

PCN and the EU-UK trade agreement

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Following the signing of the EU-UK Trade and Cooperation Agreement on 24 December 2020, the British Institute of Non-Destructive Testing (BINDT) wishes to clarify and confirm the following points with regard to certificates issued under its Personnel Certification in Non-Destructive Testing (PCN) scheme.

In summary:

- The UK's departure from the EU has no impact on ISO standards and does not affect the validity of PCN certificates issued. PCN certification continues to be widely accepted and highly respected throughout the industrialised world.
- However, as a result of the decision by the EU to reject the UK's request for broad recognition of conformity assessments that would allow UK-based notified bodies² to certify products to EU standards, new and renewal PCN certificates issued after 31 December 2020 can no longer be used by personnel to carry out non-destructive tests on permanent joints for pressure equipment in categories III and IV in accordance with section 3.1.3 of schedule 2 under the European Pressure Equipment Directive (PED).
- It is understood that all valid certificates issued before 1 January 2021 may – unless otherwise advised – continue to be valid for their full scope of application as detailed on each individual certificate until their expiry.
- BINDT is currently engaged in negotiations with a European organisation to enable certificates to be issued by a third-party organisation recognised by an EU Member State, thus satisfying the EU requirement for certificates delivered by a body which is recognised as an EU Notified Body. These talks are at an advanced stage and it is anticipated that a solution will be in place within the next few weeks. More information will be provided when arrangements have been finalised. Watch www.bindt.org for further announcements.
- With regard to pressure equipment supplied in or into Great Britain, the UK has established a new framework for UK-based bodies to assess pressure equipment and assemblies against GB rules. Existing UK notified bodies are granted new UK 'approved body' status and listed on a new UK database. This includes recognised third-party organisations (RTPO), so BINDT will be granted UK identification status.

1. General

1.1. The British Institute of Non-Destructive Testing is an accredited Independent Certifying Body complying with the criteria of the international standard ISO 17024 (Conformity assessment – General requirements for bodies operating certification of persons), and offering a flexible, reliable and cost-effective method of satisfying NDT personnel qualification and certification standard ISO 9712:2012.

1.2. The UK's departure from the EU has no impact on ISO standards and does not affect the validity of PCN certificates issued. PCN certification continues to be widely accepted and highly respected throughout the industrialised world.

1.3. The PCN certification scheme offers certification of conformity of personnel accredited by the UK Accreditation Service (UKAS) and UKAS will remain a full member of European and International Mutual Recognition Agreements, such as the European cooperation for Accreditation (EA), International Accreditation Forum (IAF) and International Laboratory Accreditation Cooperation (ILAC), which means that all UKAS-accredited certificates and reports (with the exception of those related to EU Regulations/Directives and Schemes - see below) shall continue to be recognised within Europe and around the world.

2. European Pressure Equipment Directive (PED)

2.1. Please note that the following statements only apply to personnel using their PCN ISO 9712 certification to carry out non-destructive tests on permanent joints for pressure equipment in categories III and IV in accordance with section 3.1.3 of schedule 2 under the European Pressure Equipment Directive (PED).

2.2. During the time that the UK was a member of the European Union, BINDT was appointed as a Recognised Third-Party Organisation (RTPO) under regulation 20 of the European Pressure Equipment Regulations 1999, which implement the provisions of Directive 2014/68/EU of the European Parliament concerning pressure equipment.

2.3. According to EU document: *Readiness notice for stakeholders: Withdrawal of the UK and EU rules in the field of industrial products*¹ 'As of the end of the transition period, UK Notified Bodies² will lose their status as EU Notified Bodies and will be removed from the Commission's information system on notified organisations (NANDO database). As such, UK bodies will not be in a position to perform conformity assessment tasks pursuant to Union product legislation as of the end of the transition period'.

It continues: 'When the applicable conformity assessment procedure requires or provides for the possibility of third-party intervention, a certificate delivered by a body which is recognised as an EU Notified Body at the time of the placing of that product on the market will be required for products placed on the market as of the end of the transition period'.

¹ https://ec.europa.eu/growth/content/brexit-%E2%80%93-guidance-stakeholders-impact-field-industrial-products_en

² Also applies to certificates or approvals issued by a user inspectorate or a recognised third-party organisation (RTPO) designated by the UK authorities under Directive 2014/68/EU of the European Parliament.

- 2.4. In the same EU document¹ it states: "... an individual product placed on the UK market according to this definition before the end of the transition period can still be made available (e.g. can continue to be supplied for distribution, consumption or use), put into service (where applicable) and used in the EU after the end of the transition period, and vice-versa". It is thus understood that all valid certificates issued before 1 January 2021 may – unless otherwise advised – continue to be valid for their full scope of application as detailed on each individual certificate until their expiry.
- 2.5. BINDT is currently engaged in negotiations with a European organisation to enable certificates to be issued by a third-party organisation recognised by an EU Member State. These talks are at a very advanced state and it is anticipated that a solution will be in place early in 2021. More information will be provided when arrangements have been finalised.

3. Pressure equipment supplied in or into Great Britain after 1 January 2021

- 3.1. According to UK government Department for Business, Energy and Industrial Strategy document: *Pressure Equipment (Safety) Regulations 2016 (updated November 2020*³ 'the UK has established a new framework for UK-based bodies to assess pressure equipment and assemblies against GB rules. Existing UK notified bodies are granted new UK 'approved body' status and listed on a new UK database. This includes recognised third-party organisations (RTPO) and user inspectorates (UI). There is no need for existing UK notified bodies, RTPO or UI to seek re-accreditation in order to benefit from UK identification status'.
- 3.2. Approved bodies, RTPOs and UIs can assess products and processes for the UK market against UK essential safety requirements (which are, as yet, substantially the same as EU essential requirements) with respect to the activities for which they have been approved.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938223/Guide-to-pressure-equipment-regulations-2016.pdf