

REGULATIONS OF ICONTEC IMPARTIALITY COMMITTEE



1. OBJECTIVE

This document states the conditions ruling the creation, functions, makeup, structure, operation and dissolution of ICONTEC Impartiality Committee, in response to the accreditation requirements to provide conformity assessment services, in order to ensure its correct operation.

2. SCOPE

The guidelines hereby defined are applicable to the Impartiality Committee of the Conformity Assessment Services.

3. DEFINITIONS

Besides the definitions established in ISO/IEC 17000:2005 – Conformity Assessment. Vocabulary and General Principles, the following apply:

3.1 Impartiality: Presence of objectivity.

Note 1: *Objectivity means that there are no conflicts of interests or these are solved without adversely affecting the subsequent activities of the certification body.*

Note 2: *Other terms that serve to transmit the impartiality concept are: Independence, absence of conflicts of interests, absence of bias, absence of prejudices, neutrality, justice, open attitude, equity, disinterested attitude, balance.*

3.2. Impartiality Committee: Consultant body in charge of supporting ICONTEC in the activities oriented to safeguard and preserve impartiality during and about the conformity assessment service provision.

3.3 Consensus: General agreement characterized by the lack of resisted and justified opposition to any essential, technical or scientific aspect.

3.4 Conformity assessment (CA): Demonstration that the specified requirements related to a product, process, system, person or body are fulfilled.

3.5 Conflict of interest: Situation in which a person incurs when his/her actions may be guided by or he/she can act on his/her own or a third party benefit.

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4. IMPARTIALITY COMMITTEE CREATION

The ICONTEC Directive Council, to ensure trust and transparency in providing its services, and independent that the accreditation standards and rules suggest having an Impartiality Committee has decided the establishment of this instance as a consultancy body for matters related to management of the impartiality risk. In that sense, the Directive Council is the instance that can, because of a change in context, decide on the dissolution of the Impartiality Committee.

5. IMPARTIALITY COMMITTEE FUNCTIONS

The Impartiality Committee as a consultancy body, has essentially the following functions to safeguard and preserve impartiality:

- 5.1. Act as a consultancy body in defining the guidelines related to impartiality and provide advice when any conflict of interest occurs along with the mitigation measures for impartiality risks at organizational and operational level.
- 5.2. Alert on the pressures of any nature that may affect the impartial provision of the conformity assessment services.
- 5.3. Warn about situations that may affect the trust in the services.
- 5.4. Monitor the risk management of conflicts of interest related to impartiality.
- 5.5. Inform the higher instances and relevant interested parties about the nonconformity of the certification body regarding impartiality, access to the information required by the Committee, or when its recommendations are not addressed without just cause.
- 5.6. Prepare an annual summary report of its activities, including the annual report to the CDM Executive Board.
- 5.7. Evaluate, at least once a year, the representation of the significant interested parties in the Impartiality Committee.

The description of this functions is detailed in the procedure IN-P-CG-008 Management of ICONTEC Impartiality Committee.

6. IMPARTIALITY COMMITTEE MAKEUP, STRUCTURE AND OPERATION

6.1 Committee makeup

The Impartiality Committee makeup considers the participation of external and independent people that attend *ad honorem*, in their own representation or representing any entity associated to the interests considered to make up the Impartiality Committee.

The accreditation standards for the conformity assessment services detail the key interests for making up the Impartiality Committee, including: academy, companies that are clients of ICONTEC in different conformity assessment services, companies that are users of organizations having any ICONTEC mark or certification, and general users, among others. The procedure IN-P-CG-008 Management of ICONTEC Impartiality Committee details these interested parties along with the competence requirements demanded to the Committee members. Each participant may represent no more than two interests.

The Organizational Management area proposes the Impartiality Committee members, with the prior verification of the established competence requirements. The Executive Direction is responsible for the approval and the linking of the Committee members will be communicated to the Directive Council of ICONTEC. The term of the members is two (2) years and it can be automatically and successively renewed for a same period, if ICONTEC or the Committee member does not state the contrary.

ICONTEC, through the Organizational Management area, is in charge of administering and organizing the Committee activities. The Technical Units and cross areas take part in the sessions by providing the information needed to develop the matters under consideration.

6.2 Committee structure

The structure of the Impartiality Committee is as follows:

- **External members:** Members of the committee approved by the Executive Direction who represent any of the interests stated in the procedure IN-P-CG-008 Management of ICONTEC Impartiality Committee (e.g. academy, government, ICONTEC management system customers, general users/consumers, among others).

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- **Representatives of ICONTEC:** Guests of the Impartiality Committee for Conformity Assessment Services (e.g. directors, heads and collaborators of ICONTEC).
- **Specialists or technical experts:** Participants with knowledge in any of the conformity assessment services required by the Committee (e.g. ISO 22000, ISO 13485, food sector, RSPO, CDM, among others).
- **Guests:** Persons required to develop the matters requested by the Committee or ICONTEC representatives.

The Impartiality Committee has a President that is elected in the first meeting of the year among the members present, through majority of votes. His/her appointment terms is for one (1) year with the possibility of being reelected indefinitely.

Likewise, there is a Secretary function performed by the Head of Organizational Management or by the person delegated by the Executive Direction, who safeguards the fulfillment of guidelines established for the Committee throughout the sessions.

ICONTEC representatives, specialists or technical experts, and guests participate in every Committee session with voice but not vote.

6.3 Committee operation

The Impartiality Committee meets twice (2) a year or more frequently if the circumstances so require. Extraordinary meetings can be held when ICONTEC or any of the members requests for it.

Minutes are elaborated of each meeting, which are approved by the Committee and signed by the Committee President and the Secretary.

For modifying the Impartiality Committee functions established in section 5 of this document, there must be quorum. If the need exists of making a decision but there is not consensus, it is subject to vote. Decision is made by majority of votes, that is a half plus one.

For situations that cannot be solved in the Committee, the President can access the Executive Direction and/or the Directive Council of ICONTEC to express the relevant topics. If these concerns are not taken into consideration at these

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instances, the Committee may communicate with the accreditation body for the concerns to be properly treated.

The Impartiality Committee may create subcommittees to address specific topics. The subcommittee has as function the analysis and preparation of proposal for the Committee.

All the Impartiality Committee members are obliged to respect the confidentiality of the information known during the development of their functions and to comply with the guidelines stated in IN-R-CG-003, *Code of Ethics for the Committee Members*.

About the Committee President:

- In case of resignation or definitive absence of the President, the Committee shall elect a substitute for the rest of the term.
- In case of temporary absence of the Committee President, among the attendants at the meeting an *ad hoc* President shall be designated for such meeting.

About the Committee Members:

Designation of the Committee members may finish due to any of the following reasons:

- Change in any of the conditions by which the designation was done
- Accepted resignation
- Unjustified absence in two consecutive meetings of the Impartiality Committee.

7. IMPARTIALITY COMMITTEE DISSOLUTION

The Directive Council can dissolve the Impartiality Committee due to any of the following conditions:

- Ending of the activities for which it was created
- Non-compliance with these regulations or the Code of Ethics of the Committee
- Deviation of its activities regarding the objective of its creation
- When irregularities occur that damage Prestige and Good name of ICONTEC