

# REGULATIONS FOR GRANTING AND MAINTAINING MANAGEMENT SYSTEM CERTIFICATION

## 1. INTRODUCTION

Certiquality Srl (abbreviated: CQY) is a Certification Body that operates according to the general criteria defined by the UNI CEI EN ISO/IEC 17000 Series of Standards and, in particular, by the ISO 17021-1 standard. Also, as an independent Body, it provides requesting Organisations with services for Evaluating and Certifying conformity of their Management Systems to the requirements of the reference Standards.

CQY does not provide any Consultancy Services directly or on an agency basis via sub-contractors, that support Organisations in setting up a Management System or drawing up the relevant documentation.

CQY's legal status is described in the Statutes.

## 2. PURPOSE AND FIELD OF APPLICATION

These Regulations define the relationship between CQY and Organisations wishing to obtain and register Certification of their Management System.

Application of these Rules is supervised by the Committee for Safeguarding Impartiality, in which the parties involved in Certification are represented.

The CERTIQUALITY Certificate is the document that certifies that the applicant Organisation operates a Management System that complies with a reference standard.

The certification audit is not a legal compliance audit.

## 3. DEFINITIONS

The definitions given in the UNI EN ISO and UNI CEI EN ISO/IEC Standards and the following terms used in the text apply.

### 3.1 Organisation

Term used to indicate the Entity that applied for certification.

### 3.2 Operating unit

The Company premises on which the activities to which the Management System subject to Certification applies are carried out.

### 3.3 Site

The entire area in which the activities under the control of an Organisation are carried out, as well as any contiguous or related worksite or warehouse for raw materials, by-products, intermediate products, final products and waste materials, and any infrastructure and any facilities, fixed or otherwise, used in carrying out these activities.

### 3.4 Management system auditing team (GVI)

Personnel appointed by CQY to evaluate the Organisation's Management System.

### 3.5 Management system certification

The term covers separate or integrated management of Systems such as, for example: Quality, Environment, Safety, Food Safety, Energy, EMAS validation.

**3.6 Verification, Evaluation and Audit** are used in the text as synonyms.

**3.7 Remote Audit** (full remote audit): carrying out the audit from a location other than that on which the organisation/site being evaluated is located, using ICT techniques.

**3.8 Blended Audit** (blended audit): combination of on-site and remote audit.

**3.9 Documental Audit** (off site): examination of documents carried out without the physical or virtual presence of the Organisation. This does not preclude the appointed auditor from contacting the Organisation to request any

clarification or additional indications. Documental audits are specifically provided for by the reference schemes or procedures.

**3.10 SUPPLEMENTARY AUDIT:** any audit in addition to the normal certification process (e.g. additional, post-suspension reinstatements)

## 4. GENERAL CONDITIONS

**4.1** Certification is open to all Organisations that apply for the same.

**4.2** In order for the certification process to be activated by CQY, the applicant Organisation must:

- Have a Management System in place that complies with the applicable requirements of the reference norm and any particular requirements laid down.
- Describe this System in appropriate documents.
- Accept the rules set out in these Regulations and the conditions communicated by CQY.

**4.3** Acceptance of the offer, issuing of Certification and maintenance of the same entail payment of the prescribed amounts. Failure to fulfil these obligations by the due date shall entail suspension or revocation of the Certificate in accordance with the provisions of art. 8 and 9.

**4.4** The Organisation undertakes to keep its products and/or services compliant with all applicable legal and mandatory requirements (such as directives, laws, regulations). CQY is responsible for checking, based on sampling, congruent with the audit times, that the Organisation knows and is able to manage all the

mandatory aspects related to the Management System subject to certification.

**4.5** Changes in certification requirements may occur due to:

- Changes in the reference standards by Standards or Accreditation Bodies.
- Amendments to the conditions for issuing Certification by CQY.

CQY will promptly notify certified Organisations and/or those in the process of Certification, defining the date from which the changes will enter into force and will set a reasonable period of time (transition) for Organisations to adapt to the new requirements.

Organisations that do not intend to adapt their Management System to the changes may renounce Certification provided they notify CQY in the manner indicated in art. 10 of these Regulations.

In the case of changes to the reference Standards, CQY reserves the right to check conformity of the Organisation's Management System to the new requirements.

The costs for any audits are borne by the certified Organisation.

**4.6** CQY keeps a list of certified Organisations available on its website: [www.certiquality.it](http://www.certiquality.it). CQY also makes the data public in the event of suspension, revocation and withdrawal of certification where required.

Similar information is transmitted to the Bodies with which CQY has established recognition agreements. The Organisation may also be included in the database of Accreditation Bodies, which in turn may also make the information on their site available to bodies that have signed publication agreements (e.g. Chambers of Commerce).

## 5. PROCEDURE FOR CERTIFICATION OF MANAGEMENT SYSTEMS

Before embarking on the certification process, the Organisation may request a preliminary audit to identify their level of preparedness in relation to the requirements of the reference standard. This audit is documented but is not considered for the purposes of the Certification audit.

### 5.1 Request for Quotation / Application for Certification and Acceptance of Offer

An organisation wishing to be certified must request a quotation by submitting an application accompanied by the required documentation. CQY carries out a formal examination of the documentation submitted in order to check the completeness and adequacy of the general information and prepares and sends the quotation.

By signing and accepting the quotation, the contractual relationship between the parties is finalised. The Organisation also undertakes to respect and accept the provisions of these Regulations and subsequent amendments, which form an integral part of the quotation and of which the Organisation declares that it is familiar with the contents.

Certiquality's Regulations are available on the website [www.certiquality.it](http://www.certiquality.it) in the Regulations section.

For the certification of foreign organisations, all the conditions that regulate the granting of certification to local organisations apply, except for special provisions related to agreements made by CQY in the international field and aspects of local legislation.

In the case of invitations to tender, it is possible that, depending on what is prescribed by the

rules contained in the invitations to tender, a procedure or documentation other than that described in these Regulations may be followed / required.

Certification activities cannot start until the contract has been signed for acceptance by the client.

Certification is only granted and maintained if there is a legally valid certification contract.

### 5.2 Issuing Certification

5.2.1 Following acceptance of the quotation, CQY and the Organisation agree on the period during which the audit is to be carried out. Acceptance of the contract does not directly or indirectly presuppose an obligation to certify.

CQY appoints the Auditing Team and notifies the Organisation of the same. Within 5 days of receiving this notification, if there are justified reasons that do not concern the professionalism of the Auditors, the Organisation may request the replacement of one or more Auditors in writing, stating the reasons.

One member of the Team acts as Auditing Team Coordinator.

In the case of small or medium-sized organisations, the Auditing Team may also consist of a single person.

The audit is normally conducted at the organisation's site(s) and, where necessary, at any worksites at which the activity subject to certification is carried out.

It is also possible, under special conditions, that it may be agreed with the organisation that all or part of the audit may be carried out remotely.

The certification audit is conducted in two stages.

- Stage 1: aimed at assessing the organisation's documentation and readiness for stage 2.

At the end of stage 1, the GVI defines the dates for stage 2.

The Auditing Team starts the audit activities in both stages by holding an opening meeting with the organisation's management in which the audit plan is explained.

No more than one year may elapse between stage 1 and stage 2, otherwise a new stage 1 must be carried out. Different timeframes may be envisaged for specific schemes.

For particularly small companies, stage 1 may not be conducted at the organisation's premises and consists of an off-site evaluation of the organisation's documents and records.

A period of time must elapse between the stage 1 audit and the stage 2 audit that is congruent with overcoming any deficiencies found during stage 1. In the case of Environmental Management System certification for organisations with fewer than 10 employees and "low" or "limited" environmental impact, it is possible to carry out stages 1 and 2 on consecutive days if stage 1 is successful.

At the end of stage 1, the GVI prepares a report and informs the organisation of any shortcomings that could lead to a postponement of stage 2.

- Stage 2: aimed at assessing the implementation and effectiveness of the organisation's management system.

**5.2.2** A condition necessary for performing the audit is that the Management System is fully operational in relation to the requirements of the reference standard and in particular that the organisation has performed a full cycle of internal audits and at least one management review.

The Organisation must ensure that:

- a) All the documents relating to the Management System for which Certification has been requested and all the records relating to the application of the Management System are available to the Auditors.

- b) The Auditors are assisted during the audit

- c) Depending on the needs of the audit, access to the Information System is allowed.

**5.2.3** The purpose of the stage 2 audit is to check compliance with the requirements of the reference standard and of all processes and activities that fall within the scope of certification.

**5.2.4** At the end of the audit, the Auditing Team meets to review the findings, process the data collected, and prepare the report.

At the closing meeting and in the presence of the Organisation's Management, the GVI illustrates the outcome of the audit and any observations concerning compliance of the Management System with the reference standard, specifying any deviations found.

On that occasion the Organisation has the opportunity to discuss with the GVI and clarify its position on what has been communicated.

The report prepared by the Coordinator and delivered to the Organisation contains the results of the audit.

The audit documentation consists of: audit report, standard attachment - when required - and Non-Conformity forms if any.

**5.2.5** If non-conformities are detected, the Organisation shall provide CQY with a programme for implementation of the necessary corrective actions to meet the requirements for issuing of Certification.

In addition, the Organisation will have to demonstrate that the corrective actions have all been implemented and checked by it or that there is a clear and credible commitment by it to achieve full compliance within a defined timeframe. CQY may request documentation to support the management of corrective actions.

When there is no evidence that full compliance has been achieved, or when the time required to implement corrective actions is particularly long (e.g. in the case of waiting for authorisations or structural changes), CQY may proceed with a further supplementary partial or full audit.

In the case of major classified non-conformities, the implementation of Corrective Actions must be completed by the Organisation and verified by Certiquality within 6 months from the last day of Stage 2, otherwise a new Stage 2 must be carried out.

The effectiveness of the corrective action plan put in place by the Organisation will be assessed by CQY at the next audit.

**5.2.6** The documentation relating to the Management System auditing phases is submitted to the Technical Commission for deliberation on issuing the Certification. Following a positive decision, CQY sends the Certificate to the Organisation.

Depending on the outcome of the audit, the Technical Commission may request a supplementary audit, in addition to the annual audit, to check timely handling of the critical issues detected.

**5.2.7** Special procedures for international cooperation with other organisations may be allowed from time to time, provided they are not contrary to these Regulations.

**5.2.8** In the case of multi-site Organisations, the Organisation is required to provide CQY, periodically, and in particular to the auditor before each audit, with a list of operating units (worksites, branches, etc.) in place, specifying the type of activity carried out for each of them. Issuing of Certification by CQY implies a commitment by the Organisation to adopt the Management System in all the operating units in

relation to the type of work for which it is certified.

For the purposes of issuing certification, CQY reserves the right to extend audits to all or part of the Organisation's operating units related to the type of activity to be certified.

**5.2.9** Following issuing of Certification and payment of all amounts due by the Organisation, CQY issues the certificate and publishes it on its website.

The certificates bear four dates: date of first issue, date of deliberation, date of three-year expiry and finally the current issue date, which may coincide with the date of deliberation or be later in the case of reprinting or editorial changes to the certificate that do not involve deliberation.

### **5.3 Monitoring of Certified Organisations**

Decisions are promptly communicated to the Organisation. The month indicated in the communication is the deadline for carrying out the monitoring audit and must be respected by certified Organisations. Monitoring audits take place annually unless specifically stated otherwise in the reference standard. In particular, the first monitoring of the first three-year certification period must be carried out strictly within one year from the date of the certification decision. No postponements can be granted for the first monitoring audit. Subsequent audits are carried out within 12 months of the previous one.

In exceptional cases, in order to meet certain justified company requirements (to coincide the maintenance audit with other Certification extension and/or renewal audits, or with audits relating to the same Group, for proven organisational or logistical reasons, etc.), it is possible to postpone the date of the audit up to

a maximum of 4 months provided that it is within the reference calendar year (unless otherwise prescribed for specific schemes) by sending a written and justified request to CQY, which reserves the right to assess the acceptability of the request.

The postponement months granted will then be made up at the next audit so as not to reduce the planned audit frequency.

Over the three-year period, only one opportunity to request an audit postponement is allowed.

In the event of non-compliance with these requirements, CQY will initiate the process of suspension and possible subsequent revocation of certification.

In the event of irregularities on the part of the Organisation in the payments due to CQY (i.e., by way of example: delays, partial payments, non-payments) as a result of the activities carried out under these Regulations, CQY reserves the right to suspend any activity for which it is responsible, it being understood that the said activities will only be resumed following the settlement of any amount due by the Organisation.

CQY implements an audit of the certified Management System in order to check continued compliance with the requirements.

The Coordinator contacts the Organisation to define the date and plan for the audit.

Maintenance audits are carried out in one step. During maintenance audits, Auditors must be able to check that the conditions that determined granting of Certification have not changed, and in particular that the conditions affecting the Management System's ability to achieve its objectives, operating in accordance with the reference standard, have not changed.

#### **5.4 Extraordinary Audits**

Unscheduled extraordinary audits may be done, with at least two working days' notice and also without notice, when CQY deems it appropriate. For example: to check correct handling of complaints received by CQY; to check the impact of organisational changes; due to requests from control bodies (in this case the bodies themselves may be present at the audit); following reports of incidents or serious measures against the Organisation.

In such cases, the Organisation may not request the replacement of the appointed Auditors.

In both the case of refusal to accept the Auditors, and in the case of finding "non-compliance", the cost of the unscheduled audit is charged to the Organisation.

Nothing is charged in the event that the unscheduled audit does not reveal any 'non-conformities'.

#### **5.5 EMAS Validation**

To obtain EMAS Validation, the organisation must also implement an environmental management system certified in terms of ISO 14001.

## **6. VALIDITY OF MANAGEMENT SYSTEM CERTIFICATION**

### **6.1 Renewal**

Certification is subject to periodic monitoring at least once a year and to a complete review of the Management System every three years. The certificate issued bears the three-year expiry date.

Every 3 years, CQY carries out a renewal audit consisting of:

- A review of the documentation.
- An in-depth audit during which compliance with all points of the reference standard and all processes and activities falling within the scope

of the certification are assessed in order to enable it to be maintained.

- An overall assessment of the performance of the management system over the three-year period. Renewal audits are normally carried out in one stage, in the event of significant changes to the organisation or its management system CQY reserves the right to carry out the renewal in two stages.

The renewal audit must be carried out at least three months prior to the expiry date stated on the certificate so that the renewal process (corrective actions and deliberation by the Technical Committee) can be completed by the expiry date of the certificate.

After expiry, the certificate is no longer valid.

Certification may also be re-instated after expiry and in any case not later than 6 months, in accordance with the applicable accreditation provisions and provided there is evidence that renewal activities started before expiry of the certificate. In these exceptional cases, the certificate must give evidence of the period during which it was invalid.

At the time of the renewal audit, the GVI is usually changed to ensure greater independence and effectiveness of the audit activity.

Maintenance of Certification is also subject to application of the provisions laid down in art 12 of these Regulations

## 6.2 Transfer

In the case of a request to transfer the Management System Certification by an Organisation that has a valid certificate issued by another IAF (International Accreditation Forum) accredited Certification Body, the procedure is as follows:

- Acceptance of a transfer quotation.

- Pre-transfer review in which the following are checked: the reasons for the request for transfer, the Audit reports issued by the previous Certification Body in the last three years to check the level of reliability of the system implemented, complaints, the Organisation's situation in relation to aspects of legislative compliance (authorisations, possible litigation, etc.), the documentation of the management system, confirmation of the scope of certification, the validity and status of the previous certificate.

- On completion of the pre-transfer review the documentation is submitted to the Technical Committee. Following the positive outcome of the deliberations, the date of issue the Certificate bears is to be the same as the date of first issue indicated by the previous Certification Body.

The three-year schedule may be revised or may follow that of the previous Certification Body.

The certificate must be transferred before it expires.

It is only possible to transfer certificates issued by Certification Bodies whose accreditation status is not suspended, revoked or expired. In such cases, additional requirements of the Accreditation Bodies, such as conducting an audit of a predetermined minimum duration, may apply.

If the request comes from an Organisation with certification issued by a Certification Body that is not accredited (in general or in the product sector of the certificate in question) in the IAF (International Accreditation Forum), a re-certification audit is conducted.

## 7. RIGHTS AND OBLIGATIONS OF THE ORGANISATION HOLDING CERTIFICATION

7.1 After obtaining Certification, the Organisation may publicise it in the manner it

considers most appropriate, provided that correct reference is always made to the object and limits of the certification obtained in accordance with REG 02 "Rules for the use of certificates and marks".

Having ascertained misuse of the certification, CQY will take appropriate measures to prevent its continuation and to safeguard its interests.

**7.2** Certification is granted to the Organisation against the Standard and limited to the certified activities and operational units mentioned in the Certificate and is not transferable to other units.

An Organisation that wants to extend the scope of application must submit a request to CQY, which will open an appropriate extension procedure.

Data record updates, organisational changes, changes in ownership, changes in the corporate structure or slight changes in the description and editorial aspects of the subject of the certification must be communicated to CQY, and may allow the certification to be maintained, with possible new issuing of the Certificate. Depending on the extent of the changes, CQY reserves the right to request additional documentation or to carry out audits on the Client's premises in order to ensure that the changes do not alter compliance.

**7.3** The Organisation that holds Certification undertakes to:

- Maintain its structure in conformity with the requirements of the reference standard.
- Accept, at its own expense, any audits that may be necessary to maintain validity of the Certification issued.
- Not use their certification in any way that could damage the reputation of CQY and/or the certification system and undermine public confidence.

- Allow access to its premises and its information system to the CQY Auditors, any Observers or Experts and the Auditors of the Accreditation Bodies and assist them during the audits. In case of refusal by the Organisation to receive Accredia Observers or Control and Accreditation Bodies' Observers accompanying its Auditors, CQY may decide not to grant, suspend or revoke Certification. Accredia may also carry out "market surveillance visits" at the Organisation with the presence of the CQY GVI: in this case, Accredia Inspectors may question the certified Organisation.

- Implement corrective actions to its Management System following deviations detected.

- Keep a record of all its customers' complaints and related corrective and preventive actions taken and make it available to CQY and its Auditors during monitoring audits.

- Cease displaying or any use of the Certification documents (and, if applicable, of CQY symbols or logos) immediately after the expiry, suspension, revocation, renunciation and consequent withdrawal of the Certification; in the event of a reduction in the scope of the certification rectify all relevant documents accordingly.

**7.4** Obligatory notification of any ongoing judicial and/or administrative proceedings

The Organisation that holds Certification undertakes to:

- Inform CQY within 5 days by fax/email and, subsequently, by registered letter with acknowledgment of receipt of all non-compliant situations detected by the Control Authorities, any suspensions or revocations of authorisations, concessions, etc. relating to the production/provision of products and/or services associated with the Certification.
- Immediately notify CQY of any judicial and/or administrative proceedings in progress

concerning the subject of certification, without prejudice to the limitations established by law.

- Immediately report the occurrence of accidents, serious injuries or environmental damage.
- Keep CQY informed of developments in these proceedings.

In relation to the above, CQY reserves the right to carry out appropriate and timely extraordinary audits and, if necessary, adopt measures to suspend, reduce and/or revoke the certification issued, based on the impact on the Organisation's Management System.

**7.5** For Certifications issued under accreditation, the Organisations undertake to know and apply all the provisions laid down in the Accredia Technical Regulations, which can be accessed via the website: [www.accredia.it](http://www.accredia.it)

**7.6** Organisations that have obtained Validation of the Environmental Declaration or Annual Updates of the AD from Certiquality (Reg. (EU) 1221/2009 and Reg. (EU) 1505/2017) also undertake:

- To apply the 'Procedure for the Registration of Organisations pursuant to Regulation EC 1221/2009 of the European Parliament and of the Council of 19/03/2001' available at [www.isprambiente.gov.it](http://www.isprambiente.gov.it)
- To send the Ecolabel and Ecoaudit Committee - EMAS Italy Section a copy of the Environmental Statement within 60 days of Validation.
- To amend the AD following any request for correction received by the EMAS Committee.

## 8. SUSPENSION OF CERTIFICATION

In the event of problematic situations or the continuation of deviations after the agreed deadline for their elimination, CQY may suspend Certification (or, in the case of EMAS, Validation).

Examples of such serious deficiencies are:

- If maintenance indicates major non-compliances with relevant requirements, but a revocation is not considered necessary.
- If the Organisation does not send evidence of the management of major non-conformities issued during the audit in due time.
- If the Organisation refuses to carry out periodic audits in accordance with art. 5.3.
- If the Organisation refuses to carry out additional or supplementary audits, or audits in the presence of Accreditation Bodies.
- If the Organisation does not inform CQY of significant changes to its Management System and/or organisation.
- If improper use of the Certification (symbols or logos) persists.
- If there has been any other failure to comply with the requirements of the certification scheme or the relevant applicable Regulations or CQY procedures.
- If there are any measures by the Public Authorities that jeopardise implementation of the Company Management System.
- If there are issues concerning the mandatory requirements of the product/service provided or of the Management System concerned.
- If the Organisation does not inform CQY in accordance with par. 7.4
- If it is not in order with the payments for the activities already carried out and related to any type of service provided by CQY, even other than Certification. If the Client is once again in default during the three-year period, the Certification will be revoked immediately.
- Following the resolution of the Technical Commission, suspension is communicated by registered letter /registered e-mail, indicating the effective date, the duration, the prohibition to promote any action relating to the use of the certification, including use for participation in calls for tenders, and the conditions under which the suspension may be lifted.

The certified Organisation is responsible for taking prompt and appropriate action to correct any non-compliance with CQY requirements and for formally informing CQY of any proposed or implemented corrective action.

The suspension will only be lifted when CQY has ascertained satisfactory restoration of compliance with the certified requirements. CQY reserves the right to carry out a reinstatement audit of the Certification on the Organisation's premises, with the same duration as a renewal audit.

If the causes that led to the suspension are not removed within the defined time limit, CQY submits the revocation proposal to the Technical Commission for deliberation.

In the case of EMAS Validation, the suspension of Validation is communicated to the EMAS Italy Committee.

Also in the case of EMAS Validation, suspension of Validation may also result from decisions taken outside CQY contained in the decisions of the EMAS Italy Committee and in the Registration Procedure pursuant to EC Regulation 1221/2009.

In exceptional cases, and only once during the three-year certification period, the Organisation may request, for a maximum period of six months, suspension of Certification; the decision is subject to deliberation.

## 9. REVOCATION OF CERTIFICATION

**9.1** Revocation and, consequently, cancellation and withdrawal of the Management System Certification is decided following:

- Failure to eliminate the causes that led to the suspension by the end of the period defined by CQY.
- The cases indicated in par. 8 of such gravity that immediate revocation is necessary.

- Persistence of the arrears condition for more than one month from receipt of the administrative suspension (warning) sent by CQY by registered letter/registered e-mail.
- Violation of mandatory laws or regulations concerning the products or processes subject to certification.

In the case of EMAS Validation, suspension of Validation may also result from decisions taken outside CQY contained in the decisions of the EMAS Italy Committee and in the Registration Procedure pursuant to EC Regulation 1221/2009.

The decision to revoke the Management System Certification is communicated to the organisation by registered letter /registered e-mail.

**9.2** Following revocation, the Organisation undertakes to:

- Return or destroy the original CQY Certificate.
- Not use any copies and reproductions thereof.
- Remove any reference or symbol of CQY Certification from letterheads, technical and advertising documentation, or website.
- Inform principals, with particular reference to participation in calls for tenders, in a manner similar to the way certification was communicated.

**9.3** In addition, CQY shall remove the Organisation from the lists of certified Organisations.

In the case of revocation for administrative reasons, if Organisation regularises its position within one month it may request reinstatement of the Certification, provided the technical conditions are met. This possibility does not apply to ISO 9001 quality certificates in product sector IAF 28.

Implementation of revocation of the Certification does not give the right to any

reimbursement of what has already been paid and entails payment of a fee in accordance with art. 12.1.

## 10. RENUNCIATION OF CERTIFICATION

The Organisation may renounce its Management System Certification by written communication (registered letter /registered e-mail):

- a) In the event of a change in the Reference Standards, as specified in art. 4.5 of these Regulations.
- b) In the event of non-acceptance of any revisions of these Regulations.
- c) In the event of non-acceptance of changes in the economic conditions established by CQY.
- d) In the event of: cessation of activity or transfer of a company branch to a legal entity other than the one that obtained its Management System Certification, legal provisions, bankruptcy or liquidation of the organisation.

In the event of renunciation following transfer to a different party, the validity of the contract continues until the end of the three-year period, subject to CQY checking that all the conditions that led to granting of the certification have been maintained.

In cases a), b) and c), the communication must be sent by the Organisation within 1 month from the date of notification of the changes.

Renunciation becomes effective from the date of communication by CQY whereby CQY takes note of the renunciation itself, with simultaneous forfeiture of the validity of the certification.

After the last maintenance audit, the Organisation may renounce the three-year time limit by giving at least three months' formal notice. If the renunciation takes place at a later date, the Organisation shall be obliged to pay the fee provided for in paragraph 12.1.

Finally, the Organisation may renounce certification at any time but will be required to pay the fee provided for in paragraph 12.1 as compensation.

Following renunciation, the Organisation undertakes to comply with the provisions of art. 9.2.

In the event of renunciation for reasons other than those stated above, the Organisation is obliged to pay a fee in accordance with art. 12.1.

## 11. CONFIDENTIALITY

Documents (documentation, letters, communications) relating to the applicant Organisation's Management System Certification activities are considered confidential and access to them is regulated by a specific internal procedure.

CQY personnel who, in the course of performing their duties, become aware of the contents of such documents are bound by professional secrecy.

Access to and consultation of certification-related documents is restricted to the departments involved in the certification process, the certified Organisation and the inspection and accreditation bodies. In the event that information relating to the Organisation has to be disclosed due to legal obligations, CQY will notify the Organisation accordingly.

With the exception of these cases, CQY does not disclose information about certified Organisations without their written consent.

However, CQY operates in full compliance with the requirements of EU Regulation 769/2016 (General Data Protection Regulation).

## 12. ECONOMIC CONTRACTUAL CONDITIONS

### 12.1 Fees

Quotations are based on economic principles and criteria approved by the Board of Directors.

The contract is valid for three years and the terms of renewal are defined in the specific contract signed by the parties.

Any request by the Organisation to change the audit programme may entail the payment of an additional fee to be defined according to the increased costs encountered.

If the request is made within five working days prior to the agreed date, CQY reserves the right to charge an amount equal to 50% of the audit fee.

The fees for the activity carried out by CQY shall be paid by the Organisation even if they fail to obtain Certification for reasons not attributable to CQY.

As provided for in art. 9 and 10 of these Regulations, in the event of revocation or renunciation of Certification, the Organisation is required to pay CQY a fee equal to 20% of the total value of the contract over the three-year period, with a minimum of Euro 500 and a maximum of Euro 5,000.

## 12.2 Terms of Payment

The amounts relating to Certification and Certification maintenance activities must be paid to CQY according to the indications on the invoices issued from time to time.

Failure to comply with the aforementioned obligations entails application of the provisions of art. 8 and 9 of these Regulations.

## 13. RESPONSIBILITIES

The Organisation undertakes to ensure the completeness and truthfulness of the documents and information made available to the auditors appointed by CQY.

Certiquality is explicitly exonerated from any liability in the event of missing or incomplete communication of data, as well as in the event

that such data does not correspond to the actual company situation.

CQY is responsible for checking that the Organisation's Management System is able to effectively manage compliance with the laws and mandatory standards relating to the products supplied and/or services provided, although it does not assume any direct responsibility for the adequacy of the technical choices made for this purpose by the Organisation - which remains solely responsible - nor for ascertaining compliance with legal requirements.

Certification by CQY of the Management System does not exempt the Organisation from its legal obligations arising from the products, processes and services provided and from its contractual obligations towards its customers, with the exclusion of any liability or warranty obligation on the part of CQY.

In particular, it is agreed that no liability can be derived by CQY for defects in products, processes and services provided by the Organisation to third parties, in the cases contemplated by Legislative Decree. 6/09/2005 no. 206 et seq. (Consumer Code) and EEC Directive 85/374, concerning liability for defective products and for systematic or occasional conduct of the Organisation itself that is not in line with Laws and/or Regulations. CQY is not responsible for inadequacies or damages of any kind caused by the Organisation's activities or its products, processes or services.

CQY is not liable for any inaccuracies contained in databases of Accreditation and Control Bodies, in particular if the data is transmitted by them to other entities.

## 14. APPEALS

The Organisation concerned may appeal against Certiquality's decisions.

The appeal must be sent registered letter /registered e-mail to CQY within 30 days of communication of the decision. CQY shall provide written confirmation of receipt of the appeal.

CQY shall submit it to the appropriate Committee which, within 30 days, issues its decision with justifications. For justified reasons, the Appeals Committee may take a decision within 60 days.

If the appeal is not upheld, the measure becomes final; if it is upheld, the measure is annulled or revoked.

The costs are borne by the losing party.

## **15. DISPUTES**

Any dispute relating to the application or interpretation of these regulations shall be deferred to the exclusive jurisdiction of the Court of Milan.

## **16. COMPLAINTS**

Anyone is entitled to submit reports/complaints against possible behaviour of CQY and certified organisations that is not in line with the reference standards.

Such reports/complaints must be formalised by registered letter with acknowledgement of receipt or by certified email; if they are received by telephone, they must subsequently be formalised by the reporting party.

CQY undertakes to keep the complainant informed of the outcome of the complaint.

Anonymous reports/complaints are not taken into account.