

Criteria for supervision support through private quality systems

Introduction

As the government is responsible for ensuring that there is suitable infrastructure for compliance supervision, investigation and prosecution under current legislation, the NVWA has adopted internal requirements for quality systems, certification and accreditation¹.

In a well-functioning quality system, certification with regard to compliance can play a significant role. The NVWA can then take into account results of certification and accreditation when prioritizing its supervisory tasks. The NVWA only checks whether and to what extent a specific quality system and/or certificate contributes to compliance with legislation.

Systems which meet the criteria described in this document are interpreted by the NVWA as supporting the NVWA tasks within the framework of compliance supervision. Participants in supervisory support systems will, in principle, have lower priority in the implementation of the supervisory tasks by the NVWA. A lower priority means that supervision is exercised in a compatible manner: in many cases a reduced supervision intensity (duration and/or frequency) and/or granting of facilities.

Principles

The NVWA adheres to the following principles:

Businesses

1. Businesses are responsible for compliance within the relevant legislation. The NVWA supervises this compliance and intervenes when necessary.
2. It is entirely up to the business itself whether it chooses to make use of certificates and/or quality assurance labels. The NVWA is not involved in this matter.

NVWA

3. The designation of a system or certification scheme as 'supervision supportive' means the scheme was tested by the NVWA through verification in practice, in relation to the principles of this document and that it was found to meet these requirements. It is not a formal approval or recognition and the NVWA makes its own assessment about the level of supervision required. Participation in the supervision support systems plays a role here but it is not the only requirement.
4. Assessments are made individually (per system or scheme) or on a broader level (per sector, group, format).

Scheme owners

5. In principle, the scheme owner (scheme manager; holder of the procedure) is the first point of contact for the NVWA regarding the scheme's content and management. The scheme owner decides which certifying bodies (CBs) may carry out the certification and under what conditions this may be done. If the scheme owner is located abroad, communication with CBs in the Netherlands can also take place, but only if there are valid reasons to do as such. The scheme owner will be informed about this.
6. The scheme owner is also the person who decides the norm/scope and method of the quality mark or certificate (independent, quality, scope) and the requirements for businesses to be admitted.

¹ The quality systems mentioned in this document are voluntary systems of bodies under private law (with or without a designated task). It concerns self-monitoring systems which supervise the (affiliated) individual businesses in a specific branch or sector. This supervision may be done by a trade or professional organisation, or by an external private certifying institution, etc.

Criteria for supervision support

7. The NVWA applies the features of a good quality system as mentioned below as a requirement for supervision support. These requirements are guidelines for scheme owners. The NVWA assesses to what extent the requirements have been met.

Criteria for acceptance of quality systems by the NVWA, as set on 4 June 2014

The NVWA designates a quality system as supervision supportive when it includes the following features:

General

1. a. The scheme must comply with the relevant ISO standards for that scheme and the scheme manager must be a legally identifiable entity.
- b. When a scheme is used by more than one CB, then that scheme must be assessed by an appropriate accreditation standard by an EA (European co-operation for Accreditation) affiliated accreditation organization, in combination with the accreditation for this scheme of individual CBs. The provisions of EA -1/22 A-AB: 2014² are hereby observed.

Scope

2. a. The quality system must provide a framework for the areas of European and national legislation that apply to the relevant sector in which the system operates (the scope of the system).
- b. If a system does not include all legal aspects in the scope, it is important that the NVWA knows which parts are not covered. To this end, a correlation table should be drawn up by the scheme owner.
- c. Even if there are supplementary standards in the scheme that go beyond legal requirements, the starting point is always that minimum legal requirements must be met. Both statutory and extra-statutory requirements must be identified as such in the scheme.
- d. Where there are open standards in legislation, differences in interpretation in the scheme should be avoided. A scheme under accreditation is to be clearly defined and testable. The scheme owner should make adjustments to the scheme after detection of differences in interpretation.
- e. The quality system sets requirements that ensure product integrity and/or reduce the risk of fraud.

Implementation

3. The quality system must include measures that safeguard compliance with legislation of the participating businesses in the following manner:
 - a. The scheme owner shows the performance of the participating businesses in regards to the relevant requirements. The scheme owner also indicates possible improvement plans for the scheme.
 - b. The quality system includes audits and/or on-site inspections of participating businesses.
 - c. The quality system includes a transparent implementation of sanctions to safeguard the value of the certification system.

These measures should be explicitly included in the scheme, so that they form part of the accreditation assessment by the accreditation organization.

4. The quality system sets requirements for the organisations/certifying bodies (CBs) carrying out inspections of the participating businesses.
 - a. The scheme owner guarantees that the participating CBs are properly accredited following specific standards: the accreditation standard must have been recognised by an accreditation organisation that is a member of the International Accreditation Forum

² EA Procedure and Criteria for the Evaluation of Conformity Assessment Schemes by EA Accreditation Body Members

and has signed the IAF Multilateral Recognition Arrangement (MLA). This means that the CB must have been accepted by the scheme-owner and have been accredited according to ISO (ISO-standards, supplemented with relevant sector-specific standards).

- b. The scheme owner sets clear requirements for the knowledge and expertise of the auditors and supervises this.
- c. The quality of the audits is also monitored through witness audits and/or audits of the implementing CBs.
- d. The agreement between the business and the CB includes a stipulation regarding the CB applying a system of announced and unannounced inspections.
- e. The (unannounced) inspections at businesses are risk-based. This requirement ([un]announced, risk-based inspections) must be included in the scheme/quality system in due course.
- f. The scheme owner has an integrity programme which monitors the CBs' functioning and adjusts this where required: the scheme owner monitors whether the CBs carry out the inspections of businesses and settle non-conformities in a proper manner, and if they apply sanctions in a consistent manner.
- g. The scheme owner has insight into the functioning of the system (reliability) and if required will take additional measures to improve this; self-corrective procedures must have been built in and checked in regard to their functioning. These measures should be explicitly included in the scheme, so that they form part of the accreditation assessment by the accreditation organization.

Performance

5. If systems have been accepted, the NVWA will have to remain confident that the private systems function properly. Systems will have to show that in practice they are sufficiently effective, meaning they "deliver what is expected of them". The NVWA can use several instruments to track the effectiveness. The use of instruments and their frequency can be different for each system. In terms of instruments, the following can be considered: the accreditation results, following performance indicators by the system itself and/or the NVWA, an NVWA audit of the system, an NVWA monitoring of the practice (reality checks through audits and/or inspections), a periodical analysis of the available data from the system, etc. The NVWA and the scheme's owner/manager hold regular consultations whereby the findings will be discussed reciprocally by both parties.

Information exchange scheme owner and NVWA

6. The quality systems are transparent for the NVWA. Information and relation with NVWA supervision are arranged as follows:
 - a. The scheme owner gives the NVWA insight into the functioning of the system.
 - b. The scheme owner gives the NVWA periodic insight into possible changes in the quality system as well as in its functioning.
 - c. The scheme owner will at least give the NVWA insight into which businesses are certified.
 - d. The scheme owner gives the NVWA insight into how sanctions have been applied.
 - e. The parties (NVWA, Scheme owner, CA, CB and company) must be able to share information about the company and/or CB under specified conditions. In particular, in cases of serious non-compliance that may lead to unsafe situations, it is desirable that parties be informed about this. This can be regulated at the central level (made legal) or by including this requirement in the contracts that CBs conclude with the companies.
 - f. The agreement between the company and CB or the scheme, must state that the company is required to report serious non-compliance to the CB. If this does not occur, then the CB must take appropriate measures (stricter control and sanction, suspension or revoking of certificate). It must be made legally possible that the scheme owner and/or CB in the event of such serious cases and unwillingness is obliged to report this to the NVWA.
 - g. If legally possible, the NVWA wants –under certain conditions– to be fully transparent about its findings at certified businesses if scheme owners, AC and CBs request this. In addition, the NVWA wants to be able to inform the scheme owner in case of a serious violation (as determined by the NVWA), so the CB can take corrective measures.

The results of verification will be discussed with the scheme owner. The fact that the

NVWA may want to take a more detailed look at the scheme/system (by carrying out an audit) can be included in agreements made between the parties (NVWA and Scheme owner).

Government involvement in governance bodies of the schemes (such as a Central College of Experts):

In a certification scheme's operational stage, involvement of the government **as observer** should in principle be recommended. This way the government can learn about the developments in the market sector and the functioning of the certification scheme, and the role of the parties involved.