

SCHEDULE 1

Amendments to the 2011 Regulation

PART 8

Amendments to Chapter 7

Amendments to Article 40

- 41.**—(1) Article 40 (notifying authorities) is amended as follows.
- (2) For the heading, substitute “Assessment, approval and monitoring of approved bodies”.
- (3) In paragraph 1—
- (a) for “Member States shall designate a notifying authority that” substitute “The Secretary of State”;
 - (b) for “notification” substitute “approval”;
 - (c) for “notified” substitute “approved”.
- (4) In paragraph 2—
- (a) for “Member States” substitute “The Secretary of State”
 - (b) for “their national accreditation bodies within the meaning of, and in accordance with, Regulation (EC) No 765/2008” substitute “the UK national accreditation body”.
 - (c) For paragraph 3, substitute—
- “3.** Where the Secretary of State delegates or otherwise entrusts the assessment, approval or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body must be a legal entity and must comply with the following requirements:
- (a) it must be established in such a way that no conflicts of interest with approved bodies occur;
 - (b) it must be organised and operated so as to safeguard the objectivity and impartiality of its activities;
 - (c) it must be organised in such a way that each decision relating to approval of a body to be authorised to carry out third party tasks in the process of assessment and verification of constancy of performance is taken by competent persons different from those who carried out the assessment;
 - (d) it must not offer or provide activities performed by approved bodies, or consultancy services on a commercial or competitive basis;
 - (e) it must safeguard the confidentiality of the information obtained;
 - (f) it must have a sufficient number of competent personnel at its disposal for the proper performance of its tasks;
 - (g) it must have arrangements to cover liabilities arising from its activities.”.
- (5) In paragraph 4, for “notifying authority” substitute “Secretary of State”.