



IECEE OD-2033

Edition 3.24 20165-06-0103

IECEE OPERATIONAL DOCUMENT

IEC System of Conformity Assessment Schemes for Electrotechnical Equipment and Components (IECEE System)

Process Elements Related to Infringements of the Rules





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Process Elements Related to Infringements of the Rules

INTERNATIONAL
ELECTROTECHNICAL
COMMISSION

PRICE CODE **ZZ**

CONTENTS

| | |
|--|-----------|
| <u>CONTENTS</u> | <u>2</u> |
| <u>FOREWORD</u> | <u>3</u> |
| <u>1. Scope</u> | <u>4</u> |
| <u>2. Infringement-Related Complaints</u> | <u>4</u> |
| <u>2.1 Information about infringements of the IECEE rules can be brought to the attention of the IECEE Secretariat by any party.</u> | <u>4</u> |
| <u>3. First Infringement</u> | <u>5</u> |
| <u>4. Second Infringement (after successful resolution of the first infringement, covered in 2.2 and/or 2.3)</u> | <u>6</u> |
| <u>5. Third Infringement (after successful resolution of the second infringement)</u> | <u>7</u> |
| <u>Annex A Infringement Actions</u> | <u>8</u> |
| <u>Annex B Flowchart of the Complaint Process</u> | <u>11</u> |
| <u>CONTENTS</u> | <u>2</u> |
| <u>1. Scope</u> | <u>3</u> |
| <u>2. Infringement Related Complaints</u> | <u>3</u> |
| <u>2.1 Information about infringements of the IECEE rules can be brought to the attention of the IECEE Secretariat by any party.</u> | <u>3</u> |
| <u>3. First Infringement</u> | <u>4</u> |
| <u>4. Second Infringement (after successful resolution of the first infringement, covered in 2.2 and/or 2.3)</u> | <u>5</u> |
| <u>5. Third Infringement (after successful resolution of the second infringement)</u> | <u>5</u> |
| <u>Annex A Infringement Actions</u> | <u>7</u> |
| <u>Annex B Flowchart of the Complaint Process</u> | <u>10</u> |
| <u>CONTENTS</u> | <u>2</u> |
| <u>Foreword</u> | <u>3</u> |
| <u>1. Complaint</u> | <u>3</u> |
| <u>2. First Infringement</u> | <u>4</u> |
| <u>3. Second Infringement (after successful resolution of the first infringement, covered in 2.2 and/or 2.3)</u> | <u>5</u> |
| <u>4. Third Infringement (after successful resolution of the second infringement)</u> | <u>5</u> |
| <u>Annex A Infringement Actions</u> | <u>7</u> |
| <u>Annex B Flowchart of the Complaint Process</u> | <u>10</u> |

FOREWORD

Document Owner

CMC WG 24 “Infringement”

History of changes

| <u>Date</u> | <u>Brief summary of changes</u> |
|-------------------|--|
| <u>2016-06-01</u> | <u>Renumbering of clause numbers.</u> <u>New subclause 1.1.</u> <u>New column for “category” in Annex A.</u> |

| <u>Effective date</u> | <u>Target revision date</u> |
|-----------------------|-----------------------------|
| <u>2016-06-01</u> | <u>2019-06-01</u> |

1. Scope Foreword

The aim of this Operational Document is to provide process elements related to infringement of the IECEE Basic Rules, the Rules of Procedure and the Operational Documents (collectively "The IECEE Rules") by which the IECEE Executive Secretary and the Board of Appeal would consider any action.

These process elements should help strengthen the credibility of the IECEE both among the IECEE Member Bodies, the NCBs, their CBTLs, manufacturers, authorities and other stakeholders.

The aim of these process elements is to promote procedural compliance without unnecessary impact on the NCB's customers.

Infringing Organization – A Member Body, an accepted NCB or an accepted CBTL that separately or together infringe any of the IECEE Rules.

2. Infringement-Related Complaints

2.1 Information about infringements of the IECEE rules can be brought to the attention of the IECEE Secretariat by any party.

IECEE Assessment Teams that identify infringements during peer assessments are obligated to report this information to the IECEE Secretariat.

2.2 Initial Secretariat Actions

- a) When the IECEE Executive Secretary and the Infringing Organization(s) can resolve the infringement case, there is no need to involve the Board of Appeal.
- b) When the IECEE Executive Secretary and the Infringing Organization(s) cannot resolve the infringement case, the IECEE Executive Secretary will call for the Board of Appeal to deal with the case in accordance with the Particular Rules of Procedure IECEE 02-1, Sub-clause 4.2.
- c) In either case, a) or b), any infringement will lead to the issuance of a GNCR (General Non-Conformity Report) by the IECEE Executive Secretary, which is reported to, and monitored by, the PAC (Peer Assessment Committee). The IECEE Executive Secretary may also impose other penalties as stated in this Operational Document.

When the Board of Appeal is requested to deal with the case, any action notified by the Secretary to the involved party(ies) is under the jurisdiction and direction of the Board of Appeal.

~~2.4.32~~ When an Applicant and/or a Manufacturer, a Recognizing or Issuing and Recognizing NCB, or a Member Body of the IECEE wishes to submit a complaint, it shall do so in writing to the IECEE Executive Secretary.

~~2.4.43~~ Complaints may include, but are not limited to, the following:

- ~~1-a)~~ Infringements of the IECEE Rules by a Member Body, an accepted NCB or an accepted CBTL
- ~~2-a)~~ CB Test Certificates issued on the basis of testing carried out by unauthorized Testing Laboratory(ies)
- ~~3-a)~~ CB Test Certificates issued on the basis of testing carried out by an accepted CBTLs not operating with an NCB that is not its Responsible NCB
- ~~4-a)~~ Counterfeit (or otherwise improperly issued) CB Test Certificates
- ~~5-a)~~ CB Test Certificates issued on the basis of testing carried out by a non-declared Customer's Testing Facility (e.g. Stage 3 or 4)
- ~~6-a)~~ Any action by an accepted NCB that conflicts with the IECEE objectives and which negatively impacts the NCB's customer, after the customer has gone through the NCB's appeal process

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Note: A comprehensive list of infringements and related IECEE Secretariat actions is provided in ANNEX A.

24.54 When the IECEE Executive Secretary is provided with objective evidence that the IECEE Rules have been infringed, the IECEE Executive Secretary shall send an official notification to the Infringing Organization requesting comments about the situation and acknowledgement of the facts within one week. If the Infringing Organization is a CBTL, the official notification is sent to the responsible NCB(s) with a copy to the CBTL.

24.54.1 In the event that the Infringing Organization fails to comply with 1.4, the IECEE Executive Secretary shall take appropriate action in accordance with this Procedure.

24.65 Upon receipt of the comments and acknowledgement from the Infringing Organization, the IECEE Executive Secretary will examine the overall elements provided by the Complaining Organization, if any, (Sub-clause 1.1) and the Infringing Organization and propose to the involved parties an action plan to resolve the infringement.

24.76 The Action Plan may vary depending on the nature of the infringement; however, if the infringement is such that it may compromise the credibility of the Scheme such as the improper issuance of a CB Test Certificate, the Board of Appeal will be requested (by the IECEE Executive Secretary) to legislate according to the Rules, and the process described in Clauses 2., 3. and 4. of this Operational Document shall be followed.

24.87 When the consequence of the infringement is related to or affects the safety/compliance of the product with the IEC standard:

4-a) The relevant Manufacturer shall provide to the Member NCB that has issued the involved CBTC(s)/CBTR(s), the names of the Member NCBs who have granted their Certification Mark based on the involved CBTC(s)/CBTR(s).

2-a) The Member NCB that has issued the involved CBTC(s)/CBTR(s) shall inform the Member NCBs who have granted their Certification Mark based on the involved CBTC(s)/CBTR(s) about the details of the problem related to the safety/compliance of the relevant product(s).

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4.3. First Infringement

32.1 The Infringing Organization shall be notified by the IECEE Executive Secretary, with a copy to the Applicant, holding the involved CB Test Certificate(s) and that it has 30 days to determine the root cause and take corrective actions to overcome the infringement, or to provide an acceptable corrective action plan.

32.2 Where the infringement impacts the validity of a CB Test Certificate and/or casts doubt about compliance of the product with the relevant standard, the Secretary shall request appropriate remedial actions in accordance with this Procedure and as stated in Annex B (e.g. by re-testing at their own expense the relevant product(s) in a CBTL accepted to operate for the relevant scope under the Infringing Organization and validate that the product complies with the relevant standard(s) following proper IECEE procedures).

32.2.1 If it is determined that the product does not comply with the relevant standard(s), a plan must be worked out between the Infringing Organization and the Applicant within 10 business days to bring the product into compliance and the IECEE Executive Secretary notified at once.

32.2.2 If it is determined that the product complies with the relevant standard(s), the improperly issued CB Test Certificate is cancelled and replaced by a new CB Test Certificate.

32.3 If the infringement was the use of an unauthorized laboratory, the Infringing Organization shall also review its records within 30 days and declare to the IECEE Executive Secretary any other CB Test Certificates that may have been issued using the same unauthorized Laboratory.

32.3.1 Those CB Test Certificates declared must also be validated at the Infringing Organization's expense within 60 days of the original notification by the IECEE Executive Secretary.

32.4 If the Infringing Organization is not showing appropriate goodwill to resolve the situation, the IECEE Executive Secretary will notify the Infringing NCB that their authorization to issue CB Test Certificates for that standard(s) and Product Category has been suspended for a period to be determined in addition to the cancellation of the affected CB Test Certificates.

32.4.1 The Infringing Organization shall successfully undergo an on-site re-assessment to maintain their acceptance for operating within the IECEE.

32.5 If the infringement is considered minor and, in the opinion of the IECEE Executive Secretary, does not directly impact the validity of CB Test Certificates and/or does not potentially damage the reputation of the IECEE, the first such infringement may not be counted in the automatic escalation process of Section 3.

~~3.4.1~~ 3.4. Second Infringement (after successful resolution of the first infringement, covered in 2.2 and/or 2.3)

43.1 The Infringing Organization shall be notified by the IECEE Executive Secretary that their authorization to operate in the IECEE has been suspended for the relevant Standard(s)/Product Category and that a successful on-site re-assessment will be necessary to reinstate their acceptance status for the relevant scope.

43.2 The relevant Member Body will be notified by the IECEE Executive Secretary about the Infringing NCB's suspension to operate in the IECEE for the relevant standard(s)/product category.

43.3 The product(s) affected by the improperly issued CB Test Certificate shall be validated by another NCB, as chosen by the Applicant, at the expense of the Infringing Organization within 30 days.

43.4 If it is determined that the product(s) does(do) not comply with the relevant standard(s), a plan must be worked out between the Infringing Organization and the Applicant within 10 business days to bring the product into compliance, and the IECEE Executive Secretary shall be notified at once.

43.5 If it is determined that the product(s) complies(comply) with the relevant standard(s), the improperly issued CB Test Certificate is cancelled and replaced by a new CB Test Certificate.

43.6 While the NCB is under suspension for specific standards or product categories, all Applicants for products being evaluated under that (those) standard(s)/product category shall be notified by the Infringing NCB that they cannot complete any CB Test Report(s) and CB Test Certificate(s) underway, and shall be advised to seek another NCB for this purpose. Any monetary exchange for the work in progress shall be refunded.

43.7 The Infringing Organization shall successfully undergo an on-site re-assessment within 3 months to include all Product Categories for which the Infringing NCB is accepted, to check for any further infringement of the IECEE Rules.

43.8 The Infringing Organization may also be suspended by the IECEE Executive Secretary from operating in the IECEE for other related product categories pending the re-assessment results. The suspension shall be no less than 6 months.

43.9 Any additional identified product(s) affected by improperly issued CB Test Certificates shall be validated by another NCB as chosen by the Applicant at the expense of the Infringing NCB within 30 days of the original notification by the IECEE Executive Secretary. If it is determined that the product(s) complies(comply) with the relevant standard(s), the improperly issued CB Test Certificate is cancelled and replaced by a new CB Test Certificate.

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4.5. Third Infringement (after successful resolution of the second infringement)

54.1 The Infringing Organization will be notified by the IECEE Executive Secretary of its immediate suspension from operating in the IECEE for at least 12 months, after which an application for reinstatement can be submitted to the IECEE Secretariat through the relevant Member Body.

54.2 The relevant Member Body will be notified about the Infringing NCB's suspension from operating in the IECEE and the term of the suspension. In addition, the IECEE Executive Secretary will notify the Member Body that it is suspended from voting for the same period as the Infringing NCB.

54.3 The product(s) affected by the improperly issued CB Test Certificate shall be validated by another NCB, as chosen by the Applicant, at the expense of the Infringing Organization within 30 days.

54.4 If it is determined that the product(s) do(es) not comply with the relevant standard(s), a plan must be worked out between the Infringing Organization and the Applicant within 10 business days to bring the product into compliance and the IECEE Executive Secretary notified at once.

54.5 If it is determined that the product(s) comply(ies) with the relevant standard(s), the improperly issued CB Test Certificate is cancelled and replaced by a new CB Test Certificate, issued by a validating NCB.

54.6 All Applicants for products being evaluated for every product category shall be notified by the Infringing NCB that it cannot complete any CB Test Reports and CB Test Certificates underway and shall be advised to seek another NCB for this purpose. Any monetary exchange for the work in progress shall be refunded.

Annex A Infringement Actions

| GENERAL INFRINGEMENTS | | |
|--|------------|--|
| Infringement | Category* | IECEE Secretariat Action |
| Use of unauthorized laboratories | <u>M</u> | GNCR, re-testing of product by CBTL |
| Rejection of CBTCs by NCB "B" without a valid reason | <u>M</u> | Failure to provide a valid reason for CBTC rejection within two weeks of request by the IECEE Secretariat - withdrawal of IECEE recognition for the respective standard or category. |
| Not enrolling in Proficiency Testing Programmes by CBTLs, SPTLs and Stage 3 and 4 CTFs | <u>O</u> | Follow-up with the NCB, then GNCR issued to NCB and CBTL |
| Counterfeit of CBTCs - illegal CBTC issued by a non-IECEE member | <u>N/A</u> | Writing to the illegal issuer on behalf of the IEC and IECEE |
| Listing of multiple CTFs in one TRF | <u>O</u> | GNCR, re-issue of CBTR and CBTC |
| Non-declaration of National Differences, Certification Requirements (e.g. certification requirements for components), and/or Regulatory Requirements | <u>M</u> | <u>GNCR. If not resolved, withdrawal of No</u> IECEE recognition of the NCB for respective standard(s) or categories |
| The National Differences reported in the relevant Test Report are not the same as National Differences declared in the CB Bulletin | <u>O</u> | GNCR |
| Unauthorized use of IECEE CB Scheme references for advertising purposes | <u>O</u> | GNCR |
| 2 versions of same CBTC with the same reference but different technical data | <u>O</u> | GNCR |
| NCB does not track recognized CBTC information | <u>O</u> | GNCR |
| Incorrect numbering of CBTCs | <u>O</u> | GNCR |

| CB TEST CERTIFICATE INFRINGEMENTS | | |
|---|-----------|--|
| Infringement | Category* | IECEE Secretariat Action |
| CBTC/CBTR issued prior to being granted acceptance as NCB/CBTL | <u>M</u> | GNCR, review of CBTC/CBTR by appointed NCB |
| Unauthorized CBTC signatory (not declared to IECEE Secretariat) | <u>O</u> | GNCR |
| Issuance of paper version only of CB Test Certificates | <u>O</u> | GNCR |
| Undue modification of the CB Test Certificates template | <u>O</u> | GNCR |
| Cancelled CBTC not reported to IECEE Secretariat | <u>O</u> | GNCR |

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| CB TEST CERTIFICATE INFRINGEMENTS | | |
|--|-----------|--|
| Infringement | Category* | IECEE Secretariat Action |
| CB Test Certificates issued for standard not in the scope of the NCB | <u>M</u> | GNCR, re-testing and re-issue by another NCB |
| CBTC Signatory is also the Approving Signatory of the CB Test Report | <u>M</u> | GNCR |
| Amendment to CB Test Certificates reported on page 2 of the CBTC template instead of page 1 | <u>O</u> | GNCR |
| Lack of Document Control of CB Test Certificates and other documents by the NCB | <u>O</u> | GNCR |
| Multiple Brand Names or product models/types belonging to more than one Family Range included in one CB Test Certificate | <u>O</u> | GNCR |
| Part 1 of the standard not listed in the CB Test Certificates | <u>O</u> | GNCR |

| CTF RELATED INFRINGEMENTS | | |
|--|-----------|--|
| Infringement | Category* | IECEE Secretariat Action |
| Use of undeclared CTFs | <u>M</u> | GNCR, re-testing of product by CBTL |
| Failure to carry out CTF Stage 3 or 4 supervision | <u>O</u> | GNCR |
| Use of non-eligible laboratories as Customer's Testing Facilities | <u>M</u> | GNCR, re-testing of product by CBTL |
| Failure to report cancellation of CTFs to IECEE Secretariat | <u>O</u> | GNCR |
| Failure to report in a CBTR the use of a registered CTF, or not reporting it correctly | <u>M</u> | GNCR and re-issuing of the CBTR with correct information |

| CB TEST REPORT (FORMS) INFRINGEMENTS | | |
|--|-----------|---|
| Infringement | Category* | IECEE Secretariat Action |
| Incorrect filling in of TRF | <u>O</u> | GNCR |
| Unauthorized modification of TRF <u>or using a TRF that has not been submitted to the IECEE Secretariat</u> | <u>O</u> | GNCR |
| Unauthorized development of TRF | | This is not against the rules unless it is a modification of a TRF, as above |
| Use of wrong edition of CB Test Report Form | <u>O</u> | GNCR |
| Failure to remove the IECEE logo and references to the CB Scheme from a TRF when using it outside of the CB Scheme | <u>O</u> | GNCR |

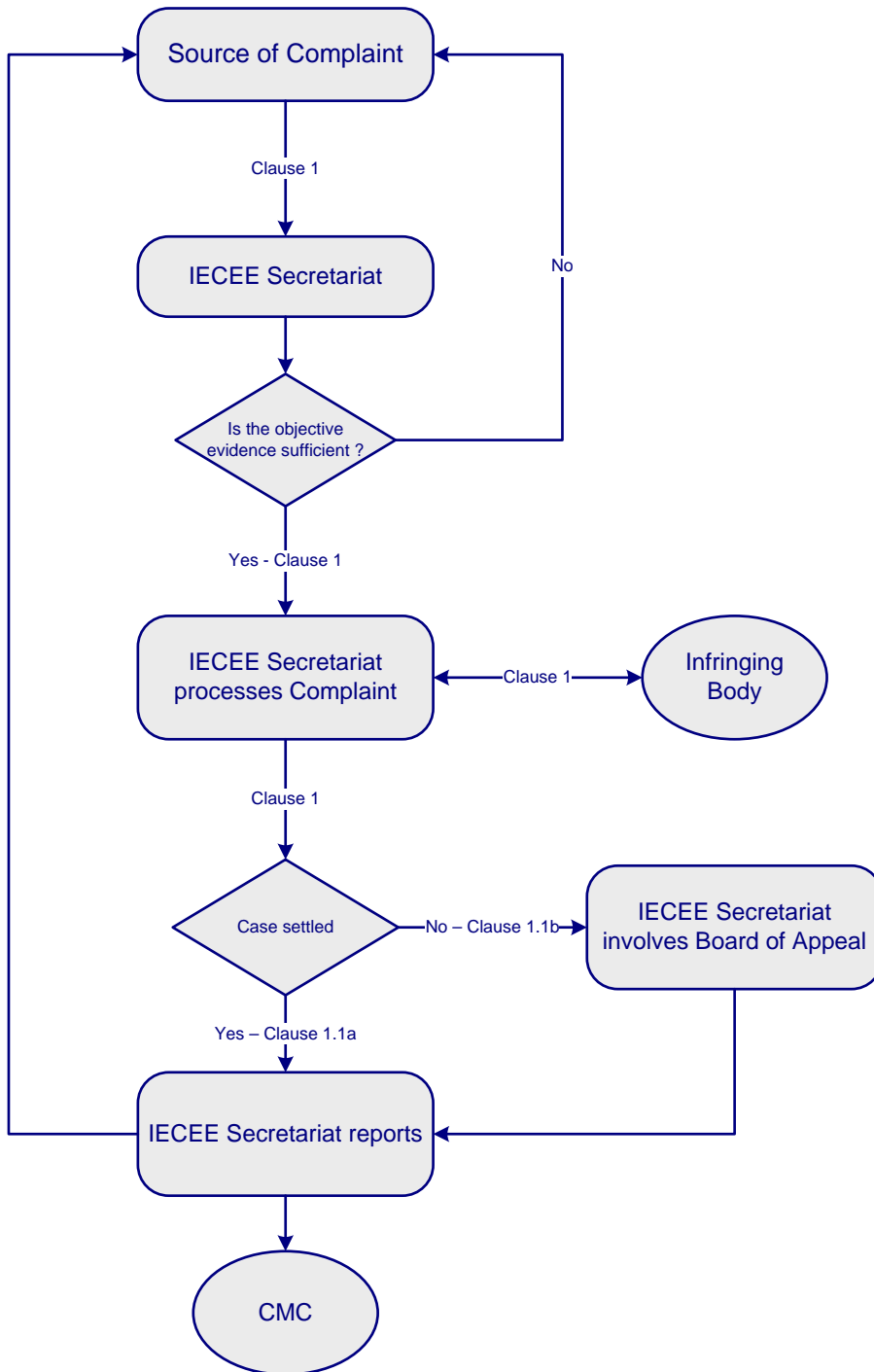
| ASSESSMENT AND RELATED INFRINGEMENTS | | |
|--|-----------|---|
| Infringement | Category* | IECEE Secretariat Action |
| Failure to provide re-assessment documentation within set deadline | <u>O</u> | GNCR + financial penalty |
| Failure to declare a CBTL re-location | <u>M</u> | GNCR + re-testing of selected products |
| Failure to declare a NCB re-location | <u>O</u> | GNCR |
| Re-assessment NCR deadline not met | <u>M</u> | GNCR + automatic suspension after 30 days |
| Failure to organize QMS assessment | <u>M</u> | GNCR. <u>Suspension if not resolved.</u> |
| Failure to provide assessor with payment for services rendered | <u>O</u> | GNCR + potential financial penalty |
| Failure to clear PTP outliers within a set deadline | <u>O</u> | GNCR |

*** Infringement Categories:**

M – Major

O – Other

Annex B Flowchart of the Complaint Process



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