



Bulletins

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Requirements for reporting modifications to the applicant name or manufacturer name listed on the notice of approval (including private label agreements)

1.0 Purpose

The purpose of this bulletin is to inform approval applicants of the information that shall be provided to Measurement Canada (MC) when:

- the applicant organization has been purchased by another company or entity;
- the device manufacturer has been purchased by another company or entity; or
- a mutual agreement is made between the applicant organization and another company on the design and use of a private label which will cause the information listed on an existing notice of approval (NOA) to be no longer correct.

2.0 Scope

This bulletin applies to all weighing and measuring devices, and electricity and gas meters approved under the *Weights and Measures Act* or the *Electricity and Gas Inspection Act*. For the purpose of this bulletin, weighing and measuring devices, and electricity and gas meters will be referred to as devices.

3.0 References

Weights and Measures Act

Electricity and Gas Inspection Act

Bulletin GEN-26—Modifications to approved weighing and measuring devices and electricity and gas meters

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4.0 Background

As per bulletin GEN-26, an NOA issued under subsections 3(1) and 3(2) of the *Weights and Measures Act* or subsection 9(1) of the *Electricity and Gas Inspection Act* applies to any device that is, in every material respect, identical to the device originally submitted for approval evaluation. A modification which is administrative in nature, like the purchase of the applicant company by another company or entity, may not affect the metrological or technical characteristics of the device but will affect the responsibilities extended to the purchasing company in terms of making modifications to the existing NOA.

Any information provided by an applicant during the type approval process is proprietary and confidential; As such, appropriate documentation is always required before making changes to an NOA or releasing approval information.

5.0 Policy

5.1 Change of applicant on an existing notice of approval due to a purchase of assets

Where an applicant organization has been purchased by another company or entity, the following shall be provided to MC's Approval and Calibration Services Laboratory (ASL) by the purchasing party:

- 1) An [application for a Modification Acceptance Letter \(MAL\)](#)^[link 1] that shall identify:
 - a) the change requested;
 - b) the former and the new name and address of the applicant on the affected NOA(s); and
 - c) the NOA number(s) that are affected by the change and the effective date of the change.
- 2) Samples of marking labels and identification plates, if they have changed.
- 3) Supporting documentation that demonstrates change of ownership. Examples include:
 - a) Purchase of business agreements outlining any inclusions or exclusions related to NOA(s) (if applicable) signed by the appropriate authority.
 - b) A letter from the proper authority authorising the transfer of NOA(s) to the new entity (ideally on company letterhead).

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5.2 Change of manufacturer name due to the purchase of assets

Where the manufacturer has been purchased by another company or entity, the following shall be provided to MC's ASL by the applicant party:

- 1) An application for a MAL that shall identify:
 - a) the change requested;
 - b) the former and the new name and address of the manufacturer (if different) on the affected NOA(s); and
 - c) the NOA number(s) that are affected by the change and the effective date of the change.
- 2) Samples of marking labels and identification plates if they have changed.

5.3 Private label modification

A private label modification occurs when a company markets a device from a separate company and relabels it under its own company name. Where the applicant has entered into a private label agreement with another company or entity, the following shall be provided to MC's ASL:

- 1) An application for a MAL that shall identify:
 - a) the change requested;
 - b) the new name and address of the applicant that will appear on the NOA(s); and
 - c) the model names and NOA number(s) affected by the change and the effective date of the change.
- 2) Authorization from an appropriate authority at the current applicant company.
- 3) A written attestation stating the following: "It is hereby attested that the device provided to the new approval applicant by the original applicant is identical to the original type for which the aforementioned notice of approval was received and, except for a change in the information on the device name plate, the original manufacturer agrees to make no changes to the device pattern".
- 4) Samples of marking labels and identification plates if they have changed.

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5.3.1 Issuance of new notices of approval and records

- 1) Upon acceptance, MC shall issue new NOAs and shall assign new NOA numbers for the new models approved. The device manufacturer name(s) shall remain as presented in the original NOA.
- 2) A reference to the original NOA shall be retained in MC records, and a reference to the new NOA shall be added to the original approval file.
- 3) Any conditions stated in the original NOA shall remain in effect.
- 4) Any changes to the status of the original approval on which a private label agreement is based (e.g. revocation, expiry, addition or removal of conditions) shall also apply to the new NOA.

[link 1] [https://www.ic.gc.ca/eic/site/mc-mc.nsf/vwapj/IC3627-eng.pdf/\\$file/IC3627-eng.pdf](https://www.ic.gc.ca/eic/site/mc-mc.nsf/vwapj/IC3627-eng.pdf/$file/IC3627-eng.pdf)