

# **Dutch Accreditation Council (RvA)**

## **Policy rule Accreditation**

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RvA policy guidelines describe the RvA rules and the policy on specific subjects.

A current version of the policy guidelines can be obtained through the RvA website ([www.rva.nl](http://www.rva.nl))

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# 1 Scope

## Article 1.

This policy rule is applicable to the accreditation of bodies carrying out conformity assessment activities as referred to in Section 1 of the Dutch National Accreditation Body Appointment Act.

## Article 2.

This policy rule refers to other RvA documents, which can be obtained from the RvA, but can also be found on the RvA website ([www.rva.nl](http://www.rva.nl)). RvA documents are, with a single exception, available in both Dutch and English. If a document is published in two languages, the Dutch version is binding.

## Article 3.

This document shall come into force on the day of publication in the Government Gazette.

# 2 Definitions

## Article 4.

The definitions in ISO/IEC 17000 apply.

## Article 5.

In this policy rule the terms below have the following meanings:

- a. *Dutch Accreditation Council (RvA)*: the Foundation which has been appointed as the Dutch national accreditation body as defined in Article 4 of Regulation (EC) No 765/2008 by the Minister of Economic Affairs in the National Accreditation Body Appointment Act (*Wet aanwijzing nationale accreditatie-instantie, Wanai*);
- b. *Accreditations Committee*: the RvA committee that has the responsibility to advise the board on the granting and withdrawal of accreditations;
- c. *Conformity assessment body (CAB)*: a body that undertakes conformity assessment activities such as calibration, (medical) testing, certification or inspection;
- d. *EA: European co-operation for Accreditation*: The cooperative association of national accreditation bodies in Europe that is charged by the European Commission with the operation of a peer evaluation system of supervision of these accreditation bodies;
- e. *IAF: International Accreditation Forum*: The global cooperative association of accreditation bodies in the field of certification and verification;
- f. *ILAC: International Laboratory Accreditation Cooperation*. The global cooperative association of accreditation bodies in the field of (medical) testing, calibration and inspection;
- g. *Multilateral agreement*: The agreements on the mutual recognition and acceptance of accreditations drawn up within EA, IAF and ILAC; these agreements are referred to as EA-MLA, IAF-MLA and ILAC-MRA respectively.

- h. *Regulation*: Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93;
- i. *Scope*: The activities and/or fields of activity to which the RvA accreditation is applicable. The scope also gives the locations where the CAB carries out key activities under this accreditation. The RvA policy for the definition of the scope and the definition of key activities is given in RvA policy rule RvA-BR003;
- j. *Non-conformity*: a situation at the CAB that is not in conformity with the requirements or conditions for accreditation. In the case of a pre-assessment it is referred to as a deficiency. The RvA policy regarding non-conformities is given in RvA policy rule RvA-BR004;
- k. *Corrective action*: action by which the cause of a detected non-conformity is removed. Corrective action requires an analysis of cause and extent of a non-conformity. The RvA corrective action policy is given in RvA policy rule RvA-BR004;
- l. *Individual accreditation decision*: A decision made by the RvA board to grant, withdraw, suspend, extend or restrict an accreditation;
- m. *Suspension of an accreditation*: The temporary withdrawal of the scope, as referred to in Article 5, paragraph 4, of the Regulation;
- n. *Objection*: The challenging of a decision made by the board of the RvA, as defined in the Dutch General Administrative Law Act (see Handling Objections Policy Rule, RvA-BR006);
- o. *Complaint*: Expression of dissatisfaction, other than an objection, about the way in which the RvA or a person working under the responsibility of the RvA has acted towards the complainant or towards someone else in a particular matter;
- p. *Report*: Expression of dissatisfaction about the conduct of an organisation accredited by the RvA concerning activities that fall within the applicable scope and on which feedback will be given by the RvA;
- q. *Signal*: Expression about the conduct of an organisation accredited by the RvA concerning activities falling within the applicable scope that is provided to the RvA for information and on which no feedback will be given by the RvA;
- r. *Dispute*: Difference of opinion between a CAB and a RvA assessor about the interpretation of accreditation requirements;
- s. *SAP*: Specific Accreditation Protocol: document briefly describing specific an accreditation area and serving as practical supplements to this policy rule. Where necessary, accreditation requirements are explained in a SAP. SAPs are mandatory documents;
- t. *Explanatory document*: This document describes the RvA policy and/or procedure with regard to a specific accreditation subject. Explanatory documents are mandatory documents;
- u. *Accreditation requirements*: requirements that the RvA applies for (maintaining) the accreditation. These requirements include the requirements from the relevant standards used for accreditation, the requirements of the specific conformity assessment schemes and the requirements given by the RvA in the accreditation decisions.
- v. *Conformity assessment scheme/conformity assessment programme (hereafter: scheme)*: a documented and publicly available set of requirements which establishes the following:
  - a. the object of conformity assessment, i.e. product, process, service, system, person to be assessed for conformity;
  - b. the requirements against which conformity is to be assessed;

- c. the mechanism by which conformity is determined, e.g. testing, examination, inspection or auditing and any other supporting activities to ensure continued conformity;
  - d. requirements placed on CABs by the scheme owner, and any specific applications or interpretations thereof, if applicable.
- w. *Scheme owner* : an identifiable organization which has established a scheme and which is responsible for the scheme design and scheme management. In case the scheme owner is not the CAB that uses the scheme, we use the term 'external scheme owner'.

### 3 Accreditation by the RvA

#### Article 6.

The board of the RvA can grant accreditation if the CAB has demonstrated compliance with the accreditation requirements in an assessment carried out by the RvA, with due regard for the applicable regulatory framework, guidelines, interpretations and policy rules.

#### Article 7.

The RvA operates as an accreditation body for CABs that can be held responsible for their acts or omissions under Dutch law. A CAB that is established outside the Netherlands and that can be held responsible for its acts or omissions under local law can also apply to the RvA for accreditation, with due regard for the applicable regulatory framework and within the policy rules set by the RvA for foreign accreditations as laid down in policy rule RvA-BR007.

#### Article 8.

1. The RvA applies the requirements laid down in the standards used for accreditation, published by the relevant standards institutions or other authoritative bodies.
2. In addition to the requirements in the standards applying to the conformity assessment activity concerned, the RvA may apply supplementary requirements, such as:
  - a. requirements for acquiring the status of a notified body under a European Directive or Regulation;
  - b. requirements for recognition or designation under Dutch legislation or regulations;
  - c. requirements in a scheme;
3. The supplementary requirements referred to in paragraph 2 may not contradict the requirements in the standard used for accreditation or state requirements in that standard are not applicable.

**Article 9.**

1. The RvA uses guidelines and application and interpretation documents published by the RvA, EA, IAF, ILAC or other authoritative organisations.
2. The RvA can write explanations of the accreditation requirements. The so-called explanatory documents are published at [www.rva.nl](http://www.rva.nl). The RvA can involve external experts in the development of explanatory documents.

**Article 10.**

The RvA bases her procedures and rules on the requirements for accreditation bodies as laid down in:

- a. ISO/IEC 17011;
- b. Regulation (EC)765/2008 and the Wanai;
- c. the EA-MLA, IAF-MLA and ILAC-MRA and the requirements that result from those agreements;
- d. requirements in schemes, where applicable.

**Article 11.**

At [www.rva.nl](http://www.rva.nl) the RvA publishes Specific Accreditation Protocols (SAPs), which specify the applicable requirements for different (types of) conformity assessment activities and list the supplementary guidelines and application and interpretation documents. SAPs also contain details of the RvA assessment activities and possible subjects that receive special attention in the course of assessments. The RvA may consult external parties when preparing SAPs.

**Article 12.**

The RvA shall always ensure its independence and impartiality. In this respect the RvA shall not grant accreditation, or maintain an accreditation granted, to a body that conducts or offers activities that could be considered to constitute or to suggest conformity declarations against standards that the RvA applies for the accreditation of CABs.

## 4 Application for accreditation

**Article 13.**

1. An application for accreditation shall be submitted to the board of the RvA on form RvA-F001a.
2. The documents listed in the application form and in the applicable supplementary application form specified in RvA-F001a shall be submitted with the application.
3. If the application for accreditation concerns a scheme of an external scheme owner, policy rule RvA-BR012 is also applicable.
4. Documents shall be provided to the RvA in Dutch or English.
5. The applicant receives an acknowledgement of the receipt of the application from the RvA within ten working days.
6. The RvA assesses the completeness and correctness of the application. The applicant will be informed of the result of this assessment within twenty working days of the receipt of the application. The application will be dealt with if complete and correct.

#### **Article 14.**

In addition to article 4:5 of the Dutch General Administrative Law Act, the RvA will decide not to deal with the application if:

1. the scope applied for is not clear. The RvA shall, in the context of guaranteeing the harmonisation of descriptions of scope of the organisations accredited by it, send the applicant a counterproposal for the description of scope and a deadline for completing or correcting the application.
2. the application concerns an activity or field of activity that is not mentioned in policy rule RvA-BR010. If the RvA judges that the activities or fields of activity do not belong to the area of competence of the RvA, the RvA shall set a period of time in consultation with the applicant within which the activity or the field of activity can be added to the fields of activity of the RvA and the application can be considered.

#### **Article 15.**

1. If the application for accreditation concerns a scheme of an external scheme owner and the evaluation of the scheme, as meant in BR012, is not yet concluded, the application will be put on hold awaiting the finalisation of the scheme evaluation.
2. In case this evaluation is not concluded within 6 months after receipt of the application for accreditation, the application will be excluded from treatment.

## **5 Preparation of an assessment**

#### **Article 16.**

1. Following the consideration of the application as referred to in Article 13 the RvA carries out a pre-assessment with the purpose of deciding whether the documented system of the applicant meets the requirements for accreditation.
2. The RvA assigns an assessment team for the pre-assessment referred to in paragraph 1. The applicant can, on the basis of alleged conflicts of interest, lodge a written protest with the RvA against the use of a team member. Such a protest, giving reasons, must be submitted to the RvA within five working days of the announcement of the composition of the team. The RvA will reconsider the use of the team member on the basis of the reasons for the protest.
3. The result of the pre-assessment is recorded in a report. This report identifies any deficiencies found in respect of the accreditation requirements. If the applicant so wishes, the results are explained at a meeting.
4. The conclusions from a pre-assessment may be:
  - a. It is concluded that the applicant, despite any deficiencies found, is ready for the assessment. In that case the pre-assessment report shall not only contain a summary of the results of the pre-assessment, but also a breakdown of the assessment to be carried out and a proposed plan of the assessment.
  - b. It is concluded that, as a consequence of deficiencies found, the applicant is not yet ready for the assessment. In that case the report shall not only contain a summary of the results of the pre-assessment, but also the identified deficiencies that must be demonstrably rectified before an assessment can be carried out. The applicant is then given the opportunity to make corrections within a by the RvA stated period of time, which the RvA shall verify in a follow-up pre-assessment. The results of this verification are incorporated into the report and are the basis for a (possible) new conclusion.



5. An applicant can withdraw its application on the basis of the result of the pre-assessment and resubmit it after taking corrective action.
6. To guarantee the objectivity of the assessment team of the RvA and to prevent consultancy, the RvA may decide on a different assessment team composition for subsequent pre-assessments of the same applicant.
7. Where the follow-up pre-assessment shows that an applicant has not succeeded in resolving the deficiencies of the pre-assessment referred to in paragraph 4 under 4.b, the RvA takes a decision about the continuation of the assessment in consultation with the applicant.

## 6 Assessment

### Article 17.

1. The RvA uses one or more of the following assessment methods:
  - a. **document assessment:** the assessment of system documentation such as: manuals, established procedures, instructions, and/or the assessment of CAB records, such as personnel files, quality control charts, reports, management review reports, audit files and such;
  - b. **office assessment:** an assessment that is carried out at the CAB to verify the implementation of the management system on the basis of documented evidence and interviews with the personnel;
  - c. **witnessing:** the observation in practice of activities carried out by the CAB (such as tests, calibrations, inspections, audits, examinations, verification), the reports of the observations included;
  - d. **remote assessment:** an assessment in which the RvA assessment team, through electronic media, assesses registrations and interviews personnel of the CAB without physically being at the premises of the CAB at which the registrations are kept and where the personnel is conducting their activities;
  - e. **shadow assessment:** an assessment in which an activity already carried out by the CAB is verified on site by the discussion of the results of the activity with the person(s) that carried out the activities. Virtually the same information and facilities as were available for the persons carrying out the activities should be available;
  - f. **assessment of interlaboratory comparison results:** the determination of the competence of a CAB that carries out (medical) tests, calibrations or inspections by means of assessing the results of interlaboratory comparisons (the comparison of results obtained by two or more CABs);
  - g. **interviews:** the testing of the expertise of CAB staff by means of set interviews.
2. The RvA assigns an assessment team for the assessment referred to in paragraph 1. The applicant can, on the basis of alleged conflicts of interest, lodge a written protest with the RvA against the use of a team member. Such a protest, giving reasons, must be submitted to the RvA within five working days of the announcement of the composition of the team. The RvA will reconsider the use of the team member on the basis of the reasons for the protest.
3. For assessments outside the Netherlands the RvA may decide to add one or more interpreters to the assessment team.
4. The CAB shall make the current system and technical documentation written in Dutch or English available to the assessment team not later than 20 working days before the start of the assessment referred to in paragraph 1. The respective supplementary application form (see [www.rva.nl](http://www.rva.nl)) specifies the documents needed for carrying out an assessment as referred to in paragraph 1. In case these documents are not

provided at least 20 working days before the start of the assessment referred to in paragraph 1, the RvA may change the planning of the assessment, to enable the assessment team to conduct (part of) the preparation on-site at the premises of the CAB. In that case the actual on-site assessment will (partly) be continued at a date to be decided. The RvA reserves the right to cancel the assessment where appropriate, the costs being for the applicant's account in accordance with the Fees and Charges decision (RvA-D001).

5. For the purposes of the assessment:
  - a. the CAB shall timely inform the RvA about all relevant security, safety, industrial health and hygiene instructions and requirements;
  - b. the CAB shall make the necessary personal protective equipment (for safety and hygiene) available to the members of the RvA assessment teams;
  - c. the CAB shall enable the RvA to observe (attend) the activities of the accredited organisation;
  - d. the CAB shall grant the RvA access to all locations, files and documents that the RvA considers relevant for its assessment. This may also refer to locations, files and documents of organisations related to the accredited organisation;
  - e. the CAB shall take action to obtain the cooperation of clients of the CAB or organisations related to the CAB where access to the locations and documents of the client of the CAB is needed in the opinion of the RvA;
  - f. the CAB shall have practical arrangements at its disposal to facilitate cooperation and access as referred to above.
6. A CAB with activities abroad accepts that the RvA will outsource the assessments abroad to the local accreditation body if it is a signatory to the relevant multilateral agreement of EA, IAF or ILAC.
7. If in the opinion of the RvA insufficient substance has been given to the points in paragraphs 4 to 6, there is a risk that an assessment cannot be carried out (in full) and a positive decision cannot be taken within the time specified for it. This risk shall be for the applicant's account.
8. Where applicable the provisions in this article also apply to extraordinary assessments as referred to in Article 32 of this policy rule.

#### **Article 18.**

1. The CAB shall accept that observers can participate in the RvA assessment teams (on behalf of the RvA or otherwise) for purposes such as training, peer evaluations and supervision by the Dutch government, unless the CAB promptly makes reasonable and substantiated objections to the presence of specific observers.
2. The CAB shall not put people acting on behalf of the RvA in a position in which their independence, objectivity, safety or health may be put at risk.

#### **Article 19.**

1. An assessment starts with an opening meeting with the representatives of the CAB at which, amongst other things, the purpose and the procedures are explained and the assessment plan is agreed.
2. During the assessment the different team members will assess the implementation and effectiveness of the management system and the competence of the CAB. The CAB must demonstrate that it controls all the activities at all its branches included in the application for accreditation. If the CAB carries out key activities at several locations (see policy rule RvA-BR003 for the definitions of key activities), the RvA shall also carry out an assessment at these locations. Samples are taken from other locations where the CAB carries out

activities that are not regarded as key activities according to the nature and the extent of the activities at the locations concerned.

3. With regard to the management system of the CAB the assessment team must be able to assess at least a full cycle, that is including implementation of corrective action, of the internal audit and management review.

#### **Article 20.**

1. The assessment team grades findings according to the current RvA policy with respect to classification of non-conformities as laid down in RvA policy rule RvA-BR004.
2. An assessment is concluded with a final meeting at which the findings are reported verbally and the non-conformities found are reported in writing. In special situations the closing meeting may take place by telephone or with the use of other digital facilities.
3. The assessment team records the findings in a provisional report. The CAB can respond to the content of the report and propose corrections and amendments within ten working days of the despatch of this report by the RvA. The assessment team can choose whether or not to adopt these proposals.

#### **Article 21.**

The RvA shall immediately terminate an assessment or the accreditation process in the event of the following:

- a. failure to provide access to relevant locations, staff and/or information;
- b. intimidation, discrimination, threat and/or violence towards one or more persons acting for or on behalf of the RvA;
- c. attempted bribery of one or more persons acting for or on behalf of the RvA;
- d. demonstrably misleading of the RvA assessment team by the failure to provide relevant information and/or the provision of incorrect or incomplete information;
- e. failure to meet financial obligations to the RvA.

#### **Article 22.**

1. If non-conformities are found, the RvA shall give the applicant the opportunity to take corrective action according to the procedure set out in RvA-BR004.
2. The corrective action is assessed in a follow-up assessment (see also BR004). The results of the follow-up assessment are incorporated into the final assessment report and are sent to the applicant.
3. The final report with a conclusion by the assessment team and advice by the lead assessor, for the purposes of decision-making, is made available to the decision-maker.
4. The applicant may reproduce, publish and distribute a report in its entirety without the consent of the RvA. In accordance with the Dutch Freedom of Information Act, confidential information can be withheld.
5. Parts of RvA reports may only be made public or distributed if the RvA has given its explicit written consent for this.

#### **Article 23.**

1. To be granted the status of notified body in the framework of European directives or regulations, or to be designated or recognised in the framework of other legislation, a CAB may need to be accredited. In such cases it may occur that the CAB cannot be accredited because it cannot demonstrate its activities to the RvA, because it needs this notification/designation/recognition to acquire work. In consultation with the

notifying/designating/recognising authority the RvA will in that case apply a system of temporary accreditation with restricting conditions.

2. An assessment for a temporary accreditation with restricting conditions consists of a pre-assessment as described in chapter 5 and an assessment as described in chapter 6, to assess the competence based on interviews and the verification of files and registration at the office of the CAB. This assessment is concluded with a report and, after closing of possible nonconformities, with a recommendation from the assessment team. The decision making will follow the rules described in chapter 7. A temporary accreditation with restricting conditions will be granted for one year. The scope of accreditation will explicitly refer to the temporary and restricted status of the accreditation (refer to BR003).
3. After granting the temporary accreditation with restricting conditions the RvA will conduct an additional assessment during which the first activity of the CAB as notified/designated/recognised body will be witnessed, followed by an assessment at the office of the CAB, to assess the file of the first activity. This additional assessment shall be finalised within one year after granting the accreditation. The decision to change the accreditation to a regular accreditation will be made based on an advice of the Accreditations Committee as mentioned in chapter 7.
4. A temporary accreditation with restricting conditions will expire (so not be withdrawn) in the event the RvA was not able to conclude the additional assessment before the expiry date of the accreditation because:
  - a. the RvA could not witness the activity concerned;
  - b. the RvA could not conduct the office assessment;
  - c. the RvA could not close the non-conformities, raised during the additional assessment, with a positive result.
5. In case the CAB has not enabled the RvA, within six months after the temporary accreditation with restricting conditions has been granted, to conduct the witness as referred to in paragraph 3 and/or the additional assessment, there is a risk that the accreditation cannot be changed to a regular accreditation before it expires. This risk shall be for the applicant's account.
6. The notifying/designating/recognising authority will be informed by the RvA in case the temporary accreditation with restricting conditions has expired.

## 7 The decision on the accreditation

### Article 24.

1. In the case of an initial assessment or a reassessment the conclusion by the assessment team, the final report, the final proposal for the scope and any other information will be provided to an Accreditations Committee set up by the RvA. This committee meets monthly and formulates a recommendation to the board of the RvA.
2. This recommendation may be in line with the conclusion of the assessment team, but may also differ from it. The committee can recommend to attach specific conditions to the accreditation. The committee can also recommend to postpone the decision in anticipation of additional information.
3. The board of the RvA can follow the recommendation of the Accreditations Committee or decide otherwise. If the board does not follow the recommendation of the committee, the board must consult the Supervisory Board of the RvA.

4. The applicant is notified in writing of the individual accreditation decision with the applicable conditions (see informative Annex 1: The conditions for individual accreditation decisions (informative)).

**Article 25.**

[Deleted per 13-01-2022]

**Article 26.**

1. Conditions are attached to an individual accreditation decision.
2. An individual accreditation decision specifies the scope according to RvA-BR003.
3. In the individual accreditation decision it can be specified that the accreditation or the accreditation declaration is granted for a limited time.
4. An individual accreditation decision includes conditions for the use of accreditation marks and other references to the accredited status (see RvA-VR003).
5. The conditions to be attached to an individual accreditation decision may mean that the activities and the locations of the CAB must meet given requirements.

**Article 27.**

1. An accreditation is registered in the name of the CAB that has submitted the application and of which the assessment has demonstrated fulfilment of the requirements.
2. In addition to its registered name, the complementary trade names given in the application can also be shown in the accreditation documents referred to in Article 28 if these have been registered in the commercial register of the Chamber of Commerce (or in a comparable register for foreign CABs).

**Article 28.**

Two documents are sent to the CAB within four weeks of the individual accreditation decision:

1. the accreditation declaration: the declaration shows the date on which the accreditation has been granted, against which standard the assessment has taken place and the period of validity of the declaration. This period of validity shall not exceed four years.
2. an annex to the declaration: the annex to the declaration describes the scope of the accreditation in accordance with the accreditation decision. This annex has an end date that is the same as the end date of the accreditation declaration. The RvA also publishes this annex on its website.

The documents referred to in paragraphs 1 and 2 are written in Dutch. On request they are also available in English.

## 8 The maintenance of the accreditation

### Article 29.

1. Once the accreditation has been granted, there are regular checks to ensure that the CAB is continuing to comply with the conditions for accreditation.
2. The RvA carries out regular assessments. Details of the frequency, extent and the scope of the audits can be found in policy rule RvA-BR005.
3. Regular assessments are carried out in accordance with the procedures in chapter 6.
4. On the basis of the result of an assessment the RvA may decide to amend the accreditation, or suspend it as a whole or in part (see chapter 10), or withdraw it as a whole or in part (see chapter 11).

### Article 30.

1. A reassessment as referred to in RvA-BR005 takes place not later than six months before the expiry of the validity of the accreditation declaration referred to in Article 28, paragraph 1.
2. The reassessment takes place in accordance with the procedures laid down in chapters 6 and 7 of this policy rule.
3. The RvA shall not carry out a pre-assessment in case of reassessments. The assessment team however does carry out an assessment of the documented system and incorporates its results into the report.
4. In the determination of the content and scope of a reassessment the RvA considers the past performance of the CAB, according to the policy rule RvA-BR005.
5. The RvA may decide to amend the accreditation or suspend or withdraw it as a whole or in part on the basis of the result of a reassessment.
6. If the accreditation had been granted for a limited time (in accordance with Article 26, paragraph 3), the RvA may decide not to grant the accreditation again.
7. If a decision on the new period of validity of the accreditation declaration cannot be taken before the expiry of the period of validity of the accreditation declaration, the validity of the declaration and of the scope can be extended by not more than six months.

#### **Article 31.**

1. The scope of an accreditation can be amended at the request of a CAB according to the rules in RvA-BR003.
2. In the event of an application for extension of the scope the following applies:
  - a. An application for extension of an accreditation shall be submitted on form RvA-F105. The documents specified in the relevant supplementary application form shall be enclosed with the application. In consultation with the CAB the RvA can, in addition to these documents, request other documents that are needed for the consideration of the application.
  - b. The decision to accept an application for extension of accreditation is made in accordance with the provisions laid down in Article 13 and Article 14.
  - c. The assessment in the context of an extension of accreditation takes place in accordance with the provisions laid down in chapters 5 and 6, on the understanding that on the acceptance of the application the RvA may decide that a pre-assessment is not necessary.
  - d. The board of the RvA takes a decision on the extension of the scope on the basis of the results of the assessment. A positive decision leads to a new individual accreditation decision.

#### **Article 32.**

1. The RvA may decide on an extraordinary assessment as a result of changes in the accreditation requirements and as a result of complaints, reports, signals or publications about the CAB. Information from interested parties or third parties may also give rise to a decision on an extraordinary assessment.
2. The RvA will carry out an extraordinary assessment in the event of the relocation of testing and calibration facilities or of a merger or takeover of the accredited body, according to policy rule RvA-BR011.
3. The RvA may carry out an extraordinary assessment in the event of other changes that may have an impact on the quality of the conformity assessment activities carried out under accreditation. Examples of such changes are changes in a significant part of the workforce or changes in methods or facilities.
4. An extraordinary assessment shall be carried out according to chapter 6 but can, if the RvA so wishes, take place without pre-announcement or with a minimal period between announcement and performance of the assessment.
5. The RvA may decide to amend the accreditation or to suspend or withdraw it as a whole or in part on the basis of the result of an extraordinary assessment.

## **9 Actions**

#### **Article 33.**

1. In the event of acts by an accredited CAB that are inconsistent with the accreditation requirements, the RvA can take the following actions:
  - a. suspension (whole or partial) of the accreditation (see chapter 10),
  - b. withdrawal (whole or partial) of the accreditation (see chapter 11),
  - c. the performance of extraordinary assessments (see Article 32).
2. If the RvA decides to suspend or withdraw the accreditation, notice thereof shall be given on the RvA website and if necessary notice thereof shall be given to the IAF secretariat (see document IAF-MD7

- ([www.iaf.nu](http://www.iaf.nu))). The notice of suspension or withdrawal shall state whether this has taken place at the request of the CAB or has been imposed by the RvA.
3. Notice of a withdrawal or suspension of an accreditation of a CAB that also operates under the accreditation of a foreign accreditation body shall also be given to this body.
  4. The RvA shall inform the relevant authority/authorities of a withdrawal or suspension of an accreditation of a CAB that has been notified under European Directives or Regulations or has been designated or recognized under legislation or regulations.

## 10 Suspension of the accreditation

### Article 34.

1. The board of the RvA can suspend an accreditation as a whole or in part for a period to be determined but not exceeding six months. In exceptional cases the suspension may be extended by a period not exceeding six months. The decision to suspend contains the reasons for the suspension, the parts of the scope to which it applies and the period for which the suspension applies.
2. The following apply as reasons for a whole or partial suspension of the accreditation:
  - a. the demonstrable failure of the CAB to meet the requirements referred to in chapter 3 of this policy rule;
  - b. the demonstrable failure to implement adequate action as stated in RvA-BR004, as a result of an assessment within the applicable period of time;
  - c. the demonstrable failure by the CAB to comply with the conditions referred to in Article 26;
  - d. other circumstances that are reasons for the board of the RvA to question the expertise or impartiality of the CAB or the reliability of its results;
  - e. bankruptcy of the CAB.
3. The board of the RvA can suspend an accreditation as a whole or in part at the request of the CAB itself.
4. The board of the RvA makes a decision on the whole or partial suspension known to the CAB in writing and giving reasons.

### Article 35.

1. The board of the RvA can, before deciding on the whole or partial suspension of the accreditation, give the CAB the opportunity to take adequate actions within a period to be determined not exceeding four weeks.
2. Where the opportunity referred to in paragraph 1 has been given, the board of the RvA shall make a decision on the whole or partial suspension of the accreditation once the actions taken by the CAB has been assessed by the RvA.

### Article 36.

1. During the period of suspension the CAB is not permitted to use the accreditation mark or to refer to the accredited status. In particular a suspended CAB is not permitted:
  - a. to offer, carry out and/or report activities under accreditation;
  - b. to issue certificates or other documents that may prompt the suggestion that the accreditation is applicable to these certificates or documents.



2. The CAB shall inform interested parties on request about the consequences of and reasons for the suspension.
3. Certification bodies shall respect existing certification contracts during the period of suspension, which means that the body shall carry out the prescribed surveillance activities according to the requirements of the certification schedule. The extension or renewal of certificates with an accreditation mark is however not permitted during a suspension.
4. The results of conformity assessment activities that have been carried out during a suspension may not be used after the lifting of the suspension for the issue of certificates or reports with the accreditation mark, unless the board of the RvA grants written consent for this.
5. The CAB shall provide the RvA with a list of valid certificates that have been issued under RvA accreditation prior to the suspension.

#### **Article 37.**

1. The board of the RvA will lift the suspension within the period laid down under Article 35 if the CAB has demonstrated that adequate corrective action has been taken, that there has been compliance with the provisions laid down in Article 36 and that this has been verified by the RvA within this period.
2. In case of a merger, takeover or division of the accredited body during a suspension because of a bankruptcy, the RvA can apply the rules of RvA-BR011. The curator shall contact the RvA in a timely manner (article 4 RvA-BR011). If the RvA applies the rules of this policy rule, the suspension will be lifted. In case the CAB loses its legal personality in any other situation, the accreditation will lapse by operation of law.
3. The CAB is notified of the decision to lift the suspension in writing.

If the suspension has not been lifted within the period laid down under Article 35, the procedure for withdrawal of the accreditation shall come into effect. The suspension will in that case be extended for as long as is necessary to take the withdrawal decision.

## **11 Withdrawal of the accreditation**

#### **Article 38.**

1. The board of the RvA can withdraw an accreditation as a whole or in part:
  - a. if a suspension has not been lifted within the period indicated;
  - b. if the CAB has been declared bankrupt;
  - c. if there is any question of fraud, forgery or gross negligence of whatever kind;
  - d. if in the opinion of the board of the RvA the CAB has brought the reputation of the accreditation into disrepute;
  - e. in the event of other circumstances that show that the CAB no longer has the required expertise or impartiality and the board of the RvA no longer has confidence in the conformity assessment activities of the CAB.
  - f. if there is any question of the RvA assessment team having been misled by the failure to provide relevant information or the provision of incorrect or incomplete information.

2. The board of the RvA can withdraw an accreditation as a whole or in part at the request of a CAB itself.
3. The board of the RvA notifies the CAB of a withdrawal decision in writing and giving reasons.

**Article 39.**

Following withdrawal of the accreditation the CAB is no longer permitted to use the accreditation mark or to refer to the accreditation in any other way.

**Article 40.**

1. A certification body whose accreditation has been withdrawn shall inform its certificate holders about the withdrawal of the accreditation and the consequences thereof. The CAB shall provide the RvA with proof of the said provision of information.
2. Certification bodies shall withdraw certificates issued under accreditation, that at the time of termination of the accreditation have a remaining period of validity of more than six months, within six months. Proof of withdrawal shall be provided to the RvA not later than six months after termination of the accreditation.

**Article 41.**

The board of the RvA only takes a decision to withdraw a full accreditation following a recommendation by the Accreditations Committee, unless the withdrawal takes place at the request of the CAB.

## 12 Objections, complaints, notifications and signals

**Article 42.**

Objections to a decision by the board of the RvA shall be submitted and handled according to policy rule RvA-BR006 with due regard for chapter 6 of the Dutch General Administrative Law Act.

**Article 43.**

1. Complaints about the RvA shall be submitted and handled according to document RvA-QA008 with due regard for chapter 9 of the General Administrative Law Act.
2. The submission of a complaint about the RvA has no suspensive effect for the decision taken / to be taken on the basis of the activities about which a complaint has been submitted.
3. Nor does a complaint have any suspensive effect concerning the obligations stated in the Non-Conformities and Corrective Action Policy Rule (RvA-BR004).

**Article 44.**

1. A report (as referred to in Article 5) about an accredited CAB may be submitted in writing or through the website of the RvA.
2. The RvA shall acknowledge receipt of the report within ten working days.
3. If a report is submitted verbally, has not been substantiated or the notifier and the CAB have not been clearly named, the RvA shall declare the report admissible or not as it sees fit.
4. As a rule reports about a CAB are only considered if it has been demonstrated that a complaint has first been submitted to the CAB concerned and the complaints procedure of the CAB has been finalised. Reports

about a CAB made by public administrations (i.e. inspectorates or environmental services), may be considered without a previous complaint submitted to the CAB.

5. Following the declaration of admissibility of the report, the RvA shall ask the CAB concerned for a response. Depending on the nature of the report and the response of the CAB the RvA can decide to investigate the report during its next regular assessment of the CAB or during an extraordinary assessment, in accordance with the provisions laid down in RvA-BR005. Also an assessment of the available information by a lead assessor is an option.
6. The RvA cannot protect the identity of a submitter when handling a report. A report is after all only considered if the notifier has first complained to the party complained about. If the notifier has first complained to the party complained about and yet wishes to have his report treated anonymously, this report will be treated as a signal.
7. To the extent that the confidentiality provisions (see Article 47) permit, the submitter shall be notified of the results of the assessment of the RvA.

#### **Article 45.**

1. A signal (as referred to in Article 5) about an accredited CAB may be submitted in writing or through the RvA website.
2. The RvA shall, as it sees fit, involve a signal in the supervision of the CAB concerned. Therefore there will be no feedback to the signaller regarding the handling of the signal.
3. In the handling of signals the RvA shall try to protect the identity of the signaller, although no guarantee can be given for this as it is possible that a signal is traceable to the signaller for the body complained about.

#### **Article 46.**

The RvA does not handle complaints about the clients of an accredited CAB or about the products or services supplied by these clients.

## **13 Confidentiality**

#### **Article 47.**

1. The RvA keeps the findings of the assessments and information about CABs or accredited organisations confidential, unless statutory regulations require otherwise. The confidentiality to be exercised also applies to information on clients of the CAB and on organization related to the CAB.
2. Within the framework of the multilateral agreements with the EA, IAF or ILAC the RvA may make information on CABs available to peer evaluation teams. The members of these teams have signed a statement of confidentiality with EA, IAF or ILAC.
3. The board of the RvA can decide to inform the competent authority involved, if the assessment has resulted in findings which indicate a threat to the safety and/or health of persons or the system of accredited conformity assessment is at risk, for instance in case of an:
  - a. indication of fraud such as falsification of evidence, (attempts of) intimidation, bribery or other types of attempts to influence the judgement of the RvA;
  - b. Indication of falsifications regarding the issuance declarations of conformity under accreditation.

4. Members of the RvA assessment teams and all other persons who have access to the files of CABs for the purposes of the accreditation by the RvA have signed a statement of confidentiality. A copy of such a statement is provided to the CAB on request.

## **14 Changes compared with the previous rule**

### **Article 48.**

Compared to version 9 of 2 March 2020, the following significant changes have been implemented:

- Article 16, paragraph 2 and Article 17, paragraph 2: the description of the means of protesting against the use of team members has been set out in detail for a better match with the policy applied.
- Article 22: the description of the dispute settlement rules for the identification of non-conformities has been moved from Article 22, paragraph 3 of this policy rule to policy rule RvA-BR004. Article 22 has been further simplified by deleting superfluous paragraphs 2 and 4, the content of which now appears in policy rule RvA-BR004.
- Article 25 and renumbering: the means of making objections were set out in both Article 25 and Article 42. Article 25 has therefore been deleted.

## Annex 1: The conditions for individual accreditation decisions (informative)

The accreditation decision the RvA takes according to Article 24 paragraph 4 are so-called individual accreditation decisions as meant in the Dutch General Administrative Law Act. These individual accreditation decisions specify the conditions applicable to an accreditation granted by the RvA. The standard conditions are specified below. For individual cases specific conditions may be applicable (see point 3).

1. Your organisation shall demonstrably continue, for the whole scope, to fulfil the accreditation requirements, with due regard for the applicable interpretation and application documents as specified on the RvA web site ([www.rva.nl](http://www.rva.nl)).
2. Your organisation shall allow the RvA to carry out regular audits and reassessments and if necessary additional assessments as referred to in the policy rules RvA-BR002, RvA-BR004 and RvA-BR005, as published on [www.rva.nl](http://www.rva.nl), and in accordance with them.
3. Specific conditions (in case the decision included extraordinary assessments such as for example an early surveillance or an extended surveillance or other additional conditions, these will be included in the individual decision).
4. Your organisation shall allow the RvA to carry out assessments promptly and efficiently, in Dutch or English.
5. For the purposes of the assessments:
  - a. your organisation shall timely provide all the information requested by the RvA;
  - b. your organisation shall timely inform the RvA about all the relevant security, safety, industrial health and hygiene instructions and requirements. Your organisation shall also make the required personal protective equipment (for safety and hygiene) available to the members of the RvA assessment teams;
  - c. your organisation shall allow the RvA to observe (attend) your organisation's activities;
  - d. your organisation shall grant the RvA access to all the locations, files and documents that the RvA considers relevant for its assessments, which can also refer to locations, files and documents of organisations related to your organisation;
  - e. your organisation shall maintain a reference table showing the relationship between the requirements and the documented management system.
6. If in the opinion of the RvA the assistance of clients of or organisations related to your organisation is required for the purposes of assessments, your organisation shall take steps to secure this assistance. In particular you must have practical arrangements at your disposal that allow the RvA to carry out assessment activities where access to your client's locations and/or documents is necessary.
7. Your organisation shall accept that observers may participate in the RvA assessment teams for purposes such as training, peer review and supervision by representatives of the Dutch government, unless reasonable and well-founded objections to the presence of specific observers are made by your organisation in good time.
8. Your organisation shall not put persons who are acting on behalf of the RvA in a position in which their independence, objectivity, safety or health may be put at risk.
9. Disclosure to third parties by your organisation of the contents of reports, correspondence, certificates, decisions, scopes or other RvA documents is permitted. To disclose a specific part of a document, previous permission by the RvA in writing is needed.

10. Your organisation shall not carry out any activities nor make any statements that could harm the integrity of the system of accredited conformity assessment, the RvA and/or the confidence in the system.
11. Your organisation shall not offer or carry out any activity, that may jeopardise the independence or impartiality of the RvA, such as issuing declarations against or suggesting conformity with standards that the RvA employs in its accreditations.
12. Your organisation shall comply with the rules of RvA regulation RvA-VR003 regarding the use of the accreditation mark and the reference to the accredited status in other ways.
13. Your organisation shall notify the RvA immediately or as soon as possible of changes that may have an impact on the activities carried out under accreditation. Your organisation shall in any event report the following changes:
  - a. changes in your organisation's ownership situation;
  - b. changes in the legal, commercial or organisational status;
  - c. changes in the field of activity/economic activities of your organisation and of organisations or persons related to it;
  - d. changes in the management or in the structure;
  - e. changes in policy in relation to the fulfilment of the requirements;
  - f. changes in personnel occupying a key position, such as managers and decision-makers and personnel with specific and for the organisation unique expertise;
  - g. changes in accommodation, equipment and other resources that may have a significant impact on the activities carried out under accreditation;
  - h. significant changes in ways of working or procedures.

Your organisation shall allow the RvA to carry out additional assessments as a result of changes as referred to in the policy rules RvA-BR002, RvA-BR004 and RvA-BR005 and in accordance with them, if the RvA considers this desirable.

14. If the accreditation requirements, the applicable interpretation and application documents, RvA policy rules or RvA regulations change, your organisation shall ensure that these amended requirements are fulfilled within the transitional period laid down and published by the RvA. Your organisation shall allow the RvA to carry out additional assessments as referred to in the policy rules RvA-BR002, RvA-BR004 and RvA-BR005 and in accordance with them as a result of changes, if the RvA considers this desirable.
15. If the RvA discovers non-conformities in respect of the accreditation requirements where your organisation is concerned, you shall provide for corrective actions enabling the RvA to carry out the follow-up assessment in accordance with policy rule RvA-BR004.
16. Your organisation shall settle the RvA's invoices and advance remittance notices for activities carried out/to be carried out and annual contributions as referred to in the RvA Fees and Charges Decision RvA-D001, as published on [www.rva.nl](http://www.rva.nl), and in accordance with it.
17. Failure to satisfy the conditions laid down in this decision may lead to the suspension and/or withdrawal of the accreditation in accordance with the procedures laid down in policy rule RvA-BR002.

Additional to these conditions the following conditions apply to the accreditation of certification bodies (ISO/IEC 17021-1, ISO/IEC 17024, ISO/IEC 17065, EMAS):

18. Your organisation will inform clients of a suspension, reduction or withdrawal of your accreditation and the associated consequences without undue delay.

19. Where this accreditation is suspended, you shall provide the RvA with a list of the valid certificates that your organisation has issued under this accreditation.
20. Where this accreditation is being withdrawn, you shall withdraw the certificates referred to in the previous paragraph within six months of the withdrawal of the accreditation and provide the RvA with proof of these withdrawals.