
Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements (notified under document C(2009) 7547) (Text with EEA relevance) (2009/750/EC), ANNEX V. (See end of Document for details)

ANNEX V

MINIMUM CRITERIA WHICH MUST BE TAKEN INTO ACCOUNT BY MEMBER STATES WHEN NOTIFYING BODIES

(a)

The body shall be accredited according to the EN 45000 series of standards.

(b) The body and the staff responsible for the checks must carry out the checks with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which could affect their judgement or the results of their inspection, in particular from persons or groups of persons affected by the results of the checks.

(c) The body, its Director and the staff responsible for carrying out or supervising the checks may not become involved, either directly or as authorised representatives, in the design, manufacture, construction, marketing or maintenance of the interoperability constituents or in their use. This does not exclude the possibility of an exchange of technical information between the manufacturer or constructor and that body.

(d) The body must possess or have access to the means required to perform adequately the technical and administrative tasks linked with the checks.

(e) The staff responsible for the checks must possess:

- proper technical and vocational training;
- a satisfactory knowledge of the requirements relating to the checks that they carry out and sufficient practice in those checks;
- the ability to draw up the certificates, records and reports which constitute the formal record of the inspections conducted.

(f) The independence of the staff responsible for the checks must be guaranteed. No official must be remunerated either on the basis of the number of checks performed or of the results of those checks.

(g) The body must take out civil liability insurance unless that liability is covered by the State under national law or unless the checks are carried out directly by that Member State.

(h) The staff of the body are bound by professional secrecy with regard to everything they learn in the performance of their duties (with the exception of the competent administrative authorities in the State where they perform those activities) in pursuance of Directive 2004/52/EC and this Decision or any provision of national law implementing the Directive.

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