

SCHEDULE 5

REQUIREMENTS RELATED TO NOTIFIED BODIES

3.—(1) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not be—

- (a) the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the measuring instruments they assess; or
- (b) the representative of any of the parties referred to in paragraph (a).

(2) Sub-paragraph (1) does not preclude the use of assessed measuring instruments that are necessary for the operations of the conformity assessment body or the use of such instruments for personal purposes.

(3) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not—

- (a) be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of the measuring instruments they assess;
- (b) represent the parties engaged in the activities referred to in paragraph (a); or
- (c) engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified, in particular consultancy services.

(4) Paragraph (3) does not preclude the possibility of exchanges of technical information between the manufacturer and the body for the purposes of conformity assessment.

(5) Conformity assessment bodies must ensure that the activities of their subsidiaries or sub-contractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.