

INTERNATIONAL ELECTROTECHNICAL COMMISSION

CONFORMITY ASSESSMENT BOARD (CAB)

Meeting 23, Geneva, 2008-06-02

SUBJECT

Agenda item 8.2

Changes to IEC Statutes and Rules of Procedure

BACKGROUND

At the meeting held in Paris, October 2007, the CAB considered a report from WG11, *Scheme Issues*, (CAB/716/R), outlining changes proposed to the various Scheme Basic Rules arising from both Council Board and CAB decisions. Included in the changes were those necessary to give effect to proposed amendments to the IEC Statutes and Rules of Procedure, resulting from legal advice obtained in response to the Council Board request to the General Secretary to obtain legal advice on the adequacy of the current provisions of the IEC Statutes with respect to the delegations, authorities, powers and reporting requirements of the CAB and the Schemes, in the context of Swiss law. The CAB discussed a number of aspects of the report and approved the programme for progressing amendments to the Schemes' Basic Rules.

The legal advice recommended changes to the IEC Statutes and Rules of Procedure to avoid governance, legal and operational ambiguities with the following specific changes being proposed:

- to clarify the delegations of authority - Council / Council Board / CAB / Schemes
- to clarify the power of the CAB to amend the Schemes' Basic Rules on its own initiative
- to clearly delineate the precedence of documentation – IEC Statutes and Rules of Procedure / Scheme Basic Rules
- to provide for consultation with the General Secretary prior to the appointment of a Scheme Secretary.

The consequences of the legal advice were considered by the Council Board at its meeting in Paris and subsequently document CB/472/DC (*Proposed amendments to the IEC Statutes and Rules of Procedure concerning governance of conformity assessment activities*) was submitted to the Council Board, by correspondence, for comment on and endorsement of the changes proposed to the Statutes and Rules of Procedure, prior to submission of the changes to Council for consideration and approval in São Paulo.

The Council Board endorsed the proposed changes; however several members expressed a desire that the CAB's views on the proposed changes be provided to the Council Board for consideration at its meeting in June 2008.

A copy of CB/472/DC is attached. The document is provided for discussion at the June meeting; however CAB members may also comment via the Technical Server prior to the meeting.

ACTION

The CAB is invited to discuss and comment on the proposed changes to the IEC Statutes and Rules of Procedure contained in CB/472/DC.

INTERNATIONAL ELECTROTECHNICAL COMMISSION**COUNCIL BOARD (CB)****RESTRICTED CIRCULATION****SUBJECT**

Proposed amendments to the IEC Statutes and Rules of Procedure concerning governance of conformity assessment activities

BACKGROUND

At its meeting in June 2007 the Council Board (CB) considered a report on the governance and management of the Conformity Assessment Board (CAB) and the Schemes, and recorded a number of decisions. In particular, the CB approved a proposed action to ensure "***that the delegations, authorities, powers and reporting requirements of the CAB and Schemes are appropriate to today's operating environment and in accordance with Swiss law***" (CB Decision 2007/012, in part).

As CB members were informed at their 25 October Paris meeting, the General Secretary obtained legal advice with respect to this aspect of the CB's decision. This advice proposed some changes to the IEC Statutes and Rules of Procedure directed at avoiding governance, legal and operational ambiguity, and also involving a subsequent review of the Schemes' Basic Rules:

- to clarify the delegations of authority – Council / Council Board / CAB / the Schemes;
- to clarify the power of the CAB to amend Scheme Basic Rules on its own initiative;
- to delineate clearly the precedence of documentation – IEC Statutes and Rules of Procedure / Scheme Basic Rules;
- to provide for consultation with the General Secretary prior to the appointment of a Scheme Secretary (who, as an IEC employee, is part of the conformity assessment infrastructure supported by the Central Office).

The draft amendments to Article 13 of the Statutes and Clause 13 of the Rules of Procedure, together with Appendix 2 to the Rules of Procedure, are shown in the attachment and have been endorsed by the Executive Committee (ExCo). The baseline text is that of the amended Statutes and Rules of Procedure accepted by Council at its Paris meeting and now subject only to final Council approval by correspondence in accordance with the procedures set out in Article 22 of the Statutes and Clause 22 of the Rules of Procedure. If supported by the CB, these further proposed amendments would be submitted to Council in accordance with the same procedures.

ACTION

CB members are invited to **consider and endorse** the proposed amendments to the IEC Statutes and Rules of Procedure, outlined in the attachment to document **CB/472/DC**, with a view to their being submitted to National Committees for approval at the next Council meeting. Given the importance of the subject and the forthcoming holiday season, responses are requested via the Management Server **by 18 January 2008 at the latest**.

Attachment

**Proposed changes to the IEC Statutes and Rules of Procedure
to avoid governance, legal and operational ambiguity**

STATUTES

CONFORMITY ASSESSMENT SCHEMES (Article 13)

The conformity assessment work of the Commission is carried out by **conformity assessment schemes**, each having a different scope of activity. The schemes report to the **Conformity Assessment Board (CAB)**.

The schemes are set up, modified or disbanded by the **CABConformity Assessment Board**. They may create and delegate responsibilities to bodies such as committees of testing laboratories and appeal boards in accordance with their **Bbasic Rrules**, which are approved **or modified** for each scheme by the **CABConformity Assessment Board**.

Full and Associate Member National Committees, or bodies notified by them, are eligible to seek membership of the schemes. A non-IEC member country may, with the concurrence of ExCo regarding general IEC policy and satisfying the specific requirements for membership of a scheme, be admitted to that scheme.

Suspended National Committees, or bodies notified by them for scheme membership, shall not be permitted to retain membership of any conformity assessment scheme or be admitted to membership in any scheme during the period of suspension.

Each scheme is governed by a management committee composed of representatives of National Committees, or bodies notified by National Committees, of participating countries. A non-IEC member country participating in a scheme may also be represented on the management committee.

The CAB delegates the management and overall operational responsibility related to the conformity assessment schemes to the management body of each scheme. The CAB supervises the management committees of the schemes, has the power to disband the management bodies and/or the schemes and is empowered with any measure described in the IEC Statutes and the associated Rules of Procedure.

The management committee of each scheme shall have at least a secretary, a chairman and a treasurer. These officers are appointed by the **CABConformity Assessment Board** based upon nomination by the scheme's management committee.

Each scheme shall be responsible for its own finances. Its budget and accounts shall be approved annually by the **CABConformity Assessment Board**.

In the case of a conflict, contradiction or inconsistency between the provisions of these Statutes and/or the associated Rules of Procedure on the one hand and the provisions of the Basic Rules of a Scheme on the other hand, the provisions of the Statutes and/or the associated Rules of Procedure shall take precedence.

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RULES OF PROCEDURE

CONFORMITY ASSESSMENT SCHEMES (Clause 13)

A scheme is formally established once its Basic Rules have been approved by the CAB. A scheme wishing to modify its Basic Rules shall submit the text of the proposed modification to the CAB and the modification is only implemented once approved by the CAB. After consultation with a scheme's chairman, the CAB may modify that scheme's Basic Rules on its own initiative.

A scheme secretary is an employee of or contractor to the Commission and a decision to appoint the secretary of a scheme requires the prior consent of the General Secretary. The scheme chairman shall consult with the CAB Chairman and the General Secretary before a proposal is made to a scheme management committee for the nomination of a scheme secretary.

Each scheme shall develop its own Rules of Procedure consistent with its Basic Rules and shall operate in accordance therewith.

Each scheme shall notify its Rules of Procedure to the CAB.

APPENDIX 2 to the Rules of Procedure

CONFORMITY ASSESSMENT BOARD (CAB)

The Council delegates to the Conformity Assessment Board the overall management of the conformity assessment activities, including the following tasks. However, the management of the operational work is the responsibility of each scheme.

1. Setting of the conformity assessment policy of the Commission, in such a way as to serve the present and future needs of international trade in the most efficient manner;
2. Promotion and maintenance of relations with international organizations on matters concerning conformity assessment, in particular with ISO;
3. Setting up, modifying and disbanding of conformity assessment schemes of the Commission;
4. Monitoring the operation of conformity assessment activities and initiation of any necessary action;
5. Examination of the continued relevance of the IEC's conformity assessment activities in general, and of the individual schemes in particular.[‡]

To achieve the above, the Conformity Assessment Board will:

6. Make recommendations to the Council for amending those provisions of the Statutes and Rules of Procedure relating to the Conformity Assessment Board;
7. Approve and/or amend the Basic Rules of the schemes;
8. Ensure that the rules and procedures of the schemes are consistent with the conformity assessment policy of the Commission and with the IEC Statutes and Rules of Procedure;
9. Appoint the officers of the schemes, following nomination by the schemes;
10. Approve the annual accounts and budgets of the schemes;
11. Deal with appeals not resolved by the schemes.[‡]

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