Management of impartiality

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Contents

1. Definitions....3
2. Purpose....3
3. General....3
4. Managing impartiality....4
5. Impartiality committee....6
6. Advisory committee....10

1. Definitions

The in this document mentioned terms are defined in RD.004 (EMCI Register list of terms and conditions).

2. Purpose

This document regulates how EMCI Register will safeguard impartiality in the conformity assessment process.

3. General

3.1

EMCI Register will at all times ensure the presence of objectivity by following the herewith explained risk and policies for impartiality. To ensure this, the conformity assessment process is handled according to the following terms:

- Freedom from favoring
- Independence
- Neutrality
- Fairness
- Undesired attachment
- Openness
- Transparency

3.2

EMCI Register will at all times follow the most up to date RD.001 (Mission statement) and its values so as to ensure that activities of EMCI Register will not harm impartiality.

3.3

Conformity assessment activities shall be undertaken impartially. EMCI Register is responsible for the impartiality of its conformity assessment activities and does not allow commercial, financial, or other pressures to compromise impartiality.

4. Managing impartiality

4.1

EMCI Register has conducted a risk assessment that described the current risks to the organization and the implemented controls EMCI Register has taken to ensure minimum risk.

4.2

Aside from this, other documents such as RD.001 (Mission statement) describe the limited scope EMCI Register operates in and that it does not produce certified products, services etc.

4.3

EMCI Register will ensure that personnel whom have engaged in consultancy in the product scope of EMCI Register shall not be involved in the conformity assessment process, for the product that they have consulted, for a minimum of 1 year. This one-year period must be applied from the date the consultancy was provided.

4.4

Board members, personnel, both internal and external, contractors, committee members, and any other person or organization representing EMCI Register in any way, are required to sign the code of conduct which binds them to reveal any situation known to them that may present them or the conformity assessment body with a conflict of interest.

4.5

Information arising from 4.4. shall be directly reported to the committee for impartiality. Thus, ensuring that EMCI Register uses the information as input into identifying risks to impartiality raised by the activities of the personnel or the organizations that employ them mentioned in 4.4.

4.6

In order to ensure ongoing monitoring, the head of conformity assessment must judge that each issued certificate that the conformity assessment process as described in PD.001 (Conformity assessment process) was carried out impartially. If the head of conformity assessment identifies a risk or breach to impartiality it must be reported to the committee of impartiality and the board.

4.7

4.7.1

The board is held to decide on reported notifications of impartiality, regardless of their origin. Risks to impartiality arising from actions of other persons, bodies, organizations of which the board becomes aware must also be handled.

4.7.2

The decision must be made within 10 working days after notification.

4.7.3

The decision can be:

- Direct corrective action,
- An instruction to the quality officer (see article 4.7.4)
- No action is required

4.7.4

The board will appoint the quality officer to investigate whether policy changes are required and if so, to implement them.

4.7.5

All actions must be documented and provided to the committee of impartiality.

4.7.6

The annual management review contains a review on impartiality as described in RD.002 (Quality manual).

4.8

EMCI Register ensures that activities of separate legal entities, with which EMCI Register or the legal entity of which it forms a part has relationships, do not compromise the impartiality of its conformity assessment activities. This is done by having those legal entities to sign the code of conduct and mission statement.

4.9

When the separate legal entity in article 4.8 offers or produces the certified product (including products to be certified) or offers or provides consultancy, EMCI Register's management personnel and personnel in the review and conformity assessment decision-making process shall not be involved in the activities of the separate legal entity.

4.10

EMCI Register will participate in conformity assessment scheme committees, such as the RSG Group which is to be considered as an awareness instrument including impartiality.

5. Impartiality committee

5.1

The committee is guided by but not limited to:

- ISO/IEC 17065
- EU Legislative acts (not limited to secondary legislation) stemming from the Notification scope of EMCI Register
- RD.001 (Mission statement)
- RD.002 (Quality manual)
- PD.001 (Conformity assessment process)
- PD.002 (Complaint procedure)
- PD.003 (Rules for committees)
- PD.004 (Rules for use marks and certificates)
- PD.005 (Management of impartiality) (This document)
- PD.006 (Code of conduct)
- PD.007 (Document management)
- ID.006 (Accreditation scope)

5.2

The impartiality committee is an autonomous overwatch committee tasked with monitoring the impartiality of EMCI Register.

5.3

The committee will consist of a minimum of 3 members, including the chairman, so that deadlocking is avoided. Members are not required to have a content-based background. Members may be appointed to solely represent a specific target or interest group in the conformity assessment scope of EMCI Register.

5.4

The committee may be advised by the advisory committee.

5.5

A permanent open invitation to be an observer within the impartiality committee is granted to i.c available for:

- EMCI Register's Notifying authorities.
- Scope based representatives from the European Union
- A hereto appointed representative of official and industry relevant professional bodies.

5.6

EMCI Register employees (internal or external) are excluded from membership of the impartiality committee, unless otherwise defined.

5.7

The committee for impartiality shall provide input on the following:

- The policies and principles relating to the impartiality of its conformity assessment activities;
- Any tendency on the part of a conformity assessment body to allow commercial or other considerations to prevent the consistent impartial provision of conformity assessment activities;
- Matters affecting impartiality and confidence in conformity assessment, including openness.

5.8

EMCI Register and its board is fully responsible for:

- That the committee can have input from a balanced representation of significantly interested parties, such that no single interest predominates:
    - Sector organizations/professional and bodies representing clients of EMCI Register or clients of EMCI Register conformity assessed products
    - Experts in the field of conformity assessment (but without links to EMCI Register)
    - Notifying authorities, governmental or accreditation bodies

  At a minimum, the following interested parties are identified by the EMCI Register board and must be represented:

    - Government bodies relevant to then notifications scope of EMCI Register.
    - Owners or (end) users of the product(s) certified by EMCI Register in accordance with the notification scope.
    - Producers relevant to the notification scope of EMCI Register.

  Indirect representation is valid and may be used to fulfill this requirement.

- That the committee can operate in accordance to PD.003 (Rules for committees)
- Providing the committee with unconditional, full access to company documents and other information on request to enable the fulfillment of its tasks. There shall be no limitations placed on what the committee can access.

5.9

5.9.1

The committee shall have the right to take independent action (e.g. informing authorities, accreditation bodies, stakeholders).

5.9.2

In taking appropriate action, the confidentiality requirements of MS.002 (General statute) with particular attention to PD.007 (Document management) relating to the client and conformity assessment body shall be respected.

5.9.3

Any action as mentioned in article 5.9.1 must be reported asynchronously to the EMCI Register board.

5.9.4

Input that is in conflict with the operating procedures of EMCI Register or other mandatory requirements should not be followed.

5.9.5

The board must document the reasoning behind the decision to not follow the input and maintain the document for review by appropriate personnel.

5.9.6

The board must send this decision to the committee of impartiality within 10 working days after creation.

5.10

The committee should meet once year. At the meeting the committee must evaluate existing controls and risks, identify (possible) new controls and risks, and reflect on the actuality and effectiveness of all controls and risks and must take into consideration all current and upcoming national and international legislation when doing so.

5.11

After each meeting, the committee informs EMCI Register of the required or advised changes or amendments.

5.12

If EMCI Register becomes aware of (potential) damage to its impartiality it will report this to the committee within 14 days.

5.13

If an employee declares any prior and/or present association on their own part, or on the part of their employer, with a(n):

- Supplier or designer of products, or
- Provider or developer of services, or
- Operator or developer of processes to the evaluation or conformity assessment of which they are to be assigned,

the committee shall investigate and document the risk to impartiality this employee causes/has caused.

5.14

If an employee reveals any situation known to them that may present them or the EMCI Register with a conflict of interest the committee shall investigate and document the risk to impartiality this employee causes/has caused.

5.15

5.15.1

The impartiality committee can have other tasks outside of the monitoring of impartiality.

5.15.2

The impartiality committee may be consulted on all changes to EMCI Register policy documents to give their advice.

5.15.3

The impartiality committee may be consulted during personnel reviews if the employee under review is a member of the board.

5.15.4

The impartiality committee may be appointed to handle an appeal to the decision on a complaint.

5.16

In each decision, the impartiality committee must document its considerations. The various interests from the EMCI Register sector must be documented as part of its considerations.

5.17
In addition to the above, EMCI Register implements ISO/IEC 17065:2012 Article 5.2.1 Note 2. In this regard, EMCI Register also appoints the NANDO applicable Notifying Authorities, or other relevant government bodies, as a secondary mechanism as described in before mentioned article and note. The exact way this appointment is operated in practice will be discussed with each relevant authority, but at a minimum a yearly update must be provided that will allow the authorities to make the appropriate decisions and perform their tasks.

6. Advisory committee

6.1
The EMCI Register advisory committee is responsible for providing EMCI Register with input on content-based grounds.
6.2
The advisory committee secretariat is operated by EMCI Register.
6.3
The advisory committee can consist of specific sub chambers each with individual rights, backgrounds and scopes.
6.4
Each chamber will operate in accordance with PD.003 (Rules for committees).
6.5
EMCI Register may initiate, suspend and terminate committees for any reason as required by the board.