



ADVISORY NO. 14

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Supersedes: 2002/05/02

Replaces: ANSI-RAB NAP Advisory 28

SUBJECT: Compliance with Legislation and Regulatory Requirements

APPLIES TO:

- Quality Management Systems (QMS)
- X Environmental Management Systems (EMS)

PREFACE

This Advisory is specifically intended to prevent a certification body (CB) from accepting an affirmative statement in lieu of obtaining audit evidence that an organization has a satisfactory system for ensuring compliance.

ADVISORY

Sufficient data on an organization's compliance with relevant legislation and regulations, gathered during the registration review and surveillances, are relevant and necessary to determine whether the organization's systems conform to the standard.

In the event that certain specific data or other information related to legal or regulatory compliance are not made available to the CB for review because of an assertion of legal privilege or their proprietary nature, registration shall not be granted or shall not continue, unless the CB can obtain demonstration by objective evidence that the full system requirements relating to legal compliance, covering the applicable section of the standard, have been effectively implemented by sufficiently documented and verifiable means. This would include at least a documented procedure for evaluating legal compliance, objective evidence of its implementation, objective evidence of compliance review by management, and objective evidence of implementation of identified corrective and preventive actions. In such cases, the CB's relevant requirements shall be stipulated in the registration contract agreed with the organization and the evaluation methodology to be employed by the CB shall be documented in its audit plan.

A CB may register an organization or permit its registration to continue despite observed legal non-compliances, provided that the CB is satisfied that the EMS does address such non-compliances and when in the aggregate such non-compliances are not determined to indicate a major nonconformity.

A registration audit is an audit of a management system to determine conformance to the standard and while compliance is a part of the management system, the registration audit is not an audit of full compliance with all applicable regulatory requirements.