

## SCHEDULE 2

Regulation 36(4)

### OPERATIONAL OBLIGATIONS OF NOTIFIED BODIES

1. Conformity assessment must be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators.

2. Conformity assessment bodies must perform their activities taking due account of—

- (a) the size of an undertaking;
- (b) the sector in which it operates and its structure;
- (c) the degree of complexity of the of the regulated non-automatic weighing instrument technology in question; and
- (d) the mass or serial nature of the production process,

but respecting the degree of rigour and the level of protection required for compliance of the regulated non-automatic weighing instrument with these Regulations.

3. Where a notified body finds that the essential requirements have not been met by a manufacturer, it—

- (a) must require that manufacturer to take appropriate corrective measures; and
- (b) must not issue a certificate of conformity.

4. Where in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that a regulated non-automatic weighing instrument no longer complies, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate if necessary.

5. Where corrective measures are not taken or do not have the required effect, the notified body must restrict, suspend or withdraw any certificates, as appropriate.

6. Where a person is aggrieved at a decision taken by a notified body in relation to the conformity assessment of a regulated non-automatic weighing instrument, the notified body must have appropriate arrangements for the review of that decision by a person who was not involved in the taking of that decision.

7. Notified bodies must inform the notifying authority of the following—

- (a) any refusal, restriction, suspension or withdrawal of a certificate;
- (b) any circumstances affecting the scope of or conditions for notification;
- (c) any request for information which they have received from market surveillance authorities regarding conformity assessment; and
- (d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.

8. Notified bodies must provide other bodies notified under this Directive carrying out similar conformity assessment activities covering the same regulated non-automatic weighing instruments with relevant information on issues relating to negative and, on request positive conformity assessment results.

9. Notified bodies must—

- (a) when requested by the Secretary of State, nominate a representative to attend a group convened by the Commission pursuant to Article 35 of the Directive; and
- (b) ensure attendance of that representative at meetings of the group.