



参考資料

第23回 IAF 総会報告会
財団法人 日本適合性認定協会

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): Steve Keeling

Statement of the issue: The following statement in IAF MD 5 is considered to be incorrect: Clause 2.1 and Clause 4.1 identifies that the time allocated for planning and report writing combined should not typically reduce the total on-site audit duration to less than 80% of the time shown in Tables QMS1 and EMS1. Clauses 2.1 and 4.1 are inconsistent with Clause 3.9.

Discussion:

Clauses 2.1 and 4.1 identify a relationship between onsite and off-site activities. As a consequence, the 80% should relate to the calculated audit duration not the duration specified in the tables as Clauses 2.1 and 4.1 currently read.

Clause 4.2 indicates that Table QMS1 and Figure QMS1 and Tables EMS1 and EMS2 provide a starting point for estimating the duration of an initial audit (Stage 1 + Stage 2) for QMS and EMS audits respectively.

Clause 4.3 refers to reductions and the requirements for justification. Clause 3.9 indicates that a reduction of audit duration would exceed 30% of the times established from tables QMS1 and EMS1.

As a simple example for QMS: Taking an organisation has 300 employees, the values in Table QMS1 indicate that the starting point should be 10 days. Based on Clause 3.9, this should not be reduced below seven days. However in accordance with Clauses 2.1 and 4.1 this should not be reduced below 8 days.

The process, in brief, should be: start with the applicable table, take in the pluses and minuses to come up with an audit duration. It is unlikely that the reduction of audit duration would exceed 30% of the times in Tables QMS 1 and EMS 1. Once the audit duration is calculated you then consider the time taken for planning and reporting which is part of the calculated time; the time for planning and report writing shall not reduce the time below 80% of the times calculated following the methodology under Section 3.

IAF MD 5 Clauses 2.1 and 4.1 should be amended to read:

2.1 Audit duration for all types of audits includes on site time at a client's premises and time spent off-site carrying out planning, document review, interacting with client personnel and report writing.

It is expected that the audit duration involved in such planning and report writing combined should not typically reduce the total on-site audit duration to less than 80% of the time shown in the Tables QMS 1 and EMS 1 calculated following the methodology in Section 3. This applies to initial, surveillance and recertification audits. Where additional time is required for planning and/or report writing, this will

not be justification for reducing on-site audit duration for any audit.

4.1 Audit duration involved in planning and preparation and report writing combined should not reduce the total on-site audit duration to less than 80 % of the time ~~shown in Tables QMS 1 or EMS 1~~ calculated following the methodology in Section 3. Where additional time is required for planning and/or report writing, this will not be justification for reducing on-site audit duration.

Requested action by the IAF TC: Consider the issue and the proposed amendments.

Consensus of the IAF TC (also to be documented in the meeting summary):
There was consensus to form TF to revise IAF MD5. Mr. Bennett and Mr. Ezrakhovich will serve as co-conveners. Discussion papers TC 53-09, 54-09, 56-09 are to be considered by TF as the subject of the revision. Those who wish to participate in the TF should be contact the co-conveners s and / or TC chair.

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): NABCB

Statement of the issue: IAF MD 5 on audit times allows for reducing on-site audit time to 80% of total calculated audit man-days to allow for off site planning, document review and report writing.

1. A comment from DANAK about not including any time spent on document review on-site was considered and agreed by the drafting group (IAF template for comments dated 2008-11-18). However this is not reflected explicitly in the published document MD 5. This is necessary since ISO/IEC 17021 refers to stage 1 (including document review) & stage 2 audits while IAF MD 5 refers to onsite & off site audit activities.

2. The on-site audit time for QMS was reduced in IAF MD 5 from 90% in IAF GD 2. The rationale for this was explained as the need for 2 stage audit process required in ISO 17021 and alignment with a similar provision in IAF GD 6 for EMS. Going by this the on-site audit time for audits where stage 1 is not needed should be at least 90% of the total man-days calculated

Discussion: IAF TC is required to deliberate the issues

Requested action by the IAF TC: IAF TC is requested to consider the issues amend IAF MD 5

Consensus of the IAF TC (also to be documented in the meeting summary):
There was consensus to review IAF MD5 to include the following concepts (not the specific language):

- The 80% value should be associated with an audit including stage 1 and stage 2 (the initial audit)
The intent is that 80% of the audit-day time is spent actively auditing and not doing document review.
- The period of time for document review (not audit preparation) should only be considered for audits that include stage 1.

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): *BDI*

Statement of the issue:

Duration for integrated audits of INTEGRATED Management Systems

Discussion:

IAF MD 5 (Duration of QMS and EMS Audits) provides under 8.1 a single sentence for a potential reduction of audit time for integrated MS.

EA and the German TGA provide some detailed guidance on that issue. In order to synchronize the international application some more detailed IAF Guidance leading to an adequate reduction reflecting the “common elements” is deemed to be necessary.

Requested action by the IAF TC:

To include appropriate guidance equivalent to EA and TGA guidance into the relevant IAF documents based on EA and TGA guidance.

Consensus of the IAF TC (also to be documented in the meeting summary):

There was consensus to form a task force to create an IAF document for integrated MD separate from IAF MD5

Mr. Savov and EA representative to be determined will serve as co-conveners.

Annexes:



EA-7-05--Application
of 17021-2006 for Cc



TGA Guide auditing
integrated MS



IAF-MD5-2009-QMS-
EMS_Audit_Duration

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): EA CC

Statement of the issue:

IAF MD5 states that the audit duration may be reduced due to several reasons, but that it is unlikely that this should exceed 30%. EA has developed a guide on the application of ISO/IEC 17021 on combined audits.

Is it correct that any reduction resulting from combined audits is already included in the 30% maximum reduction as stated in MD5?

Discussion:

Requested action by the IAF TC:

Consensus of the IAF TC (also to be documented in the meeting summary):

There was consensus that as currently published in IAF MD5, the combined or integrated audit already factor into justification for reductions with normally should not exceed 30%.

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): KAB

Statement of the issue: Transfer of accredited certification

It is necessary to be clarified whether surveillance and pre-transfer review visit for the organization wishing for transfer of its certification, can be conducted at the same time.

Discussion:

IAF MD 2 addresses decision on the transfer of certification should be made based on the pre-transfer review (document review, normally including a visit). It is interpreted that surveillance of this new client should be conducted after transfer is accepted by the accepting CBs. However, some CBs conduct pre-transfer review visit and surveillance audit for their prospective clients at the same time then decide to issue certification. For such CBs, surveillance audit schedule includes pre-transfer review time, without any additional time for transfer review. Is CBs' such practice acceptable? Opinions of other ABS would be appreciated.

Requested action by the IAF TC: IAF TC is requested to consider the issue and advise ABs if current practice of some CBs can be acceptable.

Consensus of the IAF TC (also to be documented in the meeting summary):

There was consensus that the answer is no (that is, the practice is not acceptable) because a surveillance audit cannot be undertaken until the transfer is completed.

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): KAB

Statement of the issue: Maintaining certification ISO/IEC 17021, clause 9.3.3

1. 9.3.3 b) - monitoring or review of auditor's reporting : is it acceptable to monitor or review surveillance reports on a sampling basis by independent & competent person?
2. Does 'maintaining certification based on demonstration that the client continues to satisfy the requirements of management standard' require granting of maintaining certification (decision process of certification maintenance)?

Discussion:

ISO/IEC 17021, 9.3.3 gives several different interpretations in practice.

"It may maintain a client's certification based on a positive conclusion by the audit team leader without further independent review, provided that

- a) for any nonconformity or other situation that may lead to suspension or withdrawal of certification, the certification body has a system that requires the audit team leader to report to the certification body the need to initiate a review by appropriately competent personnel, different from those who carried out the audit, to determine whether certification can be maintained, and*
- b) competent personnel of the certification body monitor its surveillance activities, including monitoring reporting by its auditors, to confirm that the certification activity is operating effectively."*

1. Some of our assessors interpret above b) that each client's surveillance report shall be monitored(reviewed) at least once a year as surveillance to a certified organization needs to be carried at least once per year, while the others interpret it that monitoring/reviewing reports can be sampled if CBs define it in their procedure to do so. That is, the question here is, can 'monitoring reporting by auditors' be sampled?

2. Maintain a client's certification: Should certification decision be made for surveillance audit as well? Or Can certification be maintained upon positive conclusion of surveillance audit by audit team leader without further decision making process by CB?

Ones view this clause that an independent person or group within CB need to make decision whether to maintain a client's certification based on the audit conclusion by audit team leader.(This does not mean independent review of report, this is making decision of certification maintenance) However, the others think that there is no decision making process other than audit team leader's positive conclusion, required to maintain a client's certification as long as there

aren't any issues or nonconformity that may lead to suspension or withdrawal of certification.

Requested action by the IAF TC: IAF TC is requested to consider the issue and advise ABs of consensus

Consensus of the IAF TC (also to be documented in the meeting summary):
The consensus was that sampling of reports is acceptable per clauses 9.3.3.a and 9.3.3 b of ISO/IEC 17021 are fulfilled.
There was consensus that there does not have to be an independent review provide the condition of clauses 9.3.3.a and 9.3.3 b of ISO/IEC 17021 are satisfied.

International Accreditation Forum
Discussion Paper

Name of party submitting Issue for discussion: PAC

Statement of the issue: Disclosure of information related to accreditation and certification to improve the credibility of management systems certifications

Background:

During the PAC TC meeting held 17 June 2009 in Taipei, JASC (Japan) delivered a presentation on an approach to improve creditability of accreditation programs via enhanced disclosure of information on certification activity. In principal, PAC members supported the merits of this approach while recognizing economies have different regulatory (confidentiality) issues to consider in applying requirements of this nature. It was, however, agreed that such a system had potential to be beneficial for creditability by increasing the transparency and monitoring of activities. PAC TC members agreed to support the JASC submission to the IAF TC for further discussion and possible action within an IAF Task Force to investigate potential means of improving creditability. PAC will monitor what action the IAF TC undertakes regarding this issue, as well as consider further action within the region.

Discussion:

Transparency removes stakeholders' sense of uncertainty about management systems certifications, builds trust and confidence, and improves the credibility of certifications. "Disclosure" is one of the powerful measures that can be used to enhance transparency. According to experience in Japan, effective disclosure procedures resulted in maintenance of confidentiality. This paper proposes to form a Task Force to study and discuss information disclosure within the framework found from the experience in Japan to develop an informative document.

Under the understanding of the significance of the disclosure, Japanese ABs and CBs discussed the details of information disclosure and obtained the following results:

(1) By whom and to whom the information should be disclosed

The "disclosure" of information by CBs to organizations is focused on organizations who want to be certified and are seeking the right choice and collecting information from CBs. Therefore, CBs which provide these potential clients with proper information could be selected for their certification services, which would therefore encourage them to voluntarily disclose more information.

(2) What kind of information should and could be disclosed not to breach confidentiality

Information indicating CBs' impartiality, independency and reliability would effectively assist organizations in selecting reliable and trustworthy CBs. The disclosure of information mentioned here is solely referred to CBs. Therefore, such disclosure does not need to address the confidentiality of certified organizations.

Examples;

- composition of the committees which safeguards the impartiality of the CBs, in particular, classification of sectors and shares of stakeholders in the committee,
- related bodies (affiliated bodies, franchisees, subcontractors, etc.), in particular, critical locations including overseas bases,
- policy related to the management of auditors (competence, training and resources), in particular, excerpts from policies and procedures related to auditor management, and
- evaluations of the CBs by their certified clients, in particular, feedback from the certified organizations.

(3) How the information should be disclosed to ensure the reliability of the information

ABs publicize what is and is not disclosed for each of their accredited CBs to provide a comparison for organizations seeking certification.. The reliability of the information is ensured by the ABs checking CBs' disclosure. The information once under public monitoring builds up trust and confidence among society.

Note: Japanese ABs and CBs have established action plans based on their discussion and the disclosure of CB information by Japanese ABs will begin next year.

Requested action by the IAF TC:

In order to improve the credibility of management systems certifications, PAC requests IAF TC to organize a Task Force (or assign to an existing Task Force) to study and discuss disclosure and develop a IAF informative document which stipulates;

1. by whom and to whom the information should be disclosed,
2. what kind of information should and could be disclosed not to breach confidentiality,
3. how the information should be disclosed to ensure reliability of information.

The request was changed during the TC meeting to have the issue monitored

by the new WG on Credibility of MS certification.

Consensus of the IAF TC (to be documented in the meeting summary):
This was consensus to have the issue monitors by WG on credibility of MS certification..

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): HKAS

Statement of the issue:

Is it a requirement that the certification document(s) shall identify the name and geographic location of each legal entity covered by the certification?

Discussion:

Background

It is very common in Hong Kong (HK) that an organisation has its “Head Office” in HK. The “Head Office” is usually responsible for marketing, sales, contract, ... and the management system. Actual manufacturing is done in its factory in Mainland China.

For example, an organisation seeking ISO 9001 certification for “Manufacturing of TV” has a “Head Office” in HK called ABC Company and its manufacturing factory in China is called XYZ Factory. ABC Company and XYZ Factory are different legal entities. They implement a common QMS which is managed and controlled by ABC Company.

The applicant for certification is ABC Company. The audit covers both ABC Company and XYZ Factory. Without ABC Company, there is no QMS. Without XYZ Factory, there is no manufacturing.

Requirement in Clause 8.2.3 of ISO/IEC 17021:

8.2.3 The certification document(s) shall identify the following:

a) the name and geographic location of each client whose management system is certified (or the geographic location of the headquarters and any sites within the scope of a multi-site certification);

Interpretation

In the above example, HKAS’ interpretation of “each client” is, ABC Company and XYZ Factory. Therefore, the certification document(s) shall (i.e. must) identify the name and geographic location of both ABC Company and XYZ Factory. Another AB stated that only one name is allowed to be included in the certification document.

Requested action by the IAF TC:

IAF TC is requested to discuss the issue and provide clarification.

Consensus of the IAF TC (also to be documented in the meeting summary):

There was consensus that nothing precludes including the name of both entities

on the certificate but all locations included in the scope of certificate should be identified.

International Accreditation Forum Discussion Paper

Name of party submitting issue for discussion: ANAB is submitting this discussion paper at the request of some CBs to foster consistent application of ISO/IEC 17021 by all ABs.

Statement of the Issue: The issue is about ANAB Heads Up 96 (attached). Specifically being questioned is ANAB's decision that, by virtue of the CB paying a commission or finder's fee to a consultant, then the CB cannot accept the consultant's client as the CB's client for certification for at least two years after the consultancy ended.

Discussion: One CB in the United States contests ANAB's decision but is abiding it and not appealing it to ANAB or IAF. However, the CB has asked that ANAB's decision be reviewed by the IAF TC. Another CB reported to ANAB that ANAB's decision puts it in an uncompetitive situation in other parts of the world. Upon questioning, the CB acknowledged that these other parts of world are in areas in which this issue (payment of commissions or finder's fees to consultants) and other unacceptable and unsavory practices occur, and the CB therefore was supportive of ANAB bringing this issue to the IAF TC to affirm ANAB's decision as a consistent position by all ABs globally, therefore contributing to increased credibility of accredited certification.

ANAB's decision is based on ISO/IEC 17021:2006, 5.2.7. The rationale for ANAB's decision is explained in the note in ANAB Heads Up 96. There are additional reasons for the IAF TC to affirm ANAB's decision:

1. CBs have acknowledged in IAF TC meetings that there are issues that are truly threats to the credibility to accredited management systems certification that are directly attributed to competition among CBs but which the CB community is unable to address itself—so help of accreditation bodies and standards bodies is needed to address these threats. Audit duration, payment of commissions or finders fees to consultants for referral of a consultant's clients are such threats. CBs, as competitors, agreeing to constraints on such activities creates a legal risk to the CBs and such constraints could be considered as illegal anti-competitive activities. However, there is case law that there can be constraints on competitive activities when such competitive activities are detrimental to the public welfare, when such constraints are taken in an appropriate venue for the public welfare. Examples of appropriate venues for the public welfare are governmental legislation, governmental regulation, and consensus standards bodies. The development of IAF documents is also a consensus process for taking decisions and therefore can also be considered an appropriate venue for the public welfare (although this has not yet been contested so is not in case law).
2. This issue of paying commissions or finder's fees or other incentives to consultants for referral of the consultant's client is another threat that needs to be managed by constraints from an appropriate venue for the public welfare. ANAB feels this constraint is clearly stated in ISO/IEC 17021:2006, 5.2.7.
3. In the note to Heads Up 96, ANAB states that if a CB thinks it has another acceptable method of mitigating the threat other than the two-year separation, then this should be affirmed in an appropriate venue for the public welfare and made publicly known and

available to all CBs.

4. Another threat to the credibility by the payment of commissions or finder's fees is that this is an unethical practice by the consultant. A consultant is paid by its client to develop a management system and in many cases to advise the client on the selection of a CB. If this advice by the consultant is influenced by the payment of a commission or finder's fee, then the consultant is being unethical and untrue to its client.
5. By paying a commission or finder's fee a CB is contributing to unethical actions by a consultant.
6. Affirming this ANAB stand as an IAF decision is also to the benefit of the CB community at large, because if the payment of commissions and finder's fees for the referral of the consultants clients is allowed, then consultants will seek out the CBs paying the highest amounts and it will simply be another financial cost to CB in a business that already operates on very slim margins. (Many CBs can attest to this being the case).

Requested Action by the IAF TC: Affirm as an IAF TC decision that payment by a CB to a consultant of a commission, finder's fee or other incentive for referral of the consultant's client creates an unacceptable threat to impartiality and, therefore, the CB cannot accept the client for certification until two years after the consultancy ended.

Consensus of the IAFTC (also to be documented in the meeting summary):



Heads Up

Issue: 96

Date: 2007/05/10

To: ANAB Accredited and Applicant CBs and Accreditation Assessors

From: Randy Dougherty, Director of Accreditation

Re: Commissions and Incentives to Consultants by Accredited Certification Bodies

The purpose of this issue is to state clearly and unambiguously the position of ANAB about a certification body paying a commission, finder's fee, or other incentive to a management system consultant.

1. Can a CB pay a commission, finder's fee, or other incentive to a management system consultant? The answer is yes, but:
 - a. If this is for an organization NOT consulted by the consultant, the CB may audit and certify the organization without delay. (Essentially, the consultant is acting as a commissioned sales person for the CB.)
 - b. If this is for an organization that received management system consulting by the consultant, this is perceived as creating an unacceptable threat to the impartiality of certification, based on ANAB Advisory 16 and ISO/IEC 17021:2006, 5.2.7. Therefore, the CB cannot audit or certify this organization for at least two years after the consultancy ended.

Note: In developing ISO/IEC 17021, the reference to the two-year separation was moved to a note to provide for the possibility of other methods for mitigating this threat to impartiality. However, during the development of the standard no other acceptable method was known. If any CB or other body perceives that it has another method of mitigating this threat that it feels is acceptable and equivalent to the two-year separation, ANAB will work with that CB or other body to have this other method considered by appropriate bodies internationally (ISO and IAF), and if the method is determined to be acceptable, this will be communicated to all stakeholders.

**International Accreditation Forum
Discussion Paper**

Name of party submitting issue for discussion (optional): Roger Bennett
Chairman, IIOC Technical Committee

Statement of the issue: The impact of consultants on impartiality

Discussion:

The restriction imposed on conformity assessment bodies at clause 5.2.7 of IEC/ISO 17021:2006 by threats to their impartiality that could result from a relationship with consultants is well known.

Providing a CAB follows clause 5.2.7 and Notes 1 and 2 to the clause, then there should be no cause for concern. The use of the "two year" rule is widely acknowledged as appropriate mitigation, but its acceptability is not universal.

However, this clause is open to wide interpretation which can disadvantage a CAB depending on the interpretation enforced by their accreditation bodies in different parts of the world.

An example of an issue would be the use of a commission or "finders fee" paid to a consultant. This is normally considered acceptable, but could give rise to an impartiality issue if that consultant was also in receipt of payment from the CAB's client. This practice is considered unethical in some countries and normal in others.

It is requested that accreditation bodies agree a common policy on this issue such that a level playing field is provided for conformity assessment bodies regardless of the accreditation body or country involved.

Roger Bennett
7 September 2009

Requested action by the IAF TC: To agree a common policy on the issue of payment to consultants such that conformity assessment bodies are treated equally regardless of accreditation body or location.

Consensus of the IAF TC (also to be documented in the meeting summary):

There was consensus to ask the WG on Credibility of MS certification to consider the issue and other threads to impartiality.

(This applies to paper TC-61-09, 62-09 and 63-09)

International Accreditation Forum Discussion Paper

Name of party submitting issue for discussion: Terry Boboige, President, Perry Johnson Registrars, Inc.

Statement of Issue: Validity of ANAB Heads up 96 (attached). Specifically being questioned is ANAB's decision that, by virtue of the CB paying a commission or finder's fee to a consultant, then the CB cannot accept the consultant's client as a CB's client for certification for at least two years after the consultancy ended.

Discussion: PJR was audited by ANAB in June/July 2009 and received a finding as follows: *PJR is unable to demonstrate that it has effective processes for ensuring that it does not certify a client that poses unacceptable threats to impartiality regarding consultancy services received by the client in which PJR has created a relationship by paying a commission.* In the specific case of ANAB's audit of PJR, there is concern because ANAB had stated that the only way to remedy a situation where a commission/finder's fee was paid to a consultant, who referred PJR an organization that s/he had consulted within the last two years, was to withdrawal the ANAB seal from that client's certificate. It is PJR's position that this is a common practice worldwide. If the IAF accepts ANAB's position, then it would have a monumental effect on the international CB community. Literally thousands of accredited certificates would have to be cancelled. The impact of this cancellation would be tremendous. The reputation of the individual CBs forced to cancel certificates would be impacted negatively, as well as causing a significant negative commercial impact to the CB. In addition, risk exists that the overall perception of ISO 9001 would be severely tarnished.

Clause 5.2.7 of ISO/IEC 17021 states the following: *"The certification body shall not certify a management system on which a client has received management system consultancy or internal audits, where the relationship between the consultancy organization and the certification body poses an unacceptable threat to the impartiality of the certification body."* The corresponding note states, *"Allowing a minimum of two years to elapse following the end of management system consultancy is one way of reducing the threat to impartiality to an acceptable level."*

For PJR, the most important part of clause 5.2.7 is the excerpt from the guidance note: *"...is one way of reducing the threat..."* This, presumably, leaves open the possibility for other methods of reducing the threat to impartiality to be considered by the accreditation bodies. However, not all accreditation bodies appear to agree with this interpretation. ANAB, for one, clearly maintains there is no other viable method to reduce the threat to impartiality, as is evidenced by language in their Heads Up 96, *"In developing ISO/IEC 17021, the reference to the two-year separation was moved to a note to provide for the possibility of other methods for mitigating this threat to impartiality. However, during the development of the standard no other acceptable methods were known. If any CB or other body perceives that it has another method of mitigating this threat that it feels is acceptable and equivalent to the two-year separation, ANAB will work with that CB or other body to have this other method considered by appropriate bodies internationally"*

(ISO and IAF), and if the method is determined to be acceptable, this will be communicated to all stakeholders.”

The existence of a note that states that there may be other ways to mitigate this risk to impartiality infers that there is not just “one” way, i.e., requiring a two-year separation. PJR feels that the intent of the Note of clause 5.2.7 is not being met by ANAB requiring PJR to remove the ANAB seal from an accredited certificate. In fact, it was suggested by PJR that the ANAB auditors look at other control methods in place to minimize the risk to impartiality, e.g. the decision making process; review of PJR auditor records, including codes of conduct and statements of ethics and review of the quantity and quality of the NCR/finding reports generated in audits where ANAB found PJR was paying a finders fee to a consultant. ANAB’s response was not to drill deeper into the audit history. It appears that ANAB has a fundamental problem with a commission being paid in these instances.

The responsibility to ensure that the risk to impartiality is controlled in situations where a commission is paid to consultants rests on the shoulders of each individual certification body. In the case of PJR, we employ field sales representatives (Project Managers) who work with these consultants who refer PJR business. The organizations referred by the consultants have no idea that a financial arrangement was in place. The PJR contract auditor has no idea that the PJR sales representative and the consultant have a financial arrangement in place. The PJR certification decision-making body has no idea that a financial arrangement is in place. The audit-scheduling department that qualifies auditors based on SIC/NACE/EA codes has no idea that a commission was paid.

The risk of a perceived threat can sometimes exceed the risk of an actual threat. However, perception first requires knowledge and, as mentioned previously, the personnel involved with the process, the clients, or even other industry stakeholders have no idea where or how the business was obtained and they are certainly unaware that a commission or finder’s fee was involved. There is no valid reason for any of them to know. Thus, no knowledge leads to no risk for a perception of impartiality.

Hence, PJR begs the question: What is the risk to impartiality in this situation? While it may be argued that other risks can potentially exist, PJR feels that accreditation body auditors should be required to evaluate the CB-specific control measures implemented by each individual CB, based on their unique operational processes, in order to determine whether or not a threat to impartiality exists.

Currently, it appears that the practice of several ABs in regard to payment of commissions/finder’s fees relative to clause 5.2.7 of ISO/IEC 17021 is simply to not enforce this clause. Their position is that industry will find a way to get around this clause. The pressures of the commercial marketplace will have consultants creating shell companies in which to filter referral fees. Alternatively, consultants may invoice the registrar for special projects where they are really getting recognized for their referrals. Or, consultants will conduct audits for the CB where they will get paid an elevated rate in which they are indirectly getting paid for the referrals. Would these consultants receiving an elevated daily rate have to refer their business to a certification body for whom they do not conduct audits? Finally, Consultant A may refer and accept payment for a deal consulted by Consultant B, and then Consultant B will return the favor. These

types of incentives/arrangements currently exist in the industry and are also a threat to impartiality. Does this mean our system is tainted? How will the ABs aggressively try to uncover these practices? The fact is that policing all of these aforementioned areas of concern should be weighed in the same manner as payment of a referral fee/commission, but it would be absurd to try to police all of these areas. CBs who operate in the commercial marketplace must deal with the day-to-day tasks of controlling costs and adhering to practices that are going to keep them as viable entities in the commercial competitive marketplace.

ANAB has also made the claim that consultants may be acting in an unethical manner by advising their client to contract with the certification body that is paying him/her a commission or finder's fee. This is quite a leap. The amount of money an individual is paid for consulting services will considerably exceed the amount of money that s/he may receive as a commission/finder's fee. Why would a consultant want to jeopardize a lucrative consulting contract, which may even have a clause for ongoing maintenance of the client's management system, by persuading the client to contract with a particular certification body? Why would they want to do anything to make the client perceive that they are acting unethically and do not have the client's best interests at heart?

In theory, it can be said that our industry is fraught with potential threats to impartiality. One example is the fact that an accredited management systems audit starts with a contractual relationship where the client must pay a CB for the third party auditing service.

It is important for the IAF to recognize that one interpretation is needed worldwide and whatever decision is made must be universally applied. CBs must be able to practically apply the policy without having to cancel certificates so not to sustain damage to their reputation or economic situation. If a policy is adopted that allows CBs to individually determine "other acceptable methods," then it should be up to each individual AB to determine the integrity of said methods.

Requested Action by the IAF TC: Affirm as an IAF TC decision that payment by a CB to a consultant of a commission, finder's fee or other incentive for referral of the consultant's client does not create an unacceptable threat to impartiality if managed appropriately, and, therefore, the CB can accept the client for certification before a two-year period has lapsed since the end of the consultancy.

Consensus of the IAFTC (also to be documented in the meeting summary):



Heads Up

Issue: 96

Date: 2007/05/10

To: ANAB Accredited and Applicant CBs and Accreditation Assessors

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 - a. If this is for an organization NOT consulted by the consultant, the CB may audit and certify the organization without delay. (Essentially, the consultant is acting as a commissioned sales person for the CB.)
 - b. If this is for an organization that received management system consulting by the consultant, this is perceived as creating an unacceptable threat to the impartiality of certification, based on ANAB Advisory 16 and ISO/IEC 17021:2006, 5.2.7. Therefore, the CB cannot audit or certify this organization for at least two years after the consultancy ended.

Note: In developing ISO/IEC 17021, the reference to the two-year separation was moved to a note to provide for the possibility of other methods for mitigating this threat to impartiality. However, during the development of the standard no other acceptable method was known. If any CB or other body perceives that it has another method of mitigating this threat that it feels is acceptable and equivalent to the two-year separation, ANAB will work with that CB or other body to have this other method considered by appropriate bodies internationally (ISO and IAF), and if the method is determined to be acceptable, this will be communicated to all stakeholders.

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): Nigel Croft

Statement of the issue: Greater transparency and ease of communication for customers of certified organizations / end-users

Discussion: During a series of visits to Asian developing countries as part of the joint UNIDO/ISO/IAF project, I have had the opportunity to interact with a significant number of purchasing organizations who use ISO 9001 certification as one component of their supplier evaluation process. Several have commented that they would like to be able to check the validity of a certificate, or, in some cases complain to a CB about the performance of a certified supplier, but have difficulty in identifying how to contact the CB when all they have is a copy of their supplier's certificate. One suggestion which arose was "Why can't the IAF require all accredited CB's to include on their certificates the CB's (and the relevant AB's) website address, in order to promote greater transparency and ease of communication should the need arise?"

This sounds like an excellent, simple and practical idea that could be implemented quickly, with little or no cost to all concerned (for example, by requiring this information to be included on all new or renewed certificates beginning on 1/1/2010). This could contribute significantly to facilitate Item 3 of the ISO/IAF Joint Action Plan *"Require ABs to put in place a mechanism to identify and obtain feedback from direct and indirect customers of certification."*

Requested action by the IAF TC: Discuss, endorse and implement the above suggestion by proposing a resolution to that effect at the IAF Plenary Meeting

Consensus of the IAF TC (also to be documented in the meeting summary):
There was consensus that ABs and CBs should make it easy understand how to provide feedback and/or lodge a complaint.

**International Accreditation Forum
Discussion Paper**

Name of party submitting issue for discussion (optional): Roger Bennett
Chairman, IIOC Technical Committee

Statement of the issue: Transfer of Certification for non MLA Members in specified cases in Europe

Discussion:

Conformity assessment bodies have made use of MD2 during the process of the transfer of certification where certifications covered by accreditation by an IAF MLA signatory are eligible.

The publication and implementation of legislation EU 765/08 has given rise to a new situation in Europe. In Germany and Italy in particular, a number of accreditation bodies are being amalgamated to form one new accreditation body in each country. On completion of this amalgamation, each new accreditation body will undergo peer evaluation and be signatories to the IAF MLA. These new organisations will therefore incorporate existing accreditation bodies (eg. Germany – ZLG, ZLS etc) which by virtue of the accreditation structure in those countries were not members of IAF previously.

In the healthcare sector (ISO 13485), in Germany, certification bodies had no choice but to be accredited by ZLG, a competent government owned accreditation body, which was not part of the IAF. In most countries the healthcare sector is made more complex through the involvement of government regulatory authorities. While not part of the IAF MLA at present, the new structure in Germany (and similar in Italy) will mean that such bodies will become MLA signatories during 2010 after the amalgamation exercise which is ongoing.

During this interim period there are still clients which require to transfer from one certification body to another. While it is clear that MD2 cannot be applied fully, the requirement to treat clients as "new" and require a complete initial or even a recertification audit only adds cost and is demeaning to the technical competence of the government authorities in Germany and Italy which have either set up, or at the very least monitored such bodies such as ZLG.

Pending the full amalgamation of such bodies into the new single country accreditation bodies, it is proposed that the IAF endorse that in such cases (non MLA member, government controlled accreditation body, medical sector) the process of MD2 could be followed with additional measures deemed necessary (eg. Transfer assessment)

Requested action by the IAF TC: Endorse above proposal for specific cases only

Consensus of the IAF TC (also to be documented in the meeting summary):
There was consensus that because there is no MLA for medical device, MD2 does not apply.

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): **FINAS**

Statement of the issue: **Implementation of ISO/IEC 17021 clause 5.2.7**

Discussion:

A CB has certified a company where one of the external auditors acting as a consultant too has given MS consultancy. The CB explained that they refrain using the consultant as auditor for two years in that company. **The consultancy was not made on behalf of the CB, but on behalf of the consultancy company where the external auditor is working.** In CB's opinion that complies with the requirement of the standard.

FINAS disagrees and has the opinion that consultancy given by one of the CB's **external** auditors disqualifies the whole CB (not only the individual auditor) for two years.

Requested action by the IAF TC: FINAS asks IAF TC to decide how to apply clause 5.2.7 of ISO/IEC 17021.

Consensus of the IAF TC (also to be documented in the meeting summary):
There was consensus to ask the WG on Credibility of MS certification to consider the issue and other threads to impartiality.
Those who wish to participate in the WG should be contact co-convener.

International Accreditation Forum
Discussion Paper

Name of party submitting issue for discussion (optional): UKAS

Statement of the issue:

Relationships that threaten impartiality.

ISO/IEC 17021. 5.2.1.

A CB shall not certify another CB for its management systems certification activities.

Discussion:

It is clear that such a relationship where one CB certifies another for its management systems certification activities is an unacceptable threat to impartiality, does this extend to the following situations.

1. A CB offers management systems assessment and certification, (QMS, EMS, OHSAS, ISMS etc) but wishes its own "in house arrangements" for EMS, OHSAS, ISMS to be certified, is this prevented by 5.2.1.as the two CBs will have an established arrangement that threatens impartiality.?
2. A CB offers QMS certification only, can it seek certification of its EMS, or OHSAS etc.?
3. The CB - legal entity that is accredited- also offers other services, both accredited (e.g. an inspection body), and non accredited (e.g. training). Can these activities be certified as they are not management systems certification activities.? *Note under some circumstances where the legal entity is required to submit tender proposals for an inspection contract,, the tender proposal submission requires a copy of their EMS, ISO 14001, and BS OHSAS 18001, certificates. or training proposal submission may require QMS, EMS and OHSAS certificates.*

Requested action by the IAF TC:

To agree under which of the above scenarios certification can be obtained by a CB.

Consensus of the IAF TC (also to be documented in the meeting summary):

There was no consensus on the questions.

Internal arrangement / system of CB comply with standard;

Certification activity; not certified. (5.2.4)

公平性の問題は