

Technical information on NOBO issues

Those who read Nigel Moore's article on the threats to the NOBO (Notified Bodies) industry may be interested in this further study of NOBO issues by Roger Wright-Morris, the driving force behind the ConcordanceOUT.eu, a useful resource for Brexit issues. It is rather a technical piece, but nonetheless a helpful resource for anyone either involved in NOBOs themselves or who knows someone else who is.

BSI and BSI ACCREDITATION and NOTIFIED BODIES

SOME QUESTIONS HAVE BEEN RAISED BY CONCORDANCEOUT.EU and the answers: How will BSI certification be recognized? [Either, by EU and/or by non EU?]

We should separate and be very clear on the issues of (i) Standards and Certification and (ii) EU Certification by NOBO's. Standards, with BSI as the UK's national standards body, are the businesses that are relevant here. There are other parts of the BSI Group that provide certification services, including those of being a Notified Body*. [NOBO]

This part comprises an answer on standards, but it will give the reader some very unofficial thoughts on certification/NOBO's too.

Standards are good practice set down by experts (industry, consumers, govt, testing people, unions etc etc) through processes run by independent and very often private standards bodies, like BSI, and used voluntarily.

Certification is the process of a third party organization

stating that a product, service or process meets a standard.

On Standards, this is the relevant EU Brexit question about continued membership for **BSI** of CEN and CENELEC , the EU's standards bodies. It is to be understood that the directors of BSI remain very positive about achieving this, in good time, through a change of the CEN and CENELEC statutes. The BSI is speaking again to the CEN and CENELEC Board meetings in June 2018 (BSI is a member of the Boards of the two organizations).

BSI discussions with UK government have also been positive (helped in terms of the education mission to government that the BSI has been undertaking by the secondments made). UK government understands the issues about standards and does not want to stand in the way of a BSI-designed solution, unless there is a significant political reason for so doing. It is to be hoped that there will be more, and specific, policy statements in the forthcoming UK government white paper.

On Certification generally and very unofficially, ConcordanceOUT.eu understands that this is a voluntary activity performed by **BSI** when businesses so request it.

BSI Assurance* certifies to a huge range of standards, as do other certifiers in this commercial market. These certifiers will most commonly be accredited to perform their certification function, through **UKAS, the United Kingdom Accreditation Service****.

BSI Assurance also has accreditation through other accreditation bodies around the world, reflecting the global nature of BSI Assurance's work. One example of this certification is the **BSI Kitemark**, which is well known.

POST-BREXIT BSI CERTIFICATION

Certification work by **BSI Assurance** can continue post-Brexit: these are business services used when businesses need them, **not EU regulatory requirements**. BSI's certificates for

whatever products or services will continue to be recognized post-Brexit as that accreditation will still be valid.

This **BSI Assurance** work is significantly different from **NOBOs** as Nigel Moore has mentioned, except as referred to below.***.

NOBOs undertake EU Regulatory Certification for EU conformity assessment

When a product is to be placed on the EU market, it has to meet certain regulatory laws (especially relating to safety), and if those laws are met, the product has free circulation in the EU and EEA market. To meet the EU law, the manufacturer has to go through a process of **conformity assessment**, to prove that the product will comply with relevant EU legislation. This may involve an element of mandatory testing by a third party organization, a **Notified Body**.

Notified Bodies are certification (and similar) bodies designated by Member States for this purpose. **There are some 200 UK NOBOs, and BSI Assurance*** for example is a NOBO for some 15 EU directives/regulations.** Remember that only an EU Member States that can designate NOBOs.

Accordingly please note carefully that: –

FROM day 1 post-Brexit all UK NOBOs will no longer be legitimate and official NOBOs; there will be – or could be challenges – to the validity of their certificates. [Accordingly, UK goods and planes so certified will not pass EU borders or fly!]

Walking out of the EU and relying on “WTO Rules” would not therefore be a solution to the government’s current BREXIT chaos. The route can only be through the EEA and EFTA. There may be a stopgap – and less satisfactory solution – in the arrangements for the proposed transition period but we do not have any details. Furthermore, what happens in December 2020 when the transitional arrangements come to an end?

Some countries have MRAs [Memoranda of Agreements] permitting them to have legitimate NOBOs, including in the EEA and also agreements with Canada, US and possibly Japan. This is something that UK could/should/must push for. The continued role of **UK NOBOs** is certainly a vital issue for the BREXIT negotiations.

**It is worth noting that UKAS has its own statute issue with its European body, EA