

SCHEDULE 2

Regulation 4

MINIMUM CRITERIA FOR THE APPOINTMENT OF NOTIFIED BODIES

The minimum criteria for the purposes of regulation 4 are—

1. The notified body must be able to demonstrate that it, those engaged in its management and those of its employees who are responsible for carrying out the assessment and verification operations are not, and will not become, involved either directly or indirectly, or as authorised representatives in, the design, manufacture, construction, marketing or maintenance of interoperability constituents or subsystems or their use. However, this requirement shall not be taken to preclude the possibility of an exchange of technical information between the manufacturer or constructor of interoperability constituents and the notified body.

2. The notified body must be able to demonstrate that it and the employees who will carry out the assessment and verification operations will act with the greatest possible independence, professional integrity and technical competence and be free of any pressure or incentive. In particular, the notified body must demonstrate that the employees who carry out the assessment and verification operations are not to be remunerated on the basis of the number of inspections performed or the results of those inspections.

3. The notified body must be able to demonstrate that it possesses the resources required to enable it to perform adequately the technical and administrative tasks linked with conducting the assessment and verification operations. It must also have access to the equipment needed for the assessment and verification operations which may be required in exceptional cases.

4. The notified body must be able to demonstrate that those of its employees who are responsible for carrying out the assessment and verification operations:—

- (a) have had proper technical and vocational training in relation to the operations that they are to carry out;
- (b) possess a satisfactory knowledge of the requirements relating to the operations that they carry out and sufficient practice in carrying those operations;
- (c) possess the ability to draw up any such certificates, records and reports as may be required as formal record of the inspections conducted; and
- (d) are required to maintain professional confidentiality with regard to everything they learn in the performance of their duties.

5. The notified body must demonstrate that it has in place and can maintain appropriate insurance in respect of any liability that it might incur in relation to the performance of its functions as a notified body.