

SCHEDULE 6

Regulation 50

Operational obligations of notified bodies

1. A notified body must carry out conformity assessments in accordance with the relevant conformity assessment procedures.
2. A notified body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.
3. A notified body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.
4. A notified body must respect the degree of rigour and the level of protection required to ensure that the pyrotechnic article is in conformity with the requirements of these Regulations.
5. A notified body carrying out a conformity assessment must—
 - (a) assign a registration number in the form specified in Article 1 of Commission Implementing Directive 2014/58/EU setting up a system for the traceability of pyrotechnic articles (as amended from time to time), which identifies the pyrotechnic articles which have been subject to a conformity assessment and their manufacturers; and
 - (b) maintain a register with the registration number of the pyrotechnic articles in respect of which it has issued a certificate of conformity or granted an approval and keep entries made in the register for a period of at least 10 years beginning on the day on which the certificate of conformity was issued or the approval was granted.
6. After 16th October 2016—
 - (a) an entry made in the register referred to in paragraph 5(b) must contain at least the information set out in the Annex to Commission Implementing Directive 2014/58/EU (as amended from time to time);
 - (b) the notified body must—
 - (i) keep the information referred to in sub-paragraph (a) in respect of a pyrotechnic article for a period of at least 10 years beginning on the day on which the certificate of conformity was issued or the approval was granted; and
 - (ii) update the register referred to paragraph 5(b) and make it publicly available on the internet.
7. Where a notified body finds that essential safety requirements or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity or grant an approval.
8. Where, in the course of the monitoring of conformity following the issue of a certificate or grant of an approval, a notified body finds that a pyrotechnic article is no longer in conformity with the essential safety requirements, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate of conformity or approval (if necessary).
9. Where the notified body has required a manufacturer to take corrective measures and the manufacturer has failed to take such measures, or those measures have not had the required effect, the notified body must restrict, suspend or withdraw any certificate of conformity or approval.
10. Paragraph 11 applies where a notified body is minded to—
 - (a) refuse to issue a certificate of conformity or grant an approval; or
 - (b) restrict, suspend or withdraw a certificate of conformity or approval.

Status: This is the original version (as it was originally made).

- 11.** Where this paragraph applies, the notified body must—
 - (a) give the person applying for the certificate or approval, or the person to whom the certificate or approval was given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
 - (b) give the person applying for the certificate or approval, or the person to whom the certificate or approval was given, an opportunity to make representations within a reasonable period from the date of the notice; and
 - (c) take account of any such representations before taking its decision.
- 12.** A notified body must inform the Secretary of State of—
 - (a) any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval;
 - (b) any circumstances affecting the scope of, or conditions for, notification under regulation 44 (notification);
 - (c) any request for information which it has received from an enforcing authority regarding conformity assessment activities; and
 - (d) on request, conformity assessment activities performed within the scope of its notification under regulation 44 and any other activity performed, including cross-border activities and subcontracting.
- 13.** A notified body must make provision in its contracts with its clients enabling such clients to appeal against a decision—
 - (a) to refuse to issue a certificate of conformity or grant an approval; or
 - (b) to restrict, suspend or withdraw a certificate of conformity or approval.
- 14.** A notified body must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same pyrotechnic articles with relevant information on issues relating to negative and, on request, positive conformity assessment results.
- 15.** A notified body must participate in the work of any notified body coordination group established under the Directive, directly or by means of its designated representatives.