

**MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARY OF STATE FOR
TRADE AND INDUSTRY AND THE UNITED KINGDOM ACCREDITATION SERVICE**

Preamble

The Secretary of State for Trade and Industry ("Secretary of State") and the United Kingdom Accreditation Service ("UKAS") make the following Memorandum of Understanding ("Memorandum") which records their joint commitment to maintaining and developing a strong and unified national accreditation service in the UK as a means of promoting quality and improving the competitiveness of UK industry.

Article 1

(Recognition as sole national body)

The Secretary of State recognises UKAS as the sole national body, for the duration of this Memorandum, for the assessment and accreditation of conformity assessment bodies whose activities include sampling, testing, calibration, inspection or certification, including the certification of products, personnel or systems (including environmental management and audit systems). 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 are set out at Appendix 1. Variations or amendments to the list shall only have effect if agreed in writing between the parties hereto. The Secretary of State will not establish or encourage the establishment by others of another body to carry on these accreditation functions in the UK.

Article 2

(Government support for UKAS)

(i) The Secretary of State will use appropriate means to support UKAS in the achievement of its objectives. In particular, he 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.

(ii) The Secretary of State will ensure that, where testing, inspection and certification is required to demonstrate compliance with Directives, Regulations, Decisions, Opinions or Recommendations of the European Community, or any regulations, guidelines or 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.

(iii) 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 where it would be unreasonable for UKAS to meet these costs from its own resources.

(iv) Government representatives will participate as appropriate in the activities of UKAS, drawing upon the resources and expertise within Government to do so.

(v) 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.

Article 3

(Recognition of certificates from mutual recognition partners)

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.

Article 4

(Provision of advice to Government)

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.

Article 5

(UKAS as UK member of EAL, ILAC, EAC and IAF)

UKAS will be the United Kingdom member of the European co-operation for the Accreditation of Laboratories (EAL), the International Laboratory Accreditation Conference (ILAC), the European Accreditation of Certification (EAC), the International Accreditation Forum (IAF) and, with the subsequent agreement of the Secretary of State, such other international accreditation bodies as may emerge. The Secretary of State will consider requests from UKAS for financial assistance on a project specific basis in respect of UKAS' international activities.

Article 6

(UKAS role in the negotiation of mutual recognition agreements and other international agreements)

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.

Article 7

(UKAS obligation to seek and consider advice in relation to international work)

In carrying forward its international work under Articles 5 and 6, 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.

Article 8

(Appeals mechanism)

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.

Article 9

(Promotion of UK system of accreditation)

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.

Article 10

(UKAS obligation to act in accordance with national and international standards)

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 compliance's. UKAS will accredit against publicly available criteria agreed by the Secretary of State.

Article 11

(Obligation to act with integrity)

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, fee charging arrangements or otherwise, and will otherwise ensure that its fee charging arrangements are fair and reasonable.

Article 12

(UKAS to take wider public interest into account)

UKAS will in all its activities ensure that it takes fully into account the public interest in accreditation, and will seek a fair and acceptable balance of all relevant interests in its work.

Article 13

(Review of Memorandum)

The Secretary of State and UKAS will meet from time to time to discuss and review the operation of the Memorandum

Article 14

(Duration of Memorandum)

This Memorandum is effective from 1 August 1995. 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. 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.

Article 15

(Legal effect of the Memorandum of Understanding)

It is recognised and accepted by the Secretary of State and UKAS that this Memorandum does not create any rights, liabilities or obligations which would have binding effect in law.

SIGNED by



on behalf of THE SECRETARY OF STATE FOR TRADE AND INDUSTRY

SIGNED by



on behalf of UNITED KINGDOM
ACCREDITATION SERVICE

APPENDIX 1

The following are the activities for which UKAS is recognised by the Secretary of State as the sole national body under the terms of the memorandum:

- The accreditation to the International Standard ISO/IEC 17025 of laboratories carrying out tests and/or calibrations, including sampling;
- The accreditation of reference material producers to ISO Guide 34;
- The accreditation of medical laboratories to ISO 15189;
- The accreditation of certification bodies to the European Standard EN 45012 for the certification of quality management systems in accordance with ISO 9001* and, in the field of medical devices, ISO 13485;
- The accreditation of certification bodies to EN 45011 for the certification of products;
- The accreditation of certification bodies to ISO/IEC 17024 for the certification of persons;
- The accreditation of certification bodies to ISO/IEC Guide 66 for the certification of environmental management systems to ISO 14001;
- The accreditation of environmental verifiers under EU Council Regulation (EC) No 761/2001 on an Eco-Management and Audit Scheme;
- The accreditation of certification bodies to EN 45012 for the certification of information security management systems to ISO/IEC 27001/British Standard BS 7799:Part 2
- The accreditation of certification bodies to EN 45012 for the certification of IT service management systems to ISO/IEC 20000-1;
- The accreditation of certification bodies to EN 45012 for the certification of food safety management systems to ISO 22000;

Continued

* This includes, until 15 December 2006, quality management systems in the automotive field to QS 9000.

- The accreditation of certification bodies to EN 45012 for the certification of occupational health and safety management systems to Occupational Health and Safety Assessment Series specification OHSAS 18001;
- The accreditation of inspection bodies to ISO/IEC 17020;
- The accreditation of attestors and attestation bodies to EN 45503 for the assessment of contract award procedures of entities operating in the water, energy, transport and telecommunications sectors;
- The accreditation of providers of proficiency testing schemes to ISO/IEC Guide 43-1.

Revised on 23 January 06 and duly authorised by:

Signature R Brightwell
R Brightwell, Director, Standards and Technical Regulations on behalf of the Secretary of State

Signature P Stennett
P Stennett, Chief Executive, UKAS on behalf of the United Kingdom Accreditation Service