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P003 Decision-making process

Modifications: p. 8

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1. Purpose

The purpose of this procedure is to formalize the decision-making process of OLAS in the frame of the accreditation of conformity assessment bodies (CABs).

2. Definitions

Committee: The Accreditation Committee (hereinafter referred “AC”)

Suspension: Putting temporary restrictions in place for all or part of the scope of accreditation.

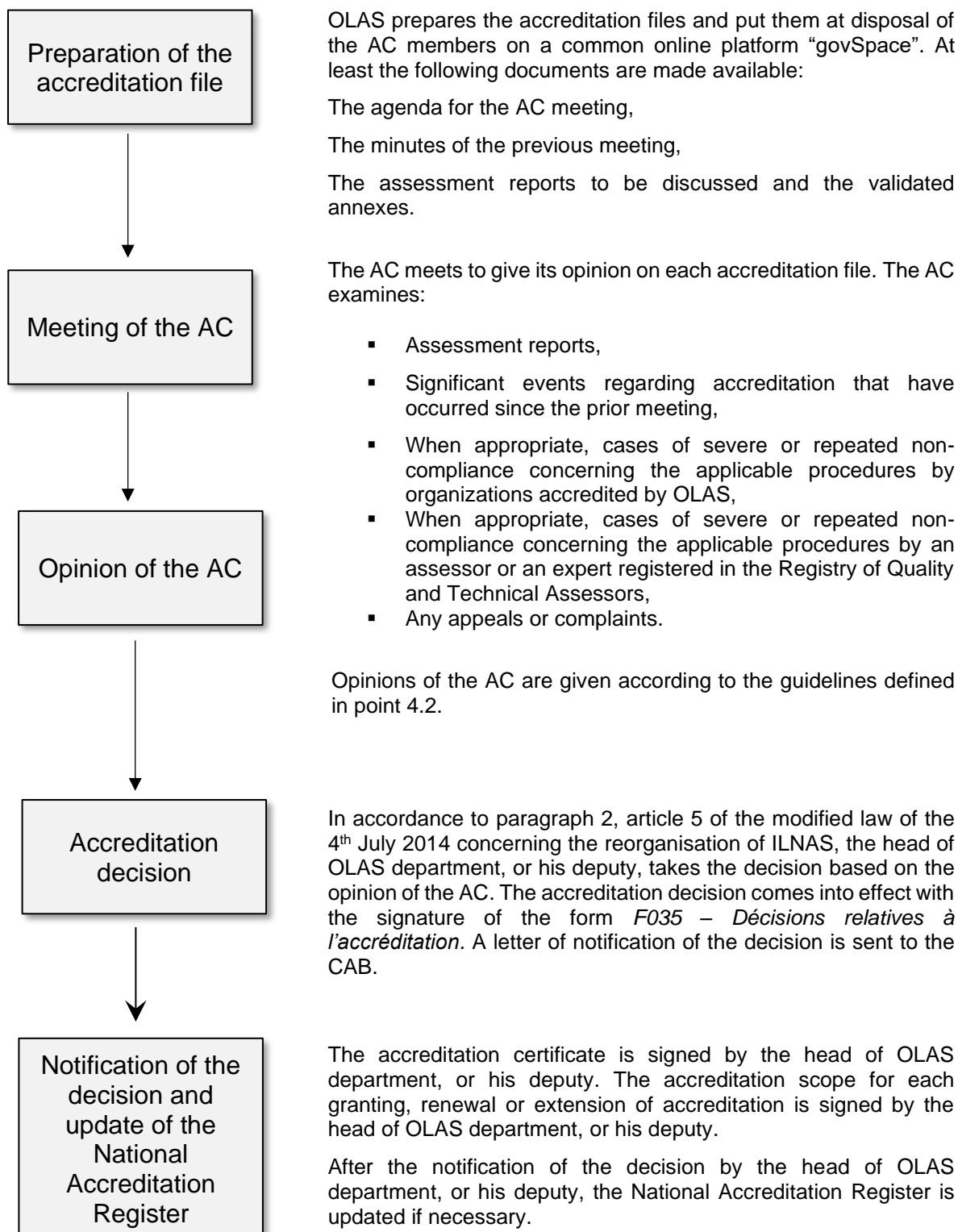
Reduction: Cancelling part of the scope of accreditation.

Retirement: Decision of a CAB to put an end to its accreditation.

Withdrawal: Decision of OLAS to put an end to the accreditation of a CAB.

All further definitions necessary to the understanding of the present document may be found in the procedure *P002 – Performing assessments*.

3. Decision-making process



4. Session of the Accreditation Committee (AC)

4.1. Planning

In the name of the presidency, OLAS convenes the AC, or upon request of at least three of the AC members. During each meeting, the AC approves the minutes of the previous meeting. The minutes are signed by the chair or by the AC member who chaired the meeting.

The AC can only give a opinion if the quorum is reached. Therefore, the following conditions must be fulfilled:

- The number of members present must be superior to 50% of the members entitled to vote,
- Each member retained for the quorum must be free from all relationship with the body to be accredited.



To check that the quorum is respected, the members of the AC inform the OLAS secretary of their absence, at the latest 4 working days before the day of the meeting.

Before every AC meeting, OLAS verifies if the members who confirmed participation for the meeting do cover the competences required to treat the files, according to the annex A024 – *Analyse des domaines*, via le formulaire F042 – *Analyse des compétences présentes*.

The following situations may arise:

			At least one AC member recognized competent for the relevant macro-domains is present at the meeting	
			Yes	No
Quorum respected	Yes		The AC gives his opinion during the meeting	File postponed to the next meeting or <i>Electronic voting</i> * with detailed opinion of competent members for the concerned macro-domain(s).
	No	Conitnuation of AC meeting	File postponed to the next meeting or <i>Electronic voting</i> * with detailed opinion of all AC members not present at the meeting.	
		Cancel AC meeting	File postponed to the next meeting	

* If a vote for one of the files is essential (e.g. renewal of assessment, etc.), electronic voting with detailed opinion can be organized by OLAS via form F033 – *Avis circonstancié des membres du CA*.

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In case of an electronic voting, the AC's opinion is only valid under the following conditions:

- 1) Each electronic voting is justified by a detailed opinion;
- 2) The sum of votes expressed during the meeting and electronic votes must respect the quorum;
- 3) If no competent member for the concerned macro-domains is present in a meeting, the majority (> 50%) of competent members entitled to vote, must have realized an electronic voting.

The AC secretary sets and specifies deadlines (beginning and closing of electronic voting procedure). No vote will be accepted after the deadline. The secretary records the votes cast and transmits the result with the comments to the AC members.

If electronic voting reveals major discrepancies between the AC members and/or when important issues are identified in the file, OLAS reserves the right to postpone the file at the next AC meeting in order to allow a debate during a meeting or get additional information/explanations.

If needed (ex: the quorum rule is not respected), the meeting can be cancelled by the president of the AC on demand of the head of OLAS department, or his deputy. In this case, the secretary informs the AC members 2 working days before the meeting.

If additional information is transmitted by OLAS during an AC meeting without the member who submitted an electronic vote with a detailed opinion having been aware of it, his/her opinion may be considered null and void by the AC, which then reserves the right not to issue an opinion on the file. As this is the basis for the AC's decision, this additional information must be added to the file. If necessary, a file may be postponed to a subsequent AC meeting for an opinion.

Minutes, approved by the president, are prepared for each meeting by the secretariat after each AC meeting. The minutes are available for each AC member on govSpace.

During the 4th quarter of the year, the AC fixes the dates of meetings for the following year. These dates are published on the OLAS website, as well as on the common platform (GovSpace). They can be modified, cancelled, or completed, if necessary.

Extraordinary accreditation Committee



When major non-conformities are identified and if they reflect a serious malfunctioning, or a non-compliance with the regulation, challenging the competence of the CAB to perform the activities for which it is accredited, the chair of the AC, upon request of the head of OLAS department, or his deputy, convenes an extraordinary AC session.

If the quorum is reached, the AC can take necessary decisions.

If the quorum is not reached, only a decision of total or partial suspension can be taken. This decision has to be validated during the next AC meeting.

4.2. Guidelines to pronounce an opinion

The opinion of the AC must be motivated and enounce the facts (assessment reports, standards and applicable guides) and legislative documents (ILNAS law and associated Grand-Ducal regulations) on which it is based, according to the Grand-Ducal regulation of June, 8th 1979 relating to the procedure to be followed by the administrations falling under the State and the communes. Positive opinions do not have to be motivated.

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The opinion must indicate the composition of the AC, the names of the members who attended to the deliberation and the number of votes in favour of the expressed opinion. The possible different opinions must be annexed, anonymously.

The AC's opinions are adopted by simple majority of the present members. In the event of equality tied vote, the president has the deciding vote.

If there is any past, current or future relationship between the committee members and a body seeking accreditation, the concerned members may not attend the deliberations or the vote.

In the absence of president and vice-president (unplanned absence or impartiality problem e.g) to vote on a file, the AC members designate beforehand a member, acting as president, who will have the same prerogatives.

The opinion of the AC is prepared by the AC secretary and signed by its president or his substitute.

Positive opinion:

If during an initial (I), surveillance (S), extension (E), prolongation (P) or complementary (C) assessment, the CAB demonstrated to the audit team and the AC the conformity of its quality system to the applicable standards, its technical competences in the domain covered by accreditation, and its capacity and reactivity to quickly resolve the non-conformities identified during the assessment, the AC proposes a **positive opinion for...**

- granting (G)
- maintaining (M)
- extension (E)
- renewal (R)
- lifting of suspension (L)
- granting/ maintaining/ extension/ renewal (following a complementary assessment)

If during an initial (I), surveillance (S), extension (E) or prolongation (P) assessment, the audit team and the AC, despite the identification of non-conformities, have confidence in the quality system and the technical competences of the CAB, and if the CAB can demonstrate its capacity and reactivity to quickly resolve the non-conformities identified during the assessment, the AC proposes a **positive opinion for...subject to...**

- the granting subject to a complementary assessment;
- the maintaining subject to a complementary assessment;
- the extension subject to a complementary assessment;
- the renewal subject to a complementary assessment.

If during a surveillance (S), prolongation (P) or complementary (C) assessment, the audit team observes that an accredited CAB is not completely in conformity with the requirements of accreditation, the AC proposes a **positive opinion for... subject to...**

- the maintaining subject to a partial suspension (to be specified);
- the renewal subject to a partial suspension (to be specified);
- the lifting of suspension subject to a partial suspension (to be specified).

If during a surveillance (S), prolongation (P) or complementary (C) assessment, the audit team observes that part of the activities described in the accreditation scope of the CAB do not correspond anymore to the requirements of accreditation, the AC Committee proposes a **positive opinion for...subject to...**

- the maintaining subject to reduction (to be specified);
- the renewal subject to reduction (to be specified);
- the lifting of suspension subject to reduction (to be specified).

Negative opinion:

If during an initial (I) or extension (E) assessment, the CAB could not demonstrate to the audit team and the AC the conformity of its quality system to the applicable standards, its technical competences in the domain covered by accreditation, and its capacity and reactivity to quickly resolve the non-conformities identified during the assessment, the AC proposes a **negative opinion for...**



- the granting;
- the extension;
- the lifting of a suspension.

If during a surveillance (S), prolongation (P) or complementary (C) assessment, the CAB could not demonstrate to the audit team and the AC the conformity of its quality system to the applicable standards, its technical competences in the domain covered by accreditation, its capacity and reactivity to quickly resolve the non-conformities identified during the assessment, the AC proposes a **negative opinion for...**

- the maintaining and proposes...
 - ✓ a suspension
 - ✓ a withdrawal
- the renewal and proposes...
 - ✓ a suspension
 - ✓ a withdrawal
- the lifting of suspension and proposes...
 - ✓ a withdrawal

Synoptic table of the decisions based on the Accreditation AC opinions:

Types of assessment	opinion	Formulation of the opinion	Decision applying to...
I / S / E / P / C	Positive opinion	Positive opinion for...	G / M / E / R / L
I / S / E / P		Positive opinion for... subject to a complementary assessment	G / M / E / R
S / P / C		Positive opinion for... subject to a partial suspension of the scope	M / R / L
		Positive opinion for...subject to a reduction of the scope	M / R / L
I / E / C	Negative opinion	Negative opinion for...	G / E / L
S / P / C		Negative opinion for...and proposes suspension of accreditation	M / R
		Negative opinion for...and proposes withdrawal of accreditation	M / R/ L

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Assessments: I = Initial ; E = Extension ; S = Surveillance ; P = Prolongation ; C = Complementary
Decisions: G = Granting ; M = Maintaining ; E = Extension ; R = Renewal; L = Lifting of suspension.

5. Decision-making process

According to the modified law of the 4th of July 2014 on the reorganisation of ILNAS, the head of OLAS or his deputy, takes the decision based on the opinion of the AC.

Decision making is recorded in the form “*F035 – Décisions relatives à l’accreditation*” which incorporates the opinion of the auditors and the AC, as well as any required motivation in case of a negative decision or if it diverges from the auditors or AC opinion. The accreditation decision comes into effect with the signature of the form “*F035 – Décisions relatives à l’accreditation*”. A letter of notification of the decision is sent to the CAB.

The technical annex is signed by the accreditation manager in charge of the file and the operational manager (or their respective deputies).

The form « *F025 – Feedback to the assessors* » is sent to the concerned assessors to inform them in the event of a dissenting opinion from the AC, and/or in case of a negative evaluation of the assessment report to inform them and to help them to improve

In case of disagreement on the decision, the CAB may appeal as described in procedure “*P006- Handling of complaints and appeals*”.

6. Complementary rules

National Accreditation Register

For a granting, a renewal or a lifting of suspension the CAB is registered, respectively registered again, in the National Accreditation Register. In the case of an extension the Register is updated.

Suspension, withdrawal or reduction

In case of suspension or withdrawal, the CAB is withdrawn from the National Accreditation Register. When an accredited CAB is suspended for more than 18 months following the notification of suspension, its accreditation is considered as withdrawn.

The withdrawal and suspension lead to:

- A ban on using its status of accredited CAB,
- A ban on issuing reports or certificates covered by accreditation during an initial assessment,
- A ban on using the OLAS logo.

These decisions are effective at the date of reception of the notification by the CAB. The CAB is immediately withdrawn from the National Accreditation Register.



In case of reduction, suspension or withdrawal of its accreditation, the CAB is obliged to inform his clients about that and about all associated consequences without undue delay.

A suspension can only be lifted by a complementary assessment.

In case of a withdrawal, the CAB must return the accreditation certificate to OLAS.

In case of a suspension of accreditation, OLAS verify the CAB no longer refers to accreditation on its internet website.

Complementary assessment

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If the AC recommends a complementary assessment following a granting or an extension assessment it must take place within a period of 6 months following the notification of the decision by the head of OLAS's department, or his deputy. After this period, the application for granting or extension of accreditation is cancelled except if the CAB can proof valuable reasons to explain this delay.

If the AC recommends a complementary assessment following a surveillance or renewal assessment it must take place within a period of 6 months following the notification of the decision by the head of OLAS department, or his deputy. After this period, the accreditation is suspended completely or partially for a period of 18 months. If the CAB does not take the initiative to lift the suspension within this period, the accreditation is withdrawn completely or partially.

A complementary assessment can be performed based on documents or on a visit on site.

Reduction of the accreditation scope

The reduction of an accreditation scope is effective at the date of reception of the notification by the CAB. To restore the removed activities in its accreditation scope the CAB must address a new application for extension to OLAS.

Request for suspension, reduction or voluntary withdrawal of accreditation by a CAB

These special cases are treated in § 5 of the OLAS procedure P001.

Major non-conformities

Before granting, extending, maintaining, renewing or lifting a suspension of an accreditation, all major non-conformities must be closed and its application controlled according to the procedure P002.

7. Sanctions

Sanctions against the CABs may apply in certain situations. Before any sanction is pronounced, each situation will be analysed in detail by the head of OLAS department or his deputy.

7.1 Specific situations that could lead to sanctions covered by the law



In accordance to the article 18 of the modified *law of the 4th July 2014* concerning the reorganization of ILNAS, a fine from 251 EUR to 25,000 EUR, imprisonment from 8 days to 6 months or only one of those penalties may apply to:

- any person who invokes an accreditation without having a valid accreditation;
- any person who has used or affixed the semi-figurative mark « OLAS », such as registered at the Benelux Office for intellectual property, without being accredited;
- any person who has used or affixed the semi-figurative mark « OLAS » such as registered at the Benelux Office for intellectual property, on certificates or reports for activities other than those for which he is accredited.

7.2 Other situations that may lead to sanctions not covered by the law

The situations below are those referenced in the document *IAF MD 7 :2010 - Harmonization of Sanctions to be applied to Conformity Assessment Bodies*, and will apply to all accredited CABs:

- inability of a CAB closing non-conformities in a timely manner;
- unresolved complaints against a CAB;

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- non-payment of annual fee, audit invoices or others,
- fraudulent behaviour of the CAB;
- certification according to accreditation standards.

Possible sanctions for the first three situations are:

- complementary assessment;
- reduction of accreditation scope;
- suspension or withdrawal of accreditation.

Possible sanctions for the last two situations are:

- withdrawal of accreditation for the first situation;
- suspension of accreditation for the last situation.

OLAS will inform the CAB and the AC of any sanction expressed without undue delay and in specific cases (e.g. suspension or withdrawal of accreditation), also the IAF secretariat (cf. IAF MD 7:2010).