



## **HANDLING OF DYSFUNCTIONS**

The general provisions documented in this procedure are complemented with the specific provisions of a document of the BELAC series 2-405, each time relevant for a specific conformity assessment activity.

The only valid versions of the documents of the BELAC management system are those available from the internet website ([www.belac.fgov.be](http://www.belac.fgov.be)).

English translation for information only  
French and Dutch version remain the authoritative documents

Date of implementation: 15.05.2018



## HISTORY OF THE DOCUMENT

Revision and date of approval	Reason for revision	Scope of revision
<b>0</b> <b>CC 05.06.2003</b>	Replaces and cancels documents BELCERT BCT-P14 (REV1)-1999 and BELTEST P 08-REV 1-1996.	Full revision following the merger of the BELAC documentation, but without any significant modification of the basic principles.
<b>1</b> <b>Secr. 31.01.2004</b>	Update of layout and presentation	Full document
<b>2</b> <b>CC 18.05.2006</b>	Revision following the implementation of the BELAC R.D.: responsibilities of the Board and secretariat  Handling of observations Critical analyses and process of continuous improvement	Full revision  Point 5 Point 6
<b>3</b> <b>Secretariat</b> <b>29.10.2012</b>	Reference to the existence of BELAC documents series 2-405 in case of specific accreditation requirements for a specific conformity assessment activity	Cover page
<b>4</b> <b>CC 27.10.2016</b>	Clarification of the concept of “dysfunction” Grouping of all definitions Clarification : in case of complaint or dispute related to the operation of an accredited body, the complainant shall address the concerned accredited body.	Point 1 Point 3 Points 4.1 and 5.1
<b>5</b> <b>CC 19.04.2018</b>	Clarification of the obligations of the accredited bodies with respect to the analysis and closing of complaints linked to accreditation Full review of the text in order to facilitate reading	Point 5.3  Full document

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# HANDLING OF DYSFUNCTIONS

## 1. AIM OF DOCUMENT AND REFERENCES TO STANDARDS

Without prejudice to the application of general legal provisions and particularly of those introduced by article 7 of the law of 20 July 1990 concerning the accreditation of conformity assessment bodies, the following procedure aims to define the methods for handling all types of dysfunctions that concern the operation of the accreditation system itself or the bodies accredited by it.

Dysfunctions are:

- appeals
- complaints
- disputes
- observations

BELAC considers the examination and handling of dysfunctions to be:

- an obligation for itself – and, where relevant for the accredited bodies, towards the petitioner;
- a means of identifying any non-compliance with respect to its own procedures, with a view to implement corrective action;
- an element of information to be taken into account as part of the review of its management system.

This document refers to and complies with the relevant sections of the Royal Decree of 31 January 2006 creating BELAC and the standard EN ISO/IEC 17011.

## 2. RECIPIENTS

With follow-up of modifications:

- The members of the Co-ordination Commission
- The members of the Accreditation Board
- The accredited bodies
- The assessors
- The accreditation secretariat

Without follow-up of modifications:

- Any external request

### **3. DEFINITIONS**

#### **3.1. Appeal**

Action officially brought by an accredited organisation or one that has applied for accreditation against a decision of the Board within 15 working days following the notification of the decision of the Board. This decision may relate to:

- a refusal of an initial accreditation or of the extension of an accreditation;
- the suspension or the withdrawal of an accreditation, either partially or totally.

Lodging an appeal does not suspend a decision of the Board.

#### **3.2. Complaint**

Action officially brought by a conformity assessment body, a competent authority or any other interested party concerning the implementation of the accreditation procedures or the functioning of accredited bodies, including those aspects linked to technical competence.

A complaint related to the operation of an accredited body will only be declared as receptive if, whenever relevant, the accredited body has had the possibility to directly manage the complaint. The complaint will only be lodged directly to BELAC in case it can be motivated not to lodge it first by the accredited body.

Complaints from third parties may concern:

- shortcomings in the functioning of accredited certification bodies;
- test reports or calibration certificates issued by accredited laboratories;
- inspection certificates issued by accredited inspection bodies.

#### **3.3. Dispute (non-formal complaint)**

With dispute is meant an action taken by

- an accredited body;
- an assessor;
- a user of accredited services;
- a member of a BELAC organ;

without request for a formal handling by the Board of Appeal.

Disputes usually deal with aspects related to the administration of the accreditation procedure, the organisation of assessments and the reference to accreditation; they may also relate to the operation of an accredited body.

A dispute related to the operation of an accredited body will only be declared as receptive if, whenever relevant, the accredited body has had the possibility to directly manage the complaint. The dispute will only be lodged directly to BELAC in case it can be motivated not to lodge it first by the accredited body.

### **3.4. Observation**

These are mainly punctual errors and defects related to the administrative work of the secretariat, raised orally or in writing by external concerned parties, members of the BELAC organs or by the secretariat itself.

### **3.5. Board of Appeal**

Body established to work alongside the Co-ordination Commission and which, without prejudice to articles 7, 8 and 9 of the law of 20 July 1990 concerning accreditation, has the task of investigating the appeals or complaints. The BELAC secretariat, with responsibility for the secretariat of the Co-ordination Commission, is also in charge of the secretariat of the Board of Appeal.

The Board of Appeal is composed of:

- a Chairman, appointed by the chairman of the Co-ordination Commission, according to his knowledge of legal matters and his ability to speak the language in which the case is conducted;
- the Chairman of the Co-ordination Commission;
- two members of the Co-ordination Commission, appointed by the Chairman, who are able to speak the language in which the case is conducted and who are not involved to the case;
- two assessors, appointed by the Chairman of the Co-ordination Commission and who are
  - registered as BELAC assessors;
  - qualified for the relevant accreditation field;
  - not involved in the case under investigation.

If one or more of the members mentioned under parts 2, 3 and 4 above are not available or are involved in the case under investigation, the Chairman will arrange for their replacement.

## **4. HANDLING OF APPEALS AND COMPLAINTS**

### **4.1. Submission**

#### **4.1.1.**

Appeals and complaints will be submitted by registered letter to:

BELAC,  
To the attention of the Chairman of the Board of Appeal  
FPS Economy - Quality and Safety, Accreditation Service  
Bd du Roi Albert II, 16 – 2<sup>nd</sup> floor  
B-1000 BRUSSELS

The following information shall be part of the submission :

- The elements supporting the appeal or the complaint;
- Any other information useful to decide whether the case is receptive or not.

## **4.2. Registration**

Upon receipt, the secretariat will register the appeals, complaints and disputes submitted to BELAC. The quality manager of BELAC is responsible for the administration of the appeals and complaints' files

Registration is to include the following information:

- the date of receipt;
- the name of the petitioner;
- the number and identification code of any documents submitted in support of the file;
- a brief description of the reasons for the petitioner's request.

Whenever an appeal or complaint is submitted, an individual file will be opened and will include all items pertaining to the handling of the case.

Within 5 working days of the registration date the BELAC secretariat will send to the petitioner an acknowledgement and information of the next steps in the handling of the case. The secretariat explicitly states that in case of an appeal or, where relevant, of a complaint, the decisions already taken remain valid. Lodging an appeal or a complaint does not suspend the decisions.

## **4.3. Handling of appeals and complaints**

### **4.3.1. Transmission to the Chairman of the Board of Appeal**

Within ten working days of receipt of the appeal or complaint, the file will be transferred to the Chairman of the Board of Appeal who will:

- request the Chairman of the Co-ordination Commission to appoint two assessors to participate in the investigation of the case;
- convene the Board of Appeal and take the necessary additional measures.

### **4.3.2. Meeting of the Board of Appeal**

The Board of Appeal will meet within the shortest possible delay taking into account the maximum delay for decision making (point 3.4.4).

The Board of Appeal may recourse to the following tools:

- to proceed to a hearing of the petitioner or their representative and, if necessary, the members of the Co-ordination Commission, the Board or of the involved assessment team;
- to request all parties concerned to provide it with all the items it considers necessary for an investigation of the case;
- to call upon the opinions of experts.

The Board of Appeal may, if necessary, adjourn its proceedings in order to gather additional elements of information and may meet on several occasions.

Minutes will be taken of all meetings of the Board of Appeal.



The members of the Board of Appeal and any other person consulted are bound by strict rules of confidentiality concerning the facts and documents with which they come into contact during the investigation of the case.

#### 4.3.3. Decision of the Board of Appeal

The Board of Appeal will announce its supported decision and the reasons for it within sixty working days of receipt of the appeal or complaint.

The decision shall include:

- a statement confirming whether the appeal or the complaint is receptive or not;
- a confirmation or not of the decision of the Accreditation Board.

Notice will be given by registered letter to the parties concerned and, in any case, to the Accreditation Board, within ten working days of the Board of Appeal's decision.

The announcement shall be completed by the following mention :

*"Against the present decision, an appeal for cancellation can be introduced by the Council of State. The request for cancellation must be sent within 60 working days of the announcement by registered letter to the Council of State, Rue de la Science 33 - 1000 Brussels".*

#### **4.4. Actions of the Board resulting from a decision of the appeal Board**

##### 4.4.1. Appeal

In the event of a decision of the Accreditation Board being quashed as a result of an investigation of an appeal case, the Accreditation Board will take the necessary steps to take account of the Board of Appeal's decision and, if appropriate, resume or complete the accreditation procedure, with any costs being borne by BELAC.

Upon completion of the procedure the Accreditation Board will report to the Board of Appeal.

##### 4.4.2. Complaint

In the event of a complaint involving an accredited organisation or one applying for accreditation being judged admissible by the Board of Appeal, the Accreditation Board will immediately take the necessary steps to re-examine the case. Depending on the case, the provisions detailed in the document BELAC 3-11 will apply and the costs associated with the re-examination will be borne by the accredited organisation.

Upon completion of the procedure the Accreditation Board will report to the Board of Appeal.

In the case of appeals or complaints relating to the implementation of the accreditation procedure, the Board and/or the Co-ordination Commission will ensure, each within their own field of jurisdiction, the implementation of appropriate corrective measures.

## **5. HANDLING OF DISPUTES AND OBSERVATIONS**

### **5.1. Submission**

Request for examination of disputes will be duly motivated with detailed information and introduced in writing to the BELAC secretariat.

Observations may be introduced orally or in writing to BELAC.

A dispute related to the operation of an accredited body will first be addressed by the complainant to the concerned accredited body so that the concerned accredited body has the possibility to analyse the situation and to properly inform the complainant about the outcome and actions taken where relevant. The complainant may decide to put BELAC, for the sake of information, in copy of the complaint sent to the accredited body.

In case the complainant takes the view that the complaint has not been properly handled by the accredited body, the complaint may address BELAC, with motivation and detailed information. In this case, the complainant shall also inform BELAC of all exchanges with the accredited body.

### **5.2. Registration**

The quality manager of BELAC is responsible for the supervision of the handling of the appeals and complaints' files.

The registration includes at least: the following information:

- the registration date;
- the identification of the person who has transmitted the information ;
- t short description of the facts.

### **5.3. Handling of disputes and observations**

The quality manager, the Director of BELAC and the file manager if one of his files is involved, analyse the case and specify the provisions for the handling. For each dispute or observation, a critical review of the facts is performed, including, whenever relevant,

- the description of the facts;
- the examination of the receptivity;
- the identification of the entity that will be responsible for the handling of the case: secretariat, Accreditation Board, Coordination Commission;
- a cause analysis;
- the definition of the actions necessary to close the case and to avoid recurrence;
- the follow-up of the actions (including their efficiency).

In case a dispute or an observation relates to an accredited body or to its activities, the body is required to provide BELAC with all necessary support and to cooperate in the analysis and closing of the case.

A motivated answer is communicated to the person who lodged the dispute or, whenever relevant, has communicated the observation; confidentiality requirements are strictly respected.

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