

Section 5: General Requirements 5.1 Legal and Contractual Matters



5.1.1 Legal responsibility

CB is a legal entity, or a defined part of a legal entity *A governmental CB is deemed to be a legal entity on the basis of its governmental status.

5.1.2 Certification agreement

CB have a legally enforceable agreement. Cover all sites within the scope of the certification.

5.1.3 Responsibility for certification decisions

CB is responsible for, and shall retain authority for, its decisions

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5.2.1

- · Conformity assessment activities to be impartial.
- CB is responsible
- Not allowed commercial, financial or other pressures to compromise impartiality.

5.2.2

CB top management commitment to impartiality CB have a policy that it understands the:

- importance of impartiality
- manages conflict of interest
- ensures the objectivity of its management system certification activities.

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- 5.2.3
 - CB document the risks related to relationships and conflict of interests - how it eliminates or minimizes such threats and document any residual risk
- The risk assessment process- consultation with appropriate interested parties to advise on matters affecting impartiality and be balanced with no single interest predominating.
- NOTE 1 Sources of threats
- NOTE 2 Interested parties
- NOTE 3 Use of a committee of these interested parties.

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- CB shall not certify another CB for its quality management system.
- 5.2.5 • not offer or provide management system consultancy.
- NOTE This does not preclude the possibility of exchange of information between the certification body and its clients. **5.2.6**
- 2.6 The carrying out of internal audits by the certification body and any part of the same legal entity to its certified clients is a significant threat to impartiality.
- Clients is a significant threat to impartiality.
 A recognized mitigation of this threat is that the certification body shall not certify a management system on which it provided internal audits for a minimum of two years following the completion of the internal audits.
- NOTE See Note 1 to 5.2.3.

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5.2.7

- not certify the management system for a minimum of two years following the end of the consultancy.
 NOTE See Note 1 to 5.2.3.
- 5.2.8
- The certification body shall not outsource audits to a management system consultancy organization, This does not apply to individuals contracted as auditors covered in 7.3.
- 5.2.9
- The certification body's activities shall not be marketed or offered as linked with the activities of an organization that provides management system consultancy.

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5.2.10

personnel with conflict of interest with consulting activities shall not be used

A recognized mitigation of this threat is that personnel shall not be used for a minimum of two years following the end of the consultancy.

5.2.11

take action to respond to any threats to its impartiality arising from the actions of other persons, bodies or organizations. 5.2.12

All internal or external, or committees must be impartial. 5.2.13

Record and use information as input to identifying threats to impartiality raised by the activities of such personnel or by the organizations that employ them

Section 5: General Requirements 5.3 Liability and Financing



5.3.1
demonstrate that it has evaluated the risks and cover liabilities

5.3.2

evaluate its finances and sources of income and demonstrate that initially, and on an ongoing basis commercial, financial or other pressures do not compromise its impartiality.



