

## MANAGEMENT SYSTEM CERTIFICATION GENERAL REGULATION (RG\_02 rev.02)

### 1 PURPOSE AND SCOPE

These current General Regulation define the general regulation to be applied for the appointment certification of conformity of management systems. It define the rules applied to the certification and registration of various items such as quality management systems, safety management systems, environmental management systems operated by Organizations for the supply of goods or services. The general term "management system" will be used. These instructions apply to the certification of management systems of production- and services enterprises in accordance with the respective scope of the accreditation of the ESQ Cert.

### 2 ACTIVITIES AREA

**2.1** Through the contract, ESQ CERT is committed to conducting a conformity assessment system according to standard references and, if successful, to issue a certificate of conformity.

**2.2** ESQ CERT have not any obligation to successful of verification of compliance, nor as to the issue of the final certificate. The Organization recognises expressly that the certificate will be issued by ESQ CERT only on fulfillment of all necessary state of law and that any non-issuance of the certificate, or the subsequent suspension and / or withdrawal, as due to the lack requirements with respect to the relevant regulations, does not imply any responsibility for ESQ CERTIFICATION ASSURANCE or failure of the same.

**2.3** It is excluding by the contract any consulting activity in the construction and / or maintenance of the management system of the Organization subject to the certification assessment

**2.4** In order to avoid possible conflicts of interest, the organization undertakes to communicate to ESQ CERTIFICATION ASSURANCE, where applicable, the name of the consultant and the names of individuals who carry out activities directly.

### 3 SUBJECT MATTER OF THE AGREEMENT

**3.1** Only the system assertion specified in the contract document (offer model) is subject to assessment for the purpose of issuing the certificate. The certification of a management system does not extend to goods produced or services provided by the organization and, therefore, cannot be used as an accompaniment to the same nor so as to indicate that they are covered by certification.

### 4 MANDATORY REQUIREMENTS

**4.1** The Organization agrees to maintain conformity to the management system certificate throughout the whole period of validity of the certificate to all the requirements of the binding nature - such as laws, regulations, etc.. type of international, national or local - applicable to its services, products.

**4.2** The certificate only concerns conformity of the management system assertion with the reference standard document and does not therefore require ESQ Certification Assurance to issue a declaration/certificate or verify the Organization's respect of the above requirements. The Organization therefore is solely responsible for its compliance with the law, excluding each or obligation by ESQ Certification Assurance.

**4.3** An Organization having a Management System certificate shall make efforts in order to:

- maintain its Management System conform to the requirements of the standard to which it is certified;

- keep a record of all the complaints with the relevant corrective actions implemented;
- accept to pay the surveillance audits for maintaining the certification during its validity period;
- accept to pay each further audit necessary to maintain the certification following relevant organizational changes happened after the date of certification issuance or after the latest audit performed by ESQ Certification Assurance.

**4.4** The certification is reserved for the Organization and for the operational units quoted in the certificate. The certification is not transferable. Organizational changes, variations in the staff or transfers of the Organization property allow the maintenance of the certification provided that:

- the Client shall inform ESQ Certification Assurance in writing without delay;
- ESQ Certification Assurance has verified that the changes are in conformity with the certified Management System;

An Organization holding a certification is committed in ensuring access to its site to ESQ Certification Assurance auditors, to the Accreditation Body's inspectors accompanying ESQ Certification Assurance or to ESQ Certification Assurance authorized representatives;

**4.5** The iso 45001 certified client shall inform ESQ Certification Assurance, without delay, of the occurrence of a serious incident or breach of regulation necessitating the involvement of the appropriate regulatory authority

### 5 START OF AGREEMENT VALIDITY

**5.1** This agreement is applicable after it is signed by the client and/or after signing of the offer for certification.

### 6 ACCESS TO INFORMATION

**6.1** The organization is committed to providing all the information and support necessary for the conduct of assessments, including the provision of full documentation regarding the system for which certification is required; also organization is committed to allow access to all areas where they are carried out activities relevant to the subject of the certification.

### 7 CHANGE OF CERTIFICATION PROCESS

**7.1** ESQ CERTIFICATION ASSURANCE may modify the certification process, also as a result of changes in the normative reference document or imposed by accreditation bodies. In this case, ESQ CERTIFICATION ASSURANCE must notify in advance the organization which, if not intends to comply with the changes introduced will have the right to renounce the contract within thirty days of that communication.

**7.2** Any costs for activities on site or document assessment arising from changes in legislation or regulations will be charged to the Organization.

### 8 OUTSOURCING

**8.1** ESQ CERTIFICATION ASSURANCE, for the provisions of services, can use internal employees, as external entities acting on its behalf, provided appropriately qualified. These persons are required to comply with all obligations imposed on ESQ CERTIFICATION ASSURANCE, including those relating to confidentiality and independence.

### 9 LIMITS TO RESPONSIBILITY

**9.1** This agreement is an agreement on work, not on the result. ESQ Cert shall be responsible only for the direct losses caused to the organization resulting from material negligence or a serious mistake by ESQ Certification Assurance, its bodies, appointed persons, subordinates, representatives or suppliers. This responsibility will be limited to either 5 times the contractually agreed fee for that activity. All claims to compensation lose their validity six months after the occurred knowledge of the event that the claim is based on.

### 10 CERTIFICATION PROCESS

**10.1** Process starts with Organization application for certification service quotation. ESQ Certification Assurance proceeds with a formal examination of the documentation presented in order to verify the completeness and accuracy of the general information and to prepare a quotation on the basis of the data specified in the application. Organizations wishing their management system to be certificated by ESQ Certification Assurance have to sign the quotation, in order to conclude the contract. When ESQ Certification Assurance declines an application for certification the reasons for declining are documented and the organization will be informed. Before the beginning of the documentation review audit, ESQ Certification Assurance communicates to the Applicant the names of the auditors who will conduct the certification services. The Applicant may refuse the participation of an auditor, providing such refusal is made in writing (including justification). If the Applicant is unable to accept any of the auditors proposed by ESQ Certification Assurance, the certification order is considered to be void. ESQ Certification Assurance will inform the Applicant of this decision in writing. Each auditor may not be assigned to and participate in the certification process if he/she has provided consulting or internal audit services to the Organization concerned within the last 2 years.

### 10.2 Initial Audits (Stage 1 audit)

The Stage 1 audit shall be performed to verify the adequacy of the management system documentation in relation to the certification scope. It also evaluate the Client readiness for Stage 2 audit. Stage 1 audit can be carried out at the Client's premises in order to safeguard the confidentiality of the documents, to facilitate the collection and analysis of the information and to achieve the provided objectives. Stage 1 audit result shall be documented and communicated to the Client including any area of concern that could be classified as non-conformity during the Stage 2 audit. A copy of the Stage 1 audit report shall be sent to the Client. Any action performed by the Client in order to solve these observations, are verified during Stage 2 audit. If there is any observation regarded as significant by Stage 1 audit team, its resolution can be requested before the stage 2 audit takes place.

### 10.3 Initial Audits (Stage 2 audit)

If the Stage 1 audit has given positive results, the Stage 2 audit can be performed. The Stage 2 audit shall take place at the Client's site in order to evaluate the implementation of Management System in conformity with the requirements of the normative document. ESQ Certification Assurance will verify the Client's availability for the audit and communicate the plan of the audit.

At the end of the audit, during the closing meeting and in the presence of the Top Management of the Organization and the team shall report its conclusions regarding the conformity of the Organization's Management System with the reference standard, pointing out the noticed deviations, if any. In the case of ISO45001 audit, at closing meeting shall be the presence of the management legally responsible for occupational health and safety, personnel responsible for monitoring employees' health and the employees' representative(s) with responsibility for occupational health and safety to attend the closing meeting. Justification in case of absence shall be recorded. This is valid also for surveillance audit and renewal

The result of the audit is recorded in a confidential report pointing out the deviations from the requirements of the standard, if any, and the opportunities for improvement. As for the corrective actions decided, the Client shall inform ESQ CERTIFICATION ASSURANCE in writing, within the agreed time, and give documented evidence of the corrective actions implementation. ESQ CERTIFICATION ASSURANCE shall evaluate the corrective actions proposed by the Client; if ESQ CERTIFICATION ASSURANCE does not accept the proposed actions concerning time and modalities for solving the non-conformities found, ESQ CERTIFICATION ASSURANCE shall inform the Client in writing.

In case of major non-conformities, the certification process will be temporarily suspended. A major non conformity is either a failure to fulfil one or more requirements of the management system standard; a situation that raises significant doubts about the ability of the Client's management system to provide product that meets customer and regulatory requirements. In this case, the non-conformity handling and the relevant corrective actions shall be implemented within 90 days from the last day of the Stage 2 audit. ESQ CERTIFICATION ASSURANCE shall perform a supplementary audit to verify the correct implementation of corrective actions.

### 10.4 Surveillance audits

For the maintenance of the validity of the certificate annual surveillance audits shall be performed. New editions or part revisions of the documentation will be examined and assessed at the surveillance audit.

Surveillance audits are on-site audits and scheduled with reference to the date of initial audit on-site. Surveillance audits are conducted at least once a year. Surveillances audits shall be conducted at least once calendar year. The date of finalizing the first surveillance audit following initial certification shall not be more than 12 months from the certification decision date. In case the due date of surveillance audit is exceeded, the certificate is to be suspended unless the client has clear grounds to postpone the surveillance audit. If, during the surveillance audit ESQ Certification Assurance finds out that the management system of the organization does not comply anymore with the requirements of the standard agreed upon (non-conformities are detected), the organization will be given the opportunity to take corrective action. ESQ Certification Assurance will assess and review whether the corrective action initiated is adequate for the maintenance of the validity of the certificate. The result will be announced in the final assessment report. If the surveillance audit cannot be closed in time or if there are non-conformities still open at the final assessment, the certificate shall be suspended.



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**10.5 Renewal Audit**

Renewal audits are scheduled prior to expiration of certification. During a recertification audit, special attention shall be paid to:

- The effectiveness of the management system during the entire past certification cycle, particularly taking into account internal and external changes and their relevance and applicability to the scope of the certification
- Continual improvement together with maintaining efficiency of and improving the management system for enhancement of overall performance
- How the operation of the certified management system contributes to the achievement of the organization's policy and objectives.

**10.6 Issue of Certification**

When certification is granted, ESQ CERTIFICATION ASSURANCE will issue a management system certificate.

The certification is not granted in cases of:

- Major non-conformities;
- non-conformities related to legal requirements

Following the certification issuance, ESQ Certification Assurance will register the Client in the List of certified Organizations and will give this information to the Accreditation Body. The Register contains the name and location of the Client, the certification number, the management system normative reference, the certificate validity. The Register is updated monthly and it is available to anybody upon request.

**11. SUSPENSION OF THE SYSTEM/PRODUCT CERTIFICATE**

**11.1** Apart from the cases expressly referred to in the relative Rules or Guidelines, ESQ Certification Assurance may suspend validity of the certificate whenever it has reason to believe that the system no longer complies with the requirements of the reference standard document, as well as in the following cases:

- a) failure to adapt to the modifications in the rules or standard document communicated by ESQ Certification Assurance
- b) failure to accept periodic or supplementary audits requested by ESQ Certification Assurance
- c) failure to communicate modifications to the organisation
- d) failure to provide information about convictions, legal proceedings, complaints or controversies concerning the legally-binding requirements of the system
- e) failure to pay the fees due to ESQ Certification Assurance within the deadlines indicated in the contract.

**11.2** During the suspension period, the organisation may not use the Certificate or declare itself to be a certified Organisation (or qualify its products as certified) and is to suitably inform all third parties involved that its certification has been suspended.

The organization may appeal against a suspension of certificate according to clause 18. The suspension of the certificate is a temporary measure, which can end only with the reinstatement or the withdrawal of the certificate. ESQ Certification Assurance will cancel the suspension of the certificate, as soon as the violations have been proven to be corrected within the given time. During the suspension of the certificate the organization may not advertise with the certificate (the certification is temporarily invalid).

**12 Reduction of the scope**

The reduction may relate to the scope and / or sites subject to certification. ESQ Certification Assurance provides for the scope reduction of existing certification, if some parts are found no longer meet the requirements, or the organization has failed so persistent or severe to meet the requirements in relation to certain parts of the field application of certification or at the request of the Organization. The reduction of sites or part of the scope is not eligible for the certificates issued in the certification scheme ISO45001. The reduction of sites or part of the scope for the ISO 14001 environmental management systems can be implemented only if in compliance with the rules for accreditation (reported in the official documents of the accreditation). The reduction can also be proposed by the Team Leader Audit during an audit of surveillance / renewal and reported on the audit report. As a result of reduction will be re-issued the Certificate, with the new scope reduced, maintaining the original expiration date, the company shall also promptly conform all the forms of communication and publicity about the certification, the new scope reduced. ESQCERT communicate the measure to reduce the accreditation bodies and / or other third parties who request them, and reserves the right to publish the information on its website.

**13. Extension of the scope of certification**

The scope of certification can be extended at the request of the Organization. In the case in which the organization requires the extension of the scope of the certification to include new business areas or elements of the management system that were not included in the certification, ESQ CERT determines the method and scope of the evaluation. Documentary evidence cannot be used in cases of request for extension of the scope of certification. The extent of an activity associated with a type of work can only be granted following an on-site audit.

**14. WITHDRAWAL OF THE CERTIFICATE**

**14.1** Apart from the cases expressly referred to in the relative Rules or Guidelines, ESQ Certification Assurance may observe of the minimum requirements of the reference standard document. It may also be withdrawn in the following cases:

- a) failure to eliminate the reasons that led to the suspension of the certificate within the deadline communicated by ESQ Certification Assurance.
- b) termination of the activity of the certified Organisation or its suspension for more than 3 months
- c) conviction of the Organisation for matters concerning its failure to respect the legally binding requirements of the certified system.

In the event of withdrawal, the Organisation is required to return the certificate of conformity within 15 days from the withdrawal communication sent by ESQ Certification Assurance. The certificate of conformity will be furthermore deleted from the IAF web site ([www.iafcertsearch.org](http://www.iafcertsearch.org)). Within the sphere of ESQ Certification Assurances commitments, it may communicate suspension, relinquishment or withdrawal of certification to Accreditation Bodies and other third parties making a request in this sense. It may also enter the event in the list of certified companies present on its Internet site

**15 SHORT NOTICE AUDIT**

ESQCERT Ltd may conduct audits of certified clients at short notice or unannounced to investigate complaints, or in response to changes, or as follow up on suspended clients. This audit does not replace or change the process and the frequency of annual surveillance audits.

Given the short notice and the inability of the Organization to reject inspectors from ESQ Certification Assurance, max attention will be paid to the choice of the Audit group

**16 USE OF CERTIFICATION MARK**

**16.1** The use of ESQ Certification Assurance mark by organizations is allowed only with the express written consent of ESQ CERTIFICATION ASSURANCE, which provides a model of the organization brand and its features. Rules for use of certification mark are available on RG-01 "Rules of the ESQ Certification Assurance Certification logo". It is mandatory that all ESQ CERTIFICATION ASSURANCE clients certified:

- a) be conforms to the requirements of RG-01 when making reference to its certification status in communication media such as the internet, brochures or advertising, or other documents,
- b) does not make or permit any misleading statement regarding its certification
- c) does not use or permit the use of a certification document or any part thereof in a misleading manner
- d) upon suspension or withdrawal of its certification, discontinues its use of all advertising matter that contains a reference to certification, as directed by ESQ CERTIFICATION ASSURANCE
- e) amends all advertising matter when the scope of certification has been reduced
- f) does not allow reference to its management system certification to be used in such a way as to imply that ESQ CERTIFICATION ASSURANCE certified product (including service) or process
- g) does not imply that the certification applies to activities that are outside the scope of certification
- h) does not use its certification in such a manner that would bring the certification body and/or certification system into disrepute and lose public trust.

**17. Confidentiality**

**17.1** ESQ Cert undertakes to treat confidentially all information and documentation made available to it by the organization.

Information on special products or individual organizations will only be forwarded to third parties with the written consent of the organization.

The accreditation body is allowed to inspect documents of the organization during accreditation audits. It is mandatory for ESQ Cert to allow the accreditation bodies access to files. In cases, where the law requires the passing on of information to third parties, the organization will be informed of the forwarded information within the scope of law.

Due to accreditation requirements it is mandatory for ESQ Cert to maintain a register of certified customers which is to be made available on request. Hence, the following data are excluded from confidentiality: (1) Name and address of company certified, (2) Normative reference/standard, (3) Scope and (4) • Certificate status (granted, suspended, withdrawn).

**18 Appeals procedure**

**18.1** The organization may appeal against the decision of ESQ Cert by explaining the reasons for its disagreement within 7 days of the date of notification of the decision. The appeal will be sent to the Certification Division of ESQ Cert. ESQ Cert will examine the appeal, according to their internal instructions, within 4 weeks months of its submission and consult the organization's representatives, if necessary; the appeal will be examined by persons different from those who carried out the audits or inspections, and made the certification decision.

ESQ Cert shall provide the appellant with progress reports and outcome.

ESQ Cert shall give formal notice to the appellant of the end of the appeal-handling process. All costs related to the appeal are at the organization's expense, unless there are good ground for the appeal.

**19 Dispute**

The only competent Court for disputes relating to the application or interpretation of these Regulations shall be the Court of Nova Gorica - Slovenija.

Date:

Stamp and Signature  
of the statutory representative

Approved by ESQ Certification Assurance



Annex to the GENERAL REGULATION (in case of multisite certification)

Concluded between  
**ESQ Certification Assurance**  
and the  
**Client**  
Company name of the Client:

List of additional sites of the Client that are included in the GENERAL REGULATION  
.....  
.....

Date:  
Stamp and Signature  
of the statutory representative

Approved by ESQ Certification Assurance

