



Department for
Business, Energy
& Industrial Strategy



MEMORANDUM OF UNDERSTANDING

Between Department for Business, Energy &
Industrial Strategy and
United Kingdom Accreditation Service

May 2017

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Memorandum of Understanding

1. Purpose

- 1.1 To establish the way the parties to the Memorandum of Understanding (hereafter referred to as the “Memorandum”) will work together to maintain and promote a strong national accreditation service in the UK.
- 1.2 To clarify the roles and responsibilities of the parties to the Memorandum.
- 1.3 The parties are the Secretary of State for Business, Energy and Industrial Strategy (BEIS), on behalf of government as a whole, and the United Kingdom Accreditation Service (UKAS).

2. Background

- 2.1 UKAS was established in 1995 by the then Department for Trade and Industry (DTI), following a review of accreditation services in the UK, merging a number of public and private sector bodies to form a sole national body for the accreditation of conformity assessment bodies to carry out specific conformity assessment tasks. This status was recognised through a Memorandum of Understanding between DTI and UKAS.
- 2.2 Regulation EC 765/08 (Accreditation and Market Surveillance) of 9 July 2008 requires EU Member States to appoint a single National Accreditation Body (NAB) to operate accreditation, as defined in the Regulation, as a public authority activity.
- 2.3 Accreditation is defined in Regulation EC 765/2008 as an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity.
- 2.4 In response to Regulation EC 765/08, BEIS has appointed UKAS as the NAB for the UK via The Accreditation Regulations 2009 (Statutory Instrument: 2009/3155).

3. Scope of activity

- 3.1 The activities for which UKAS is appointed by the Secretary of State as the sole national accreditation body under the terms of SI 2009/3155, this Memorandum, and associated licensing agreement are set out at Appendix 1. Variations or amendments to the list will only have effect if agreed in writing between the parties hereto.
- 3.2 While Regulation EC 765/08 does not prevent NABs (or any other organisation) offering accreditation to standards that are not harmonised, such accreditation is not covered by the Regulation. The activities not covered by Regulation EC 765/08 for which UKAS is recognised by the Secretary of State as the sole national accreditation body under the terms of this Memorandum and associated licensing agreement are set out in Appendix 2. Variations or amendments to the list will only have effect if agreed in writing between the parties hereto.

- 3.3 UKAS will not undertake accreditation outside the scope of the activities listed in Appendices 1 and 2.

4. Governance and accountability

- 4.1 UKAS will operate the accreditation activities for which it is appointed and recognised as the national accreditation body under paragraphs 3.1 and 3.2, in accordance with the requirements of Regulation EC 765/08. It will provide such information as is reasonably requested by the Secretary of State to demonstrate that it is operating in accordance with Regulation EC 765/08 and this Memorandum.
- 4.2 UKAS will operate as a not for profit organisation as described in Regulation EC 765/08.
- 4.3 UKAS will operate in compliance with relevant national, European and international standards, regulations, guides and requirements, and with the terms of this Memorandum. It will be subject to periodic third party audit for the purposes of demonstrating such compliances. UKAS will accredit against publicly available criteria agreed by the Secretary of State as set out in the Appendices to this Memorandum.
- 4.4 UKAS will in all its activities ensure that it takes fully into account the public interest in accreditation, and will seek the involvement of a fair and acceptable balance of all relevant stakeholder interests in its work.
- 4.5 In all its work, UKAS will act in a manner consistent with its status as the UK's national accreditation body. It will maintain integrity and impartiality in the way it applies the relevant standards and judges conformance to those standards. It will not show undue preference, or exercise undue discrimination with respect to the provision of any service in relation to terms and conditions.
- 4.6 Both parties accept the need to work closely together to provide effective, efficient accreditation in the UK; to work together in the spirit of mutual trust, support and respect; and to ensure that when difficulties or differences arise they are addressed promptly, honestly and openly.
- 4.7 Both parties recognise the importance of consultation. All significant new initiatives and changes in working practices will be openly discussed between BEIS and UKAS and, where possible, be open to wider consultation.

5. Fees and charging

- 5.1 UKAS may charge fees to cover costs and other expenditure and will ensure that its fee charging arrangements are fair and reasonable. UKAS will publish details of its fees and charges.
- 5.2 Fee charging arrangements will be reviewed periodically by the UKAS Board.

6. Monitoring of UKAS

- 6.1 Articles 4.9 and 9.2 of Regulation EC 765/08 require Member States to monitor their National Accreditation Bodies. Appendix 3 to this Memorandum sets out the basis for this BEIS monitoring of UKAS.

7. Appeals

- 7.1 UKAS will, in consultation with and with the approval of the Secretary of State, establish impartial and objective procedures and policies for the resolution of appeals made against its accreditation decisions. Such procedures and policies will, where appropriate, incorporate the provisions for appeals set out in SI 2009/3155.

8. International

- 8.1 UKAS will promote international recognition for the UK system of accreditation. In its work, UKAS will seek to encourage the adoption of UK practice as the accepted international model.
- 8.2 UKAS will be the United Kingdom member of the European cooperation for Accreditation (EA), the International Laboratory Accreditation Co-operation (ILAC), the International Accreditation Forum (IAF) and, with the subsequent agreement of the Secretary of State, such other international accreditation organisations as may emerge. UKAS will subject itself to Peer Evaluations organised by the body recognised under Article 14 of Regulation EC 765/08 that, for the time being, is EA.
- 8.3 The Secretary of State recognises UKAS as the UK body which will, where appropriate, negotiate mutual recognition agreements with other national accreditation bodies. The Secretary of State will provide appropriate advice to UKAS in the negotiation of these agreements. Where the involvement of government is required for the negotiation and signature of international agreements, UKAS will provide appropriate advice to the Secretary of State.
- 8.4 Notwithstanding the special position of UKAS within the UK, the Secretary of State will encourage recognition of certificates issued by those national accreditation bodies with whom UKAS has agreed mutual recognition arrangements.
- 8.5 In carrying forward its international work under paragraphs 9.2 and 9.3, UKAS will ensure that it seeks and considers advice from a full cross-section of interests, including any relevant advisory committee established by UKAS. It will consult government on all international accreditation issues where there is a significant government or wider public interest involvement whether as a result of a request from government or otherwise.

9. Support from government

- 9.1 The Secretary of State will use appropriate means to support UKAS in the achievement of its objectives. In particular, the Secretary of State will encourage conformity assessment bodies to seek accreditation, including those upon whose services the government relies, both for procurement and regulatory purposes. The Secretary of State will encourage other purchasing organisations in both the public and private sectors to support these unified arrangements.
- 9.2 Where testing, inspection or certification is required to demonstrate compliance with national or European Community legislation or guidance, or any similar rules or recommendations of any international institution, government will normally specify the use of laboratories, inspection bodies or certification bodies accredited or recommended by UKAS.

- 9.3 The activities of UKAS will generally be self-financing from fees charged to customers. However, the Secretary of State will consider requests from UKAS for financial assistance to assist the initial establishment of new services, where these are required to support government policy, and activities aimed at raising the awareness of accreditation, where it would be unreasonable for UKAS to meet these costs from its own resources; as well as requests from UKAS for financial assistance on a project specific basis in respect of UKAS' international activities.
- 9.4 Government representatives will participate as appropriate in the activities of UKAS, drawing upon the resources and expertise within government to do so.
- 9.5 The Secretary of State, where practicable, will keep UKAS informed of changes and developments in government policy in respect of accreditation, and will, wherever practicable, make changes following consultation with UKAS. The Secretary of State will keep UKAS informed of any intergovernmental discussions concerned with accreditation unless there are reasons of confidentiality for not doing so.

10. Support from UKAS

- 10.1 UKAS will provide all reasonable advice to the Secretary of State and other government Departments on matters connected with accreditation (including advice to government on the selection of bodies for notification under EC Directives), both on its own initiative and where requested to do so by government. UKAS will provide government with access on request to its advisory committees for consultation purposes in connection with policy issues.

11. Status of the Memorandum

- 11.1 The Memorandum is an operational document and is not legally binding. BEIS and UKAS have by signing the Memorandum agreed to use all reasonable endeavours to comply with the terms and spirit of the Memorandum.
- 11.2 The Secretary of State and UKAS will meet from time to time to discuss and review the operation of the Memorandum.
- 11.3 This Memorandum is effective from 1 May 2017. It may be amended by agreement or terminated by either party on 12 months notice following full consultation with the other and, where UKAS is the recipient of such a notice to terminate, with each of UKAS' members for the time being. It may be terminated at any time by the Secretary of State for a breach of its provisions provided that the Secretary of State has informed UKAS of the nature of the breach, and given UKAS a reasonable opportunity for the breach to be remedied.
- 11.4 This Memorandum may be terminated immediately upon the termination of the separate and legally binding agreement governing the use by UKAS of the Crown symbol.

Signed by,



Keith Hodgkinson
Deputy Director, BEIS

Signed on 1 April 2017, on behalf of THE SECRETARY OF STATE FOR BUSINESS,
ENERGY & INDUSTRIAL STRATEGY

Signed by,


Paul Stennett

Paul Stennett
Chief Executive, UKAS

Signed on 1 April 2017, on behalf of UNITED KINGDOM ACCREDITATION SERVICE

Appendix 1 (version 6 – April 2017)

In accordance with paragraph 3.1 of this Memorandum, the activities for which UKAS is recognised by the Secretary of State as the sole national body under the terms of this Memorandum and associated licensing agreement and Regulation EC 765/08 are set out in this Appendix. Variations or amendments to the list will only have effect if agreed in writing between the parties hereto.

- The accreditation to the International Standard ISO/IEC 17025 of laboratories carrying out tests and/or calibrations, including sampling;
- The accreditation of inspection bodies to ISO/IEC 17020;
- The accreditation of certification bodies to ISO/IEC 17021-1 (and ISO/IEC 17021 until the end of the transition period¹) for the certification of management systems²;
- The accreditation of certification bodies to ISO/IEC 17065 for the certification of products, processes and services;
- The accreditation of certification bodies to ISO/IEC 17024 for the certification of persons;
- The accreditation of environmental verifiers under EU Council Regulation (EC) No.1221/2009 on an Eco-Management and Audit Scheme (EMAS). Accreditation for EMAS uses ISO/IEC 17021 and the Regulation as criteria³;
- The accreditation of medical laboratories to ISO 15189;
- The accreditation of medical reference measurement laboratories to ISO/IEC 17025 in conjunction with ISO 15195;
- The accreditation of point-of-care testing providers to ISO 15189 in conjunction with ISO 22870;
- The accreditation of greenhouse gas validation and verification bodies to ISO 14065; and
- The accreditation of providers of proficiency testing schemes to ISO/IEC 17043.

¹ ISO/IEC 17021-1 replaces ISO/IEC 17021, the transition period ends 15 June 2017

² A complete list of management system certification standards and normative documents covered under UKAS accreditation is maintained on the UKAS website: www.ukas.com

³ It is recognised that accreditation for EMAS falls outside of the EA Multi Lateral Agreement (MLA) but is monitored through the Forum of Accreditation and Licensing Bodies and is recognised by the European Commission as accreditation.

Signed by,



Keith Hodgkinson
Deputy Director, BEIS

Signed on 1 April 2017, on behalf of THE SECRETARY OF STATE FOR BUSINESS,
ENERGY & INDUSTRIAL STRATEGY

Signed by,



Paul Stennett

Paul Stennett
Chief Executive, UKAS

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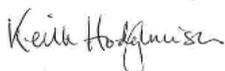
Appendix 2 (version 7 – April 2017)

In accordance with paragraph 3.2 of this Memorandum, the activities for which UKAS is recognised by the Secretary of State as the sole national body under the terms of this Memorandum and associated licensing agreement but which are not covered under the terms of Regulation EC 765/08 are set out in this Appendix. Variations or amendments to the list will only have effect if agreed in writing between the parties hereto.

- The accreditation of reference material producers to ISO Guide 34 (and the new International Standard ISO 17034¹);
- The accreditation of imaging services to the ISAS standard; and
- The accreditation of physiological diagnostics services to the IQIPS standard.

¹ This new standard shall be transferred to Appendix 1 once it has been harmonised and therefore covered by Regulation EC 765/08

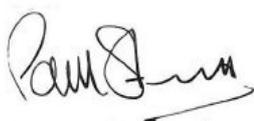
Signed by,



Keith Hodgkinson
Deputy Director, BEIS

Signed on 1 April 2017 on behalf of THE SECRETARY OF STATE FOR BUSINESS, ENERGY & INDUSTRIAL STRATEGY

Signed by,



Paul Stennett
Chief Executive, UKAS

Signed on 1 April 2017 on behalf of UNITED KINGDOM ACCREDITATION SERVICE

Appendix 3: BEIS monitoring of UKAS as the NAB

Introduction

In accordance with paragraph 4.1 of this Memorandum, UKAS will provide such information as is reasonably requested by the Secretary of State to demonstrate that it is operating in accordance with Regulation EC 765/08.

On a regular basis UKAS will provide to BEIS the following documentation, where relevant within 10 working days of publication:-

- UKAS annual business plan, annual report and accounts;
- UKAS look-forward business plan;
- An annual report on appeals received;
- Quarterly reports on complaints received;
- Quarterly reports on customer satisfaction data;
- Advance notice of changes to fees and charges.

In addition to requesting written information BEIS will monitor UKAS through:

- Regular meetings;
- Participation in UKAS activities; and
- Independent reviews

Regular meetings

Regular meetings between BEIS and UKAS will be conducted at three levels, between the:

- UKAS Chairman and BEIS Director for Innovation;
- UKAS Chief Executive and the Head of BEIS' Standardisation Policy; and
- UKAS External Affairs Manager and the BEIS Advisor on Accreditation Policy.

Items that will be discussed at regular meetings may include: UKAS business performance; business plans and accounts; business strategy; appeals; complaints; customer satisfaction; possible expansion into new areas for accreditation; developments in government policy; BEIS assistance; information received from other government departments; and the international accreditation infrastructure.

BEIS will also regularly meet representative bodies to obtain feedback.

Participation in UKAS activities

BEIS will participate directly as a UKAS Member e.g. attending UKAS AGMs, as a member of the UKAS Policy Advisory Committee; and any other relevant activity that is established in the future.

Independent reviews

UKAS will provide BEIS with a copy of the full European co-operation for Accreditation (EA) Peer Evaluation reports on UKAS.

When EA peer evaluates UKAS, BEIS may ask the evaluation team to review, or audit, aspects of UKAS not normally covered by a Peer Evaluation.

BEIS expects to continue periodically to employ a third party independent organisation to review aspects of UKAS' performance.



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