

IMPLEMENTATION RULES	TRA	SPM
	VERSION 1	2024/04

SAFETY PROVISIONAL MEASURES

The valid version is available on the PROCERTUS website.

Use the QR code below:



FOREWORD

On 01.04.2024, the npo's PROBETON, BE-CERT, OCAB-OCBS and PROCERTUS merged in accordance with article 13 of the Code of Companies and Associations. On that date, PROBETON, BE-CERT and OCAB-OCBS were automatically dissolved, and all their rights and obligations were transferred to PROCERTUS, which alone continues their activities.

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1 OBJECT

As a product certification body accredited against ISO 17065 and as notified body for CE-marking, PROCERTUS is to conduct audits providing for a physical presence of auditors in the premises of the certified companies. In many cases this involves travel using public transportation means such as airplanes, trains or taxis. The object of the present document is to define objective and non-discriminatory provisional measures to overcome potential or effective short- and long-term risks that an auditor may face while executing such a task, including pandemic risks. When adopting provisional measures, PROCERTUS may face induced risks, that obviously have to be identified and dealt with.

NOTE The present document must be applied taking into account the provisions of documents IAF-MD4 and IAF-ID3 (made available on PROCERTUS' website and attached to the present document), while paying a particular attention to Risk Management.

2 RISKS

Risks can be divided between risks to persons and risks concerning the validity of a certification.

2.1 Risks with regard to the personal integrity of an auditor

The following risks have been identified (non-exhaustive):

- Situations of armed conflict or terrorism
- Critical environmental conditions (earthquakes, storms, hurricanes, ...)
- Critical political situations jeopardizing basic human rights
- Epidemic dramatic or unexpected situations
- ...

Those risks are not only to be considered in the location of the audit but also along the routes to reach the location of the audit (risks linked to travel).

2.2 Risks with regard to the personal integrity of audited persons

The following risk has been identified:

- Risk caused by the physical presence of an auditor who would be infected.

2.3 Risks with regard to the validity of a certification

The following risks have been identified (non-exhaustive):

- Risk of maintaining a certification valid without any possible physical auditing for a given period
- Risk of maintaining a certification valid without any possible auditing for a given period
- Risk of extending an existing certification without any physical dedicated auditing
- Risk of granting a certification without any physical dedicated auditing.

3 RESPONSIBILITY OF PROCERTUS

It is to be reminded that the auditors acting for PROCERTUS are mostly employees of accredited inspection bodies, some are freelancers.

In no way PROCERTUS can oblige an auditor to accept those risks and therefore PROCERTUS cannot oblige an auditor or his company to execute an audit exposed to such risks.

In no way PROCERTUS can restrict any legal right of an auditor or an independent company to accept risks deemed acceptable by them.

PROCERTUS is fully responsible to respect the Belgian laws and any legal decision adopted by Belgian public authorities.

PROCERTUS is aware that, when an auditor is present in a given territory, that auditor is bound by the legal terms in force in the visited country.

Consequently, PROCERTUS does and will accept these responsibilities.

PROCERTUS cannot accept any responsibility for auditors acting on its behalf not being **aware** of being ill and the inherent risks thereof. A clear distinction is to be made regarding that risk as far as it occurs in:

- either, normal sanitary situations, which clearly imply the personal responsibility of the auditor
- or exceptional unsanitary situations (pandemic, e.g.) which require a mutual adoption of safety protection measures by any person accepting to meet another person.

in no way PROCERTUS is obliged to maintain an existing certification, to extend an existing certification or to grant a new certification when the necessary and sufficient conditions to maintain or extend that certification or to grant the certification are not met or liable to be met.

Consequently, PROCERTUS does and will apply these rules and principles.

4 CONSEQUENCES FOR THE CERTIFIED COMPANIES

4.1 Conceptual consequences

The consequence for the certified companies facing the risks mentioned above is that no physical audit can take place during a given short or long duration.

Taking into account that, depending on the type of certification, the periodicity of audits lies between three¹ months to one year, the following distinction is made:

- Short duration, less than the applicable periodicity **plus one month**
- Long duration, all other cases.

For short durations, the consequence for the concerned company is that the audit that could not be executed, simply is delayed and executed as soon as possible. That audit can in no way replace other future audits that have to be done on a regular basis.

For long durations, the following provisional measures are adopted as defined in the following chapter.

4.2 Practical consequences

In other words, if the physical audit of a given period has not yet been executed, the provisional safety measures apply one month after the end of the concerned period.

¹ Possibly one or two months

5 PROVISIONAL MEASURES

5.1 Basic principles for applying provisional measures

For obvious reasons of impartiality and non-discrimination, and subject to a risk analysis for the continuation of the certification **under conditions of provisional measures**, PROCERTUS esteems

1. not having the right to immediately suspend or withdraw an actual certification without compelling reasons
2. not having the right to suspend or eliminate any control foreseen by the certification scheme
3. not having the mandatory obligation to extend an existing certification
4. not having the mandatory obligation to initiate a new certification.

Therefore, the provisional measures are designed to execute all controls on a remote basis and on a reinforced way, dictated by the physical absence of the auditor².

5.2 Basic means for applying provisional measures

The application of provisional measures is based on remote auditing by means of ICT³ ensuring auditive and visual exchanges between the auditor and the persons to be audited, with the full capacity to visualize documents, products, production lines, stocks with identification labels and test equipment. As far as the comprehensive visualisation of documents might be altered, the auditor is entitled to request the submission by suitable electronic transfer of entire or part of concerned documents.

As far as necessary, it is recalled that confidentiality of all information collected by PROCERTUS in the framework of inspection and certification activities, is ruled and managed by the ISO 17065 accredited system to protect, among others, the certified manufacturers and the natural persons⁴. As a consequence, the auditor of PROCERTUS does not record under vocal or image forms of all or parts of the audit without the consent of his counterparts. At the request of the manufacturer who would deem it necessary, or as agreed with the manufacturer, the auditor of PROCERTUS may take a print screen showing necessary specific information to be published in the audit report only (for example photographs of identified specimens tested or to be tested).

5.3 Applicable provisions

The following rules are applicable for products covered by a certification granted by PROCERTUS. In all cases, the reports shall clearly mention that the control was executed using Information and Communication Technology (ICT). The report will include in annex relevant extracts of all received documents. The report must be established taking into account the use of ICT. For each action the report must describe the type of ICT used. This remote audit is to be regarded as an official audit replacing an in situ visit and must thus be invoiced with the real costs. As part of the necessary tasks involved by the ISO 17065 accreditation, among others those of risk management, the Quality Manager of PROCERTUS is entitled to verify the correct application of the remote auditing through direct participation in these audits or by any relevant assessments.

² Regarding items 3 and 4 relating to the initiation or the extension of a certification, the rules of chapter 7 are also applicable.

³ Information and Communication Technology

⁴ The General Data Protection Regulation (GDPR): Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

5.4 Minimum duties requested from BENOR-, PROCERTUS- and CE-certified companies

In all circumstances a company faced with the application of provisional measures must provide appropriate visual means to allow the auditor to remotely:

- a) visualize the relevant documents regarding the concerned certification
- b) visualize and identify the batches of steel regarding the concerned certification
- c) visualize and identify the sampling of specimens concerned by the certification
- d) visualize and identify the complete testing of the specimens concerned by the certification
- e) Interruptions in those processes may lead to the cancellation of the remote audit.

In case items a) to d) should not be feasible, the auditor is bound to declare that the remote audit is not feasible and must immediately warn PROCERTUS of that situation, that will lead at least to the suspension of an existing certification. In case item e) occurs in a repeated or systematic way, the auditor must inform PROCERTUS.

5.4.1 Requirements for BENOR-, PROCERTUS- and CE-certified companies that temporarily stopped production or deliveries

In all circumstances, a company that⁵ is led either to stop production or to suspend deliveries of products certified by PROCERTUS, must emit a signed document clearly stating both the potential dates of:

- effective interruption of production / effective interruption of deliveries
- expected restart of production / expected restart of deliveries.

In such a situation, PROCERTUS shall publish that the company decided a voluntary temporary suspension of its certification and the physical audits will be suspended for the applicable period.

5.4.2 BENOR- or PROCERTUS-certified company

5.4.2.1 Duties of the company

1. Acceptance of remote audit by ICT according to the rules applicable to physical audits and at the requested periodicity.
2. On request of the auditor and when relevant to the type of certification:
 - a) Monthly transmission to the auditor presently in charge
 - of the whole sets of the individual results of the internal controls (mechanical and geometrical) carried out on all certified products,
 - of the statistical evaluation of those internal controls.
 - b) Immediate information, explanation and demand for authorisation about the possible need to deliver BENOR products outside Belgium.
 - c) Weekly information of any delivery made towards Belgium. (Only for foreign companies)
 - d) Weekly information of any prior authorised delivery made outside Belgium.
 - e) Following the frequencies in the TRA and according to the indications of the auditor, sampling of duplicate specimens
 - The first one (referred to the unit of autocontrol) being tested in the internal laboratory of the company,
 - The second one to be kept by the company and let to the choice of the auditor for possible further testing (e.g., random testing during a next physical audit).

⁵ because of unexpected sudden events subject of the present document

3. According to the indications of the auditor, sampling of triplicate specimens for annual paired comparisons with a control laboratory, with all relevant information (this is only considered in case of exceptional long duration of these safety provisional measures).
 - a) The first one being tested in the internal laboratory of the company,
 - b) The second one to be sent to a control laboratory listed in document 503a with the request that the results are to be sent to the auditor,
 - c) The third one to be kept by the company and let to the choice of the auditor for possible further testing (e.g., random testing during a next physical audit or sending to a control laboratory).
4. Authorisation by the company (foreign companies only) to allow sampling on any delivery provided in Belgium at the time of their arrival on the Belgian territory. The choice of the control laboratory will be made by PROCERTUS, the cost of the sampling and tests will be charged to the company. If practically possible, the paired comparisons with a control laboratory should preferably take place in this way. The objective reasons of this sampling will be communicated to the company⁶.
5. If authorised for deliveries outside Belgium, confirmation by the company to its customer to perform (under request of PROCERTUS) sampling on any delivery provided outside Belgium at the time of their arrival on the concerned territory, and sending of these specimens to the control laboratory designated by PROCERTUS, the cost of the tests will be charged to the company. If practically possible, the paired comparisons with a control laboratory should preferably take place in this way. The objective reasons of this sampling will be communicated to the company⁷.

5.4.2.2 Consequent duties of the auditor and of PROCERTUS

1. Obligation to perform remote audit by ICT according to the rules applicable to physical audits, and at the requested periodicity.
2. Application of relevant items listed in the preceding chapter regarding the duties of the company.

5.4.3 CE-certified company

5.4.3.1 Duties of the company

Acceptance of remote audit by ICT according to all rules applicable to physical audits and at the requested periodicity, and this according to document NB-CPR 20/852r3⁸⁹.

5.4.3.2 Consequent duties of the auditor and of PROCERTUS

Obligation to perform remote audit by ICT according to the rules applicable to physical audits, and at the requested periodicity.

⁶ e.g., and non-exhaustively listed: lack of credibility of some aspects of remote control, doubts on deliveries, ...

⁷ e.g., and non-exhaustively listed: lack of credibility of remote control, impossibility to execute remote control, doubts on deliveries, ...

⁸ Approved Guidance Position Paper: Maintaining CPR certificates under the COVID-19, issued: 10 December 2020 [see website of PROCERTUS]

⁹ As per page 5 of 8 of document NB-CPR 20/852r3:

A notified certification body with the capability of conducting remote auditing to IAF MD 4 may apply remote auditing techniques as (part of) the additional AVCP activities. However, physical on-site audit/inspection shall be carried out when it becomes possible.

6 DECISION OF APPLICATION OF PROVISIONAL MEASURES

The decision to apply provisional measures is analysed and decided by PROCERTUS according to the criteria listed in chapter 2 (the occurrence of any eligible criterion must be confirmed either by the Belgian governmental Authorities or by any credible public information).

The decision is communicated to the concerned company, which is invited to officially accept it, otherwise article 9 applies.

7 INITIATION OR EXTENSION OF A CERTIFICATION

The possibility described hereunder is given.

A company faced with the application of provisional measures and wishing to initiate or extend a certification must first officially accept the application thereof as described above.

As far as remote audit might be proposed by PROCERTUS, the company must then provide appropriate visual means to allow the auditor to remotely:

1. visualize and identify the batches of steel requested to be presented for initial testing
2. visualize and identify the sampling of specimens out of those batches of steel requested to be submitted to initial testing
3. visualize and identify the complete testing of the specimens to be submitted to initial testing.
4. For BENOR-certification, achieve the full steps requested for paired comparison on specimens sampled in triplicate including the sending to a control laboratory.
5. For CE-certification, achieve the full steps requested by the AVCP¹⁰ system in force, including the full visualization of documents, manufacturing and testing equipment, relevant personnel, relevant products. For AVCP systems 1 or 1+, provide specimens of the production to a Belgian location defined by PROCERTUS or the auditor where such specimens can be physically seen and possibly assessed.
6. For PROCERTUS-certification, accomplish the full steps requested by the certification system in force, including the full visualization of documents, manufacturing and testing equipment, relevant personnel, relevant products.

In case item 3 should not be feasible and previously had been declared so, the option is given to the producer to proceed as follows:

- a) apply item 2 and sample specimens in triplicate,
- b) select specimen 1 of each triplicate for immediate testing in the premises of the company,
- c) select specimen 2 of each triplicate for immediately sending
 - either to a control laboratory listed in document 503a and request for testing by the control laboratory and direct sending of the results to the auditor
 - or to a location in Belgium defined by the auditor where the specimens may be physically seen and assessed.
- d) select specimen 3 of each triplicate to be kept by the company and let to the disposal of the auditor for possible further testing,
- e) send the results of the tests performed by the company to the auditor as soon as possible and **in all cases sooner than the date of receiving the test results from the control laboratory.**

When all results are available, the auditor establishes his audit report with his recommendations:

¹⁰ Assessment and Verification of Constancy of Performance

- either to valorise the available results for a future final decision,
- or to propose a final decision.

The report is sent to the relevant Technical Advice Bureau of PROCERTUS for advice and agreement for the report to be submitted to further approval and for decision by the Certification Committee of PROCERTUS.

8 DURATION

The maximum duration of the application of provisional measures is fixed at 19 months unless exceptional circumstances are forcing a longer duration.

9 TERMINATION

In case of no application because of refusal by the company or of reaching the maximum duration, the certification is suspended for a maximum duration of two years, after which, if not reactivated under normal circumstances, it then is withdrawn.

10 HISTORY OF REVISIONS

- Revision -1, initial document [issued: 20200308]
- Revision -0,9, precisions concerning the deadlines for conducting audits and the content of the reports [issued: 20200410]
- Revision 0, rules for possibilities of extension of certification [issued: 20200612]
- Revision 0,1, inclusion of reference to document IAF-ID3, increased highlight on risk assessment, inclusion of practical experience on remote auditing by ITC in applicable practices [issued: 20201026]
- Revision 0,2, reference to document NB-CPR 20/852r3, extension of possible duration of provisional measures to 19 months, precision on some specific items, confirmation of confidentiality [issued 20210111]
- Revision 1: transfer from OCAB-OCBS to PROCERTUS; compelling reasons added to 5.1, 1: possibility of recording with consent added to 5.2; editorial and linguistic changes,