

## [F1] SCHEDULE 10

### System of certification of entities in charge of maintenance in respect of Great Britain

#### Textual Amendments

- F1** Schs. 8-11 inserted (31.12.2020) by [The Rail Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/837\)](#), reg. 1, **Sch. para. 1** (as amended in Sch. 11 paras. 14, 16, 17 by S.I. 2019/1310, reg. 1(2)(c), **Sch. 1 paras. 2, 3, 4**); 2020 c. 1, Sch. 5 para. 1(1)

## PART 3

### Criteria for accreditation or recognition of certification bodies involved in the assessment and award of UK-issued ECM certificates

#### Organisation

**12.** The certification body must document its organisational structure, showing the duties, responsibilities and authorities of management and other certification staff and any committees. Where the certification body is a defined part of a legal entity, the structure must include the line of authority and the relationship to other parts within the same legal entity.

#### Independence

**13.** The certification body must be organisationally and functionally independent in its decision-making from railway undertakings, infrastructure managers, keepers, manufacturers and entities in charge of maintenance and must not provide similar services. The independence of the staff responsible for the certification checks must be guaranteed. No official must be remunerated on the basis of either the number of checks performed or the results of those checks.

#### Competence

**14.—(1)** The certification body and the staff deployed must have the required professional competence, in particular regarding the organisation of the maintenance of freight wagons and the appropriate maintenance system.

(2) The certification body must demonstrate—

- (a) sound experience in assessing management systems;
- (b) knowledge of the applicable requirements of the legislation.

(3) The team established for surveillance of the entities in charge of maintenance must be experienced in the relevant fields, and in particular must demonstrate—

- (a) appropriate knowledge and understanding of the applicable legislation;
- (b) relevant technical competence;
- (c) a minimum of 3 years of relevant experience in maintenance in general;
- (d) sufficient experience in freight wagon maintenance or at least in maintenance in equivalent industrial sectors.

### **Impartiality**

15. The certification body's decisions must be based on objective evidence of conformity or non-conformity obtained by the certification body, and must not be influenced by other interests or by other parties.

### **Responsibility**

16. The certification body is not responsible for ensuring ongoing conformity with the requirements for certification. The certification body has the responsibility to assess sufficient objective evidence upon which to base a certification decision.

### **Openness**

17. A certification body needs to provide public access to, or disclosure of, appropriate and timely information about its audit process and certification process. It also needs to provide information about the certification status, including the granting, extension, maintenance, renewal, suspension, reduction in scope, or withdrawal of certification, of any organisation, in order to develop confidence in the integrity and credibility of certification. Openness is a principle of access to, or disclosure of, appropriate information.

### **Confidentiality**

18. To gain the privileged access to information needed to assess conformity with the requirements for certification adequately, a certification body must keep confidential any commercial information about a client.

### **Responsiveness to complaints**

19. The certification body must establish a procedure to handle complaints about decisions and other certification-related activities.

### **Liability and financing**

20. The certification body must be able to demonstrate that it has evaluated the risks arising from its certification activities and that it has adequate arrangements, including insurance or reserves, to cover liabilities arising from its operations in each field of its activities and the geographic areas in which it operates.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Railways and Other Guided Transport Systems (Safety) Regulations 2006, PART 3.