
**Regulations — Part 3: Requirements for approval of certification
bodies**



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Foreword

The African Regional Organisation for Standardisation (ARSO) is an African Intergovernmental organization made of Member States of the United Nations Economic Commission for Africa (UNECA) and the African Union (AU). One of the fundamental mandates of ARSO is the establishment of a conformity assessment system to promote the quality of African goods and services as a means of facilitating intra-African trade as well as accessing global markets.

The ARSO Conformity Assessment Programme (ACAP) is supported by a coherent set of documents which are developed under the auspices of the ARSO Conformity Assessment Committee (ARSO CACO) which comprises experts from Member States. Member States participate in the committee on a voluntary basis and the documents developed follow the principles and procedures for the development of African Standards outlined in the African Standards Harmonization Model (ASHAM) with the exception of the stages and voting thresholds. Being conformity assessment instruments, ACAP documents are subject to dynamic adaptations which must timeously respond to changes in the conformity assessment fields.

ACAP documents will be revised on a flexible basis to fit in with changes in global conformity assessment systems.

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Introduction

This document specifies requirements, the observance of which is intended to ensure that certification bodies operate certification schemes in a competent, consistent and impartial manner, thereby facilitating the recognition of such bodies and the acceptance of certified products, processes and services on a national and international basis and so furthering international trade.

This document describes the procedure for the approval of National and International third party Certification Bodies (CB from now on) willing to be recognized as certifiers for the ACAP.

It summarizes the requirements which must be met by a CB, to be engaged in the verification and certification process for the ACAP and award of the ACAP Mark.

The ARSO Secretariat will grant approval or disapproval for the CB to become recognized CB for ACAP, based on the result of the assessment.

This document includes the rules to be complied with by National and International third party Certification Bodies seeking accreditation under ACAP.

There are some basic principles that represent a “Must” in the development of the ACAP, in order to make a product identified with the ACAP Mark more “Robust” and acknowledgeable by the interested parties:

- (a) The level of control exercised by ARSO on the ACAP Certification system in order to guarantee the effectiveness and integrity of the system
- (b) Independence of the Certification Bodies involved in the process and the transparency of the whole system.
- (c) Clear Rules in order to guarantee and assess the competence of the CBs to carry out verification
- (d) Definition of auditing criteria and qualification of the auditors (training/background).
- (e) Technical support for capacity building within all the involved parties
- (f) The Supply chain coverage and Traceability requirements: the possibility to track the ACAP Mark along the supply chain and how to do that

Interested parties can expect or require the certification body to meet all the requirements of the ACAP, as well as those of the specific ACAP certification schemes.

Parties that may have an interest in certification include, but are not limited to:

- the clients of the certification bodies;
- the customers of the organizations whose products, processes or services are certified;
- governmental authorities;
- non-governmental organizations; and
- Consumers and other members of the public.

Regulations — Part 3: Requirements for approval of certification bodies

1 Scope

This document specifies requirements, the observance of which is intended to ensure that certification bodies operate certification schemes in a competent, consistent and impartial manner, thereby facilitating the recognition of such bodies and the acceptance of certified products, processes and services on a national and international basis and so furthering international trade.

2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ACAP 1-1:2017, *Regulations — Part 1: General requirements for the certification systems*

ACAP 1-2:2017, *Regulations — Part 2: Special requirements for the certification systems*

ISO/IEC 17000, *Conformity assessment — Vocabulary and general principles*

ISO/IEC 17011, *Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies*

ISO 9000, *Quality management systems — Fundamentals and vocabulary*

ISO 9001, *Quality management systems — Requirements*

ISO 10002, *Quality management — Customer satisfaction — Guidelines for complaints handling in organizations*

ISO/IEC 17021-1, *Conformity assessment — Requirements for bodies providing audit and certification of management systems — Part 1: Requirements*

ISO/IEC 17021-2, *Conformity assessment — Requirements for bodies providing audit and certification of management systems — Part 2: Competence requirements for auditing and certification of environmental management systems*

ISO/IEC 17021-3, *Conformity assessment — Requirements for bodies providing audit and certification of management systems — Part 3: Competence requirements for auditing and certification of quality management systems*

ISO/IEC 17030, *Conformity assessment — General requirements for third-party marks of conformity*

ISO/IEC 17065, *Conformity assessment — Requirements for bodies certifying products, processes and services*

ISO/IEC 17067, *Conformity assessment — Fundamentals of product certification and guidelines for product certification schemes*

3 Terms and definitions

For the purpose of this document the terms and definitions in ISO 9000, ISO/IEC 17000 and ISO/IEC 17021 standards apply.

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4 ACAP-CB license agreement

This document is the Certification and Mark Management Agreement that establishes the rights and obligations of ACAP's responsible owner and coordinator and of the Certification Body (CB) as the third-party organization approved for verification and certification of the ACAP Standards and licensing the use of the ACAP Mark on the certified products.

The ACAP CB licence agreement, including its updates, shall be accepted and signed by the CB as part of the application procedure to become and to remain an ACAP approved CB and to be listed as such on the ARSO website.

The CB License Agreement, the Producers Sub-Licence Agreement and the present General Regulation document represent a complementary set of rules to be continuously complied with by the recognized CBs.

5 Certification body approval process

In order to become a recognized CB for the ACAP, a series of requirements must be fulfilled for approval and confirmed in time for approval maintenance.

5.1 Preliminary entry requirements

In order to be allowed to start an application to become a CB recognized for ACAP, the following basic requirements but not limited to are necessary:

- (a) The CB must be a Legal Entity registered with the scope certification.
- (b) The CB shall be already operating in the field of System or Products certification for at least one Standard
- (c) The CB should be already accredited according to ISO/IEC 17065 or ISO IEC 17021-1 for an Agri-Food Standard/ scope
- (d) In case the CB is not accredited (ref to # 4.1c), it shall be working according to ISO/IEC 17065 or ISO/IEC 17021-1 principles, in compliance to the specific requirements listed in Annex A.
- (e) In case of CB accredited according to ISO/IEC 17065:2012 for food related scope, the accreditation body to which the CB applies shall be a signatory of the IAF Multilateral Recognition Arrangement (MLA) program for Product Certification (IAF Product MLA).

5.2 ACAP provisional entry requirements

5.2.1 Application

The CB shall complete the steps listed below before entering the phase of final approval that is explained in the following chapter.

- (a) The applicant CB shall register in the ACAP database as an applicant CB in order to receive all the information and documentation required for the application.
- (b) The application must be very clear about the ACAP Certification Scheme selected for the approval (ex: Scheme A1 Crops).
- (b) Once the preliminary application is completed with all required information and documentation, it can be sent to ACAP Administrator for evaluation and approval. A fee will be charged to the CB for the evaluation of the application.

5.2.2 Pre-assessment

During the pre-assessment of CB's provisional entry requirements, the scope of the assessment will cover the following areas, and the assessment will be carried out against the criteria indicated as follows:

- (a) An examination of the Organization and Structure of the Certification Body. This requires the CB to have:
 - A Governing Board, with a permanent staff under a full-time Chief Executive;
 - documentation identifying its legal status;
- (b) An organization chart, with clearly defined lines of responsibility and reporting.

5.3 General requirements for ACAP CBs approval

In case of positive evaluation of the preliminary application and after paying the fees for the first evaluation, the applicant CB will receive a request to complete the following steps:

5.3.1 Accreditation

- (a) If ISO/IEC 17065 or 17021-1 accredited for a Food Product Specification / GAP and Food GMP management scope, provide copy of a valid certificate (see 5.1(c))
- (b) If NOT ISO/IEC 17065 or 17021-1 accredited for a Food Product Specification / GAP and Food GMP management scope, the CB must document and implement procedures and instructions specific for not accredited CBs specified in Annex A.
- (c) All CBs must, document and implement procedures and instructions specific for implementation and management of the required ACAP Certification Scheme.

5.3.2 Certification Body License agreement

The certification body shall have a legally enforceable agreement for the provision of certification activities on behalf of ARSO. The License agreements shall consider the responsibilities of the certification body and its clients and will be enforced when all the evaluation activities are completed and final approval is granted to the CB.

5.3.3 ACAP Management team

The CB shall demonstrate to have enough qualified competent personnel resources to comply with the ACAP requirements and to effectively manage the implementation of the ACAP Certification Process. It is possible for the same person to cover more than one task, if the basic requirements for qualification are covered.

Every CB recognized for ACAP certification, shall nominate the following key staff, required for the implementation and maintenance of the certification process and ACAP Mark management:

5.3.3.1 ACAP Certification and ACAP Mark administration Manager

Every CB recognized for the ACAP shall nominate one contact person, called the ACAP certification and ACAP Mark administration Manager, who will be the representative of the CB before the ARSO Secretariat for all issues regarding the administration of the certification process as well as the release of final authorization for the use of the ACAP Mark. This person:

- (a) Shall be fluent in English and/or French.
- (b) Shall be available in-house; i.e. not hired occasionally by the CB, and be part of the operational and/or management decision-making process of the CB.

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- (c) Shall attend the annual Admin Manager (Update) meeting carried out directly by ARSO
- (d) Shall be responsible for receiving and implement actions according to specific requests coming from ARSO and to update interested parties about changes or amendments related to the ACAP. This also includes registered Producers, when required.
- (e) Evaluate and approve request of sanction to be applied for certified Producers (ex: Suspension or withdrawal of use of ACAP Mark, related to administration issues)

5.3.3.2 ACAP Technical Manager

All recognized CBs shall have an ACAP Scheme Technical Manager, specifically qualified for the required Certification Scheme. This person:

- (a) Shall be available in-house; i.e. not hired occasionally by the CB.
- (b) The ACAP Technical Manager must hold, as a minimum the higher level of qualification considered for a Verifier in the certification scheme object of the application.
- (c) The ACAP Technical Manager, to qualify, needs to attend the specific Technical Manager training, organized by ARSO, and pass the final exam for the relevant required Scope.
- (d) After qualification, a “refresh” one day training must be attended every two years or more often if required by ARSO or in case of a significant review of the Standard.

The Technical Manager shall be responsible to:

- (a) Provide accurate and updated technical interpretation of the requirement of the relevant Standard
- (b) Support other CBs functions involved in ACAP certification for any issue related to technical interpretation of the Standard (including ARSO ACAP Admin Manager)
- (c) Assure that all the CB's registered as ACAP Verifiers comply with the requirements set in the specific section of rules for the Standard to be audited.
- (d) Organize and deliver training to all the respective ACAP Verifiers (based on ACAP documentation, guidelines and training material)
- (e) Supervise and support the activity of the ACAP Sampling and Testing Responsible
- (f) Evaluate and approve request of sanction to be applied to certified Producers (ex: Suspension or withdrawal of use of ACAP Mark, related to technical issues)

5.3.3.3 ACAP Sampling and Testing Program Manager

Sampling capability: The CB shall have the necessary resources to carry out all activities associated with its sampling services. The sampling staff shall be technically qualified and have the ability to apply the necessary statistical techniques in sampling work.

All ACAP recognized CBs must have a person responsible for implementation of the sampling and testing activity, as a part of the certification activity carried out by the CB. The ACAP Sampling and Testing Program Manager responsible to:

- (a) Plan and coordinate the sampling of products according to specific requirements from the different certification Schemes and Standards
- (b) Supervise the correct implementation of the sampling procedures, including conservation and transportation of the products and traceability of the samples.

- (c) Identify ACAP qualified laboratories and agree on services to be provided for ACAP certification.
- (d) Collect test reports and manage the results in agreement with procedures established for the certification Scheme and the Standard

It is required, for the sampling program manager, to hold, as a minimum the qualification considered for Verifier in any of the ACAP Certification Schemes.

5.3.3.4 ACAP Verification team

Verification capability: The CB shall have the necessary resources to carry out all activities associated with its verification services.

- (a) In order to carry out ACAP Standard inspections and audits, the CB shall employ/contract only inspectors and auditors that fulfil the requirements set for the specific Certification Scheme and described in ACAP 1-2:2017.
- (b) Every Verifier shall comply with the Certification Scheme specific requirements.
- (c) The CB shall have documented procedures to assess the verification team competence.
- (d) Where the verification work is sub-contracted to an outside body, the CB shall be responsible for the verification of the competency of the sub-contractor, and shall make all documented evidence of this verification available on ARSO request.
- (e) Auditors and Verifiers shall commit on respect of rules for independence, impartiality as part of a written contract.

A review of the CB's listed Auditors and Verifiers, including an examination of their assessment and technical knowledge, covering the products where they may be called upon to assess for ACAP Certification is part of the approval process.

To be approved, the CB shall provide detailed evidences for qualification of at least 1 verifiers for each ACAP certification scheme (in case more than one Certification Scheme is selected, the same Auditor can be qualified for more than one Scheme, if applicable).

5.3.3.5 ACAP Certification Committee

The certification body shall assign at least one person to make the certification decision based on all information related to the evaluation, its review, and any other relevant information. The certification decision shall be carried out by a person or group of persons (e.g. a committee) that has not been involved in the process for evaluation. At least one member of the certification committee must have a qualification as verifier for the certification scheme in scope for the review.

5.4 CB verification and approval for ACAP Certification

The final approval of a CB for delivering of ACAP Mark certification depends on the successful finalization of the following steps:

- (a) **Document review:** the ARSO ACAP committee verifies and approve the compliance of the documentation provided by the CB. All Non Conformities and Observations raised during the document review must be satisfactory closed and approved by ARSO before proceeding with the approval process.
- (b) **On-site witness verification:** the ACAP Inspector verifies and approves the CB by observing a verification activity, done by one of the CB's qualified verifiers, on one of the ACAP Standard, included in the Certification Scheme that is the scope of the application. All Non Conformities

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and Observations raised during the on-site verification must be satisfactory closed and approved by ARSO before proceeding with the approval process.

- (c) In case of successful completion of the previous steps or after closure of all Nonconformities and Observations, the ARSO ACAP administrator communicates to the CB the formal approval decision as ACAP qualified CB for the required Certification Scheme.
- (d) After approval, the CB signs the ACAP - CB Licence agreement.

5.5 Termination of approval for a ACAP certification body

5.5.1 Termination done by the CB

In case an ACAP recognized CB requests the termination of ACAP CB Licence agreement, the following actions shall be taken:

- (a) The CB shall send a formal termination request to ACAP Administrator with specification of the timeframe for closing the contract. The minimum given timeframe is of 90 days from the formal communication to ARSO.
- (b) The CB shall inform all clients of the termination of the ACAP Licence and that the re-certification must be carried out by another CB. The minimum timeframe to be given for communication to the clients is 90 days. This timeframe must be within the time of validity of the ACAP Licence Agreement.
- (c) From a specific date, onwards, the CB shall be blocked in the ACAP system and cannot register new clients or re-issue and extend their valid certificates.
- (d) The certificates released by the CB during the period of validity of the ACAP Licence, remain valid until till the expiring timeframe for the Surveillance verification or the expiring date of the certificate or the expiring timeframe for the re-certification verification, whatever is the earliest date.

6 Management system requirements for ARSO Mark implementation

The certification body shall establish and maintain a management system that can achieve the consistent fulfilment of the requirements of the ACAP Standard in accordance with requirements in ISO 17065.

The management system of the certification body shall include the scope ACAP and all the Certification Schemes approved for the CB. The following shall be addressed:

- (i) general management system documentation (e.g. manual, policies, definition of responsibilities)
- (ii) control of documents
- (iii) control of records
- (iv) management review
- (v) internal audit
- (vi) corrections and corrective actions

7 Additional requirements for ACAP Mark implementation

7.1 Additional procedures and instructions

Additional procedures and instructions shall be implemented to correctly address the ACAP certification such as:

- (i) Documented instructions relating to the duties and responsibilities of the staff;
- (ii) Documented procedure for Planning of certification operation,
- (iii) Documented Procedures for Auditing activity,
- (iv) Documented procedures for Certification approval and authorization for the use of the ACAP Mark.
- (v) Records to show how each of the certification procedures has been applied, including the sampling testing and reporting.

7.2 Product sampling procedures

The CB shall have documented procedures covering all aspects of sampling, including:

- (i) selection and preparation of samples;
- (ii) traceability of samples
- (iii) Storage and transportation of samples and preservation of samples from damage or contamination.

Where the sampling work is sub-contracted to an outside body, the CB shall be responsible for the verification of the competency of the sub-contractor, and shall make all documented evidence of this verification available to ARSO, for examination.

8 Assessment process for CB approval

8.1 Document review and on-site verification preparation

Prior to carrying out the assessment of CB for first approval of the ACAP accreditation, the ARSO Secretariat:

- (a) Will assign to an ARSO Team Leader and the Panel of Assessors for the evaluation of any observations resulting from the review of the Application Form and the supporting documentation submitted by the CB.
- (b) The ARSO Secretariat will brief the ARSO Team Leader on any logistics of the operation.
- (c) The ARSO Team Leader, and other nominated members of the Panel of Assessors, will review the documentation prior to carrying out the assessment, and will update the audit documentation according to the information received.
- (d) The Team Leader will produce a Program for the on-site verification, and this will be submitted by the ARSO Secretariat to the applicant CB, at least two weeks before the scheduled date of the commencement of the assessment.

8.2 Certification body approval assessment

Following the review of the Certification Body's documented system (the System Assessment), the next important phase of the assessment is to observe the Certification Body putting the procedures into practice (the Compliance Assessment). This will be carried out in two basic areas

8.2.1 Assessment at the Headquarters of the certification body

During the HQ assessment, the assessors need to form a general impression of the Certification Body's capability, of the effectiveness of its system, of the competence of its administrative staff, and in particular its ability to meet the Rules of the ACAP Certification System. The assessment therefore

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proceeds by the assessors examining the operation of the general system for ensuring compliance, and then selecting particular areas of work for more detailed study.

At the end of the HQ assessment, the ARSO Team Leader will hold an Interim Closing Meeting to discuss the findings of the assessment.

8.2.2 Closure of headquarter non-conformities

- (a) After the HQ assessment and within a timeframe that cannot exceed 3 months, the CB will provide an action plan with proposal of possible corrective actions to be implemented for the findings raised during the HQ audit.
- (b) The ARSO Team Leader will evaluate the action plan and, according to evaluation may approve the proposed corrective actions or require further improvements.
- (c) Within 3 months from the closure of the HQ assessment, a follow up is carried out to verify the implementation of the corrective actions. According to the number and kind of findings and corrective actions to be evaluated, , the ARSO Team Leader will decide if a follow up in the CB's HQ is required or it will be possible to verify documental evidences with a desk review.
- (d) In case a follow up at HQ is required, only after all non-conformities have correctly addressed it is possible to proceed with the witness assessment at the applicant/licensee production site.

8.2.3 Witnessing of the certification body assessors during on-site inspection and sampling

Assessing the competence of the CB assessors demands a different technique to system assessment. The ARSO assessor will accompany the CB assessor during the whole of the assessment. An on-site witness assessment is carried out by the ARSO team to verify the practical implementation on the verification and sampling practices.

Non-Compliance Reports will be raised by the ARSO Team Leader, as appropriate.

8.3 Final evaluation and classification of findings

A final Report, including a list of all the findings with specific references to the requirements that have been infringed, is prepared by ARSO Team Leader to record failures to comply with the Rules of ACAP.

Non-conformances are classified into two types identified as major and minor.

Other type of non-compliances or deviations can be highlighted for continual improvement but without having an immediate impact on the final evaluation of the CB.

8.3.1 Major non-conformance

A Major non-conformance is allocated for a significant failure to comply with the ACAP Rules, or with the Certification Body's own Quality Manual.

Examples would be:

- (i) Lack of separation of authority between the assessment/inspection and certification staff;
- (ii) Non-availability of standards and/or specific rules for an applicable certification scheme operated by the CB
- (iii) Failure to adequately qualify subcontractors performing testing on behalf of the Certification Body.
- (iv) Failure to demonstrate competence of the auditors

This kind of deviation results with the stop of the approval process at any step it is identified (HQ or witness audit) and requires for the CB to prepare a corrective actions action plan to be to approve by ARSO committee.

After the approval of the action plan, an on-site follow-up audit is carried out. That may be at the CB Head quarter but may also require a new witness audit, if the failure is related to the not sufficient performance of the witnessed auditor.

During the approval process, it is not possible to progress to the next step with an open Major NC. (example: if one Major NC is raised during CB's HQ assessment, it is not possible to proceed to witness audit without previously close the Major NC)

8.3.2 Minor non-conformance

- (a) A Minor non-conformance is raised for an individual failure to comply with the ACAP Rules, or with the certification Body's own Quality Manual, or if a series of minor but related discrepancies are observed, which together are judged to be an unacceptable quality risk, without constituting an overall system failure in the area concerned.
- (b) This kind of deviation results with the stop of the final approval process and requires for the CB to prepare a corrective actions action plan to be approved by ARSO committee.
- (c) After the approval of the action plan, it is possible to proceed to the next step for approval. Minor non conformities do not require the repetition of the witness audit.
- (d) During the approval process, it is possible to progress to the next step with an open Minor NC. The closure of all Minor NCs will be necessary before receiving final approval (example: if one Minor NC is raised during CB's HQ assessment, it is not possible to proceed to witness audit without previously close the Major NC).

8.3.3 Observation

- (a) One or more partial failures to fulfil requirements of the following types:
 - (i) Formalities / documentary (in the interpretation of a requirement of the ACAP and / or in the formalisation of the quality records);
 - (ii) Operational (in the application of the requirements of the ACAP and / or the documentation of the system); these should not, however, raise doubts about the real effectiveness of the system (the ability of the system to provide a product in compliance with the major and minor Control Points and relate Compliance Criteria)
- (b) This kind of deviation results with the stop of the approval process and requires and the CB shall prepare a corrective actions action plan to be sent for approval of the ARSO Team Leader.
- (c) After the approval of the action plan, the implementation of the corrective actions will be checked during the CB's subsequent surveillance verification.
- (d) During the approval process, it is possible to progress to the next step with an open Observation. The approval of the action plan for all open Observation will be necessary before receiving final approval

8.4 Rules for non-conformances closure

The rules for management and closure of findings, including the timeframe to be applied are reassumed in table 1.

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Table 1 — Rules for closing non-conformances

Activity		Management of findings	
First CB Approval	Major NC	Minor NC	Observation
Document Review	Follow up 90 days	Follow up 90 days	Action Plan 90 days
HQ Assessment	Follow up 90 days	Action plan 90 days	Action Plan 90 days
On-site assessment	Follow up 90 days	Follow up 90 days	Action Plan 90 days
Subsequent Surveillances	Major NC	Minor NC	Observation
HQ Assessment	Follow up 30 days	Follow up 90 days	Action Plan 90 days
On-site assessment	Follow up 30 days	Follow up 90 days	Action Plan 90 days

8.5 First CB approval assessment

The final report, including the team's overall conclusions and recommendations, is prepared by the ARSO Team Leader, and is submitted to ARSO. The report does not identify any companies or organizations visited whilst observing the Certification Body's assessors in action.

If requested, the Team Leader will attend a meeting with the ARSO Secretariat, to answer any points of clarification concerning the report.

8.5.1 Factors affecting first approval

In deciding on his recommendation, the Team Leader will first consider the adequacy of the Certification Body's management systems and how it is implemented, with regard to the ACAP.

He will report on the range of knowledge and experience on the part of the Certification Body's HQ staff and their assessors, in the light of their scope of operations. The Team Leader will also take into account the number and seriousness of the individual non-compliances found during the assessment.

Where competence is established, and no non-conformances are found, or where they are few and have been closed out before the Final Closing Meeting, the Team Leader will normally recommend the approval of the CB for ACAP for the requested certification scheme.

Where this is not the case, and some non-conformances are still outstanding at the Final Closing Meeting, a date for their close-out will be agreed. The period allowed is specified in Table 1.

If the ARSO Secretariat has some concern over the report findings, an extraordinary extension of the assessment can be carried out, which is then taken into account with the initial report, or he can increase the normal frequency of periodic assessments/surveillances until he is satisfied that the Certification Body's performance is totally acceptable.

Where competence is not established, or where the number and seriousness of the non-compliances found is such that the whole of the Certification Body's certification system and facilities are demonstrably inadequate, the ARSO Secretariat will not include the CB among the ACAP recognized CBs.

8.6 Maintenance of the status of recognized CB

8.6.1 CB annual surveillance

The status of recognized CB needs to be re-confirmed annually by mean of the following activity:

- (a) The recognized CB re-confirms the validity of the ISO/IEC 17065 or 17021-1 accreditation also for the subsequent year.
- (b) The recognized CB sends a bi-annual (June and December) update report of the activities carried out for the ACAP Mark certification, including a summary of the Producers verified, approved and products certified and related quantities.
- (c) The CB will have to comply with the requirements to maintain qualification of auditor or any other requirement specified in the general rules of the ACAP certification schemes that are in the scope of the ARSO approval and are not clearly specified in the present document.
- (d) For the CBs that **are not** accredited for ISO/IEC 17065:2012 or 17021:2011, ARSO will carry out a surveillance audit at the headquarters and on-site witness assessment every two years.

8.7 ACAP sanctioning system

The ARSO Secretariat, together with the ARSO Committee has established the types and levels of sanctions described here. The most severe ones include the withdrawal of the ACAP CB Licence agreement and the impediment for the CB to carry out ACAP Certification.

The sanctioned CB can appeal against a sanction applied by ACAP Committee within 10 days after the receipt of the sanction notification. The ACAP committee evaluates the appeals.

The second appeal against a re-confirmed sanction by the ARSO follows the arbitration procedure as described in the License and Certification Agreement and in the Equivalent Certification System Owner Agreement (ECSO).

The termination of the ACAP - CB Licence agreement, is the consequence of the application of a sanction to an ACAP approved CB.

Two types of non-conformances can lead to sanctioning of CBs: contractual non-conformances and standard or general rules non-conformances.

8.7.1 Contractual non-conformances

Contractual non-conformances are at hand in the case that CBs are not in compliance with contracts signed with ARSO. These may include, but are not limited to:

- (a) Misleading or false communication on ACAP Certification and logo use.
- (b) Refusal to sign the License Agreement
- (c) Neglecting to pay any of the ACAP fees (e.g. CB license fee, training fee, certification license fee, producer registration fee).
- (d) Confirmed fraud.
- (e) Loss of accreditation (based on AB decision).

8.7.2 Standard or general rules non-conformances

General Rules or Standard non-conformances are at hand in the case that the CBs do not comply with the rules set out in the General Rules or do not give a correct interpretation of the Standard's requirements. Example:

- (a) Not participating in annual compulsory CB trainings.
- (b) Not comply with the staff qualification
- (c) Incomplete or late upload of certification data.

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- (d) Unreliable registration and audit data.
- (e) Conflict of interest (e.g. consultancy and certification).
- (f) Delay or non-application of producer sanctions.
- (g) Inadequate internal training.
- (h) Do not carry out the external inspections.
- (i) Not obeying CB operational requirements and deadlines, such as not providing timely bi-annual reports.

The ARSO Secretariat, shall be responsible for verification of close out of these types of non-conformances.

8.8 Complaint and Appeals related to CB approval Process

In case of appeals related to CB approval process, Annex A of ACAP 1-1:2017 is considered applicable.

Annex A
(informative)

Special additional requirements for non-accredited certification bodies
(Modified from ISO 17065: 2012)

A.1 Management of impartiality

- (a) Certification activities shall be undertaken impartially.
- (b) The certification body shall be responsible for the impartiality of its certification activities and shall not allow commercial, financial or other pressures to compromise impartiality.
- (c) The certification body shall identify risks to its impartiality on an ongoing basis. This shall include those risks that arise from its activities, from its relationships, or from the relationships of its personnel.

NOTE A relationship presenting a risk to impartiality of the certification body can be based on ownership, governance, management, personnel, shared resources, finances, contracts, marketing (including branding), and payment of a sales commission or other inducement for the referral of new clients, etc.

- (d) If a risk to impartiality is identified, the certification body shall be able to demonstrate how it eliminates or minimizes such risk. This information shall be made available on ARSO request.
- (e) The certification body shall have top management commitment to impartiality.
- (f) The certification body and any part of the same legal entity and entities under its organizational control shall not:
 - (i) be the designer, manufacturer, installer, distributor or maintainer of the certified product;
 - (ii) be the designer, implementer, operator or maintainer of the certified process;
 - (iii) be the designer, implementer, provider or maintainer of the certified service;
 - (iv) offer or provide consultancy to its clients;
 - (v) offer or provide management system consultancy or internal auditing to its clients where the certification scheme requires the evaluation of the client's management system.
 - (vi) This does not preclude the possibility of exchange of information (e.g. explanations of findings or clarifying requirements) between the certification body and its clients
- (g) The certification body shall ensure that activities of separate legal entities, with which the certification body or the legal entity of which it forms a part has relationships, do not compromise the impartiality of its certification activities.
- (h) When the separate legal entity in (g) offers or produces the certified product (including products to be certified) or offers or provides consultancy, the certification body's management personnel and personnel in the review and certification decision-making process shall not be involved in the activities of the separate legal entity. The personnel of the separate legal entity shall not be involved in the management of the certification body, the review, or the certification decision.
- (i) The certification body's activities shall not be marketed or offered as linked with the activities of an organization that provides consultancy.
- (j) A certification body shall not state or imply that certification would be simpler, easier, faster or less expensive if a specified consultancy organization were used.

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- (k) Within a period of 2 years, personnel shall not be used to review or make a certification decision for a product for which they have provided consultancy.
- (l) All certification body personnel (either internal or external) or committees who could influence the certification activities shall act impartially.

A.2 Liability and financing

- (a) The certification body shall have adequate arrangements (e.g. insurance or reserves) to cover liabilities arising from its operations.
- (b) The certification body shall have the financial stability and resources required for its operations.

A.3 Non-discriminatory conditions

- (a) The policies and procedures under which the certification body operates, and the administration of them, shall be non-discriminatory. Procedures shall not be used to impede or inhibit access by applicants, other than as provided for in this International Standard.
- (b) The certification body shall make its services accessible to all applicants whose activities fall within the scope of its operations.
- (c) Access to the certification process shall not be conditional upon the size of the client or membership of any association or group, nor shall certification be conditional upon the number of certifications already issued. There shall not be undue financial or other conditions.

NOTE A certification body can decline to accept an application or maintain a contract for certification from a client when fundamental or demonstrated reasons exist, such as the client participating in illegal activities, having a history of repeated non-compliances with certification/product requirements, or similar client-related issues.

- (d) The certification body shall confine its requirements, evaluation, review, decision and surveillance (if any) to those matters specifically related to the scope of certification.

A.4 Confidentiality

- (a) The certification body shall be responsible, through legally enforceable commitments, for the management of all information obtained or created during the performance of certification activities. Except for information that the client makes publicly available, or when agreed between the certification body and the client (e.g. for the purpose of responding to complaints), all other information is considered proprietary information and shall be regarded as confidential. The certification body shall inform the client, in advance, of the information it intends to place in the public domain.
- (b) When the certification body is required by law or authorized by contractual arrangements to release confidential information, the client or person concerned shall, unless prohibited by law, be notified of the information provided.
- (c) Information about the client obtained from sources other than the client (e.g. from the complainant or from regulators) shall be treated as confidential.

A.5 Publicly available information

The certification body shall maintain (through publications, electronic media or other means), and make available upon request, the following:

- (a) information about (or reference to) the certification scheme(s), including evaluation procedures, rules and procedures for granting, for maintaining, for extending or reducing the scope of, for suspending, for withdrawing or for refusing certification;

- (b) a description of the means by which the certification body obtains financial support and general information on the fees charged to applicants and to clients
- (c) a description of the rights and duties of applicants and clients, including requirements, restrictions or limitations on the use of the certification body's name and certification mark and on the ways of referring to the certification granted
- (d) information about procedures for handling complaints and appeals.

A.6 Structural requirements

A.6.1 Organizational structure and top management

Certification activities shall be structured and managed so as to safeguard impartiality.

- (a) The certification body shall document its organizational structure, showing duties, responsibilities and authorities of management and other certification personnel and any committees. When the certification body is a defined part of a legal entity, the structure shall include the line of authority and the relationship to other parts within the same legal entity.
- (b) The management of the certification body shall identify the board, group of persons, or person having overall authority and responsibility on the policy and activities of the CB with regard to ACAP certification

A.7 Mechanism for safeguarding impartiality

The certification body shall have a mechanism for safeguarding its impartiality. The mechanism shall provide input on the following:

- (a) the policies and principles relating to the impartiality of its certification activities;
- (b) any tendency on the part of a certification body to allow commercial or other considerations to prevent the consistent impartial provision of certification activities;
- (c) Matters affecting impartiality and confidence in certification, including openness.
- (d) The mechanism shall be formally documented to ensure the following:
 - (i) a balanced representation of significantly interested parties, such that no single interest predominates (internal or external personnel of the certification body are considered to be a single interest, and shall not predominate)
 - (ii) access to all the information necessary to enable it to fulfil all its functions.
- (e) If the top management of the certification body does not follow the input of this mechanism, the mechanism shall have the right to take independent action (e.g. informing authorities, accreditation bodies, stakeholders). In taking appropriate action, the confidentiality requirements of 4.5 relating to the client and certification body shall be respected.
- (f) Input that is in conflict with the operating procedures of the certification body or other mandatory requirements should not be followed. Management should document the reasoning behind the decision to not follow the input and maintain the document for review by appropriate personnel.
- (g) Although every interest cannot be represented in the mechanism, a certification body shall identify and invite significantly interested parties.

NOTE 1 Such interested parties can include clients of the certification body, customers of clients, manufacturers, suppliers, users, and conformity assessment experts, representatives of industry trade associations, representatives of governmental regulatory bodies or other governmental services, and representatives of non-governmental organizations, including consumer organizations. It can be sufficient to have one representative of each interested party in the mechanism.

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A.8 Application

- (a) For application, the certification body shall obtain all the necessary information to complete registration with ACAP and implement the certification process in accordance with the relevant ACAP certification scheme.
- (b) Where needed, general information concerning the client, relevant to the field of certification for which the application is made, such as the client's activities, its human and technical resources, including laboratories and/or inspection facilities, and its functions and relationship in a larger corporation, if any;
- (c) information concerning all outsourced processes used by the client that will affect conformity to requirements;
- (d) existence of previous certificates within the ACAP Program.

A.8.1 Application review

- (a) The certification body shall conduct a review of the information obtained to ensure that all the information needed for registration in the ACAP database and to conduct the certification process are available.
- (b) The information about the client and the product is sufficient for the conduct of the certification process.
- (c) The certification body shall ensure it has the competence and capability for all the certification activities it is required to undertake, and it shall maintain a record of the justification for the decision to undertake certification.
- (d) The certification body shall decline to undertake a specific certification for any ACAP certification scheme where approval from ARSO was not formally granted and listed in the ACAP database.

A.9 Evaluation

- (a) The certification body shall have a plan for the evaluation activities to allow for the necessary arrangements to be managed.
- (b) The certification body shall assign personnel to perform each evaluation task that it undertakes with its internal resources.

NOTE Outsourced tasks are completed by personnel usually assigned by the organization to which the task is outsourced. Such personnel are not normally assigned by the certification body.

- (c) The certification body shall ensure all necessary information and/or documentation is made available for performing the evaluation tasks.

NOTE The evaluation tasks can include activities such as design and documentation review, sampling, testing, inspection and audit.

- (d) The certification body shall carry out the evaluation activities that it undertakes with its internal resources and shall manage outsourced resources in accordance with the evaluation plan
- (e) The certification body shall inform the client of all nonconformities.

A.10 Review

- (a) The certification body shall assign at least one person to review all information and results related to the evaluation. The review shall be carried out by person(s) who have not been involved in the evaluation process and has the qualification required by ACAP general rules

- (b) Recommendations for a certification decision based on the review shall be documented, unless the review and the certification decision are completed concurrently by the same person.

A.11 Certification decision

- (a) The certification body shall be responsible for, and shall retain authority for, its decisions relating to certification.
- (b) The certification body shall assign at least one person to make the certification decision based on all information related to the evaluation, its review, and any other relevant information. The certification decision shall be carried out by a person or group of persons that has not been involved in the process for evaluation.
- (c) The person(s) assigned by the certification body to make a certification decision shall be employed by, or shall be under contract with the CB.
- (d) The certification body shall notify the client of a decision not to grant certification, and shall identify the reasons for the decision.

Annex B (informative)

Sample of ARSO-CB Licence agreement

LICENSE AND CERTIFICATION AGREEMENT BETWEEN ARSO AND CERTIFICATION BODIES FOR CERTIFICATION UNDER THE ARSO CONFORMITY ASSESSMENT PROGRAM (ACAP)

This agreement is made as of (Date) between the African Organisation for Standardisation (ARSO), having its principal office at Nairobi, Kenya, and (Name of the Certification body) hereinafter referred to as the certification body whose expression shall include its successors and assignees, and having its principal office at (address).

1. INTRODUCTION

- 1.1 The African Organization for Standardization (ARSO) is an intergovernmental organization established by the former Organization of African Union (OAU), currently African Union (AU) and United Nations Economic Commission for Africa (UNECA) in 1977 whose mandate includes ; establish/harmonize African regional standards for all products of interest to intra-African trade and operate a regional certification marking scheme with a view to certifying the quality of and promoting African products and services.
- 1.2 A Certification Body (CB) is an independent and impartial organization possessing the necessary competence to carry out the certification of products, processes and services to the relevant harmonized sustainability standards and under relevant scheme of ACAP. For the purpose of the ACAP, the CB can either be accredited to ISO/IEC 17065 or ISO/IEC 17021-1 or demonstrate to be in the process of accreditation.
- 1.3 This Agreement sets out the relationship between ARSO and the Certification Bodies (CBs) and the conditions to be met by the CBs in the operation of ACAP certification.
- 1.4 Both ARSO and CBs are expected to abide by letter, spirit and intent of this Agreement.
- 1.5 Certification bodies applying for approval and/ or expressing interest to certify organisations to the ARSO-ACAP scheme shall be certification bodies complying with these requirements for certification.

2. REQUIREMENTS FOR CERTIFICATION BODIES

- 2.1 Accredited Certification Bodies offering ACAP system certification shall either be accredited to the International Standards ISO/IEC 17065 or ISO/IEC 17021-1.
- 2.2 Non accredited certification bodies will need to demonstrate to ARSO that they are in the process of obtaining accreditation to ISO/IEC 17065 or ISO/IEC 17021-1.
- 2.3 The certification body will need to demonstrate their capability for fulfilment of the requirements for certification to the applicable ACAP General Rules. The process of evaluation and approval is described in ACAP Rules part III: "Requirements for approval of Certification Bodies".

3.0 LICENCING

- 3.1 A License for certification of ACAP specified Scheme and Scope is granted for a defined period on condition that the certification body:
 - (a) Is accredited to ISO/IEC 17065 or ISO/IEC 17021-1;
 - (b) complies with the terms of this Agreement and to Rules of the ACAP scheme requirements;
 - (c) Demonstrates continued conformity with the applicable standards and ACAP rules;

- (d) demonstrates continued competence within the scope of its certification;
 - (e) Pays applicable royalty and/or license fees to ARSO as prescribed and approved by the Council from time to time.
- 3.2 A provisional license will be given to Certification Bodies who demonstrate that they are in the process of getting accreditation. This license will be given for non-renewable periods of three years to enable the Certification Body obtain accreditation.
- 3.3 ARSO will indicate how continued conformity with the relevant standard(s) and ACAP rules will be monitored in order that the certification body may maintain the approved status.
- 3.4 Additionally, ARSO reserves the right to withdraw approval if a Certification Body:
- (a) Loses accreditation or fails to achieve accredited status within the provisional license period;
 - (b) Being a company, enters into liquidation, whether compulsory or voluntary (but not necessarily including liquidation for the purposes of reconstruction), or has a receiver for its business appointed;
 - (c) Fails in any respects to comply with the laws of the land;
 - (d) Fails to comply with the conditions specified in the approval procedure as from ACAP Rules III.
- 3.5 An annual licensing fee (which includes registration and certification) will be charged upon application and maintenance of licensure. Additionally royalties for use of the ARSO ACAP scheme and marks will be paid proportionately on the volume of business.
- 3.6 Certification Bodies who are affiliated to ARSO members will only pay royalties proportionately on the volume of business.
- 3.7 ARSO non-members CBs will pay annual licensing fee (which includes registration and certification) stated in the fee table approved by the ARSO Council.
- 3.8 All information gained by ARSO and its staff directly dealing with certification bodies other than information already in the public domain will be treated as confidential and will not, subject to the law of the land, be divulged without prior written consent of the certification body.

4. CONDITIONS TO BE MET BY CERTIFICATION BODIES

- 4.1 The Certification Body shall offer ARSO's representatives, access to documents and data and co-operation as necessary to enable ARSO to verify conformity with this Agreement and the relevant requirements of the standard(s) and ACAP Rules.
- 4.2 The certification body shall:
- (a) Comply with the terms of this Agreement at all times;
 - (b) Only claim that it is licensed in respect of those activities which are included in the approved certification scope;
 - (c) Use ARSO Marks only on those certificates (and other documents, where applicable) which fall within the scopes approved by ARSO. The accredited certification body shall only use the appropriate mark or make reference to ARSO approval in the manner prescribed by ACAP Rules part I;

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- (d) Make it clear in all contracts with its clients and in guidance documents that approval issued by it in no way implies that any product, service is approved under ACAP;
 - (e) Upon withdrawal of the license, the CB shall discontinue forthwith its use of any reference to the license, withdraw all advertising matter which contains any reference thereto.
 - (f) Provide, on demand, or during assessments all records/information relating to complaints, appeals and disputes related to certification
 - (g) Inform ARSO, at the time of application and subsequently whenever there are changes, about the countries into which ACAP certificates are issued directly by the Certification Body or through sub-contractors
 - (h) Inform ARSO, at the time of application and subsequently whenever there are changes, about the countries in which the Certification Body operates from local offices and the legal relationship of such offices with the Certification Body
- 4.3 The Certification Body shall inform ARSO of any changes within its organization which bear on the Certification Body's conformity with this Agreement and the relevant standard(s) or otherwise affecting, or potentially affecting, the Certification Body's capability or scope of certification, prior to implementing any such change.
- 4.4 The certification body shall inform ARSO of any changes in its:
- a) Legal, commercial or organizational status,
 - b) Organization and management, for example key managerial staff
 - c) Policies or procedures, where appropriate
 - d) Location of its premises
 - e) Personnel, equipment, facilities, working environment or other resources, where significant.
 - f) Capability of certification or scope of certification activities, or conformance with the requirements of the approval
- 4.5 The Certification Body will be given due notice of any proposed changes relating to this Agreement. The certification body shall be given such reasonable time as is necessary to make any adjustments to its procedures under the proposed changes. The certification body shall notify ARSO regarding the completion of such changes within the time fixed for such adjustments.
- 4.6 Financial arrangements between a Certification Body and its client are not the responsibility of and are not subject to the control of ARSO.

5 APPEALS

- 5.1 Appeals will be considered only against a decision made by ARSO and based on the ACAP appeals procedure.
- 5.2 Only appeals in writing against a decision by ARSO will be processed in accordance with the ACAP Appeals Procedure.

6. COMPLAINTS

- 6.1 Any complaint against ARSO shall be addressed to the Secretary General in writing.
- 6.2 Complaints will be handled as per the ACAP Procedure for Complaints handling.

7. LIABILITY

No representation, promise or warranty, express or implied, is or will be made or given as to the accuracy or completeness of any information, review, audit, or advice supplied, made or given by ARSO (or any of its directors, employees or agents) in the course of providing services pursuant to this Agreement and no employee or agent of ARSO is authorised (nor shall any such person be deemed to have been given any such authority) to make or give any such representation, promise or warranty, and any such representation, promise or warranty purported to be so made or given shall not be relied upon by the accredited / recognized certification body.

8. FORCE MAJEURE

No failure or omission by either party to carry out or observe any of the stipulations, conditions or warranties to be performed shall give rise to any claim against such party or be deemed to be a breach of contract to the extent that such failure or omission rises from causes reasonably beyond the control of such party.

9 INDEMNITY

The certification body undertakes to indemnify ARSO against any losses suffered by or claims made against ARSO as a result of misuse by the certification body of any certification, licence or mark granted by ARSO as a result of any breach by the certification body of the terms of this Agreement

10. AUTHORITY TO OPERATE AS A CERTIFICATION BODY FOR THE RELEVANT SCOPES

By subscribing to this agreement, the CB confirms that:

- i) That it does not require permission from another Body or Authority to offer EMA certification and where this is necessary it will have sort that authority before entering into agreement with ARSO.
- ii) That it is licensed to offer certification of products and services applied for within that country

11. LAW

This Agreement shall in all respects be construed and operate as an Agreement made in Nairobi, Kenya and in conformity with appropriate AU regulations.

12. ARBITRATION

All disputes, differences or questions at any time arising between the parties in respect to this agreement or as to any matter or thing arising out of this Agreement or in any way connected therewith (which cannot be settled by mutual agreement) shall be referred to the ACAP dispute Mediation Committee.

13. TERMINATION

This agreement shall continue in force unless and until terminated by either party by giving a written notice of 90 days (3 months).

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14. THE PARTIES TO THE AGREEMENT

For the Certification Body
(BLOCK CAPITALS)

Name:
Address:

Signed:
Position:
Date:

Witness for the Certification Body
(BLOCK CAPITALS)

Name:
Address:

Signed:
Position:

For ARSO
(BLOCK CAPITALS)

Name:
Address:

Signed:
Position:
Date:

Witness for ARSO
(BLOCK CAPITALS)

Name:
Address:

Signed:
Position:

