

**IECEE**

**CB-SCHEME**

**OD-CB2033-Ed.2.0**

**OPERATIONAL & RULING DOCUMENTS**

**Process elements related to  
infringements of the Rules**

**OD-CB2033-Ed.2.0**

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# IEC System for Conformity Testing and Certification of Electrotechnical Equipment and Components CB Scheme

## 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 also to not unnecessarily impact the NCB's customer.

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

## 1. COMPLAINT

### 1.1

a) When the IECEE 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 Secretary and the Infringing Organization(s) cannot resolve the infringement case, the IECEE Secretary will call for the Board of Appeal to deal with the case in accordance with the IECEE Basic Rules IECEE 01, Sub-clause 10.1 b) and Annex B (extracted and included in this Operational Document).

c) In either case, a) or b), any infringement will lead to the issuance of a GNCR (General Non-Conformity Report) by the IECEE Secretary that is reported to – and monitored by – the ACAG (Assessment & Certification Advisory Group).

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.

1.2 When an Applicant, 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 Secretary of the IECEE.

1.3 Complaints 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 accepted CBTLs not operating with an NCB that is not its Responsible NCB
- d) Counterfeit (improperly issues) CB Test Certificates
- e) CB Test Certificates issued on the basis of testing carried out by a non-declared



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- Manufacturer's Testing Laboratories (e.g. SMT)
- f) others...
- 1.4 When the Secretary **is provided with objective evidence** that the IECEE Rules have been infringed, the 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.
- 1.5 Upon receipt of the comments and acknowledgement from the Infringing Organization, the 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**.
- 1.6 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 Secretary) to legislate according to the Rules as set by the Appendix B of the Basic Rules IECEE 01 and the process described in Clauses 2., 3. and 4. of the present Operational Document shall be followed.
- 1.7 When the consequence of the infringement is related to or affects the safety/compliance of the product with the IEC standard:
- 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).
  - 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).

## 2. FIRST INFRINGEMENT

- 2.1 The **Infringing Organization** shall be notified by the Secretary, with a copy to the Applicant, holding the involved CB Test Certificate(s) and that they have 30 days to determine the root cause and take corrective actions to overcome the infringement (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.
- 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 Secretary notified at once.
- 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.



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- 2.4 The **Infringing Organization** shall also review their records within 30 days and self declare to the IECEE Secretary any other CB Test Certificates that may have been improperly issued using the same unauthorized Laboratory.
- 2.5 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 Secretary.
- 2.6 If the **infringing Organization** is not showing appropriate goodwill to resolve the situation, the IECEE 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.
- 2.7 The **Infringing Organization shall in any case successfully undergo an on-site re-assessment to maintain their acceptance for operating within the IECEE.**
- 3. SECOND INFRINGEMENT (after successful resolution of the first infringement)**
- 3.1 The **Infringing Organization** shall be notified by the 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.
- 3.2 The relevant Member Body will be notified by the IECEE Secretary about the Infringing NCB's suspension to operate in the IECEE for the relevant standard(s)/product category.
- 3.3 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.
- 3.4 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 Secretary notified at once.
- 3.5 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.
- 3.6 All Applicants for products being evaluated in 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 advise them to seek another NCB for this purpose. Any monetary exchange for the work in progress shall be refunded.



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- 3.7 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 for any further infringement of the IECEE Rules.
- 3.8 The **Infringing Organization** may also be suspended by the IECEE 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.
- 3.9 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 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.
- 3.10 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 Secretary notified at once.
- 4. THIRD INFRINGEMENT (after successful resolution of the second infringement)**
- 4.1 The **Infringing Organization** will be notified by the IECEE 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.
- 4.2 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 Secretary will notify the Member Body that it is suspended from voting for the same period as the Infringing NCB.
- 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 Secretary 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 The undue CB Test Certificate is/are cancelled and replace by a new CB Test Certificate, if validated by an other NCB.



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



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### **EXTRACTED FROM THE BASIC RULES IECEE 01**

#### **10 Board of Appeal**

10.1 The responsibilities of the Board of Appeal are

a) to recommend a solution to any dispute referred to it with regard to the application of these basic rules, and

b) to recommend actions to be taken against NCBs and CBTs on complaints received regarding potential infringements to the Rules that could compromise the credibility of the IECEE Schemes.

c) to report to the CMC, for appropriate action, any observations relating to the technical content of the standards accepted for use in the IECEE and their applications, that has become evident when investigating a dispute.

**10.2** The Board of Appeal shall consist of four members with deputies and a Chairman, each of whom shall be associated with an Issuing and Recognizing NCB. They shall be appointed by the CMC, upon nomination by the Member Bodies of the IECEE.

Their term of office shall be three years, provided that they continue to be associated with an Issuing and Recognizing NCB, and they shall be immediately eligible once for re-appointment for a further period of three years.

**10.3** The Secretary of the IECEE shall act as the Secretary of the Board of Appeal and shall have no right to vote.

**10.4** For considering a case submitted to the Board of Appeal, the Chairman and all four members or their deputies shall be present. A case may be dealt with by correspondence, with the agreement of the parties involved.

**10.5** Neither the Chairman of the Board of Appeal, nor the four members or deputies shall serve in a case in which an NCB of their country is involved. When necessary in such an event, a person associated with an Issuing and Recognizing NCB in a country not involved in the case shall be appointed by the Chairman of the IECEE.

**10.6** The parties interested shall have the right to be heard by the Board of Appeal.

**10.7** Decisions of the Board of Appeal about its recommendations shall be taken by a simple majority of the four members. If the votes are equally divided, the Chairman shall decide upon the action to be taken.

**10.8** If a recommendation from the Board of Appeal is not followed, either party may submit the case to the CMC for appropriate action.

**10.9** The procedure for the Board of Appeal is given in annex B.



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### **Annex B** (normative)

#### **Procedure for the Board of Appeal**

**B.1** An applicant, a Recognizing or Issuing and Recognizing NCB or a Member Body of the IECEE shall have the right to submit an appeal to the Board of Appeal.

**B.2** When an applicant wishes to appeal against a decision taken by an NCB about a matter with which this applicant is concerned, the applicant shall first appeal according to the appeal procedure of the NCB concerned, when that procedure is applicable.

If the applicant is not satisfied with the outcome of the appeal at national level and the applicant thinks that the decision is against the Rules of the IECEE, or if the national appeal procedure is not applicable, the applicant may submit an appeal in writing to the Secretary of the IECEE within one month after having been informed of the decision, setting out all reasons for the appeal.

**B.3** When one of the parties mentioned in B.1 wishes to submit an appeal, it shall do so in writing to the Secretary of the IECEE, within one month after having concluded that it cannot come to an agreement, setting out its reasons in full.

**B.4** In order to consider a case, the Board of Appeal should normally meet in conjunction with a meeting of the CMC. The Board of Appeal may however meet at any time, provided the complainant expresses willingness to pay the travelling and living expenses for the Chairman, the four members and the Secretary of the Board of Appeal for this meeting. These expenses shall be notified in advance to the complainant and shall have been paid to the account of the IECEE before the meeting can take place.

**B.5** When the Board of Appeal meets to consider an appeal as per B.3, the following information shall be available:

- a) the appeal;
- b) the text of all correspondence between the parties and with the Secretary of the IECEE that is essential for the appeal;
- c) Extracts for the documented evidence that have been provided to the Secretary of the IECEE

NOTE: documented evidence comprises but is not limited to: infringement cases, extracts from the relevant reports on testing, photographs of the equipment or a specimen of it, drawings, circuit diagrams, instruction handbooks, etc., as necessary

Normally, these documents should be circulated at least four weeks before the meeting by the Secretary of the IECEE to the Chairman and the four members of the Board of Appeal, and their deputies when they will serve on the case. Copies of all documents shall also be sent to the parties.



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**B.6** When the parties have agreed that the matter may be dealt with by correspondence, clause B.5 also applies. The complainant shall have expressed its willingness to pay the costs, if any.

The Chairman of the Board of Appeal may then propose a solution for consideration by the members of the Board of Appeal. It is the duty of the Secretary of the IECEE to assist the members and the parties.

When the decision is taken by correspondence, notes or minutes relevant to the decision shall be written.

**B.7** The Board of Appeal shall deal with the case confidentially.

**B.8** The parties involved each have the right to call an expert to advise the Board of Appeal on matters relevant to the case.

**B.9** During the adjudication of the case, only the Chairman, the four members or their deputies and the Secretary of the Board of Appeal shall be present.

**B.10** The Board of Appeal shall give its recommendations in writing, within one month after the meeting, to the parties, and, if action with regard to standards is needed, to the General Secretary of the IEC.

**B.11** The recommendations of the Board of Appeal shall be presented to the CMC at its next meeting in such a way as to safeguard the anonymity of the parties, when that is desired. When an NCB or a Member Body of the IECEE has not followed a recommendation of the Board of Appeal, the CMC shall decide on appropriate steps to be taken.



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**Flowchart of the General complaint process**

