



## ECONOMY AND MARITIME AFFAIRS

### Ministerial Order No 364/2023

of 15 November

*Summary:* Ordinance laying down Regulation on the legal metrological control of opacimeters.

The metrological control of measurement methods and instruments in Portugal complies with the provisions in the general scheme approved by Decree-Law No 29/2022 of 7 April, as well as the general regulatory provisions laid down in the General Regulation on the Metrological Control approved by Ministerial Order No 211/2022 of 23 August and, also, the provisions contained in the specific ministerial orders of each measuring instrument.

In view of the publication of this legal position, it becomes necessary to adopt the specific regulation to be complied with by the metrological control of opacimeters.

Therefore:

Pursuant to Article 2 a) and Article 25(1) of Decree-Law No 29/2022 of 7 April, in conjunction with the provisions of Article 1(4) of the Regulation annexed to Ministerial Order No 211/2022 of 23 August, the Government, by the Secretary of State for the Economy, mandates the following:

#### Article 1

##### Subject matter

The Regulation on the Legal Metrological Control of Opacimeters annexed to this Ordinance, of which it forms an integral part, is hereby approved.

#### Article 2

##### Repeal clause

Ordinance No 797/2009 of 1 December is hereby repealed.

#### Article 3

##### Entry into force

This Ordinance shall come into force on the day after its publication.

The Secretary of State for the Economy, *Pedro Miguel Ferreira Jorge Cilínio*, on 9 November 2023.

#### ANNEX

### REGULATION OF LEGAL METROLOGICAL CONTROL OF OPACIMETERS

#### Article 1

##### Scope



This Regulation shall apply to opacimeters intended for measuring the opacity of exhaust emissions from diesel-powered vehicles.

## Article 2

### Definition

For the purposes of this Regulation, opacimeters mean instruments designed for continuously measuring the opacity of exhaust gases emitted by vehicles.

## Article 3

### Putting into service

The opacimeters must meet the defined metrological and technical requirements in the standard ISO 11614.

## Article 4

### Indication

- 1 — The indication of the opacimeters shall be expressed by means of the luminous absorption coefficient, represented by the symbol  $k$ , and in the unit  $\text{m}^{-1}$ .
- 2 — The opacity values are percentages and expressed through the symbol  $N$ .
- 3 — When the conversion factor is duly expressed, other equivalent units may be accepted on the basis of the International System of Units (SI) units.

## Article 5

### Legal metrological control

The legal metrological control of the opacimeters is the responsibility of the Portuguese Quality Institute, I. P. (IPQ, I. P.) and comprises the operations of Model Approval, First Verification, Periodic Verification and Extraordinary Verification.

## Article 6

### Model approval

- 1 — Model approval must comply with the requirements laid down in Article 7 of Decree-Law No 29/2022 of 7 April and Article 2 of the Regulation annexed to Ministerial Order No 211/2022 of 23 August.
- 2 — During the period of validity of the Model Approval, any or all changes made to the approved model, by replacement of components, by addition of a supplementary device, change of computer program (*software*) installed, or by modifications that may influence the results of measurements or the regulatory conditions of use, need a supplementary model approval.
- 3 — The computer programs used by the opacimeters must ensure the integrity and confidentiality of the data obtained and presented, and must be subject to unique and unambiguous identification.

## Article 7

### First verification

- 1 — The first verification shall be carried out before the instrument is placed on the market, or after it has been repaired and whenever there is a breach of the sealing system, without periodic verification in that year, having the same validity period.



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2 — The first verification tests shall be carried out in accordance with the metrological and technical requirements laid down in Article 3 of this Regulation.



3 — The maximum permissible error values for the first verification are equal to  $\pm 2$  % opacity, N.

## Article 8

### Periodic verification

1 — Periodic verification has an annual frequency and is valid for one year after its completion.

2 — Periodic verification tests shall be the same as those established for the first verification.

3 — The values of the maximum permissible errors in the periodic verification shall be equal to the values of the maximum permissible errors established for the first verification.

## Article 9

### Extraordinary verification

1 — Extraordinary verification shall include the periodic verification tests.

2 — In the extraordinary verification, the values of the maximum permissible errors shall be equal to the values of the maximum permissible errors established for the periodic verification.

## Article 10

### Inscriptions and markings

(1) The opacimeters shall, visibly and legibly, display inscriptions and markings in conformity with the metrological requirements laid down in Article 3 of this Regulation. (2) The opacimeters shall also bear the model approval symbol and other symbols or references advantageous for their use.

## Article 11

### Transitional provision

The instruments in use may remain in use while in good condition and provided that during the metrological verification tests, they do not incur errors that exceed the maximum permissible errors.

## Article 12

### Final disposition

The provisions of the preceding articles shall not prevent the marketing or further use of opacimeters, accompanied by certificates of conformity assessment issued by bodies recognised under the applicable European Union legislation, in the framework of the legal metrology activity, on the basis of specifications and procedures ensuring a metrological quality to that referred to in this Regulation, the equivalence being assessed by IPQ, I.P.

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## PRESIDENCY OF THE COUNCIL OF MINISTERS

Secretary General

### Statement of Corrigendum No 1-C/2024

*Summary:* Corrigendum to Ordinance No 364/2023, of 15 November, which adopts the Regulation on the Legal Metrological Control of opacimeters.

Pursuant to Article 11(1) of the Regulation for the Publication of Acts *Portuguese Official Gazette*, approved by Normative Order No 16/2022 of 30 December and Article 5 of Law No 74/98 of 11 November, as amended and republished by Law No 43/2014 of 11 July, it is hereby declared that Ministerial Order No 364/2023, published in *Portuguese Official Gazette*, 1st series, No 221 of 15 November 2023, came out with the following inaccuracy, which, upon declaration by the issuing entity, is rectified:

Article 2, which reads;

‘Ministerial Order No 797/2009 of 1 September is hereby repealed.’

should read:

‘Ministerial Order No 797/97 of 1 September is hereby repealed.’

Secretariat General, 12 January 2024. — The Deputy Secretary General, *Fátima Costa Ferreira*.

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