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IOAS Official Notice 2018-1
December 15, 2018
Operator transfer - Exchange of information

Applicability: EU programme
References: EU Reg. 889/2008 Art. 92.2
Applicable immediately

Article 92.2 of the EU Reg. 889/2008 requires the exchange of information between certification bodies when a change of certifier takes place:

*“Where operators and/or their subcontractors change their control authority or control body,...
The previous control authority or control body shall hand over the relevant elements of the control file of the operator concerned and the reports referred to in the second subparagraph of Article 63(2) to the subsequent control authority or control body.
The new control authority or control body shall ensure that non-conformities noted in the report of the previous control authority or control body have been or are being addressed by the operator.”*

When assessing implementation of this requirement, the IOAS encountered that this is not being managed well. The new CBs have difficulties to receive the relevant information from the previous CBs, even though the EU obliges them to exchange “the relevant elements of the control file”.

For this reason, the IOAS has concluded that when a new CB is in the position that the requested information is not forthcoming from the previous CB, then a complaint should be lodged with the Supervisory Body, and if necessary with the Commission.

If you have any questions related to this official notice, please contact your Client Manager.

End

