
Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/779. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

ANNEX I

Criteria for accreditation or recognition of certification bodies involved in the assessment and award of ECM certificates

1. ORGANISATION

The certification body shall document its organisational structure, showing the duties, responsibilities and authorities of management and other certification staff and any committees. Where the certification body is a defined part of a legal entity, the structure shall include the line of authority and the relationship to other parts within the same legal entity.

2. INDEPENDENCE

The certification body shall be organisationally and functionally independent in its decision-making from railway undertakings, infrastructure managers, keepers, manufacturers and entities in charge of maintenance and shall not provide similar services.

The independence of the staff responsible for the certification checks shall be guaranteed. No official shall be remunerated on the basis of either the number of checks performed or the results of those checks.

3. COMPETENCE

The certification body and the staff deployed shall have the required professional competence, in particular regarding the organisation of the maintenance of vehicles and the appropriate maintenance system. The specific requirements addressing the personnel involved in the management and performance of assessment and in the certification shall be described in the accreditation scheme.

4. IMPARTIALITY

The certification body's decisions shall be based on objective evidence of conformity or non-conformity obtained by the certification body, and shall not be influenced by other interests or by other parties.

5. RESPONSIBILITY

The certification body is not responsible for ensuring ongoing conformity with the requirements for certification.

The certification body has the responsibility to assess sufficient objective evidence upon which to base a certification decision.

6. OPENNESS

A certification body shall provide public access to, or disclosure of, appropriate and timely information about its audit process and certification process. It shall also provide information about the certification status (including the granting, extension, maintenance, renewal, suspension, reduction in scope, or withdrawal of certification) of any organisation, in order to develop confidence in the integrity and credibility of certification. Openness is a principle of access to, or disclosure of, appropriate information.

7. CONFIDENTIALITY

To gain the privileged access to information needed to assess conformity with the requirements for certification adequately, a certification body shall keep confidential any commercial information about a client.

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8. RESPONSIVENESS TO COMPLAINTS

The certification body shall establish a procedure to handle complaints about decisions and other certification-related activities.

9. LIABILITY AND FINANCING

The certification body shall be able to demonstrate that it has evaluated the risks arising from its certification activities and that it has adequate arrangements (including insurance or reserves) to cover liabilities arising from its operations in each field of its activities and the geographic areas in which it operates.

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Changes and effects yet to be applied to :

- Regulation revoked in part by [S.I. 2020/786](#) reg. 11