



GENERAL REGULATION FOR  
MANAGEMENT SYSTEM  
CERTIFICATION



**CONTENTS**

<b>1. FOREWORD .....</b>	<b>3</b>
<b>2. SCOPE .....</b>	<b>3</b>
<b>3. NOTICE OF CHANGES .....</b>	<b>3</b>
<b>4. DEFINITIONS .....</b>	<b>3</b>
<b>5. GRANTING CERTIFICATION .....</b>	<b>5</b>
<b>6. SURVEILLANCE AND RECERTIFICATION .....</b>	<b>11</b>
<b>7. SPECIAL AUDITS.....</b>	<b>14</b>
<b>8. SANCTIONS.....</b>	<b>15</b>
<b>9. VOLUNTARY SUSPENSION OR WITHDRAWAL OF THE COMPLIANCE CERTIFICATE .....</b>	<b>16</b>
<b>10. COMPLAINTS AND APPEALS.....</b>	<b>17</b>
<b>11. POSTPONEMENTS.....</b>	<b>18</b>
<b>12. CONFIDENTIALITY .....</b>	<b>18</b>
<b>13. PROTECTION OF PERSONAL DATA .....</b>	<b>19</b>
<b>14. INFORMATION .....</b>	<b>19</b>
<b>15. NOTICE OF CHANGES BY THE ORGANIZATION.....</b>	<b>20</b>
<b>16. FINANCIAL OBLIGATIONS.....</b>	<b>21</b>
<b>17. CERTIFICATE RECOGNITION AND TRANSFER .....</b>	<b>21</b>
<b>18. RESPONSIBILITY .....</b>	<b>21</b>

## 1. FOREWORD

- 1.1. APCER develops the activity of management systems certification according to the applicable accreditation standards and international guides.
- 1.2. APCER has in its organizational structure an Advisory Committee, advisory body of the Administration Board, which includes members from all parties significantly interested in the development of policies and principles related to the operation of the certification system. The mission of the Advisory Committee is to safeguard the impartiality of the certification activities.
- 1.3. APCER is a body partner of IQNet (The International Certification Network), an international network of certifications bodies.

## 2. SCOPE

- 2.1. The present regulation contains the contractual requirements in force between APCER and its clients for management systems certification activities and establishes the conditions for granting, maintaining, renewing, extending, reducing, suspending and withdrawing the certification and the right to use the certification marks.
- 2.2. The scope of the APCER activity does not include quality management systems certification of other certification bodies.
- 2.3. This regulation has annexes with the special requirements applicable to some management systems.

## 3. NOTICE OF CHANGES

- 3.1 APCER reserves the right to amend this document whenever the circumstances so determine it, in particular, if there are changes in the requirements defined by the accreditation bodies, changes in the standards or other applicable normative documents.
- 3.2 Any changes made to this document shall be communicated to the Client Organizations.

## 4. DEFINITIONS

- 4.1 For the purposes of this document the definitions given in the standards ISO/IEC 17000, NP EN ISO/IEC 17021 and NP EN ISO 9000 shall apply.
- 4.2 The following definitions shall also apply:
  - 4.2.1 **Organization** – Organization (NP EN ISO 9000) – Group of people and facilities with an arrangement of responsibilities, authorities and relationships.

For certification purposes, an Organization represents an entity with legal personality or autonomy and is represented by a person with the power to legally commit the Organization.

An Organization, that includes different legal entities, can request and get the certification of its management system, but in these cases one legal entity shall represent and respond legally for the others entities included in the application/certificate.

**4.2.2 Certified Organization** – Organization whose management system has been certified by APCER and to which it was granted a Certificate and authorized the use of the corresponding certification mark.

**4.2.3 Site** - all land on which processes/activities under the control of an organization at a given location are carried out, including any connected or associated storage of raw materials, by-products, intermediate products, end products and waste material, and any equipment or infrastructure involved in the processes/activities, whether or not fixed. Alternatively, where required by law, definitions laid down in national or local licensing regimes shall apply.

**4.2.4 Long Range/Territorial Coverage Infrastructure** – organization’s venue where activities are carried out under the audited management system, but where there are no permanent workers. Examples are organizations with infrastructures covering large portions of territory, typically infrastructures associated with the distribution of energy, water, road networks, telecommunication networks.

#### 4.3 Audit findings

- **Nonconformity (NC)** – Non-fulfilment of a requirement;

Audit findings are classified in:

- **Major Nonconformity (NCM)** – Nonconformity that affects the capability of the management system to achieve the intended results.

Nonconformities could be classified as major in the following circumstances:

- if there is a significant doubt that effective process control is in place or if products or services meet specified requirements;

- a number of minor nonconformities associated with the same requirement or issue could demonstrate a systemic failure and thus constitute a major nonconformity.

- **Minor nonconformity (NCm)** – Nonconformity that does not affect the capability of the management system or achieve the intended results.

- **Area of concern (AS)** – Audit findings that can become a NCm or NCM if the audited Organization does not define and implement any actions or any finding that the audited Organization has timely identified as nonconformity, or potential nonconformity, and is implementing a proper corrective action, in a deadline defined and accepted by APCER;

- **Opportunities for improvement (OM)** – Audit findings that identify potential areas of improvement but do not include recommendations or specific solutions. These audit findings do not put at risk the ability of the management system to fulfil the specified requirements.

## 5. GRANTING CERTIFICATION

### 5.1 GENERAL REQUIREMENTS

- 5.1.1** APCER provides certification services in an impartial and non-discriminatory way, therefore all Organizations can apply to certification, regardless its nature, size and scope of activity.
- 5.1.2** The certification is granted for a three years period, during which APCER conducts surveillance and recertification audits with the purpose of verifying that the conditions that lead to the certification are maintained.
- 5.1.3** The Organization can request a preliminary visit. The preliminary visit is an audit with reduced duration and sampling, with the purpose of obtaining information on the adequacy of the Organization's management system in relation to the requirements of the applicable standard.

### 5.2 APPLICATION

- 5.2.1** To this end, APCER provides an application form that can be obtained from its services or through the website [www.apcergroup.com](http://www.apcergroup.com).
- 5.2.2** The contracting of the service must be signed by authorized representatives of the Organization applying to the certification, i.e., a person with the power to legally compel the Organization to assume legal commitments on his behalf.
- 5.2.3** When applying for certification, the Organization shall have a management system implemented according to the standard to which requests the certification and there shall be evidence of this implementation.
- 5.2.4** Whenever the Organization that requests the certification includes more than one legal entity, the application shall indicate which legal entity is the manager of the system. If later on, one or more legal entities exits the certified Organization, the entity that is the manager of the system is the legitimate candidate for the certification and/or the legally holder of the issued certificate.
- 5.2.5** Where the management system of the applicant's organization covers more than one site, whether a unique legal entity or not, the organization can apply for certification, provided that:
- a single management system is deployed across the organization;
  - the central function is identified, is part of the organization and shall not be subcontracted to an external organization;
  - there is a contractual or legal link of all sites with the central function;
  - the central function has organizational authority to define, establish and maintain a single management system;
  - the management system is subject to centralized management review;
  - all sites are covered by the internal audit program and are subject to central function monitoring;
  - the central function ensures that information from all sites is collected and analysed;

- the scope of certification is established for the organization as a whole and, where different for each location, a sub-scope is defined for that location.

**5.2.6** The central function shall demonstrate that it has the authority and ability to initiate, when required, organizational changes related to, but not limited to:

- System documentation and system changes;
- Management review;
- Complaints;
- Evaluation of corrective actions;
- Planning of internal audits and evaluation of results;
- Statutory and regulatory requirements applicable to the management system standard.

**5.2.7** The Organization shall provide APCER the documentation of the management system, according to the dispositions of the application form.

### 5.3 APPLICATION REVIEW

**5.3.1** APCER reviews the application and communicates its result to the Organization.

**5.3.2** APCER reserves the right not to accept an application if there are doubts concerning the conditions to fulfil the requirements of this document or the applicable standard. In these cases, APCER shall communicate and justify the reasons for reaching this conclusion and the Organization can reformulate the application within a maximum period of 6 months from the receipt of the written communication, without any additional costs.

**5.3.3** APCER reserves the right to cancel the certification process if the initial audit does not occur in a period of one year after the acceptance of the application, due to reasons not attributable to APCER.

**5.3.4** APCER reserves the right to cancel the certification process, if the certification is not granted, in a two years period after the application, due to reasons attributable to the Organization.

**5.3.5** Whenever the situations mentioned in 5.3.3 e 5.3.4 occur, APCER notifies, in writing, the Organization of the process cancellation unless this communication is no longer possible because APCER was not informed of any contact changes.

### 5.4 AUDIT TEAM

**5.4.1** APCER informs in writing the audit team (AT) composition, requesting the Organization's acceptance. Usually, the audit team includes a lead auditor and one or more auditors, including technical experts. The size and composition of the audit team depends of various factors, including the requested scope of certification.

- 5.4.2** The Organization can object to any particular appointed auditor. For that, the Organization shall substantiate in writing its reasons, in a 5 days period after receiving the communication. If APCER considers valid the reasons presented by the Organization appoints other auditor. If the objections raised by the Organization prevent the audit conduction by qualified auditors, APCER reserves the right to cancel the certification process for non-feasibility.
- 5.4.3** The applicant organization expressly recognizes the independence of AT and undertakes to refrain from any offers to the AT or to entities related to it, which can compromise its independence, including the request for consultancy or other activities, within the time limits agreed between APCER and the Audit Team, namely two years before and two years after the service.
- 5.4.4** The lead auditor is responsible for coordinating the audit and for establishing communication between the audit team and the Organization, namely setting the audit dates and sending the audit plan.
- 5.4.5** Observers may be included in the audit team, without additional costs for the Organization, but do not participate in the audit. The observers can be:
- APCER's auditors in a qualification process;
  - APCER's auditors that are "Supervisors" included in the auditors' supervision process, this is, in situ evaluation of its performance;
  - Evaluators of accreditation bodies as part of APCER's accreditation process, in particular in witness audits.
- 5.4.6** The Organization shall take all necessary measures to ensure that the Audit Team has free access to premises, documents, processes, areas, records and personnel relevant to the evaluation process of the management system and verification of its application limits, including, in the extent necessary, the access to different shifts and activity schedules.
- 5.4.7** When the audit team includes two or more elements, the organization shall insure all the necessary conditions to allow the several elements of the audit team to act in separate, including, but not limited to, the presence of a guide for every auditor and the identification, in the audit plan review stage, of any constraint that prevents the realization of the audit, according with the proposed schedule so that it can be considered in advance.
- 5.4.8** Relevant staff includes staff covered by the scope of certification of the management system, including contracted staff, staff working on behalf the organization or employees external to the organization.
- 5.4.9** The organization must be available to the Audit Team during the audit and contribute to its realization, informing the AT about all the facts relevant to the assessment of the management system.

**5.4.10** The organization shall be available to the Audit Team to, if deemed necessary to meet the audit objectives and fully assess the scope of certification, give access to the facilities of other outsourced organizations, safeguarding the necessary consents for this purpose.

## **5.5 INITIAL AUDIT**

**5.5.1** The purpose of the initial certification audit is to evaluate if the Organization's management system fulfils the requirements of the applicable standard. The initial certification audit is conducted in two stages.

**5.5.2** At stage 1 initial audit, the audit team:

- Audits the Organization's management system documentation;
- Evaluates the Organization's locations and site-specific conditions and changes information with the Organization's personnel to determine the level of preparedness for the stage 2 audit;
- Reviews the Organization's status and its understanding regarding the requirements of the standard, in particular to what concerns to the identification of key or significant performance aspects, processes, objectives and operation of the management system;
- Collects necessary information regarding the scope of the management system, processes and location(s) of the Organization, related statutory and regulatory aspects and its compliance;
- Reviews the allocation of resources for stage 2 audit and agree with the Organization on the details of the stage 2 audit;
- Evaluates if the internal audits and management review are being planned and performed, and that the level of implementation of the management system substantiates that the Organization is ready for the stage 2 audit.

**5.5.3** Stage 1 initial audit is carried out at the Organization's premises, unless APCER specifies otherwise. If stage 1 initial audit is conducted without a visit to the Organization's premises that does not implies a reduction of the total duration of the initial audit.

**5.5.4** Stage 1 audit findings are documented in the audit report and communicated to the Organization. The audit findings identified as area of concern can be classified as nonconformity during the stage 2 audit.

**5.5.5** In determining the time period between stage 1 and stage 2 audits, consideration is given to the needs of the Organization to solve audit findings identified during stage 1, but in no case can exceed one year.

**5.5.6** If significant changes with impact in the management system occur, it may be necessary to repeat the stage 1 audit.

- 5.5.7** The results of stage 1 audit can lead to the postponement or cancellation of stage 2.
- 5.5.8** The purpose of the stage 2 audit is to evaluate the Organization's management system, its effectiveness and conformity with the requirements of the applicable standard.
- 5.5.9** In the stage 2 initial audit, the Organization shall provide evidence of the implementation of all the requirements of the applicable standard, so it shall have, at least, evidences of three months records of the implemented management system, internal audits covering all management system requirements, activities and sites within the scope of the management system and management review.

## **5.6 AUDIT REPORT**

- 5.6.1** The audit report provided by the audit team is APCER's property.
- 5.6.2** The audit findings recorded in the audit report are classified according to 4.3.
- 5.6.3** The audit report is presented at the audit's closing meeting, and sent to the organization in electronic format.
- 5.6.4** Any diverging opinions regarding the audit findings or conclusions that cannot be solved and clarified at the closing meeting are recorded in the audit report.
- 5.6.5** The Audit Report is validated by APCER, and can suffer changes by APCER.
- 5.6.6** The Organization submits to APCER a corrective action plan until 30 days after the conclusion of the audit, identifying for each minor nonconformity and major nonconformity a root cause analyses, correction and corrective action taken or planned to be taken, the deadline and the person responsible for it.
- 5.6.7** If in the audit report is required any additional clarification for an area of concern (AS), the Organization shall also submit a root cause analyses, correction and corrective action taken or planned to be taken, the deadline and the person responsible for it.
- 5.6.8** There is no need for an answer to the audit report when there aren't recorded any NCM, NCM or AS that required additional clarification.
- 5.6.9** The corrective actions for NCM and NCM shall be implemented by the Organization in a period of 6 months, following the last day of the audit. In exceptional cases, the Organization can propose another deadline, justifying its reasons to APCER, who is responsible for analysing and deciding its acceptance.
- 5.6.10** The Organization shall submit to APCER evidences of the implementation of the correction and corrective actions taken for any NCM.
- 5.6.11** For organizations with more than one site, if nonconformities are detected at any individual site, either through the organization's internal auditing or through APCER's audit, investigation shall take place to determine whether the other sites may be affected. The organization shall

determine whether a nonconformity indicates a generic system failure applicable to more than one site and develop and verify corrective actions, both at the central function level and at the affected site level. If the organization determines that the nonconformity does not apply to other locations, it shall be able to demonstrate to APCER the justification for limiting its follow-up corrective action.

## 5.7 CERTIFICATION DECISION

- 5.7.1** The certification decision applies to the following situations: granting, renewal, suspension, restoring, withdrawal of certification and extension or reduction of the certification scope or when a normative update is defined as necessary.
- 5.7.2** APCER assesses the audit report, the corrective action plan and the evidences of the implementation of the corrective actions taken.
- 5.7.3** The certification decision depends on the corrective actions submitted by the Organization being considered appropriate by APCER.
- 5.7.4** The verification of the evidences of the corrective actions implementation relating to NCM can be made by a documental process, which shall be confirmed in a following audit, or at a follow-up audit.
- 5.7.5** In case of not being possible to verify the implementations of the corrections or the corrective actions for any NCM in the period of 6 months since the last day of stage 2 initial audit, a new stage 2 audit will be performed before a recommendation for certification decision can be made.
- 5.7.6** At the time of certification decision, if a site has a minor nonconformity or major nonconformity, to which the corrective action is not accepted, certification is denied to all sites covered by the certification scope until the organization's response is satisfactory.
- 5.7.7** It is not acceptable that, to overcome the obstacle raised by the existence of a minor or major nonconformity in one site, to remove that site from the certification scope. The exclusion of a site from certification shall be requested by the company prior to the audit.
- 5.7.8** It is not possible, in order to overcome the obstacle raised by the existence of a minor or major non-conformity in one site, to remove that site from the scope of certification. The exclusion of a site from the scope of certification may be requested for other reasons, such as closure of the activity or change of premises and must be requested by the organization prior to the audit.
- 5.7.9** The certification decision can be positive or negative.
- 5.7.10** In the event of a negative certification decision, APCER justifies its decision and proposes a follow up audit, to occur within a one-year period.
- 5.7.11** APCER decides if the follow-up audit shall be a full or a partial audit.
- 5.7.12** The certification decision is communicated to the Organization, in writing, within one month period following the reception of all necessary information, except in duly justified cases.

## 5.8 CERTIFICATE AND USE OF CERTIFICATION MARKS

- 5.8.1** After a positive certification decision, APCER issues a Certificate and authorizes the certified Organization to use the certification marks, according to the procedure "Rules for the use of the certification mark".
- 5.8.2** In no circumstances, the certification mark shall be used outside the scope of certification identified in the Certificate.
- 5.8.3** The abusive use of the certification marks or Certificate, by the certified Organization or by thirds, gives APCER the right to exercise proper control of ownership and take proper actions, including legal actions.
- 5.8.4** The reference or statement regarding the certification can never generate misleading understanding, such as the certification applies to activities and places outside the scope for which it is certified.
- 5.8.5** The Organization shall not use the certification in a way which could put into question the reputation of APCER and undermine public confidence in APCER and / or its certification system.
- 5.8.6** The use of the certification trademark and Certificate is verified during the surveillance and recertification audits, and situations of misuse or infringement of the document " Rules for the use of the certification mark"" will result in a nonconformity.
- 5.8.7** APCER, as a partner of IQNet (The International Certification Network), can issue an IQNet certificate. The IQNet certificate is a statement in which APCER and IQNet jointly confirm that the management system of the Organization complies with the defined standard based on the results of APCER's assessment and certification decision. As so, the IQNet certificate is linked to the APCER certificate and is to be issued, updated or cancelled in parallel with it and shall not be used as a stand-alone document.

## 6. SURVEILLANCE AND RECERTIFICATION

### 6.1 GENERAL REQUIREMENTS

- 6.1.1** During the certification cycle, APCER establishes and implements a surveillance annual audit programme (for the 1st and 2nd years) and recertification (for the 3rd year), prior to the expiration of the certificate.
- 6.1.2** The process is equivalent to that described in 5, with the differences identified here.

### 6.2 SURVEILLANCE AUDITS

- 6.2.1** The purpose of the surveillance audit is to confirm the continuing compliance of the certified Organization with the requirements of the applicable standard, and is not necessarily full system audits.

- 6.2.2** Surveillance audits are conducted at least once a year.
- 6.2.3** The date of the first surveillance audit following initial certification shall not be more than 12 months from the last day of the stage 2 audit. APCER may decide for a temporary suspension if this deadline is exceeded.

### **6.3 AUDIT REPORT**

- 6.3.1** The deadline for corrective actions implementation for minor nonconformities or major nonconformities is four months from the last audit day.
- 6.3.2** If APCER decides to conduct a follow-up audit, it will occur immediately after the end of the corrective actions' deadline and does not replace any certification cycle audit.
- 6.3.3** APCER reserves the right to apply sanctions without waiting for the corrective action implementation, whenever the audit report analysis concludes that the conditions to maintain the certified Organization status are not met.
- 6.3.4** APCER can suspend certification when the certified Organization does not answer to the audit report in thirty days nor presents evidence of corrective actions implementation in four months for NCM.
- 6.3.5** The assessment conducted by APCER, besides surveillance and recertification audits, may include other activities, namely:
- Enquiries from the certification body to the certified Organization on aspects of certification,
  - Reviewing any Organization 's statements with respect to its operations (e.g. promotional material, website),
  - Requests to the Organization to provide documents and records (on paper or electronic support), and
  - Other means determined by APCER for monitoring the certified Organization's performance.
- 6.3.6** Following the surveillance and recertification evaluation process APCER communicates in writing the decision to maintain or renew the certification.
- 6.3.7** If the realization of a follow-up audit is decided, it shall take place immediately after the end of the corrective actions' implementation deadline, and it does not replace the audits in certification cycle.
- 6.3.8** For multi-site organizations the certificate is cancelled when it is found that one of the sites within the certification scope does not meet the conditions to maintain certification.

## 6.4 RECERTIFICATION AUDITS

- 6.4.1** The purpose of the recertification audit is to evaluate the continued fulfilment of all of the requirements of the reference standard, confirming the effectiveness of the management system as a whole.
- 6.4.2** The recertification audit is planned and conducted until 120 days before the certificate expires, to ensure that the recertification decision takes place before this date.
- 6.4.3** If, by the expiration date of the certificate, the recertification audit has not been performed due to the certified Organization's responsibility, or it was not possible to verify the implementation of corrections and corrective actions for any major non conformity, the renewal does not occur and the validity of the certificate is not extended, which implies that the organization cannot use the Certificate and Certification Marks granted by APCER or any reference to "Certified Organization".
- 6.4.4** The recertification audit considers the performance of the management system over the period of certification and includes the review of previous surveillance audit reports and possible complaints.
- 6.4.5** In situations where there have been significant changes in the management system, in the Organization, or in the context in which the management system is operating (e.g. changes in legislation), the recertification audit activities may be conducted in two stages, following the methodology defined for initial audits.

## 6.5 REINSTATE CERTIFICATION

- 6.5.1** After the certificate has expired, APCER can reinstate the certification within 6 months, with pending recertification activities, if before the expiry date of the certificate, a new certification contract has been signed and the recertification audit is already planned. Once the conditions for a positive recertification decision are in place, the new certificate will have the issue date of the recertification decision and the expiration date calculated on the basis of the previous certification cycle.
- 6.5.2** If the pending recertification activities are not completed within 6 months after the certificate has expired, at least a 2nd stage initial audit shall be performed.
- 6.5.3** If the recertification audit has not started before the certificate expires, a full initial audit is required, i.e., 1st and 2nd stage initial audit to obtain the certification.

## 6.6 AUDIT REPORT

- 6.6.1** The deadline for implementation of corrective actions to any NCm or NCM is four months after the last audit day. This deadline may be lower in situations where the recertification audit is not

performed within the deadline specified in 6.4.2 and determined by APCER according to the certificate expiration date.

- 6.6.2** If the realization of a follow-up audit is decided, it shall take place immediately after the end of the corrective actions' implementation deadline, and it does not replace the audits in certification cycle.
- 6.6.3** Following the assessment of the certification surveillance, APCER communicates in writing the results of that evaluation.
- 6.6.4** APCER does not assure the issuance of the certificate on the expiration date of the previous certificate, if the Organization has not been available to be audited within the period specified in 6.4.2 and/or in the situations where the Organization response to the Audit Report does not ensure that APCER has thirty days to review (see 5.7) and the response of the Organization is not in accordance with the provisions set in sections above.

## 7. SPECIAL AUDITS

### 7.1 EXTENSION AUDITS OF THE CERTIFICATION SCOPE

- 7.1.1** APCER considers extensions to the certificate all the applications of the certified Organization regarding the enlargement of the certification scope already granted, that is, new activities and/or new sites.
- 7.1.2** The request for an extension of the scope of certification is made through the application form, following the established in 5.2.
- 7.1.3** The application for extension of the scope of certification is managed by APCER according to the described in 5.3, 5.4 and 5.5.
- 7.1.4** The extension audit can be conducted during a surveillance or recertification audit and it may be necessary to adjust the duration of that audit.
- 7.1.5** At the extension audit, the Organization shall demonstrate the implementation of all standard requirements applicable to the activities and sites to be included in the scope as well as the realization of internal audits covering the management system requirements applicable to all new activities or sites within the scope of the management system.

### 7.2 SHORT-NOTICE AUDITS

- 7.2.1** Short-notice audits can be carried out in the following cases:
- Investigation of complaints received by APCER regarding the certified Organization that raise significant doubt about the effectiveness and conformity of the management system to the standard;
  - Changes in the Organization;

- Surveillance of suspended customers.

**7.2.2** The audit team and dates are communicated in writing to the Organization within a maximum period of 10 days to its start.

**7.2.3** The certified Organization has the obligation to pay all costs of the short-notice audits.

## **8. SANCTIONS**

### **8.1 GENERAL REQUIREMENTS**

**8.1.1** The failure of the conditions established in this Regulation, as well as of the terms of the application form, by certified Organizations may be subject to sanctions, for which APCER shall consider the seriousness of the breach, persistence and repetition of the same.

**8.1.2** Applicable sanctions are temporary suspension, reduction of the scope and withdrawal of the certificate.

**8.1.3** The sanctions imposed are always communicated to the certified Organization in writing by registered letter with acknowledgment.

**8.1.4** The temporary suspension, the scope reduction or the withdrawal of the certificate, does not give the Organization any right to reimbursement of payments made by that date, or to release from payment of services that are still to pay.

**8.1.5** According to IAF MD 17 document, it is an obligation of the Organization to collaborate with APCER in the accreditation process, accepting the accreditation body witness audits. If the Organization does not accept that an APCER audit is witnessed by an accreditation body, this should be duly justified. If the justification given is not accepted, the certificate shall be withdrawn.

### **8.2 TEMPORARY SUSPENSION OF THE CONFORMITY CERTIFICATE**

**8.2.1** The temporary suspension of the certificate applies whenever there is one or more of the following situations:

- Changes in the certified Organization that raise reasonable doubts on the confidence of the management system;
- Persistent or serious failures to fulfil the certification requirements by the management system of the certified Organization, including those concerning its effectiveness;
- Major nonconformities whose corrective actions were not properly implemented within the agreed deadlines;
- Absence of response to the audit report through a corrective actions plan, in the terms established in the present Regulation;

- Not allowed by the certified Organization to perform the audits in the terms established in the present Regulation;
  - Failure to comply with financial obligations towards APCER by the certified Organization;
  - Repeated absence of response to contacts.
- 8.2.2** The temporary suspension of the certification implies the prohibition of the use of the certificate and the certification mark issued by APCER as well as any reference to “Certified Organization”.
- 8.2.3** APCER can lift a suspended certificate if the cause originating the suspension has been removed. The lifting of the suspension of the Certificate involves an audit to evaluate compliance with all the requirements of the reference standard, and does not replace the audits in certification cycle.
- 8.2.4** After the suspension is lifted, the certification cycle is recovered, and the expiring date of the certificate kept.

### **8.3 SCOPE REDUCTION OR WITHDRAWAL OF THE CERTIFICATE**

- 8.3.1** The scope reduction or withdrawal of the conformity certificate generally occurs when the problems that led to the temporary suspension are not resolved in the deadlines established by APCER.
- 8.3.2** When the withdrawal of the certificate occurs, the Organization shall return to APCER the original certificate and any eventual copies authenticated by APCER. The Organization shall also return the IQNet certificate, when applicable, and no copies or reproductions of it can be used. The Organization shall remove from its technical and advertising documentation any reference to the certification or to the marks granted by APCER.
- 8.3.3** When the Organization seriously fails, persistently or repeatedly in meeting certification requirements in parts of the certification scope, APCER reduces the scope of certification of the Organization to exclude non-compliant parties provided that such reduction is in accordance with established requirements.
- 8.3.4** When the Organization fails severely, persistently or repeatedly in meeting the certification requirements in parts of the scope of certification, APCER can reduce the Organization’s certification scope to exclude the parts that do not fulfil the requirements, provided that this reduction is according to the requirements established by the applicable standard.

## **9. VOLUNTARY SUSPENSION OR WITHDRAWAL OF THE COMPLIANCE CERTIFICATE**

- 9.1** The certified Organization may request the temporary suspension or the withdrawal of the certificate.

- 9.2** The suspension or withdrawal requests shall be addressed to APCER by registered letter with acknowledgment of receipt, within a minimum of 60 days, except in force majeure cases, prior to the date of effect of the voluntary suspension or withdrawal.
- 9.3** In any case the suspension or withdrawal requests release the certified Organization from the obligation to proceed with the payments due to APCER and do not give the Organization the right to reimbursement of payments made by that date.
- 9.4** The voluntary suspension period is agreed between APCER and the Organization and determined by the motivations that led to the voluntary suspension, being usually 6 months. For duly justified situations, this period may be increased, but it should not exceed one year.
- 9.5** The revalidation of a suspended certificate implies the performance of an audit to assess the compliance with all the requirements established by the applicable standard, and does not replace the certification cycle audits.
- 9.6** During the voluntary suspension period, the Organization cannot use the certificate and the certification marks, or make any reference to the certification granted by APCER.
- 9.7** In the case of withdrawal of the certificate, the dispositions of 8.3 on the certificate withdrawal apply.

## **10. COMPLAINTS AND APPEALS**

- 10.1** The complaints addressed to APCER can be related to the service provided by APCER or complaints about Organizations certified by APCER.
- 10.2** The complaints and appeals are dealt with in accordance with the procedures established for this purpose and publicly available.
- 10.3** Complaints received by APCER on organizations it has certified under the scope of the respective certificates are communicated to the holders of the certificate and are investigated by APCER with the interested organization or other relevant stakeholders and may lead to additional investigation actions.
- 10.4** The certified organization is committed to timely collaborate with APCER throughout the investigation process on the eventually received complaints about the organization, and any additional actions that APCER deems necessary.
- 10.5** APCER determines, together with the certified organization and the complainant whether and to what extent, the claim and its resolution shall be made public.
- 10.6** APCER considers as an appeal any complaint presented by the Organization concerning the certification decision, which must be submitted within a maximum of 30 days after the communication of the decision.

- 10.7** The appeals are evaluated by the Appeals Committee of APCER, which is composed by members that are independent from the certification process subject of the appeal. There is no appeal from the deliberations of this Committee.
- 10.8** If the decision of the Appeal Board is not favourable to the appellant, the cost of the appeal, any actions and movements, you will be charged to him.

## 11. POSTPONEMENTS

- 11.1** Postponements concerning the audit planning are not allowed, except in exceptional and duly justified cases.
- 11.2** Any postponement request that goes beyond the period between audits defined by APCER, or any unavailability of the Organization for planning and conducting the audit can lead to the decision of suspension of certification, as defined in point 8 of this Regulation.
- 11.3** The cancellation by the Organization of a scheduled audit, with 15 days or less from the planned date is subject to a penalty payment of 50% of the cost of that audit.

## 12. CONFIDENTIALITY

- 12.1** APCER controls access and manages as confidential all information, data and documents of the Organization obtained during the certification process, at all levels of its structure, including audit team composition, commissions and bodies or external people that act in the name of APCER. APCER also manages as confidential the information of the Organization from sources other than itself (e.g., entities presenting complaints, regulatory body).
- 12.2** APCER or its representatives can subscribe and accept additional requirements of confidentiality, on Organization's request. If any additional confidentiality requirements might prevent the execution of conformity assessment or cannot be ensured by APCER, it reserves the right not to provide the service.
- 12.3** There shall be no duty of confidentiality in the following cases:
- When the information received is in the public domain;
  - When the information is not confidential because it was publicly disclosed by the Organization;
  - When it concerns the fulfilment of a legal obligation or binding orders issued by competent authorities, including courts or courts of arbitration.
  - When it concerns the fulfilment of legal obligation or binding orders issued by competent authorities, courts, judicial or arbitral, or administrative bodies or services.
- 12.4** APCER undertakes to inform in advance the Organization of the information to be made available to the public domain, in addition to that transmitted in this Regulation and in the applicable Special Requirements. When the disclosure of confidential information by APCER is required by law or

authorized by contractual arrangements, the client organization or person concerned will be notified of the information provided, unless prohibited by law.

- 12.5** APCER reserves the right to provide confidential information to representatives and auditors of the accreditation bodies and IQNET, in order to provide documented evidence of compliance with the applicable standards and / or procedures of the certification activity and IQNET recognition.
- 12.6** The information contained in the audit processes can be analysed for the purposes of research, statistical treatment, improvement programs or others. Confidentiality and privacy of the information is guaranteed in its treatment and in the eventual publication of results.

### **13. PROTECTION OF PERSONAL DATA**

- 13.1** In the context of the service provision by APCER and due to the various interactions implied, its records include personal data related to the Organization.
- 13.2** Beyond those situations in which data processing result from compliance with legal requirements, APCER treats personal data relating to the Organization and its representatives only within the scope of service provision, including compliance with the obligations arising from APCER's accreditation, and, incidentally, when consented, for marketing purposes.
- 13.3** APCER will keep the personal data related to the Organization for the period necessary for the provision of services, respective invoicing and compliance with legal obligations.
- 13.4** At any time, the holders of personal data related to the Organization have the right to access their personal data, as well as, within the limits of the GDPR, to withdraw their consent and exercise other rights provided for by the law, except for data that are of mandatory because they are indispensable for the provision of services by APCER or for the fulfillment of legal obligations.
- 13.5** The Organization will be notified, under the terms of the GDPR, if there is a violation of personal data related to it and may complain to the competent authorities.
- 13.6** APCER guarantees:
- that the processing of personal data relating to the Organization is lawful, accessible and limited to the authorized purposes;
  - that it adopts the measures that it deems appropriate to ensure the security, correctness, integrity and confidentiality of the personal data related to the Organization, as well as all other rights that the respective holders enjoy.

### **14. INFORMATION**

- 14.1** APCER makes available through its newsletter or on its website ([www.apcergroup.com](http://www.apcergroup.com)) information on:
- impartiality Policy;

- general regulation of certification that establishes the rules of the certification process, including:
  - audit processes;
  - procedures for granting, refusing, maintenance, renewal, suspension, suspension lift, restore or withdrawal of certification or extension or reduction of the certification scope;
  - the types of management systems and certification schemes provided by APCER;
  - the rules for the use of APCER name and APCER certification mark;
  - processes for managing requests for information, complaints and appeals.

**14.2** APCER can make available, upon request, updated information on:

- the geographical areas in which it operates;
- the state of a particular certification;
- the name, relevant normative document, scope and geographical location (city and country) of a specific client that is certified.

## **15. NOTICE OF CHANGES BY THE ORGANIZATION**

**15.1** The certified Organization shall maintain an effectively implemented management system during the certificate's validity.

**15.2** The certified Organization agrees to inform APCER without delay, of any major changes to the organizational structure and its management system, such as:

- The legal, commercial, organizational status or ownership, including changes in legal designation;
- Organization and management (e.g. key managerial, decision-making or technical staff);
- Scope of the certified management system;
- Major changes to the management system and processes;
- Changes in the number of employees under the certified management system;
- Changes of people designated for or the way to contact with APCER;
- Changes in address of the head office or other permanent sites possibly within the scope of the management system;
- Significant changes in legislation;

**15.3** When appropriate, these changes can imply conducting a special audit.

**15.4** Special audits may be performed in two stages, following the methodology defined for initial audits.

## 16. FINANCIAL OBLIGATIONS

- 16.1** The certification process involves the payment of the costs associated with the different assessment activities (application review, preliminary visit if applicable, and audit), which are invoiced when the services are provided, and are an obligation of the Organization, regardless of the results.
- 16.2** APCER reserves the right to not issue a certificate until the settlement of invoices concerning the assessment process.
- 16.3** APCER may, in any phase of the certification process, demand advance payments of the certification activities to be conducted.
- 16.4** APCER reserves the right, in any phase of the certification process, to cancel the process and suspend or withdraw the certificate, when the financial obligations of the Organization to APCER are not settled in time, without prejudice to the use of the legal means at APCER disposal.

## 17. CERTIFICATE RECOGNITION AND TRANSFER

- 17.1** APCER grants certificates supported in certificates issued by other accredited certification bodies, with which has established co-certification agreements, namely within the IQNet scope, and gives the possibility to the Organizations certified by APCER of having certificates issued by other certification bodies.
- 17.2** APCER accepts the transfer of certificates from other accredited certification bodies within the rules internationally defined for this purpose. In those cases, APCER obtains and retains sufficient evidence, such as the report and the corrective actions for non-conformities. The documentation obtained should justify compliance with ISO/IEC 17021 requirements.

## 18. RESPONSIBILITY

- 18.1** The certified organization is responsible for consistently achieving the expected results of the implementation of the management system standards, as well as compliance with the certification requirements.
- 18.2** APCER is responsible for assessing sufficient objective evidence on which it bases the certification decision. Based on the findings of the audit and the existence of sufficient evidence of compliance, a decision to grant or in its absence refuse certification is made.
- Note: All audits are based on a sampling process of the organization's management system, as such it does not guarantee a 100% compliance with the requirements.
- 18.3** APCER is not responsible before third parties for any personal or material damage, capital or non-capital, resulting directly or indirectly from the activities of the certified Organization.

- 18.4** The certificate is issued according to methodologies internationally recognized and proves that the certified Organization has implemented a management system that has been found, based on the audit sampling and any subsequent information, to be in compliance with the established requirements in the applicable standard and that is capable of maintaining its performance. APCER is not responsible, in any case, for any actions or eventual mistakes of the certified Organization.
- 18.5** Certification by APCER does not absolve in any case the Organization of the detention of warranties and liabilities relating thereto as the current legislation obliges, whatever management system is certified. APCER is not responsible, in any case, for any noncompliance by the certified Organization of current legislation or noncompliance derived from the Organization's activity.
- 18.6** APCER is not responsible in the case a third party does not recognize or recognizes partly the certificate issued by APCER.
- 18.7** As a result of default or defective compliance of the contract that is celebrated with the Organization, it shall not be required from APCER a compensation superior to the costs of the respective services, except in situations of deceit or serious fault.
- 18.8** Except as established in the law as mandatory, APCER is not responsible for acts committed by the people used to fulfil the obligations under this contract, except in situations of deceit or serious fault.