

SCHEDULE 11

Regulation 2(1)

Requirements of notified bodies

1. A conformity assessment body must be established in the United Kingdom and have legal personality.

2. A conformity assessment body must be a third-party body independent of the organisation or the watercraft it assesses.

3. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment must not be the—

- (a) designer;
- (b) manufacturer;
- (c) supplier;
- (d) installer;
- (e) purchaser;
- (f) owner;
- (g) user; or
- (h) maintainer

of the watercraft which the conformity assessment body assesses, nor the representative body of any of these persons.

5. Nothing in paragraph 4 of this Schedule will preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.

6. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment must not be directly involved in the—

- (a) design or manufacture;
- (b) marketing;
- (c) installation;
- (d) use or maintenance

of the watercraft, or represent the persons engaged in those activities.

7. A conformity assessment body must not engage in any activity, including consultancy services, that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified.

8. Conformity assessment bodies must ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

9. Conformity assessment bodies and their personnel must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and be free from all pressures and inducements, particularly financial, which

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might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

10. A conformity assessment body must be capable of carrying out the conformity assessment tasks assigned to it by regulations 42 (applicable conformity assessment procedures) to 52 (conformity assessments carried out under module C (conformity to type based on internal production control)) and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

11. At all times and for each conformity assessment procedure and each kind or category of products in relation to which it has been notified, a conformity assessment body must have at its disposal, the necessary—

- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities;
- (b) descriptions of procedures in accordance with which conformity assessment is carried out ensuring the transparency and ability of reproduction of those procedures;
- (c) policies and procedures in place to distinguish between tasks that it carries out as a notified body and other activities;
- (d) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the technology of the watercraft in question and the mass or serial nature of the production process; and
- (e) means to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and must have access to all necessary equipment and facilities to perform these activities.

12. The personnel responsible for carrying out the conformity assessment activities must have—

- (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;
- (b) satisfactory knowledge of the requirements of the assessments that they carry out and adequate authority to carry out those assessments.