A GOOD-FOR-NOTHING DIPLOMA

By Sefa Targıt

You know there is a saying in Turkish as “to hang one’s diploma to the wall” used for persons who do not have a chance to practice the profession they have majored and so their diploma has no function at all.

We have been hearing increasingly more often these days that the total quality assurance system certificates, kind of a diploma, were “hanged to the wall” as they became functionless documents. There may be two reasons for this:

1- Some diplomas have been granted without any test.
2- Receivers of these diplomas are not able to realize why and to whom these diplomas have been granted.

During 1990s, quality assurance system certificates were received as a document in proof of a restructuring based on a genuine engagement to establish and operate a quality system in the related organization. However, just like it happens with many things in the process of popularization, quality system certificates were also deteriorated, and they lost their significance and value. It may be impossible to measure and prove the reality of such statements, but the message received from the markets is also supporting this opinion. On the other hand, establishment of such a belief in the public opinion is alone a very significant indicator that should be taken into consideration.

Existence of independent certification companies and their operation with an understanding that was based on criteria other than the bare competition rules were prerequisites behind the move for defining and certifying the activities of the companies at its starting point.

It is only evident that this system can not be sustained if these certification companies start to act with a fully commercial mentality and if they start to be economically dependent on the companies they grant certification. Let’s think over the question of who will be left under the system if it crushes.

A company has to operate in fulfillment of the following conditions:

1- It has to act consciously within the framework of certain rules, and the quality it offers should not be coincidental.
2- It should not cause any loss to its employees, and should offer them appropriate working conditions.
3- It should not give any harm to the environment.

No one can or should prevent the companies which fulfill these three criteria from operating and supplying its products to the market.

3 standards had been formulated in order to determine the existence of the conditions which indicate that these three criteria have been fulfilled, and the idea that companies which comply with these standards should be allowed to continue their operation without requiring to undergo any further surveillance was about to be put into practice.

These standards are:

1- ISO 9001-2000
2- ISO 18001-1999
3- ISO 14001- 2004

Mr. Peter Striekwold from Liftinstituut has presented a paper on this subject to Elevcon Beijing Congress last year, suggesting that the companies practicing all three of these standards in their organization should be issued a package certificate and their working license should be based on this package certificate.

Implementation of this system, which would save companies from having a hard time to explain their case to public officials who may have no specialization on the subjects and, also, the public officials from assuming responsibility on such subject about which they do not have any command, depended on the conditions that these certificates should be granted seriously and the companies should comply with their requirements.

People started to lose their faith to the certification system as it started to be perceived as having a certificate and hanging it to the wall.

No one ever takes a Module H certificate (that is just hung to the wall) seriously if the total quality assurance systems containing very detailed action plans is left aside as a set of rules known only by the advisor but unheard of by the real executive organs, and if the activities are continued to be carried out cursorily through conventional methods.

Who is the real loser here and whose interests are impaired most? The notified body that grants certification? The supervisor acting in the name of public? The customer? Or the producer company which is also involved with the process that transforms the system into a showcase only?

The answer is very clear: the producer company!

Among the parties involved in this process, the greatest criticism is directed to the notified bodies. Therefore, I would like to share with you some quotations about the notified bodies, taken from the Guideline about Implementation of the Directives Based on a New and Global Approach.

First of all, let's look at the definition of the total quality assurance provided in this Guideline:

Total Quality Assurance: It covers design and production phases. It is based on ISO 9001 standard quality assurance. It is regulated by an authorized body which is in charge of the control and approval of the quality system formulated for the activities of design, production, inspection and tests of the final product as realized by the producer.

Following explanation has been provided regarding the legal status of the notified bodies:

Notified bodies have responsibilities for the public good. Therefore, they should be accountable to the competent national authorities. In order to be eligible as an notified body, the organization should have a legal existence inside the borders of the relevant Member State, and it should be subject to the jurisdiction of this state. Otherwise, Member States shall be free to announce, or not, an organization as an notified body even if this organization fulfills all requirements of the directives of the Member States and the Decision No. 93/465/EEC.

The Guideline has explained the relationships between the Member States as follows:

Member States have ultimate responsibilities against the other Member States and against the institutions of the EU regarding the competency of their notified bodies. Therefore, Member States have to verify the competency of the organizations which apply for becoming an notified body. This verification should be based on the basic requirements provided by the related directives and on the criteria set forth in relation with the related compliance assessment procedures. In general, competence criteria provided by the directives include the followings:

- ***Competence in terms of personnel and equipment;***
- ***Not having any direct or indirect dependence or relation with the product and being neutral (not being designer, producer, provider, installer, and user of the product, or competent representative of the producer);***
- ***Technical competency of the personnel in charge of the product and of the related compliance assessment procedures;***
- ***Ensuring the professional integrity and secrecy; and***
- ***Having the general liability insurance in place unless the liability is not assumed by the related state under the national laws of such state.***

General responsibilities of the notified bodies have been defined as follows:

- ***notified bodies are required to provide the related information to the competent authority who has announced them as an notified body, to the market surveillance organs and to the other notified bodies.***
- ***notified bodies are required to carry out their business operations competently, indiscriminatingly, transparently, neutrally and independently.***
- ***notified bodies are required to employ the personnel who are equipped with sufficient knowledge and experience required for performance of the compliance control in accordance with the related directive.***
- ***notified bodies are required to have in place arrangements as may be required for the secrecy of the information they obtain during compliance assessment procedure.***
- ***notified bodies should provide an insurance cover for their professional activity if the national laws and regulations of the announcing Member State do not guarantee any liability thereon.***
- ***notified bodies should participate to the coordination activities. They will be included to the European standardization process through direct or indirect representation or otherwise they will assure that they know the status of the related standards.***

Supervising the compliance of the implementation of the product and quality systems with the rules, and introduction of the measures as may be required for this purpose are the only means of elimination of the present complaints in the market. The above referred Guideline offers the following explanation regarding the surveillance of the market:

Principles regarding the market surveillance:

- ***Surveillance of the market is an essential instrument in implementation of the new approach directives.***
- ***The purpose of the market Surveillance is to ensure that the applicable provisions of directives are complied with throughout the Community. The citizens of all Member States are protected equally in the entire market of the Community regardless of the origin of product. Additionally, market Surveillance is also crucial for the interests of the economical actors since it eliminates unjust competition.***
- ***Member States should appoint or establish authorities in charge of market surveillance These authorities should possess the resources and powers required for due surveillance activities, ensure the required technical outfits and the professional consistency of their personnel, and act independently and without discrimination in accordance with the proportionality principle.***
- ***notified bodies should fundamentally be excluded from the liability against market surveillance activities. This exclusion is aimed at preventing the conflict of interests between Member States.***

Market surveillance organizations should monitor the products launched to the market. The purpose here is to determine whether a given product is in compliance with the provisions of the related laws and regulations during the time it is in the market or in service. Basically, market surveillance activity does not apply to the design and production phases; i.e. to the phases previous to the producer's assumption of the official liability regarding the compliance of its product by affixing the CE mark on the product. However, this in no way prevents cooperation between the surveillance bodies, and the producers and providers.

In order for the market surveillance activity to be efficient, existing powers and capabilities should be focused on places where higher risks or higher chances of incompliance or individual interests exist. Statistics and risk assessment procedures can be used for this purpose. In order to carry out their activity of surveillance of the products in the markets, supervisory bodies should have the power, competence and resources to:

- ***pay regular visits to the places of commercial and industrial activity and to the warehouses;***
- ***visit regularly the businesses and other places where the product is offered to the service as required;***
- ***make random and spot controls;***
- ***take product samples and analyze and test them; and***
- ***request all required information.***

Those, who are bothered by the present practice in the market, should before all acquire information about basic principles, such as shortly given above. Because, you may subsequently find out that a practice which you think irrational or inappropriate is indeed the very rule of the game. Or, on the contrary, a practice which has been submitted to you as appropriate and which you have thereon adopted may indeed have no legal ground. Both cases cause endless controversies and chronicle troubles.

I personally believe that we are undergoing a stage in which we all need to read very much as this stage requires us to dump the conventional approaches.

Please always remember that written information is always more reliable than hearsay.

(*) First published in Asansör Dünyası magazine January 2006 issue.