

# NSF Certification UK Ltd.

## CERTIFICATION SCHEME REGULATIONS

### 1. ACCESS TO THE SCHEME

Applications to participate in the Certification Schemes are open to all companies and producers with operations meeting the scope of the standard. Applications must be made using the designated application form stating the products or process for which certification is sought. Applicants are required to give an undertaking to comply with the requirements of the relevant Scheme and with the company's Rules Governing Certification by signing an application form, and thereby give access to the site, relevant documentation and facilities as may be required for assessment purposes

### 2. THE CERTIFICATION SCHEME

#### 2.1 Rules Governing Certification

2.1.1 These Rules relate to the Certification Schemes operated by NSF Certification UK Ltd, henceforth NSF Certification, for determining conformity with the relevant Standard

2.1.2 Applicants who satisfy NSF Certification that they are capable of compliance with the requirements of the Certification Scheme and the regulations and compliance criteria of the relevant Standard and who give the company such undertakings as may be required shall, subject to complying with these rules as amended from time to time, be entitled to a Certificate of Conformity which shall remain the property of NSF Certification.

2.1.3 Certificates are valid from the date of issue subject to satisfactory performance assessed at a frequency determined by the Standard or Scheme regulations. Certificates remain valid until their expiry date; a new certificate will be issued following successful completion of the re-assessment process. Certificates issued without a specified expiry date rely on other registers to demonstrate continued certification. The right to use a certificate is not transferable.

#### 2.2 Certified Companies or Producers shall:

- (a) at all times comply with these Rules as amended from time to time;
- (b) retain a copy of the most recent Scheme Standards and Regulations for the relevant Certification Scheme;
- (c) inform NSF Certification immediately of any change to scope of activity of an issued certificate;
- (d) have a nominated a management representative and one or more deputies who shall be responsible for all matters in connection with the requirements of the Certificate of Conformity;
- (e) comply with all requirements of the relevant Certification Scheme until the Certificate expiry
- (f) implement appropriate changes when they are communicated by the NSF Certification;
- (g) if supplying copies of certification documents to others, supply these in their entirety or as specified by the scheme;
- (h) maintain and document a quality system in accordance with the Scheme Standards and make available copies of all or any part of the documented system should they be required by NSF Certification for reference purposes;
- (i) keep a record of all complaints made known to them relating to compliance with certification requirements and makes these records available to NSF Certification when requested, and take appropriate action with respect to such complaints and any deficiencies found in products that affect compliance with the requirements for certification; document the actions taken;
- (j) provide information regarding previous certifications held whether or not they are still valid; release copies of previous certificates and reports if required under the scheme rules;
- (k) not significantly vary the quality system under which any Certificate is issued during the period of certification unless agreed with NSF Certification or as required by changes to scheme rules or requirements;
- (l) notify NSF Certification of:
  - any major changes to methods of production or storage which would affect the operation of the quality system or changes in the ownership, structure or management of the organisation.
  - any potential or actual prosecution relating to products or services within the scope of the certification,
  - any potential or actual recall of any product or service included within the scope of certification,
  - any event, activity or media which brings into question or threatens to bring into question the suitability of the producer to produce any of the products or services included within the scope of the certification;

- (m) maintain at all times compliance with all relevant legislation pertinent to the scope of activity of which Certification has been granted;
- (n) correct non-compliances noted during an assessment in accordance with the timescale laid down in the scheme regulations;
- (o) give access to premises during normal working hours to representatives of NSF Certification for the purposes of evaluation, surveillance and to ensure that continued compliance to the scheme standard is being achieved at times other than the scheduled assessment dates, or to establish that the procedures for the termination of approval have been carried out if necessary. This may include; the examination of products, processes, records, the production environment, distribution facilities, methods of test, details of internal audits and systems, personnel, sub-contractors, biosecurity arrangements etc. Assessment teams may be a single auditor or teams of auditors including those in training undergoing assessment or fully trained auditors being witnessed as part of the internal audit process
- (p) in the case of an accredited scheme, on request allow an accreditation body representative to accompany the NSF Certification auditor to assess the performance of the NSF assessor
- (q) in the case of an accredited scheme, imply that any product, service or management system is approved by the relevant accreditation body
- (r) allow NSF Certification, the scheme owner or their representatives to undertake unannounced or short notice audits. In exceptional circumstances no notice may be given. The certified company or producer is required to allow entry to, and assist the auditor appointed in this task;
- (s) use any product marks in accordance with the conditions defined herein and consistent with the scope of certification;
- (t) not use certification in such a manner as to bring NSF Certification into disrepute and shall not make any statement regarding its certification that NSF Certification may consider misleading or unauthorized;
- (u) in making reference to its certification in communication media such as documents, brochures or advertising, comply with the requirements of NSF Certification or as specified by the certification scheme;
- (v) discontinue any use of any product mark or Certificate of Conformity which is unacceptable to NSF Certification or any form of statement with reference to the authority of the Producer to claim compliance with the scheme which, in the opinion of NSF Certification might be misleading;
- (w) ensure that certified products continue to fulfil the product requirements and not deliver or knowingly permit the delivery or sale of downgraded products as complying with the Standards defined in the Certification Scheme;
- (x) not conduct operations in a manner which may have an adverse effect on the integrity and reputation of the Certification Scheme or NSF Certification;
- (y) upon withdrawal of the Certificate of Conformity (however determined) forthwith discontinue the use of the any product mark and all advertising matter which contains it or any reference thereto. In addition, any other documents in the possession of the producer which bear reference to the Certificate shall, if NSF Certification requires, be so treated to eliminate them and on request return them to NSF Certification;

2.2.1 Having regard to NSF Certification costs related to the administration of the scheme, applicants and producers shall pay:

- the relevant fee for assessments and certification, irrespective of the outcome of the assessment;
- the scheme owner royalty if applicable;
- the cost of any additional assessment deemed necessary;
- the cost of any additional sampling or testing deemed to be necessary;
- any additional cost incurred by the company due to non-compliance with these Rules;
- the cost of any booked travel in case of audit cancellation;
- pre-determined cancellation fees in the case of audit cancellation.

These fees will be reviewed regularly by the NSF Certification Board and nominated Managers.

Failure to pay valid invoices shall give the right to NSF Certification for the withdrawal of certification and scheme membership.

### 2.3 NSF Certification shall:

- (a) undertake continuing assessments periodically at the production establishments of certified producers for the purpose of verifying that the obligations defined by the Certificate of Conformity are being observed;
- (b) reserve the right to immediately suspend the audit or withdraw a current certificate where appropriate, if the producer/site management is in any way verbally or physically abusive to the assessor, by acceptance of these rules, the producer acknowledges any derived incurred costs will be chargeable to the producer/site;
- (c) reserve the right to decline to accept an application or maintain a contract for certification when fundamental or demonstrated reasons exist. These include but are not limited to the client participating in illegal activities, a history of repeated non-conformance;
- (d) notify certified producers of any changes in the Scheme Standards and give them such time as, in the opinion of NSF Certification is reasonable in which to adjust their processes and relevant procedures to meet the revised requirements;

- (e) not disclose any information concerning the producer which is of a confidential nature other than information which is already in the public domain unless otherwise required to do so by law, requested/permitted to do so by the Approved Producer or during the course of accreditation.
  - (f) provide a copy of the report and/or certificate and/or audit data to those standard owners in accordance to the specified scheme regulations;
  - (g) notify the producer of complaints relating to products which the Certificate of Conformity applies.
- 2.3.1 If a producer is temporarily unable to comply with the requirements of these Rules as amended from time to time, NSF Certification may require the producer to discontinue the use of the any mark or any claim of compliance with the Scheme with immediate effect until it is satisfied that compliance is again achieved, or pending the results of an appeal.
- 2.3.2 If the producer fails to comply with these Rules as amended from time to time, NSF Certification may, as appropriate:
- (a) withdraw the Certificate of Conformity or reduce its scope and inform the scheme owner of these changes,
  - (b) refuse to grant a Certificate of Conformity or extend its scope,
  - (c) reserve the right to initiate legal action.
- Such decisions, and the grounds for them, shall be communicated to the producer in writing.
- 2.3.3 NSF Certification may, at its sole discretion withdraw or refuse to grant a Certificate of Conformity
- (a) if the producer's business is likely to be liquidated or unable to pay its debts,
  - (b) if the producer or actions of the producer are deemed to bring the scheme into disrepute,
  - (c) if the producer fails to maintain the standards against which certification has been granted.
- 2.3.4 These Rules may from time to time be altered by NSF Certification no such alterations shall affect the right of a certified producer or company to use the appropriate Certification Mark or claim compliance with the scheme unless it shall have been given notice in writing of such alterations by NSF Certification who will notify the producer of the date by which it must comply with the altered regulations, which shall normally be less than six months from the date of notification of the alteration.
- 2.3.5 A register of Approved Producers and Products shall be kept by NSF Certification and shall be open to inspection at its registered office.
- 2.3.6 Any notice under these Rules shall be in writing and signed by or on behalf of the party giving it and may be served on site, by either fax, receipted email, pre-paid recorded delivery or registered post at its address. Any notice served by post shall (unless the contrary is proved) be deemed to have been served forty eight hours from the time of posting.
- 2.3.7 NSF Certification is financed by charges of certification. The cost of scheme registration is determined by scheme owners.

## **2.4 Certificate of Conformity**

A Certificate of Conformity granted to a producer is valid from the date of issue until the expiry date with its maintenance being subject to satisfactory performance assessed at a frequency determined by Standard or Scheme requirements.

## **2.5 Continuing Assessments**

It is a condition of granting a Certificate of Conformity that continuing assessments shall be carried out to ensure that the criteria defined in the Scheme Standards are being met and maintained.

Where non-compliances to the scheme standard are identified at an assessment, documentary corrective action or a further assessment in accordance with the scheme regulations may be required to maintain the certification status.

Change of status may, depending on scheme requirements, be a change of certification grade reflecting change in assessment frequency or notification of withdrawal of approval.

If approval is withdrawn the reason will be clearly specified in writing to the producer. Should the producer wish to appeal against the withdrawal of a Certificate of Conformity the appeal will be heard in the manner described in these Rules Governing Certification (section 5).

## **3 PRODUCT CERTIFICATION MARK**

- 3.1** Approved producers holding a valid Certificate of Conformity may use the Certification Mark appropriate to the scheme and/or issue a Statement of Conformity.
- 3.2** The Mark may be used only in the form approved by NSF Certification and only on documents which are associated to the subject of the Certificate of Conformity issued to the producer concerned. The Mark must be used only in accordance with the specific rules issued as a condition of use and in strict compliance with the Scheme regulations

## 4 COMPLAINTS

### 4.1 Complaints Related to Products or Systems within the Scope of Certification

The responsibility for complying with the requirements of the Certification Scheme as defined in the Scheme Regulations and in the Standards for the Scheme and for complying with Statutory requirements rests absolutely with the certified producer or company and, therefore, any complaint about a product or system arising from possible infringements of the law shall be dealt with by the producer or company concerned. Complaints of this nature coming directly to NSF Certification will be referred to the producer or company for appropriate corrective action to be taken. The certified producer or company is required to maintain a record of all complaints and any subsequent action taken and make this available to assessors during audits.

### 4.2 Complaints Related to Certification

Written complaints concerning the Certification process or certified client may be received by any individual, organisation, worker within a certified client, scheme owner or other interested party. Complaints received will be dealt with by NSF Certification who will in accordance with the NSF Certification complaints procedure:

- acknowledge the complaint,
- investigate the complaint and respond to the complainant providing information as to the findings and appropriate outcomes of the investigation,
- prepare a summary report for the Impartiality Board of NSF Certification to consider at its next meeting, this may result in preventative measures being identified.
- Ensure that there is no discriminatory action against a client or other party as a result of being the subject of, or involved within the investigation of a complaint.

## 5 APPEALS

### 5.1 Independent review

In the event that an approved producer or company disagrees with the outcome of a complaint, they are entitled to respond in writing giving reasons and requesting an Independent Review. This will be conducted by either a member of the NSF Certification Impartiality Board or another industry/sector expert chosen by NSF Certification. Should the outcome of this further review still be unacceptable to the client, they have recourse to the appeals panel process defined in paragraph 5.2 below.

### 5.2 Panel review

(a) Appeal Panel Application: Any appeal against a decision of the independent review made under these rules, requires the client now referred to as the appellant, to submit to the NSF Certification Quality Department within 14 clear days of being officially informed of the outcome of the independent review, a request for a panel appeal in writing indicating the reasons for doing so.

(b) Appeal Panel Constitution: The matter will be referred to the Chairperson of the Impartiality Board who shall appoint a panel to hear the appeal. The panel shall comprise a chairperson and two members, none of whom shall have any commercial interest in the subject of the appeal or have been involved with the related audit or certification process. The Panel shall meet within 60 days of the receipt of the request for appeal. The appellant shall be given at least 14 clear days' notification of the constitution of the Appeal Panel, the time and place of the meeting. The appellant has the right to state objections to the Appeal Panel's constitution. Such objections shall be in writing and shall be communicated to the NSF Certification Quality Department at least 7 clear days before the scheduled date for the Panel meeting. The appellant's objections to the constitution of the Appeal Panel will be considered by the Impartiality Board at its next scheduled meeting, or sooner if this would lead to a period of longer than 60 days between the appeal communication and the Panel's meeting, upon which the Board will decide whether or not to accept the appellant's objections and amend the constitution of the Panel accordingly. The appellant will be informed in writing of the Board's decision and of a new date for the hearing of the appeal.

(c) Appeal Panel Outcome: Representatives of NSF Certification and the appellant shall be entitled to be heard in confidence by the Appeal Panel. The Appeal Panel's decision based on the majority of the Appeal Panel as declared by its Chairman, shall be final and will be communicated to the Appellant within 7 days of the panel meeting.

### 5.3 Appeal Costs

NSF Certification reserves the right to charge the Appellant, reasonable costs for both the independent review and appeals panel process as defined in paragraphs 5.1 and 5.2; these will be notified and may be charged to the appellant ahead of any review commencing. NSF Certification will not be liable for the appellants' costs of Independent or Panel Review.

## 6. LIABILITIES

Under no circumstances shall NSF Certification or its employees or agents be liable for any losses, damages, charges, costs or expenses of whatever nature which any approved producer, applicant or scheme member may suffer or incur by reasons of or arising from the administration or the performance of their respective obligations in connection with the Certification Scheme, except where costs arise as a result of the gross negligence or wilful default of such persons.

## 7 DEFINITIONS

- *Applicant* - A business or person who has applied for, but has not yet been granted a Certificate of Conformity
- *Approved/Certified Producer/Company* - A business or person holding a valid Certificate of Conformity for the production or system specified on the Certificate of Conformity.
- *Certificate of Conformity* - A Certificate issued under a specific serial number by NSF Certification to Approved Producers for a designated location(s) or site(s).
- *Certification Scheme* - The Certification Scheme which is designed to certify conformity in accordance with a Standard using a quality system complying with the requirements of accreditation.
- *Mark of Conformity/ Q mark* - A mark owned by NSF Certification and applied by an Approved Producer to letterheads, promotional materials or other item in accordance with the QMark rules indicating that the producer is certified by NSF Certification.
- *Statement of Conformity* - A document issued by an Approved Producer to a customer confirming the products supplied have been produced in accordance with and meets the certification scheme standards. This document may also carry the Mark of Conformity.
- *Scheme Regulations* - The document which contains the details of how the certification standard shall be operated by the Certification Body.
- *Production Establishment* - A place where product is produced (grown), prepared, processed, packed and/or stored prior to distribution.
- *Scheme Standards* - The document which defines the product, system or compliance criteria which participants in the Certification Scheme must meet and maintain
- *Impartiality Board* - A group independent of NSF Certification with industry, certification and producer experience