



MPS-ECAS Certification regulations

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0 DEFINITIONS

0.1 Audit

An audit is a targeted and independent examination. During this examination is established whether the subject of the certification (scope) meets the requirements of the certification scheme concerned. With regard to a quality system, this also includes ascertainment that is done what has been said (described) that is being done. Please note: the examination is aimed at obtaining factual information indicating that the process works as is said that it works. It is not meant to detect aberrations or imperfections. Another important feature of an audit is, that it is a random check. This random check is the basis for granting a certificate. We distinguish documentation audits, implementation audits and periodical audits.

Documentation audit

On the basis of the quality manual and sub lying procedures will be assessed if the quality system as described meets the standard. In addition to this, a number of registrations will be checked and a consultation with the auditee will take place. A description of this can be found further down this document.

A documentation audit is also called a Phase 1 audit.

Implementation audit

Based on interviews, visit(s) to the company and company data will be assessed if the quality system is implemented well and functions.

An implementation audit is also called a Phase 2 audit.

Periodical audit

This concerns a check in order to determine whether or not a certified company continues to meet the requirements of the standard and takes the fitting measures where necessary.

0.2 Auditor

The specifically trained performer of the audit. Another important aspect of an auditor is, that he/she is bound to full confidentiality. When there is more than one auditor one speaks of an audit team, of which only one person has the lead and is charged with the correct performance of the audit. This person, indicated as lead auditor, will make himself known as such.

0.3 MPS-ECAS

The legal form of ECAS is a "besloten vennootschap" (B.V.) (Company with limited liability). For communication purposes it was decided to use the trade name MPS-ECAS Certification, also abridged to MPS-ECAS. Both trade names are registered with the "Kamer van Koophandel" (Chamber of Commerce). MPS-ECAS Certification has its offices in Honselersdijk, municipality of Westland, an is registered with the Kamer van Koophandel under number 28073898.

0.4 Standard

The standard, the certification scheme or the total of requirements that the quality system, the product or the process is to meet. This will be agreed upon before the audit takes place. In case of quality systems, this will mostly be ISO 9001, ISO 22000, or Groenkeur BRL. In case of product certification this could for instance be certification schemes such as RHP, BRC, MPS- schemes, GLK (Green label glasshouses), Hygiene Code, Planet Proof, GLOBALG.A.P., etc. If an auditor finds a shortcoming, this should always be based on the standard. This way, the company will also have

the possibility to check the findings of the auditor.

0.5 Report (audit report)

This is the final report concerning the results of an audit, in which the shortcomings are included as well. To this report the (lead) auditor will attach a recommendation. Please note: the auditor or audit team only does the reporting and does not take any decision. The report is the basis for the decision by the reviewer/decision maker regarding granting or continuing the certificate.

0.6 RvA (Raad voor Accreditatie; Dutch Accreditation Council)

The national organization appointed by the authorities of The Netherlands assessing the soundness of the assessment systems of conformity assessment bodies, such as laboratories, inspection bodies and certification bodies.

0.7 Scope

The field of application or the subject of certification. The scope of MPS-ECAS (see clauses 1.2 and 2.3) concerns the certification schemes and the specified activities and/or products included in these, regarding which MPS-ECAS performs certification activities. The scope is published on www.ecas.nl. Part of the activities is performed subject to accreditation by the RvA. The scope of the recognition by the RvA can also be viewed at www.ecas.nl. Concerning the certificate holder (see clauses 5.2.8 and 8.2.10), the scope is the subject of the certification as laid down in the certificate. This could concern the quality system, products, processes, locations, etc.

0.8 Nonconformity

The word says it all. An activity or an occurrence has been established, objectively demonstrable, that does not meet the standard or the own written quality system. All shortcomings must have been dealt with in accordance with these certification regulations and the certification scheme in order to be allowed to keep the certificate, or before MPS-ECAS can grant the certificate. MPS-ECAS distinguishes two types of shortcomings that differ from each other in seriousness.

Major nonconformity (major)

The most serious is a shortcoming that generally needs to be remedied quickly. This is the case

- when part of a standard is not covered at all;
- when part of a standard has not been implemented at all;
- when shortcomings are found that directly or indirectly put (e.g.) food safety or quality of the product at risk;
- when shortcomings are found that put the continuity of the (quality-) system at risk.

Minor Nonconformity (minor)

This is the case

- when part of a standard has not been filled out;
- when the applicant or certificate holder deviates from his own procedure and/or instructions;
- when shortcomings are found that could possibly put (e.g.) food safety or quality of the product at risk, without the occurrence of critical situations.
- when shortcomings are found that could possibly put the continuity of the (quality-) system at risk.

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- 0.9** Complaint
an expression of dissatisfaction with the performance of MPS-ECAS
- 0.10** Objection
An expression of protest against a decision
- 0.11** Difference in interpretation
Difference in interpretation of a piece of text

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1 GENERAL

- 1.1** The system used by MPS-ECAS for quality system, product certification and inspection certification is based on the accreditation criteria that apply to comparable certification processes and are laid down in these MPS-ECAS Certification Regulations (further Regulations).
- 1.2** The MPS certification system and the execution of certification procedures based on this system are subject to the requirements of the certification schemes and accompanying modules concerned and periodical assessment by the RvA. Within this scope upon request by the RvA or another assessment body that derives its authority from a specific certification scheme, MPS-ECAS will give them elucidation regarding all aspects of the certification process as executed by MPS-ECAS. This does not only encompass the documents used in the process and that constitute the basis of the certification decisions by MPS-ECAS MPS- ECAS, but also includes the actual performance of the process, including announced and unannounced company visits during which the applicant or certificate holder is obliged to grant (the representative of) the RvA, assessment body or scheme owner access to all locations, facilities and documents.
- 1.3** MPS-ECAS provides certification services to applicants whose activities are within the scope of MPS-ECAS, unless the application concerns a repeated application as in clause 2.4, and grants a certificate if and for as long as the criteria of the certification scheme concerned are met, which will be checked periodically by MPS-ECAS.
- 1.4** The provision of services by MPS-ECAS and the conditions pertaining thereto are laid down in these Regulations, in an agreement with the applicant, in the additional conditions signed off in the context of an audit, in the General Terms and Conditions of MPS-ECAS and in the Certification Scheme for which the applicant has opted, as well as in the regulations referred to in these documents.
- 1.5** Should there be any conflicting stipulations in the documents pertaining to the provision of the services, then the regulations as laid down in the Certification Scheme have preference over all other regulations. Next in rank are the stipulations as laid down in the agreement pertaining to the certification (procedure) and after that the present Regulations, whereas the General Terms and Conditions are of the lowest rank.

2 APPLICATION PHASE

- 2.1** All information needed by a potential applicant in order to hand in an application regarding certification can be downloaded from the website of MPS-ECAS, but will be sent to the potential applicant by regular mail or by e-mail, should he so desire.
- 2.2** An application regarding the provision of a certification by MPS-ECAS is done by sending in an application form that has been filled in completely and truthfully, that has been signed by a legal representative of the applicant and that is accompanied by all of the documents as determined in the application form. Application forms can be downloaded from the website of MPS-ECAS.

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- 2.3** MPS-ECAS has the right not to process an application, e.g. if the activities of the applicant are not within the scope of MPS-ECAS. MPS-ECAS will inform the applicant of its decision in writing, in which the reasons for the decision are given.
- 2.4** MPS-ECAS has the right not to process an application, if within a term of two years preceding the application, an application has been rejected by MPS-ECAS or by another certification institution, unless the applicant has shown that regarding the subjects that have led to the termination or rejection of the former application, measures leading to improvement have been taken.
- 2.5** Unless requested to do so by the applicant or in case MPS-ECAS has a legal obligation to do so, MPS-ECAS is not allowed to disclose to third parties any information about a first application, the phase the certification process is in, and the handling of the process until the moment the certificate has been granted.
- 2.6** An applicant is not allowed to associate the name MPS-ECAS, the certificate that was applied for, or the marking with its quality system, product, process or service as long as a positive decision has not been taken with respect to the application and as long as the applicant has not concluded a certification agreement with MPS-ECAS, unless this is explicitly specified otherwise in the certification scheme concerned.

3 PREPARATION PHASE

- 3.1** On the basis of the information supplied in the application form and, in case MPS-ECAS is of the opinion that more information is needed, the results of a review of the information with the applicant, MPS-ECAS shall draw up a quotation in which the subject of the certification and the plan concerning the provision of the services are laid down as detailed as possible.
- 3.2** In preparation of the audit, the applicant will provide MPS-ECAS free of charge all of the documentation that MPS-ECAS indicates to the applicant to be relevant to the audit, such as the quality manual. This may be done electronically.
- 3.3** Even when the certification scheme that the applicant seeks certification for does not contain the condition for the certificate holder to maintain a system for handling and registering complaints, the certificate holder will still have to maintain such a system. In this system the correctional measures pertaining to complaints and the fulfilment of the certification scheme by the applicant are to be recorded as well. The appraisal of the thoroughness of both the system of handling of the complaints and the registration thereof is in the discretion of MPS-ECAS.
- 3.4** An announced audit is scheduled in consultation with the applicant.
An unannounced audit is scheduled by MPS-ECAS in conformance with scheme owner requirements for unannounced audits.

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4 AUDITING and ASSESSMENT PHASE

- 4.1** After the quotation as mentioned in clause 3.1, signed by a legal representative of the applicant, has been received by MPS-ECAS this will be considered to be the agreement to perform the audit. At that moment the auditing phase starts.
- 4.2** This phase consists of an audit during which, depending on the certificate that was applied for:
- the quality system of the applicant will be assessed and/or
 - product samples at/with the applicants are tested and/or
 - product samples from the market are tested,
- and a report will be drawn up in which will be recorded whether the product, the process or the service complies with the relevant certification scheme.
- The audit of a quality system again consists of two phases:
- 1) assessment of the documentation that was sent in by the applicant (documentation audit) and
 - 2) assessment of the implementation (implementation audit).
- 4.3** If a scheduled audit is rescheduled on request of the applicant within 15 days before the audit was to take place, the applicant forfeits 75% of the normal audit costs to MS-ECAS. Only in the event of demonstrable force majeure or an emergency will the percentage of the charge be deviated from. If an audit is cancelled on request of the applicant on the day on which the audit was to take place, the applicant forfeits 100% of the normal audit costs to MPS-ECAS.
- 4.4** The findings of each part of the audit will be discussed afterwards with the parties concerned and laid down in writing. When the applicable certification scheme requires the taking of samples and examination, this will be a part of the examination. (Samples of) the products that are to be assessed will be supplied by the applicant to MPS-ECAS without compensation.
- 4.5** If there is cause for interim reports MPS-ECAS will report to the applicant in the course of the audit. If an interim report leads to the conclusion that a positive final result of the audit is not reasonably to be expected, the handling of the application may be terminated after mutual consultation.
- 4.6** In case the handling of an application threatens to exceed the budget or time schedule, MPS-ECAS will consult the applicant to discuss the matter in due time.
- 4.7** An applicant may at any time during the audit withdraw his application, without prejudice to the obligation of payment of any costs already made by MPS-ECAS in relation to the application.
- 4.8** Within one month after the conclusion of the audit, MPS-ECAS reports the results of the audit to the applicant in writing. Subject to the requirements of the certification standard, the reports for applicants in the Netherlands and Flanders are drawn up in Dutch, reports for applicants from elsewhere in English or, on request, in German. Reports remain the property of MPS-ECAS.
- 4.9** If the result of the audit is found to be positive, the applicant will qualify for the certificate. MPS-ECAS will inform the applicant of the positive certification decision in writing, within one month from the date on which the examination was completed. From that point onwards, the signed quotation is regarded as the certification agreement between the parties. This

certification agreement is valid for an indefinite period and can be terminated subject to the provisions set out in clause 7.1.

- 4.10** If in assessing the results of the audit any shortcomings are observed, which in the applicant's and MPS-ECAS' opinion can be remedied within six months (see clause 5.2.5. as well), the decision may be postponed for no longer than six months from the day on which the shortcoming was found. In case the applicable certification scheme prescribes a shorter term, the shorter term is to be observed.
- 4.11** If the result of the audit is negative, MPS-ECAS will take a negative certification decision and indicate the reasons for its decision to the applicant in writing.
- 4.12** If MPS-ECAS cannot offer a certification agreement and a certificate because of circumstances that regard the applicant, other than the result of the audit, MPS-ECAS will take a negative certification decision and indicate the reasons for its decision to the applicant in writing.

5 CERTIFICATION PHASE

5.1 Certificate and certification agreement

- 5.1.0** Per certification path that is judged positive by MPS-ECAS, the applicant will be entitled to just one hard copy of a certificate. In case more hard copies are wished for, MPS-ECAS will charge the supplement hard copies separately.
- 5.1.1** The certification may not be used in a way that brings the certification body and/or the certification system into disrepute, leading to loss of market confidence.
- 5.1.2** The validity of a certificate is determined in each specific certification scheme. In the event that there is no clarity in the certification scheme, the validity is 3 years for system certification and 1 year for inspection certification and product certification.
- 5.1.3** During the term of the certificate the certificate holder is obliged to keep meeting the requirements of the standard that is mentioned on the certificate or of the certification scheme as well as the requirements as laid down in the quotation/certification agreement and the associated regulations and to adhere strictly to the procedures and regulations as included in his quality manual.
- 5.1.4** In the event of changes to the certification scheme, the certificate holder will be informed in writing, indicating the term in which the certificate holder must have implemented the changes.
- 5.1.5** The certificate holder has the obligation to allow MPS-ECAS to check whether or not the certificate holder sticks to the obligation of clause 5.1.2.
- 5.1.6** In addition to the loss of validity on account of premature termination of the certification agreement referred to in clause 7, the certificate can also temporarily lose its validity before the periods of notice have lapsed. This will happen in the event of suspension or if changes are made to the certified quality system, the production process and/or the standards laid

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down in the different certification schemes.

5.1.7 When the period of validity expires, a reassessment is necessary for renewal of the certificate. The reassessment must be completed before the certificate expires, otherwise the certification periods will not be contiguous and the certificate cannot be used in the interim. Extra costs linked to these activities will be charged to the certificate holder. In the event of changes as referred to in clause 5.1.5, (re)assessment will take place during the following inspection audit.

5.2 Audits

5.2.1 When the certificate holder holds a valid certificate, MPS-ECAS regularly conducts periodical inspections (audits) in order to assess whether or not the certificate holder meets his obligations. Representatives of the RvA, assessment bodies or the owner of a certification scheme can do the same. These audits can also take place unannounced. The audit plan and the frequency of the audits will be determined on the basis of the audit scheme of the certification scheme concerned. Herewith seasonal activities of the certificate holder will be taken into consideration. In the event that a certification scheme does not mention an audit plan, the frequency is determined by MPS-ECAS in consultation with the Council of Experts.

5.2.2 The auditors that MPS-ECAS deploys, (the representatives of) the Dutch Accreditation Council, assessment bodies or the owner of a certification scheme need to get all necessary co-operation from the certificate holder in order to be able to properly do their job. The auditors take samples where required and perform the inspections. They need to be allowed to freely access all of the locations relevant to the assessment and to freely accost all of the personnel present at these locations. The auditor performing the work must be able to provide proof of identify at the participant's request.

5.2.3 Depending on the relevant certification scheme and as far as applicable on the basis of the certificate, the audits will at least relate to:

- the application of the quality system;
- potential consequences for the quality system of:
 - * changes to the organisation and
 - * changes to the production process
 - * changes to the documented quality system;
- the application of changed standards, procedures and regulations;
- the way in which the certificate is published;
- the periodical assessment by the certificate holder of his own quality system;
- the corrective preventive measures taken after external audits and self assessments by the certificate holder;
- the handling of complaints;
- product assessment;
- sample taking and testing;
- the realisation (production);
- the certificate holder's own process, company and production requirements.

5.2.4 The certificate holder cooperates in the audits as deemed necessary by MPS-ECAS, (the representative of) the RvA, assessment body or scheme owner.

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- 5.2.5** If non conformities have been established, the certificate holder will have to inform MPS-ECAS what corrective and preventive measures is taking. MPS-ECAS decides how this information is to be supplied and the term in which it has to have been received. The term does not exceed the term set in the relevant certification scheme or the relevant standard that applies in this case. If in the relevant scheme or standard no term is indicated, the term shall not exceed six months. By way of an assessment of the documentation and possible verification through an extra inspection on location MPS-ECAS will decide whether or not the taken measures suffice.
- 5.2.6** If non conformities are established during the audits, MPS-ECAS will decide on the basis of the severity of the non-conformities whether or not it should take one or more of the following measures:
- a written warning;
 - extra (partial) audit(s);
 - a temporary increase in the frequency at which MPS-ECAS performs its audits;
 - temporary suspension of the right to use the certificate;
 - immediate termination of the certification agreement;
 - publication of the measures referred to under d or e in media which MPS-ECAS finds suitable.
- MPS-ECAS informs the certificate holder of its decision in writing, specifying the reasons for the decision. If any of the above measures involve extra costs for MPS-ECAS, these costs will be charged to the certificate holder.
- 5.2.7** The certification agreement will initially remain in force throughout the period of suspension referred to in article 5.2.6.d, the consequence being, that the certificate holder temporarily cannot exercise the rights connected to the issued certificate. If the certificate holder fails to take adequate corrective measures in the specified suspension period, MPS-ECAS will have the right to terminate the certification agreement with immediate effect.
- 5.2.8** The certificate holder must inform MPS-ECAS timely in writing (for FSSC within three working days) of his intentions to make changes to a part of his company and/or product, and/or process and/or quality system in one way or another associated with the certification scheme and covered in the certification agreement. MPS-ECAS will then determine whether additional research is required and informs the certificate holder of this.

In case of

- an application regarding extension of the scope of his certificate (for instance with a new production facility or a new product, process or service) or reduction of the scope of the certificate (for instance hive off a production location, products processes or services)
- a change to a certified management system such as important events that have an impact on the certified management system, including matters such as a breach of national or international law, legal prosecution and emergencies.
- Among which
 - a) change of the legal entity, the articles of association, the organisational structure or the ownership
 - b) change of organisation and management (for instance regarding the most important staff in managerial positions, decision making functions or on the highest technical level)
 - c) change of contact address and places of business
 - d) change of scope of the certified management system and
 - e) important changes to the management system and processes,

MPS-ECAS will determine which of the audits will have to be carried out, on the basis of the

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type of extension/reduction or change concerned, in accordance with the certification scheme and the relevant accreditation criteria.

5.2.9 In the occasion of a decision by the certificate holder to recall or withdraw products from the market, the certificate holder must act in accordance with the requirements related to the certificates that have been issued to him. MPS-ECAS shall be notified in writing within three working days.

The notification shall include at least the following:

- the justification of the recall or withdrawal;
- Description of the products;
- corrective measures;
- situation on the execution of the recall or withdrawal.

The notification is assessed by MPS-ECAS and MPS-ECAS decides on the follow-up actions and consequences for the certificate.

5.2.10 If additional research is required, in case of a product- or inspection certificate the certificate holder will not in any way suggest that a new or changed product falls within the scope of the certificate until MPS-ECAS has granted permission to do so.

6 SUSPENSION

A certificate may be suspended:

- a) if an audit reveals a non-conformity that does not necessitate the immediate withdrawal of the license;
- b) if a certificate holder fails to remedy incorrect use of the quality marking or certificate by taking suitable corrective measures;
- c) in the event of any other breach of MPS-ECAS' scheme or procedures,
- d) suspended in the event of a breach of national or international law that might bring MPS-ECAS, the certification standard or the standard owner into disrepute. and
- e) in mutual consultation between the applicant and MPS-ECAS.

MPS-ECAS will inform the certificate holder of the suspension in writing, specifying the conditions under which the suspension may be abolished. If the certificate holder fails to comply with these conditions, the license will be withdrawn and the certification agreement terminated.

7 TERMINATION OF THE CERTIFICATION AGREEMENT

7.1 Barring the provisions of clauses 5.2.6, 5.2.7 and 7.2, the certification agreement can only be terminated with a period of notice of at least two full months before the end of the current calendar year. The other party must be informed of the termination of the certification agreement by registered mail, stating the reasons and the date of termination.

7.2 If one of the parties has breached one or more of its obligations under the certification agreement, the other party will have the right to terminate the certification agreement with

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immediate effect, provided that a notice of default had been sent to this party, in which a reasonable term had been granted to remedy the breach and this party has failed to do so.

- 7.3** From the date of termination of the certification agreement or of suspension of the right to use the certificate, the certificate holder must refrain from using the certificate and exercising the rights connected to the certificate as well as refrain from creating the impression that he still has the right to use the certificate and the rights connected to the certificate. A certificate holder who breaches this regulation will have to pay MPS-ECAS a fine payable at call of € 5000 plus a fine of € 500 for every day that said breach continues.
- 7.4** If a certification agreement is terminated for a reason that cannot be attributed to MPS-ECAS as referred to in clauses 5.2.6, 5.2.7 and 7.2, the applicant will be charged administration costs of at least €200 in accordance with the schedule of fees in its most recent version.
- 7.5** Termination will not in any way affect the applicant's financial obligations towards MPS-ECAS

8 OTHER PROVISIONS

8.1 Complaints

Complaints general

- 8.1.1** In all cases, complaints need to be submitted to MPS-ECAS no later than one month from the date at which the (pretended) shortcoming has become known to the complainer. Complaints needs to be submitted in writing via the website or by email, providing all facts that MPS-ECAS deems necessary for appropriate processing of the complaint. At all times, the complaint should contain information regarding the company that the complaint regards and in which period the (pretended) shortcoming would have taken place, substantiated by evidence from which the shortcoming becomes evident. If the complaint does not satisfy these prerequisites, the complaint will not be processed.

Complaints (of third parties) regarding a certificate holder

- 8.1.2** Complaints pertaining to a (pretended) shortcoming that would have taken place in a certification period that has already come to an end and/or which can be assessed only by way of documents and or samples that are subject to a limited preservation period, will not be processed after the said period has come to an end.
- 8.1.3** If MPS-ECAS receives a complaint about a certificate holder relating to his execution of the certification agreement or his adherence to the relevant certification standards, MPS-ECAS will, if it deems such necessary, discuss with the certificate holder the actions to be carried out in order to determine the nature and cause of the brought up facts.
- 8.1.4** If the complaint proves to be justified, this may be reason for MPS-ECAS to again consult with the certificate holder regarding adjustments to the quality system or taking measures as implied in article 5.2.6.

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- 8.1.5** MPS-ECAS will not enter into any consultations regarding the financial consequences of inferior products, processes or services.
- 8.1.6** MPS-ECAS will inform the complainant of the results of the examination.

Complaints regarding MPS-ECAS

- 8.1.7** Complaints/objections regarding performance of MPS-ECAS or decisions taken by MPS-ECAS pertaining to:
- Granting or not granting a declaration of conformity;
 - Withdrawing a declaration of conformity;
 - Failure to reach a clear decision on the matter;
 - As well as complaint resulting from any other decision by MPS-ECAS;
 - The performance of its tasks to assess whether or not an applicant or certificate holder meets the requirements of the relevant scheme or standard.

Complaints can be submitted by the applicant or certificate holder to MPS-ECAS Quality Assurance Specialist. This can be done via the website or by email.

- 8.1.8** The complainant will receive confirmation of receipt of a complaint within 10 working days. The decision of the Management Team will be communicated to the complainant within 6 weeks. Should the certification scheme concerned provide for a shorter time-limit, then this time-limit shall be applied.

Appeal

- 8.1.9** The party concerned can appeal with the "College van Beroep MPS-ECAS (Court of Appeal MPS-ECAS) against the decision of MPS-ECAS as laid down in the clauses 8.1.7 and 8.1.8 or, if the party is not informed of such a decision within the term of 6 weeks. The party concerned should give notice of appeal within 30 days after the date of the communication of the decision of the Management Team of MPS-ECAS or, in case the term of 6 weeks has lapsed without such a decision, within 30 days after the lapse of the term of 6 weeks. The appeal is based on the Articles of Association of MPS-ECAS and the "Reglement College van Beroep MPS-ECAS" (Regulations Court of Appeal MPS-ECAS) which is based on the Articles of Association. Any appeal does not affect any decision or measure by MPS-ECAS, until the Court of Appeal MPS- ECAS has decided otherwise.

Disagreement regarding the interpretation of the requirements of a certification scheme

- 8.1.10** In case of disagreement between MPS-ECAS and the applicant or the certificate holder regarding the interpretation of a requirement laid down in a certification scheme or other standard that is the basis of a certification, MPS-ECAS will contact the scheme owner concerned and ask for a comment on this matter. MPS-ECAS will inform the complainant of the scheme owner's comment. The scheme owner's comment will be communicated by MPS-ECAS to the

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complainant within 3 months.

Liability

- 8.1.11** Liability of MPS-ECAS is limited to direct damages, caused deliberately by MPS-ECAS. Any and all compensation of damages will always be limited to the net amount that MPS-ECAS has invoiced to the applicant or the certificate holder in direct relation to the subject that is complained about during the half year preceding the infliction of the damages.
- 8.1.12** MPS-ECAS is not liable for indirect damages, including but not limited to consequential losses, loss of profit, missed savings and losses because of interruption of work, however caused.
- 8.1.13** MPS-ECAS and the applicant or certificate holder hold each other harmless against all claims by third parties regarding compensation of damages or otherwise, direct or indirect, directly or indirectly related to the performance of the agreement between MPS-ECAS and the applicant or the certificate holder.

8.2 Publicity

- 8.2.1** MPS-ECAS is free to publish information regarding the granting and/or validity of a certificate that has been granted to the certificate holder, as well as the scope and location concerned. Should a certification scheme indicate that additional information may be published, MPS-ECAS will have the right to do so. MPS-ECAS is also entitled to make the content of the certificate holder's audit reports available to the owner of a certification scheme and/or the Dutch Accreditation Council on request. MPS-ECAS will need the permission of the certificate holder in writing in order to publish additional information. Any party interested can apply to MPS-ECAS for a list of the companies certified by MPS-ECAS.
- 8.2.2** During the validity of the certificate the certificate holder may publish the fact that he is allowed to use the certificate, albeit only and unambiguously in direct relation to the scopes and entities as laid down in the certification agreement that was concluded with him and in line with the regulations as laid down in the certification scheme concerned.

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8.2.3 The certificate holder may indicate the fact that his company was certified by MPS-ECAS by publishing the granted certificate and in his publications mention the name of MPS-ECAS, but exclusively and unambiguously in direct relation to the granted certificate. If the certificate holder provides copies of certification documents to third parties, this may only be done in full or as specified in the certification standard. Should the certificate holder wish in publications to link his company with MPS-ECAS, he will need prior approval to that end from MPS-ECAS in writing.

8.3 Use of marking and logo

Marking

8.3.1 If a certification scheme contains the right to use a marking, the marking is to be used in accordance with the marking owners' regulations only.

8.3.2 Any and all use of a marking shall be exclusively and unambiguously in direct relation to the scopes and entities that the certificate was granted for.

8.3.3 A system certificate as ISO 900X, HACCP and the such, does not give the certificate holder the right to apply a marking on products or by means of packaging or any other means give the impression that a product would fall within the scope of a certificate. However, the certificate holder may attach a statement that the product was manufactured in a company whose management system is certified by MPS-ECAS. The statement shall include reference to:

- identification (e.g. brand or name) of the certified client;
- the type of management system (e.g. quality, environment) and the applicable standard;
- the certification body issuing the certificate.

Logo MPS-ECAS

8.3.4 The MPS-ECAS logo that is issued to certificate holders may only be used in the form in which it is provided. Before any modifications can be made prior permission must be granted by MPS-ECAS in writing. The certificate holder may only use the logo while they are certified.

8.3.5 The MPS-ECAS logo is not to be used in a way that can discredit MPS-ECAS and/or the certification system and/or can lead to the loss of confidence in the certification system in the market.

8.3.6 Any and all use of the MPS-ECAS logo shall be exclusively and unambiguously in direct relation to the scopes and entities that the certificate was granted for.

8.3.7 MPS-ECAS will never be responsible or liable for costs that are incurred by the certificate holder regarding the production of manifestations towards third parties, even when MPS-ECAS indicates that, on second thought, these manifestations towards third parties are not to be used by the certificate holder.

8.4 Working conditions

The applicant or the certificate holder must ensure that the working conditions at his company are such as to involve no risk for the safety and health of MPS-ECAS' officers or third parties that are deployed by MPS-ECAS in the execution of their tasks. If necessary, certificate holders must make available safety devices for their use and give the appropriate instructions.

8.5 Confidentiality, recruitment ban and impartiality

- 8.5.1** Taking into consideration clause 8.2.1, MPS-ECAS shall conclude legally binding agreements, in order to safeguard that her officers or officers from third parties that are deployed by her observe full confidentiality with regard to all other information with which they become acquainted as a result of handling applications and execution of the certification agreements, except in case MPS-ECAS is obliged to release this information as a result of the law or a court order, in case the accountant of MPS-ECAS desires access, or the RvA or other assessmentbody desires access within the scope of the accreditation duties of MPS-ECAS. Just like the personnel engaged by MPS-ECAS, the members of assessment teams of the RvA and other assessment bodies will have signed a confidentiality statement.
- 8.5.2** Certificate holders are not allowed, by any name or title, to prevail upon or attempt to prevail upon officers of MPS-ECAS who, on account of their position could have become acquainted with information resulting from executing certification agreements in the sector concerned, to work for them or to act as their advisors.
- 8.5.3** To prevent possible conflicts of interest, MPS-ECAS applies the principle that an auditor who is given an assignment by MPS-ECAS to perform certification activities for her, does not accept this assignment if it concerns an assignment at a company in which he/she has been actively involved at any moment during the last two years in an advisory role regarding the development or implementation of quality systems for the said company or when, for other reasons, independence of the auditor cannot be guaranteed.
- 8.5.4** If external experts are deployed, such experts must sign a statement in which an analogous requirement of confidentiality and regulations to prevent conflicts of interest are incorporated. Upon acceptance of an audit assignment by an auditor it is presumed that the above conditions are met.

9 FINAL PROVISIONS

- 9.1** Changes to these regulations will become effective only after approval by MPS-ECAS's Council of Experts and after MPS-ECAS has announced the changes concerned, specifying the date on which they will take effect. Changes will be communicated through the website and the newsletter.
- 9.2** In cases not covered in these regulations, MPS-ECAS will decide.
- 9.3** These regulations and its changes are effective from the date of release.

MPS-ECAS Certification regulations

Overview of changes in version 013 compared to version 012:

- 5.1.1 Added: the certification may not be used in a way that brings the certification body and/or the certification system into disrepute, leading to loss of market confidence.
- 5.2.8 Added: the certificate holder must notify MPS-ECAS in writing of important events that have an impact on the certified management system, including matters such as a breach of national or international law, legal prosecution and emergencies.
- 6.d Added: a certificate may be suspended in the event of a breach of national or international law that might bring MPS-ECAS, the certification standard or the standard owner into disrepute.
- 8.3.4 Added: the certificate holder may only use the logo while they are certified.

Overview of changes in version 012 compared to version 011:

- 0.4 Added: Planet Proof and GLOBALG.A.P.
Removed: Keurmerk Transport en Logistiek.
- 0.9 Added: definition of a complaint.
- 0.10 Added: definition of an objection.
- 0.11 Added: definition of a difference in interpretation.
- 4.3 Amended: 10 days to 15 days. This will only be deviated from in the event of demonstrable force majeure or an emergency.
- 5.1.0 Added: MPS-ECAS will supply a digital certificate.
Removed: The applicant is entitled to one hard copy of a certificate.
- 5.1.7 Article moved to chapter 8 and renamed 8.1.11.
- 5.2.2 Added: An auditor must be able to identify themselves upon request.
- 8.1.7 Removed: Complaints can only be submitted via the APR form. Added that complaints/objections can be submitted via the website and by email.
- 8.1.10 Added: If there is an difference in interpretation, MPS-ECAS will contact the scheme owner for comment.
- 8.2.1 Amended: Interested parties can request an overview has changed to interested parties can request the status of the certificates.
- 9.1 Amended: Newsletter is replaced by information per email.

Overview of changes in version 011 compared to version 010:

- 4.8 Added that the language of the report is subject to the requirements of the certification standard.
- 5.1.1 Quality removed from quality system certification.
- 8.2.3 Added that if the certificate holder provides copies of certification documents to third parties, this is only allowed in its entirety or as specified in the certification standard.

Overview of changes in version 010 compared to version 009:

- 5.2.8 The certificate holder must inform MPS-ECAS timely in writing (for FSSC within three working days) of:

Summary of changes in version 009 compared to version 008:

- 1.4 Added that conditions are also laid down in additional conditions that are signed off in the context of an audit.
- 4.9 Addition relating to certification agreement for an indefinite period.
- 4.10 Text correction.
- 5.1.5 Amendment relating to termination with reference to clause 7.
- 5.1.6 Change to the reassessment method.
- 7.1 Termination period changed to two full months before the end of the current calendar year.
- 7.4 Change to the conditions under which administration costs are charged in the event of termination of the certification agreement.

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- 8.2.1 Added that MPS-ECAS is entitled to make audit reports available to the owner of the certification scheme and/or the Dutch Accreditation Council.

Overview of changes in version 008 in comparison to version 007:

- 8.1.7 "Decisions of the Managing Director" is replaced by "Decisions of MPS-ECAS". Complaints will no longer be addressed to the Managing Director but to the QA Manager.
- 8.1.8 "Director" is replaced by "Management Team MPS-ECAS". Added: Should the certification scheme concerned demand a shorter time-limit for complaint handling, then this shorter time-limit shall be applied
- 8.1.9 "Director" is replaced by "Management Team MPS-ECAS"
- 8.1.10 "Director" is replaced by "Management Team MPS-ECAS"

Overview of changes in version 007 in comparison to version 6.0:

- 4.8 Added that reports will remain the property of MPS-ECAS
- 8.3.3 Added that statements on system certification may be added to product packages

Overview of changes in version 6.0 in comparison to version 5.2:

- 0.1 Textual changes and alignment of the definitions documentation and implementation audit with international standards, introducing the terms of Phase 1 and Phase 2,
- 0.2 Specification of the role of the audit team leader
- 0.3 Specification of the responsibilities of the different employees involved in the certification decision process.
- 1.2 Addition of the role unannounced audits and role of assessment bodies and scheme owners.
- 3.4 Addition of unannounced audits.
- 5.2.1 Clarification of the role of assessment bodies and scheme owners.
- 5.2.2 Clarification of the role of assessment bodies and scheme owners.
- 5.2.4 Clarification of the role of assessment bodies and scheme owners.
- 5.2.9 Is new. The following numbers of article 4 have been renumbered plus 1.

Overview of changes in version 5.2 in comparison to version 5.1:

- 0 The definitions under point 0.6 now include a description of the RvA
- 1 In article 1 a new clause 1.2 has been inserted, regarding the execution of the required assessment by the RvA and other assessment bodies that derive their assessment authority from a specific certification scheme. Clause 1.2 has been renumbered as 1.3 and a stipulation related to the performance of the task of the RvA or other assessment bodies has been added. The clauses 1.3 and 1.4 have been renumbered as 1.4 en 1.5
- 4.3 is new. The following numbers of article 4 have been renumbered plus 1.
- 5.1.0 is new
- 5.1.1 has been adapted to the actual term of validity of the several kinds of certificates.
- 7 7.3 has been renumbered to 7.5; 7.4 to 7.3 and 7.4 is new.
- 8.1.11 The text has been adjusted to the relevant text in the General Terms and Conditions.
- 8.5.1 The text has been regrouped and a message that the people engaged by the RvA and other assessing bodies will have signed a confidentiality statement has been added.
- 8.5.5 has been expunged.

Overview of changes in version 5.1 in comparison to version 5:

Besides some textual improvements, the following has been changed:

- 0 The definitions of minor en major have been improved
- 8.1.7 Added: complaints may be filed by the applicant or certification holder.

Overview of changes in version 5 in comparison to version 4:

In comparison to version 4, version 5 is a totally reviewed version.

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Overview of changes in version 4 in comparison to version 3:

- 4.1.1 text has been extended and made applicable to product/process certification and inspections
- 7.2.1 removed: New certification agreements will be published in the newsletter and through the website of MPSECAS (www.ecas.nl)

Overview of changes in version 3 in comparison to version 2:

- 6 removed: from the first sentence the word 'product' has been removed.

Overview of changes in version 2 in comparison to version 1:

- 1.2 added: (possibly in the form of a quotation)
- 1.7 complete new
- 2.1 added: ...including any requested enclosures as mentioned on the quotation (Eg ...
- 2.5 last sentence has been added
- 4.1.3 last sentence has been added
- 4.2.7 In the last sentence the possibility of scope reduction has been added as well as: ...the relevant accreditation criteria...
- 7.1.4 completely new
- 7.2.2 completely new
- 7.2.3 completely new
- 7.4.4 completely new
- 8.1 removed: the revision of the regulation every 3 years, changed into ... approval by MPS-ECAS's Council of Experts and after ...changes will...