

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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IEC Central Office
3, rue de Varembe
CH-1211 Geneva 20
Switzerland

Tel.: +41 22 919 02 11
Fax: +41 22 919 03 00
info@iec.ch
www.iec.ch

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FOREWORD

Document Owner

CMC WG 24 “Infringement”

History of changes

Date	Brief summary of changes
2018-05-18	<p>Clause 2 – replace the term “complaint” with “infringement notification” throughout this clause.</p> <p>Added new sub-clause 6.3 - Infringements related to misuse of IECEE Secretariat’s resources.</p> <p>Updated Annex A to include:</p> <ul style="list-style-type: none"> a) the infringement of “misuse of the Secretariat’s resources” b) the infringement of NCB representative not being present during assessment, and c) the suspension option for non-payment of assessor’s fees.
2017-03-17	<p>Additions and corrections in sub-clauses 1, 2, 3, 4 and 5.</p> <p>New clause 6 (with sub-clauses 6.1 and 6.2).</p> <p>Additional Infringements listed in Annex A.</p> <p>Deletion of Annex B.</p>
2017-02-24	New item d) in sub-clause 2.2
2016-06-01	<p>Renumbering of clause numbers.</p> <p>New sub-clause 1.1.</p> <p>New column for “category” in Annex A.</p>

Effective date	Target revision date
2018-06-25	2021-06-25

1. Scope

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.

An infringement is considered “Major” if it meets any of the following criteria:

- affects the safety/compliance of the product with the IEC standard, e.g.
- issuing a CBTC outside the recognized scope of the NCB, CBTL, CTF, etc.
 - providing misleading or false information in the CBTR.
 - use of an unauthorized laboratory (not a recognized CBTL)
- not showing appropriate goodwill to resolve a GNCR

“Other” infringements are all those infringements that are not considered “Major”.

2. Infringement-Related Notifications

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 due to a dispute, 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.
- d) Corrective actions for technical GNCRs for failure to clear PTP outliers will be handled by the PTP provider on behalf of the Secretariat, and a recommendation for acceptance of corrective actions will be issued by the PTP provider to the Secretariat.

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.

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

2.4 Infringement notifications may include, but are not limited to, the following:

- a) Infringements of the IECEE Rules by a Member Body, an accepted NCB or an accepted CBTL
- b) CB Test Certificates issued on the basis of testing carried out by unauthorized Testing Laboratory(ies)
- c) CB Test Certificates issued on the basis of testing carried out by an accepted CBTL operating with an NCB that is not its Responsible NCB
- d) Counterfeit (or otherwise improperly issued) CB Test Certificates
- e) 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)
- f) 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

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

2.5 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.

2.5.1 In the event that the Infringing Organization fails to comply with 2.5, the IECEE Executive Secretary shall take appropriate action in accordance with this Procedure.

2.6 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 2.1) and the Infringing Organization and propose to the involved parties an action plan to resolve the infringement.

2.7 The Action Plan may vary depending on the nature of the infringement; however, if the infringement is "Major", the escalation process described in Clauses, 3, 4 and 5. of this Operational Document shall be followed.

The IECEE Secretariat maintains a permanent record of these infringements. For the purpose of this escalation process all repeat Major infringements are counted regardless of the time period between them.

3. First Infringement

3.1 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.

3.2 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 (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).

3.2.1 Where the infringement affects the safety/compliance of the product with the IEC standard:

- a) The product 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).

b) 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).

3.2.2 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.

3.2.3 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.

3.3 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.

3.3.1 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.

3.4 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.

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

4. Second (Repeat) Major Infringement (after successful resolution of the first Major infringement, covered in 3.2 and/or 3.3)

4.1 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.

4.2 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.

4.3 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.

4.4 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.

4.5 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.

4.6 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.

4.7 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.

4.8 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.

4.9 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.

5. Third (Repeat) Major Infringement (after successful resolution of the second repeat Major infringement covered in section 4.)

5.1 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 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.

6. Treatment of Other (Non-Major) Infringements

6.1 General

- For the first infringement, the current GNCR process, as per section 3., applies,
- Second repeat infringement results in a GNCR and a warning from Secretariat that a third infringement will result in an administrative assessment
- Third repeat infringement results in a GNCR plus a special administrative assessment by an assessment team appointed by the IECEE Secretariat,
 - If the GNCR is not addressed or the assessment issues are not resolved in time, an automatic escalation takes place and the suspension in accordance with OD-2033 is initiated,
- Fourth repeat infringement results in automatic suspension.

6.2 PTP-Related Infringements

6.2.1 Where a CBTL does not resolve a PTP outlier in the allowed time, a "technical GNCR", focused on the technical issues of the outlier, is issued to its NCB.

- 6.2.2 An additional, management-system-related GNCR is issued for the responsible NCB for not ensuring that the PTP “outliers” are resolved in the time provided by CTL OD-5004. This GNCR is to be resolved by a special administrative assessment carried out by an assessment team appointed by the Executive Secretary when the GNCR is issued. The assessment team is entitled to invoice the NCB for the time spent. If this GNCR is not resolved by the clearance deadline, the NCB suspension in accordance with OD-2033 is initiated by the Executive Secretary.
- 6.2.3 If the technical GNCR is not resolved by the clearance deadline, the CBTL/CTF concerned is suspended automatically and effective immediately, and can only be reinstated after a full on-site assessment, subject to normal application fees and assessment fees.

6.3 Infringements related to misuse of IECEE Secretariat’s resources

Actions or inactions of MB, NCB or CBTL that lead to misuse of the IECEE Secretariat’s resource are considered an infringement, at the discretion of the Secretariat. Such infringements are subject to financial penalties specified in OD-2026. This will include, but will not be limited to, the following:

- Not responding to direct requests from the Secretariat within 45 days.
- Not providing a timely payment of assessment invoices within 90 days – leading to the involvement of the IECEE Secretariat
- Not providing timely payment on IECEE invoices within 90 days from required date.
- NCB representative not being present during an assessment where this is required.
- Failure to provide re-assessment documentation within set deadline.

- 6.4** If after any of these GNCRs there is no repeat (same type) GNCR for 2 years, the record for this infringement is cleared and there is no escalation. The records of these infringements are kept by the Secretariat.

Annex A Infringement Actions

GENERAL INFRINGEMENTS		
Infringement	Category*	IECEE Secretariat Action
Use of unauthorized laboratories	M	GNCR, re-testing of product by CBTL
Rejection of CBTCs by NCB “B” without a valid reason	M	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	O	Follow-up with the NCB, then GNCR issued to NCB and CBTL
Counterfeit of CBTCs - illegal CBTC issued by a non-IECEE member	N/A	Writing to the illegal issuer on behalf of the IEC and IECEE
Listing of multiple CTFs in one TRF	O	GNCR, re-issue of CBTR and CBTC
Non-declaration of National Differences, Certification Requirements (e.g. certification requirements for components), and/or Regulatory Requirements	M	GNCR. If not resolved, withdrawal of 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	O	GNCR
Unauthorized use of IECEE CB Scheme references for advertising purposes	O	GNCR
2 versions of same CBTC with the same reference but different technical data	O	GNCR
NCB does not track recognized CBTC information	O	GNCR
Non-acceptance of specific CTF Stages – without providing to the IECEE Secretariat the documentation of national regulatory requirements in the country of the NCB that prevent such acceptance.	M	GNCR
Misuse of IECEE Secretariat’s resources	O	GNCR plus financial penalties

CB TEST CERTIFICATE INFRINGEMENTS		
Infringement	Category*	IECEE Secretariat Action
CBTC/CBTR issued prior to being granted acceptance as NCB/CBTL	M	GNCR, review of CBTC/CBTR by appointed NCB
Unauthorized CBTC signatory (not declared to IECEE Secretariat)	O	GNCR
Issuance of paper version only of CB Test Certificates	O	GNCR
Undue modification of the CB Test Certificates template	O	GNCR
Cancelled CBTC not reported to IECEE Secretariat	O	GNCR
CB Test Certificates issued for standard not in the scope of the NCB	M	GNCR, re-testing and re-issue by another NCB
CBTC Signatory is also the Approving Signatory of the CB Test Report	M	GNCR
Amendment to CB Test Certificates reported on page 2 of the CBTC template instead of page 1	O	GNCR
Lack of Document Control of CB Test Certificates and other documents by the NCB	O	GNCR
Multiple Brand Names or product models/types belonging to more than one Family Range included in one CB Test Certificate	O	GNCR
Part 1 of the standard not listed in the CB Test Certificates	O	GNCR
Repetitive errors and omissions in issuing CB Test Certificates brought to the attention of the Secretariat	O	GNCR
Frequent incorrect numbering of CBTCs	O	GNCR

CTF RELATED INFRINGEMENTS		
Infringement	Category*	IECEE Secretariat Action
Use of undeclared CTFs	M	GNCR, re-testing of product by CBTL
Failure to carry out CTF Stage 3 or 4 supervision	O	GNCR
Use of non-eligible laboratories as Customer's Testing Facilities	M	GNCR, re-testing of product by CBTL
Failure to report cancellation of CTFs to IECEE Secretariat	O	GNCR
Failure to report in a CBTR the use of a registered CTF, or not reporting it correctly	M	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	O	GNCR
Unauthorized modification of TRF or using a TRF that has not been submitted to the IECEE Secretariat	O	GNCR
Use of wrong edition of CB Test Report Form	O	GNCR
Failure to remove the IECEE logo and references to the CB Scheme from a TRF when using it outside of the CB Scheme	O	GNCR

ASSESSMENT AND RELATED INFRINGEMENTS		
Infringement	Category*	IECEE Secretariat Action
Failure to provide re-assessment documentation within set deadline	O	GNCR + financial penalty
NCB Representative not present during assessment (where required)	O	GNCR + financial penalty
Failure to declare a CBTL re-location	M	GNCR + re-testing of selected products
Failure to declare a NCB re-location	O	GNCR
Re-assessment NCR deadline not met	M	GNCR + automatic suspension after 30 days
Failure to organize QMS assessment	M	GNCR. Suspension if not resolved.
Failure to provide assessor with payment for services rendered	O	GNCR + potential financial penalty or suspension.
Failure to clear PTP outliers within a set deadline	O	2 GNCRs + administrative assessment of the NCB

* Infringement Categories:

M – Major
O – Other

**INTERNATIONAL
ELECTROTECHNICAL
COMMISSION**

3, rue de Varembé
PO Box 131
CH-1211 Geneva 20
Switzerland

Tel: + 41 22 919 02 11
info@iec.ch
www.iec.ch

**IEC SYSTEM OF CONFORMITY ASSESSMENT
SCHEMES FOR ELECTROTECHNICAL
EQUIPMENT AND COMPONENTS (IECEE)**

IECEE Secretariat c/o IEC
3, rue de Varembé
PO Box 131
CH-1211 Geneva 20
Switzerland

Tel: + 41 22 919 02 11
secretariat@iecee.org
www.iecee.org