Dutch Accreditation Council RvA

Policy rule Transfer and relocation of Accreditation

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

A current version of the policy rules is available through the RvA website (www.rva.nl).

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1 Introduction

Article 1.
In this policy rule the terms below have the following meanings:

1. Merger and takeover: amalgamation of undertakings so that from an economic viewpoint they form a whole, including the legal merger referred to and described in Title 7 section 309 et seq of Book 2 of the Dutch Civil Code;
2. Division and spin-off: as referred to and described in section 334a et seq of Book 2 of the Dutch Civil Code;
3. Relocation of laboratory or inspection facilities: the physical transfer to a different place of laboratory or inspection instruments and facilities that as a rule are used in a permanent setup, in other words, are not in use as mobile equipment.

Article 2.
An RvA accreditation may be transferrable in the event of merger, takeover, division or spin-off.

Article 3.
This policy rule applies to the following situations:

1. The transfer of an RvA accreditation to an entity that has not been accredited by the RvA under the accreditation standard concerned, in connection with a merger, takeover, division or spin-off;
2. The transfer of an RvA accreditation to an entity that has been accredited by the RvA under the accreditation standard concerned, but not for the entire scope of the transferring entity (not appropriately accredited), in connection with a merger, takeover, division or spin-off;
3. The transfer of an RvA accreditation to an entity that has been accredited by the RvA for the activities concerned (appropriately accredited), in connection with a merger, takeover, division or spin-off;
4. An entity accredited by the RvA relocates laboratory or inspection facilities.

Article 4.
In the event of the above changes, an accredited body is advised to make contact with its account manager at the RvA at an early stage. Failure to inform the RvA in advance may lead to the finding in the course of a regular assessment by the RvA that accredited activities have been taken over or relocated in a way that means it is no longer demonstrable that the accreditation requirements have been or are being met for these activities. Such a finding may have the consequence that work carried out under accreditation will have to be revoked.

Article 5.
An accredited body is expected to draw up an action plan for changes such as takeovers, mergers, divisions, spin-offs and relocations in advance and to submit it to the RvA. On the basis of this action plan and the potential risks identified that are associated with the changes the RvA may decide to carry out additional assessments during and after the change process. The suspension of an

accreditation during the change process may be considered by both the body (voluntarily) and the RvA (imposed). Annex 1 to this policy rule contains notes on a number of the rules.

2 Acquiring entity has not been accredited by the RvA

Article 6.

Where the entity that will acquire the accreditation in a merger, takeover, division or spin-off has not been accredited by the RvA under the accreditation standard concerned, this entity will apply for accreditation using the application form RvA-F001a and mention that the application relates to a takeover of accredited activities. A supplementary application form is not required if the scope of the intended new accreditation is no more comprehensive than that of the original accredited body.

Article 7.

The application will only be considered if the applicant has submitted the following documents:

1. the fully completed RvA-F001a;
2. evidence of legal personality (Chamber of Commerce extract or similar);
3. evidence of power of representation (evidence showing that the applicant is authorised to represent the undertaking, for example by submission of the articles of association);
4. the relevant notarial documents, for example the deed of merger and the articles of association of the applying entity;
5. evidence that the management system, policy, methods and procedures are transferring from the accredited entity to the acquiring entity;
6. information about the management and personnel transferring from the accredited entity to the acquiring entity;
7. a report of an in-house assessment against relevant accreditation requirements, in which the new entity declares that the in-house assessment has established that the requirements are met or will be met on completion of the transfer process;
8. if applicable: evidence that equipment and facilities are transferring to the acquiring entity;
9. if applicable: evidence that the existing contracts with clients will be respected and a plan for the reissue of existing valid certificates;
10. if applicable: evidence that proprietary rights of brands are transferring to the acquiring entity;
11. a communication plan to ensure that all relevant parties are informed about the changes and the consequences;
12. if the transferring entity continues to exist: the evidence of the legal representative of this entity that it has consented to the transfer of the accreditation and declares that this entity will not carry out the conformity assessment activities that are part of the accreditation being transferred until at least a year after transfer of the accreditation.

Article 8.

1. On acceptance of the application the RvA will assess the documents submitted as described in chapter 5 of policy rule RvA-BR002.

2. The RvA will take a decision to transfer the accreditation if the assessment of the documents shows that the following conditions are met:
    a. the policy, management system and the methods and procedures for carrying out the accredited activities in essence remain unchanged;
    b. the management and persons in key positions are transferring, in a similar position, from the transferring entity to the acquiring entity;
    c. the staffing level of the acquiring entity will be broadly (more than 75%) the same as that of the transferring entity;
    d. equipment and other facilities, where relevant, are transferring to the acquiring entity;
    e. the transfer of the accreditation does not lead to non-conformities in respect of the accreditation requirements;
    f. existing contracts are respected and clients will be informed about the consequences of the transfer;
    g. the transferring entity has demonstrably consented to the transfer of the accreditation and does not itself remain the provider of conformity assessment activities that are part of the scope of accreditation.
3. If the transfer involves the relocation of laboratory or inspection facilities, the rules in section 5 apply and the decision to transfer will depend in part on the assessment referred to in section 5.
4. If the assessment of documents referred to in paragraph 1 shows that not all the conditions referred to in paragraph 2 are demonstrably met, the RvA will not approve the application to transfer the accreditation and the applicant will have to apply for a new accreditation according to the rules in RvA-BR002.

Article 9.

The decision to transfer an accreditation will be taken by or on behalf of the Board of the RvA without the intervention of the Accreditations Committee. New accreditation documents (order, certificate and Annex) will be drawn up in the name of the acquiring entity on the basis of the decision. The registration number will remain unchanged. The certificate and scope annex will have the same period of validity as the original accreditation. The name of the entity at the time will always be stated on the accreditation certificate by the date of the very first granting of accreditation. Additional conditions may be attached to a decision to transfer an accreditation.

Article 10.

On the transfer of the accreditation to the acquiring entity the accreditation of the transferring entity is automatically withdrawn and this entity no longer has the authority to perform the conformity assessments under the accreditation that were part of the scope of the transferring entity and the use of the associated accreditation mark.

Article 11.

The control and reassessment programme and any specific conditions attaching to the original accreditation remain applicable to the transferred accreditation.

3 Acquiring entity not appropriately accredited by the RvA

Article 12.
Where in a merger, takeover, division or spin-off the entity that will acquire the accreditation has been accredited by the RvA under the relevant accreditation standard, but not for the activities concerned, this entity will use RvA-F105 to submit an application for extension of the scope for the new parts of the scope that are being taken over from another existing entity accredited by the RvA. In addition to the information specified in this application form, the acquiring entity will provide information showing that the conditions for transfer are met. The application will be considered as extension of the scope of accreditation as described in chapter 8 of policy rule RvA-BR002.

Article 13.
1. The RvA will take a decision to transfer the accreditation if the assessment of the documents submitted shows that the conditions referred to in Article 8 are met.
2. If the transfer of the accreditation also involves a relocation of laboratory or inspection facilities, the rules in section 5 apply and the decision to transfer will depend in part on the assessments described in section 5.
3. If not all the conditions referred to in Article 8 are demonstrably met, the RvA will inform the applicant about the content of the supplementary assessment that will be required for the extension of the scope.

Article 14.
Where the acquiring entity wishes to hold the accreditation that is being transferred as a separate accreditation alongside its own existing accreditation, this will be considered in accordance with the provisions laid down in section 2.

4 Acquiring entity appropriately accredited by the RvA

Article 15.
Where in a merger, takeover, division or spin-off the entity that will acquire the accreditation has itself already been accredited by the RvA for the activities concerned, no accreditation will be changed, but an assessment will have to be made about whether the transfer of the activities and contracts is taking place with due care.

Article 16.
The acquiring entity will – for the purposes of meeting the accreditation condition that requires the RvA be informed about major changes – inform the RvA about the intended transfer of an accreditation as referred to in Article 15.

Article 17.

The RvA will decide on an assessment on the basis of the information provided and inform the acquiring entity about the nature and content of this assessment. The following basic principles apply in this regard:

1. If the transfer involves the transfer of a part (department, unit, personnel, etc) of an accredited entity to another accredited entity, the RvA will carry out an assessment aimed at the integration of the organisations and the management systems. This assessment will in the first instance be based on documents provided. Depending on the results of this document assessment, the RvA may decide to carry out an assessment at the offices of the acquiring entity. If the transfer also involves a relocation of laboratory or inspection facilities, the rules in section 5 also apply.
2. If the transfer involves the takeover of certification contracts from an RvA-accredited entity by another RvA-accredited entity, without the takeover of personnel, equipment and facilities, the RvA will assess this takeover at the next regular assessment.
3. Where the acquiring entity wishes to hold the accreditation that is being transferred as a separate accreditation alongside its own existing accreditation, this will be considered in accordance with the provisions laid down in section 2.
4. If the takeover of a part of an accredited entity means that the entity taking over acquires a new location, this will be regarded as scope extension as referred to in chapter 14 of policy rule RvA-BR003. The RvA procedure in this case will be in accordance with section 3.

5 Relocation of laboratory or inspection facilities

Article 18.

Where an accredited body relocates the laboratory or inspection facilities, the body will submit an action plan to the RvA in advance in which attention will be given to:

1. the procedure for the relocation of equipment aimed at safeguarding the suitability of the equipment, for instance by making ready for relocation, transport and connection in an expert fashion and drawing up a clear relocation procedure in advance;
2. new or changed ambient conditions aimed at the permanent suitability for the activities to be carried out under them, which means that the conditions that may be significant have been determined in advance and are specified;
3. the responsibilities with regard to the relocation and the subsequent release of the facilities and equipment;
4. the assurance of the quality of the results during the relocation process (before, during and after), for instance by means of a predetermined programme of quality controls and internal audits;
5. the handling of samples/objects during the relocation, including the method of transport and any interim storage;
6. the temporary outsourcing of activities during the period of relocation;

7. the in-house assessment of the implementation and effectiveness of the action plan.

Article 19.
The purpose of the action plan is to analyse risks and take steps that give the confidence that the quality of the results reported under accreditation is permanently safeguarded.

Article 20.
On the basis of the action plan the RvA may decide to suspend the accreditation temporarily. A body may also be advised to ask the RvA to suspend the accreditation temporarily on a voluntary basis. On the basis of the action plan the RvA may decide to carry out additional assessments on the basis of documents and/or on site during or after the relocation.

Article 21.
Following the relocation the body will have to safeguard that it is demonstrable that the accreditation requirements are met at the new location before results are reported under accreditation. Any changes in performance of the methods used will be communicated to the clients where relevant.

Article 22.
Following the relocation the body will submit a report of its own assessment to the RvA. This report may be cause for the RvA to carry out an additional assessment on the basis of documents and/or on site.

Article 23.
The rules in policy rule RvA-BR004 apply to the additional assessments that the RvA carries out during or after the relocation for the formulation and handling of non-conformities. The additional assessments may be reason for:
1. the unchanged continuation of the accreditation;
2. the continuation of the accreditation with supplementary conditions;
3. the suspension of (a part) of the accreditation;
4. the withdrawal of (a part) of the accreditation.

Article 24.
If the relocation means that the address changes from a location stated in the scope of accreditation, the new accreditation documents will be drawn up once the decision on the changes has been taken by the board of the RvA. This decision will be taken on the basis of a positive opinion of the RvA assessment team.

6 Changes compared with the previous version

Article 25.
Some incorrect references have been corrected.

Annex 1: Notes

These notes relate to the following subjects:

1. Action plan
2. Essential procedures (for example, validation procedure, release procedure, etc)
3. Involvement of most senior management.

The subjects covered in these notes are not exhaustive; they must be seen as guiding (because every situation is different).

1. Action plan

With a good action plan the body can show in what way it safeguards the results before, during and after the merger, takeover, division, spin-off or relocation. The action plan should be based on an analysis of risks relating to the changes. In the risk analysis attention should for example be paid to:

- differences in culture in the merger of organisations or parts thereof;
- amalgamation and integration of management systems;
- equipment: ownership, maintenance and/or relocation;
- changed ambient conditions;
- changes in procedures, processes and methods;
- consequences of this on the quality and quality assurance;
- changes in responsibilities;
- changed work offer;
- changed training need;
- integration of computer systems, databases and information systems in general;
- information of interested parties (clients, authorities, etc);
- etc.

On the basis of the above risk analysis it may be necessary to pay attention in the action plan to, for example:

- the relocation of analysis equipment;
- the quality assurance during the process of change;
- handling of samples/objects during any relocation;
- position, availability and functioning of key officials;
- responsibility of management and personnel;
- responsibility for specific activities;
- any temporarily outsourcing;
- adaptation of the documented management system;
- timeline (what happened when and by whom);
- etc.

Different documents could be linked to the action plan; for example:

- a relocation procedure;
- a validation procedure;
- a release procedure;
- as appropriate, a sample acceptance procedure;
- as appropriate, an outsourcing procedure;
- the policy declaration;
- interim reports;
- etc.

2. Specific procedures

2.1 Relocation procedure

In the event of the relocation of laboratory or inspection facilities, clarity will have to be given about, for example, the relocation of the equipment, the release, the monitoring of usability of equipment, the monitoring of usability of sample material/objects, etc.

With regard to the monitoring of usability of the equipment, examples include the determination of the performance indicators before transport, making ready for relocation, the transport, connection and taking into use of equipment, determination of performance indicators after transport, release, etc. See also the sections below.

With regard to the monitoring of the usability of sample material and objects, examples include the storage and transport of sample material and objects.

2.2 Validation procedure

As appropriate, a relevant validation may be necessary; everything depends on the equipment, calibrations and/or testing concerned. When equipment, tests and/or calibrations are moved the detection limit, resolution, linearity, repeatability, in-laboratory reproducibility, etc, for example, may be changed. Where necessary, performance indicators will have to be determined again. Clients will have to be told about this, where relevant.

There will also have to be clarity about how the quality assurance has been continued. This may for example include the first-line control and the repeat testing/calibration of sample material/objects (at the new location).

2.3 Release procedure

Before tests and/or calibrations may be carried out in the new situation they must be formally released (it should be noted that ‘validation’ is not the same as ‘release’).

It may be expected that the laboratory determines the performance indicators before the relocation (including type and number of samples/objects, statistics to be used, etc), appoints a responsible person, determines the performance indicators after the relocation and on the basis of predetermined criteria conclusions are drawn with regard to the release by an independent responsible staff member.

The proper completion of the release procedure must be checked by the body, for example by means of an internal audit.

2.4 Sample acceptance procedure

There are situations conceivable where a transfer of an accreditation is accompanied by a changed sample offer. In such situations criteria 4.9, 5.4 and 5.8 of ISO/IEC 17025 or 5.4 and 4.14.6 of 15189 for example may require further attention. It is important that the samples/objects offered are suitable for consideration by the laboratory.

2.5 Outsourcing procedure

There are situations conceivable where outsourcing is temporarily necessary during the change process. The relevant requirements of the accreditation standard are then important. In particular, see the criteria that require the client be informed.

3 Involvement of most senior management

In the event of mergers, takeovers, etc, there are situations conceivable where the substance of the management's policy statement will have to be adjusted. It will have to be clear that the updated policy statement has been issued under the responsibility of the (perhaps new) management.
The most senior management will also have to ensure demonstrably that the operation and cohesion of the management system has been retained and a management assessment, of relevant parts, will have to be carried out.