available at: <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32014L0031>

10) Directive 2014/31/EU relating to non-automatic weighing instruments. Available at: <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32014L0031>

11) Regulation (EU) 2019/1020 on Market Surveillance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>

12) Regulation (EU) 2019/1020 on Market Surveillance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>

13) Regulation (EU) 2019/1020 on Market Surveillance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>

14) Regulation (EU) 2019/1020 on Market Surveillance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>

15) Regulation (EU) 2019/1020 on Market Surveillance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>

Market Surveillance Authority¹⁶

Means an authority designated by a Member State under Article 10 as responsible for carrying out market surveillance in the territory of that Member State;

Market surveillance¹⁷

Means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in the applicable Union harmonisation legislation and to ensure protection of the public interest covered by that legislation;

Non-Automatic Weighing Instrument (NAWI)¹⁸

Is an instrument that requires the intervention of an operator during the weighing process to function. For example, the person could place an object to be weighed on the instrument.

Online marketplace^{19 20}

An online marketplace is a type of service provider, which operates a website that allows consumers and traders to conclude online sales and service contracts on the online marketplace's website'.

Online platform²¹

These are services that use information society services to allow business users to offer goods or services to consumers, with the aim of facilitating the initiating of direct transactions between business users and consumers, irrespective of where those transactions are ultimately concluded.

In other words, it is a digital service that facilitates interactions between two or more distinct but interdependent sets of users (whether firms or individuals) who interact through the service via the Internet.

16) Regulation (EU) 2019/1020 on Market Surveillance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>

17) Regulation (EU) 2019/1020 on Market Surveillance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>

18) Directive 2014/31/EU relating to non-automatic weighing instruments. Available at: <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32014L0031>

19) Guidelines for economic operators and market surveillance authorities on the practical implementation of Article 4 of Regulation (EU) 2019/1020 on market surveillance and compliance of products. Available at: <https://ec.europa.eu/docsroom/documents/44908>

20) Directive 2000/31/EC (the E-Commerce Directive) Available at: eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0031

21) Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services. Available at: [Regulation - 2019/1150 - EN - p2b regulation - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1150)

Online seller²²

An online seller is an entity or individual that offers products for sale via the internet or through other means of distance selling. This method of selling allows consumers to purchase products without the need for a physical retail space.

Website provider²³

There is no explicitly defined in EU legislation. In the context of e-commerce and the E-Commerce Directive (Directive 2000/31/EC), website provider would typically be considered a type of service provider, offering information society services over the internet. The services provided by a website can range from informational content to interactive platforms where users can engage in activities such as social networking, online shopping, or accessing digital content.

22) Guidelines for economic operators and market surveillance authorities on the practical implementation of Article 4 of Regulation (EU) 2019/1020 on market surveillance and compliance of products. Available at: <https://ec.europa.eu/docsroom/documents/44908>

23) Directive 2000/31/EC (the E-Commerce Directive) Available at: eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0031

References

Directive 2000/31/EC (the E-Commerce Directive) Available at:
eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0031

Directive 2014/31/EU relating to non-automatic weighing instruments. Available at:
<https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32014L0031>

Guidelines for economic operators and market surveillance authorities on the practical implementation of Article 4 of Regulation (EU) 2019/1020 on market surveillance and compliance of products. Available at:
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