

NSF-CMI CERTIFICATION Ltd.

CERTIFICATION SCHEME REGULATIONS

1. ACCESS TO THE SCHEME

Applications to participate in the Certification Scheme and for registration as an Approved Producer are open to all companies 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 Scheme of NSF-CMI Certification Ltd for determining conformity with the relevant Standard

2.1.2 The Governing Board, through its appointed nominees, is the sole authority by which Certificates of Conformity may be granted or withdrawn. The Board acts through the Managing Director for the general administration and development of the Certification Scheme, under these Rules

2.1.3 Applicants who satisfy the Governing Board 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-CMI Certification Ltd.

2.1.4 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.

2.1.5 Approved Producers shall:

- (a) at all times comply with these Rules as amended from time to time.
- (b) retain a copy of the most recent Regulations and Scheme Standards for the relevant Certification Scheme
- (c) nominate 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.
- (d) comply with all requirements of the relevant Certification Scheme
- (e) 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-CMI Certification Ltd. for reference purposes.
- (f) not significantly vary the quality system under which any Certificate is issued during the period of registration unless agreed with NSF-CMI Certification
- (g) notify NSF-CMI Certification of any major changes to methods of production or storage which would effect the operation of the quality system or changes in the ownership, structure or management of the organisation.
- (h) maintain at all times compliance with all relevant legislation pertinent to the scope of activity of which Certification has been granted.
- (i) correct non-compliances noted during an assessment in accordance with the timescale laid down in the scheme regulations.
- (j) give access during normal working hours to representatives of NSF-CMI Certification Ltd. to premises in which, the subject of the Certificate of Conformity, is being carried out for the purpose of examination of products, processes, the production environment, distribution facilities, methods of test, records, details of internal audits and systems etc. to ensure that continued compliance to the scheme standard is being achieved at times other than the scheduled assessment dates., or establishing that the procedures for the termination of approval have been carried out if necessary.
- (k) dependant on the scheme, allow the scheme owner or its representatives, to undertake unannounced, or short notice audits. In exceptional circumstances no notice may be given. The certificate holder is required to allow entry to, and assist the auditor appointed by the scheme owner in this task
- (l) use any product marks in accordance with the conditions defined herein.
- (m)discontinue any use of any product mark or Certificate of Conformity which is unacceptable to NSF-CMI Certification Ltd. and any form of statement with reference to the authority of the Producer to claim compliance with the System which, in the opinion of NSF-CMI Certification Ltd. might be misleading.
- (n) not deliver or knowingly permit the delivery or sale of downgraded products as complying with the Standards defined in the Certification Scheme.
- (o) not conduct operations in a manner which may have an adverse effect on the integrity and reputation of the Certification Scheme or NSF-CMI Certification Ltd.
- (p) 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-CMI Certification Ltd. requires, be so treated to eliminate them.

- 2.1.6** Having regard for NSF-CMi Certification Ltd. costs related to the administration of the System, applicants and scheme members shall pay:
- the relevant fee for assessments and certification
 - the cost of any additional assessment deemed necessary by the representative of the board
 - the cost of any additional sampling or testing deemed to be necessary by the representative of the board
 - any additional cost incurred by the company due to non compliance with these Rules.
- These fees will be reviewed regularly by the NSF-CMi Certification Board and nominated Managers.
Failure to pay valid invoices shall give the right to the company of withdrawal of certificate and scheme.
- 2.1.7 NSF-CMi Certification shall:**
- (a) undertake continuing assessments periodically at the production establishments of Approved Producers for the purpose of verifying that the obligations defined by the Certificate of Conformity are being observed.
 - (b) notify the Approved Producers of any changes in the Scheme Standards for the Scheme and give them such time as, in the opinion of NSF-CMi Certification Ltd. is reasonable in which to adjust their processes and relevant procedures to meet the revised requirements.
 - (c) 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.
 - (d) provide a copy of the report and/or certificate to those standard owners in accordance to the specified scheme regulations.
 - (e) notify the producer of customer complaints relating to products which the Certificate of Conformity applies.
- 2.1.8** If a producer is temporarily unable to comply with the requirements of these Rules as amended from time to time, NSF-CMi Certification Ltd. 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.
- 2.1.9** If the producer fails to comply with these Rules as amended from time to time, NSF-CMi Certification Ltd 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.
- 2.1.10** NSF-CMi Certification Ltd may, at its sole discretion withdraw or refuse to grant a Certificate of Conformity if the producer's business is likely to be liquidated or unable to pay its debts.
- 2.1.11** These Rules may from time to time be altered by NSF-CMi Certification Ltd. No such alterations shall affect the right of an Approved producer to use the appropriate Certification Mark or claim compliance with the System, unless it shall have been given notice in writing of such alterations by NSF-CMi 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.
- 2.1.12** A register of Approved Producers and Products shall be kept by NSF-CMi Certification Ltd. and shall be open to inspection at its registered office.
- 2.1.13** 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 fax or receipted email or sending it by 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;
- 2.1.14 Certificate of Conformity**
A Certificate of Conformity granted to an Approved 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.
- 2.1.15 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 category 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 inviting the submission of a proposed corrective action plan before re-assessment for approval could be considered.
Should the producer wish to appeal against the withdrawal of a Certificate of Conformity the appeal will be heard in the manner described in the Rules Governing Certification (section 3).
- 3 APPEALS**
- 3.1** In the event that an Approved producer disagrees with any decision of NSF-CMi Certification Ltd. they are entitled to respond to the decision in writing giving reasons and requesting further consideration by the Board. Should the outcome of this further review by the Board still be unacceptable to the Approved producer or Applicant they have recourse to the independent appeals process defined in paragraph 3.3.
- 3.2** Any appeal against a decision of the Board made under these rules requires the Approved Producer or Applicant to submit to the Managing Director within 14 days of being officially informed of the Boards decision notice of appeal giving grounds for doing so.

3.3 The Managing Director will refer the matter to the Chairman of the Board who shall appoint a panel to hear the appeal. The panel shall comprise a Chairman and two members none of whom shall have any commercial interest in the subject of the appeal or have been involved with the audit or certification process of the subject of the appeal. A meeting of the Panel shall be held within 60 days of the receipt of the notice of appeal. The appellant shall be given at least 14 clear days' notice of the constitution of the Appeal Panel, the time and the place of the meeting. The appellant has the right to state objections to the constitution of the Appeal Panel. Such objections shall be stated in writing and shall be lodged with the Managing Director at least 7 clear days before the scheduled date for the meeting of the Panel. The appellant's objections to the constitution of the Appeal Panel will be considered by the Board at its next scheduled meeting, or sooner if this would lead to a period of longer than 60 days between lodging the appeal and the meeting of the Panel, when the Board will decide whether or not to accept them 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. The decision of the Board shall stand pending any meeting of the Appeal Panel at which representatives of NSF-CMi Certification and the appellant shall be entitled to be heard in confidence. The decision of the majority of the Appeal Panel as declared by its Chairman shall be final.

4. PRODUCT CERTIFICATION MARK

(a) Approved producers holding a valid Certificate of Conformity may use the Certification Mark appropriate to the scheme and/or issue a Statement of Conformity.

(b) The Mark may be used only in the form approved by the Board of NSF-CMi 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

5. COMPLAINTS

5.1 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 customer and, therefore, any complaint about a product or system arising from possible infringements of the law shall be dealt with by the customer concerned. Complaints of this nature coming directly to NSF-CMi Certification Ltd. will be referred to the customer for appropriate corrective action to be taken. All customers are required to maintain a record of all complaints and any subsequent action taken and make this available to assessors during surveillance visits.

5.2 Complaints Related to the Certification Scheme

Written complaints concerning the Certification Scheme will be dealt with by NSF-CMi Certification Ltd. who will in accordance with the NSF-CMi Certification Ltd. complaint procedure.

- acknowledge the complaint
- investigate the complaint and respond to the complainant providing information as to the findings of the investigation, whether the complaint is considered to be justified and where applicable an indication of improvements to be made to prevent recurrence.
- prepare a summary report for the Governing Board of NSF-CMi Certification Ltd. to consider at its next meeting.

Having considered the report, the Governing Board of NSF-CMi Certification Ltd. may order corrective action to be taken. The decision of the Governing Board will be recorded in the minutes of the meeting and any decision requiring corrective action to be taken will be implemented by the Managing Director.

6. Under no circumstances shall NSF-CMi Certification Ltd. 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 Producer/Customer/Member - 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-CMi Certification to Approved Producers for a designated location(s) or site(s).

Certification Scheme - The NSF-CMi 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-CMi Certification Ltd and applied by an Approved Producer to letterheads, promotional materials or other authorised paperwork indicating that the producer is an approved member of a NSF-CMi Certification Scheme

Statement of Conformity - A document issued by an Approved Producer to a customer confirming the products supplied have been produced in accordance with and meet 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 accredited certification bodies.

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