



IAF Mandatory Document



IAF Mandatory Document for the Harmonization of Sanctions and Dealing with Fraudulent Behaviour

Issue 2

(IAF MD 7:2023)

The International Accreditation Forum, Inc. (IAF) facilitates trade and supports industry and regulators by operating a worldwide mutual recognition arrangement among Accreditation Bodies (ABs) in order that the results issued by Conformity Assessment Bodies (CABs) accredited by IAF members can be accepted globally.

Accreditation reduces risk for business and its customers by assuring them that accredited CABs are competent to carry out the work they undertake within their scope of accreditation. ABs that are members of IAF and their accredited CABs are required to comply with appropriate international standards and IAF mandatory documents for the consistent application of those standards.

ABs that are signatories to the IAF Multilateral Recognition Arrangement (MLA) are evaluated regularly by an appointed team of peers to provide confidence in the operation of their accreditation programs. The structure of the IAF MLA is detailed in IAF PL 3 - Policies and Procedures on the IAF MLA Structure and for Expansion of the Scope of the IAF MLA. The scope of the IAF MLA is detailed in the IAF MLA Status document.

The IAF MLA is structured in five levels: Level 1 specifies mandatory criteria that apply to all ABs, ISO/IEC 17011. The combination of a Level 2 activity(ies) and the corresponding Level 3 normative document(s) is called the main scope of the MLA, and the combination of Level 4 (if applicable) and Level 5 relevant normative documents is called a sub-scope of the MLA.

- The main scope of the MLA includes activities e.g. product certification and associated mandated standards e.g. ISO/IEC 17065. The attestations made by CABs at the main scope level are considered to be equally reliable.
- The sub scope of the MLA includes conformity assessment requirements e.g. ISO 9001 and scheme specific requirements, where applicable, e.g. ISO 22003-1. The attestations made by CABs at the sub scope level are considered to be equivalent.

The IAF MLA delivers the confidence needed for market acceptance of conformity assessment outcomes. An attestation issued, within the scope of the IAF MLA, by a body that is accredited by an IAF MLA signatory AB can be recognized worldwide, thereby facilitating international trade.

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INTRODUCTION TO IAF MANDATORY DOCUMENTS

The term “should” is used in this document to indicate recognized means of meeting the requirements of the standard. A Conformity Assessment Body (CAB) can meet these in an equivalent way provided this can be demonstrated to an Accreditation Body (AB). The term “shall” is used in this document to indicate those provisions which, reflecting the requirements of the relevant standard, are mandatory.

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This document is mandatory for the consistent application of Clauses 7.2 and 7.11 of ISO/IEC 17011:2017 under specific circumstances described in this document. This document does not supersede any of the requirements of that standard.

0 INTRODUCTION

0.1 Under ISO/IEC 17011, accreditation bodies (ABs) are required to have procedures for suspension, withdrawal or reduction of the accreditation scope and to initiate the process for withdrawal of accreditation under certain circumstances (refer to ISO/IEC 17011:2017 clauses 7.11.1 and 7.11.2).

0.2 The intention of this document is to clarify the situations where sanctions shall be applied to applicant or accredited conformity assessment bodies (CABs) and the subsequent necessary communication which shall be taken by ABs.

0.3 This document is applicable not only to the scope of the IAF MLA but also to any other IAF activities related to accreditation. It may also be applied for other situations (with appropriate modifications) at the discretion of individual ABs, CABs, third parties, regulators, scheme owners, public authorities or others.

0.4 Clause 2 describes some specific situations that should lead to sanctions by an AB and Clause 3 describes sanctions that are normally applied progressively by an AB.

0.5 Clauses 4 and 5 describe specific instances in which there shall be a harmonized approach by all ABs.

0.6 Annex A (normative) provides requirements regarding the approach to be taken by ABs when fraudulent behaviour is identified from applicant CABs, accredited CABs, and/or their clients.

0.7 Annex B (informative) provides background and context to the requirements of Clause 4.2 of this Mandatory Document.

1. NORMATIVE REFERENCES

1.1. ISO/IEC 17011 *Conformity assessment – Requirements for accreditation bodies accrediting conformity assessment bodies*

1.2. ISO/IEC 17030 - *Conformity assessment — General requirements for third-party marks of conformity*

1.3. As applicable to the accreditation scope:

1.3.1. ISO/IEC 17021-1 *Conformity assessment — Requirements for bodies providing audit and certification of management systems — Part 1: Requirements*

1.3.2. ISO/IEC 17024 *Conformity assessment — General requirements for bodies operating certification of persons*

1.3.3. ISO/IEC 17065 *Conformity assessment — Requirements for bodies certifying products, processes and services*

1.3.4. ISO/IEC 17029 *Conformity assessment — General principles and requirements for validation and verification bodies*

2. INITIATION OF SANCTIONS

2.1. Situations that lead to sanctions being applied to applicant or accredited CABs include, but are not limited to the following:

- Failure to resolve nonconformities in accordance with an AB's procedures.
- Negative outcome of a complaint investigation.
- Misuse/misrepresentation of an accreditation symbol (see ISO/IEC 17011:2017 clause 4.3.5 and NOTE).
- Non-compliance with relevant laws, regulations, decrees or directives, as applicable to the accreditation scope.
- Situations described in Clause 4 of this document, including evidence of fraudulent behaviour (see 4.1).
- Non-payment of fees to the AB.

3. SANCTIONS AVAILABLE

3.1. Sanctions available include, but are not limited to:

- Intensification of surveillance and targeted investigations (including document review and/or office or witness assessments).

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- Reduction of accreditation scope (including locations covered in the scope).
 - Suspension of accreditation.
 - Withdrawal of accreditation.
 - Suspending or terminating the process for initial accreditation or extension of accreditation.
 - Public notice of scope reduction, suspension, withdrawal or misrepresentation of accreditation.
 - Legal actions.

NOTES:

- 1) Nothing in this mandatory document overrides the CABs' right to appeal against a decision as described in ISO/IEC 17011:2017 clause 7.13.
- 2) Application of sanctions outlined in this document does not preclude legal action by third parties, regulators, scheme owners, public authorities or any other interested parties.

4. SPECIFIC HARMONIZED SANCTIONS

The following are situations requiring specific sanctions by the AB:

4.1. As described in ISO/IEC 17011:2017 clause 7.11.2, where there is evidence of fraudulent behavior, or the CAB intentionally provides false information or conceals information or, in addition, if the CAB deliberately violates accreditation rules, the AB shall initiate its process for withdrawal of accreditation or termination of the CAB's application or renewal (as applicable). Refer to Annex A.

4.2. Where a CAB is providing third-party conformity assessment to IAF MLA or ILAC MRA Level 1 to 4 standards used as a basis for accrediting CABs (e.g. ISO/IEC 17025, ISO/IEC 17020, ISO 15189) the AB shall suspend the CAB's application process or initiate its process for suspension of accreditation (as applicable). Refer to Annex B.

- Further decisions shall be based on the actions taken by the CAB.
- ABs shall include a suitable provision on such a possibility in their contractual arrangements with CABs.

5. COMMUNICATION

5.1 In case of suspension or withdrawal of accreditation, public notice is mandatory (see ISO/IEC 17011:2017 Clause 8.2.2).

NOTE: It is important to maintain information updated on any relevant IAF database (for example IAF CertSearch as required for Management System certifications), including information on suspended/withdrawn accreditations and associated attestations of conformity.

5.2 In each of the situations mentioned in clauses 4.1 and 4.2 that lead to suspension or withdrawal of accreditation and after any appeal decision in accordance with the AB's appeals procedures, the AB shall notify the IAF Secretariat of this decision and the reasons. The IAF Secretary shall then communicate the decision and status to all IAF Member ABs in the following format:

"[Name of AB] [state the action as 'withdrew' or 'suspended'] accreditation of [Name of CAB] on [date] pursuant to [IAF MD 7 Clause 4.1 or Clause 4.2]" .

End of IAF Mandatory Document for Harmonization of Sanctions to be applied to Conformity Assessment Bodies.

Further Information:

For further information on this document or other IAF documents, contact any member of IAF or the IAF Secretariat.

For contact details of members of IAF see the IAF website: <http://www.iaf.nu>.

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Annex A (normative):**Process to deal with allegations of fraudulent behaviour**

NOTE: IAF ID 15:2023 provides information on the approaches an AB may choose to adopt in order to achieve the outcomes A1 – A6. It is the outcomes that are mandatory, not the approach adopted to achieve them.

The AB shall:

A1) Develop and publish a statement about how the AB proposes to deal with fraudulent behaviour by accredited CABs and/or their clients.

A2) Have policies, procedures and legally enforceable arrangements in place that will enable the AB to respond to such fraudulent behaviour.

A3) Have in place the necessary arrangements to receive, validate, act on, and transmit information on allegations of fraudulent behaviour (including the outcome of any actions it takes to manage fraudulent behaviour) to relevant interested parties (including, but not limited to relevant IAF member ABs).

A4) Have processes necessary to establish the validity of any allegations of fraudulent behaviour against an applicant or accredited CAB, and the CAB's failure to adequately deal with allegations of fraudulent behaviour by its clients.

A5) Have in place measures to respond effectively and proportionately to fraudulent behaviour.

A6) Respect and support any legitimate actions taken by another IAF Member AB to manage fraudulent behaviour.

NOTE: This does not necessarily require an AB to impose sanctions that are identical to those made by another IAF Member AB.

Annex B (informative):**CABs providing conformity assessment to any standard used as a basis for accreditation**

Clause 4.2 of this mandatory document is based on IAF-ILAC JGA 2007 Sydney Resolution 7, updated to include conformity assessment activities other than certification (for example Verification and Validation).

“The IAF and ILAC Joint General Assembly, acting on the recommendation of the JCCC, resolves that when a Conformity Assessment Body (CAB), accredited by an Accreditation Body (AB), is providing certification¹ to any standard used as a basis for accrediting CABs (e.g. ISO/IEC 17025 or ISO 15189), the AB shall initiate its process for suspension of accreditation, as this behaviour of the CAB will put the AB, against its will, in the condition of providing the same service that a CAB performs, in violation of clause 4.3.6 of ISO/IEC 17011. Further decisions shall be based on the actions taken by the CAB.

All IAF and ILAC AB members shall include a suitable provision on such a possibility in their contracts with CABs.

Note: *It is accepted that a CAB may have to assess subcontractors to confirm that they meet the CABs’ requirements, which may include accreditation standards e.g. ISO/IEC 17025. Documentation issued to subcontractors as a result of a successful assessment should clearly state that this is only for the purposes of the subcontract and is not certification or accreditation in accordance with ISO/IEC 17011.”*

¹ This is the text of the original IAF-ILAC JGA 2007 Sydney Resolution 7; now extended to other forms of conformity assessment (including validation and verification)
