



MCCAA

MALTA COMPETITION AND
CONSUMER AFFAIRS AUTHORITY

Standards and Metrology Institute

Certification Service

Organic Farming Certification Scheme

Terms & Conditions

Malta Competition and Consumer Affairs Authority

Standards and Metrology Institute

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1.0 INTRODUCTION

The SMI Certification (SMIC) was set up to facilitate the development of a quality infrastructure for Malta. As part of this remit, the MCAA has set up the SMI Certification Body to offer certification and related services. MCAA trading as SMI Certification offers its Organic Farming certification scheme on the principles of ISO/IEC Guide 65:1996 and MSA EN 45011:1999. The key principles of guiding SMI Certification are based on:

- impartiality of service whereby decisions shall be based on objective evidence of conformity/equivalence and that decisions taken by SMI Certification are not influenced by other interests or by other parties.
- Competence of personnel that shall be demonstrated by their ability to apply knowledge and skills.
- Responsibility of client to conform to the requirements for certification; as well as responsibility of MCAA Certification to determine eligibility and award certification based on sufficient objective evidence.
- Openness of SMI Certification processes by providing public access in an appropriate and timely manner about its Inspection and certification processes, and about the certification status of any organization.
- Safeguarding confidentiality of any proprietary information about SMI Certification clients
- Being responsive to clients complaints by investigating valid complaints in a timely and fair manner.

2.0 DEFINITIONS AND ABBREVIATIONS

SMIC: SMI Certification

ELIGIBLE COMPANY: a company that meets the requirements of EC 834/2007 (hereafter referred to as the Regulation) on organic farming and maintains an effective control system to the Regulation.

NON-ELIGIBLE COMPANY: a company that does not meet the requirements of the Regulation.

CERTIFICATE OF ELIGIBILITY: document certifying the company's inclusion in the SMIC control system, for the specific activity applied.

SAMPLE: amount of material to be sampled, belonging to the same plot or batch, divided into at least three similar samples certain minimal amount sufficient for analytical determination.

Board: MCCA Organic Certification Board

Conformance Certificate/Documentary Evidence: The document issued stating that the company adopts the same production standards conformity or equivalent to those provided for in Titles III and IV of the EC REG. 834/2007;

Inspection Certificate: certificate authorizing the release for free circulation in the Community of consignments of products imported under the same equivalent to that referred to in Article 33 of Reg. (EC) 834/2007;

Transaction Certificate: document certifying that a specified amount of product, is subject to commercial transactions within EU Countries and a third country, was obtained in compliance with production standards in conformity or equivalent to those provided for in Titles III and IV of the EC Reg. 834 / 2007;

Exclusion From The Control System: Suspension/withdrawal of the operator from the control system for a period of not less than one year. In the event of a suspension/withdrawal, a new application must be submitted and the certification awarded will be 'In Conversion' status.

Infringement: occurrence of failure that has a prolonged effect on the obligations imposed by the Regulation (EC) 834/2007, both documentary aspects, whether for breach of other obligations belonging to the operator, including failure to comply with the Standards and Application Techniques regarding certification regulation, and contractual obligations.

Inspector: A technical Inspector, effectively trained expert, who performs the inspections for the operators.

Laboratory Test: testing laboratory operating in accordance with MSA IEC EN ISO / IEC 17025, in possession of accreditation for the test methods with accuracy and uncertainty in the measuring ranges of interest to SMIC.

Technical Standards For Companies In The Equivalency System: SMIC operational instruction for the management of operational aspects which are assessed according to the equivalence EC Reg. 1235/2008.

Non-Compliance: action or situation of non-compliance as provided by the regulations, contractual arrangements and technical specifications for organic production.

CB: Control Body

Operator means any natural or legal person who produces, prepares or imports from third countries, agricultural products of vegetable or animal origin, for the purpose of selling

them, or who performs packaging, distribution and sale of such products. Operators are also those who spontaneously gather plant products.

Batch: A quantity of products covered by a single certificate of inspection submitted by the same means of transport and imported from the same third countries.

Imported Equivalency Product : product imported from a third country produced in accordance with production equivalent to those provided for in Titles III and IV of Regulation (EC) 834/2007 (Article 33);

Conformity Product: product imported from a third country produced in accordance with production complying with the provisions of Titles II, III and IV of Regulation (EC) 834/2007 (Article 32);

Test Report: document which presents the test results and other information relating thereto. It often refers to the document showing the result of an analytical investigation.

Complaint: a dispute concerning the control activity and certification in respect of actions for the SMIC, or its suppliers, or relating to the certified products.

Recall: a written invitation to remove non-compliance.

Appeal: are disagreements with the recommendations of the staff or inspectors to the Certification Board of SMI Certification or concerning the interpretation of SMI Certification Regulations or in connection with the operation of the SMI Certification schemes.

Control System: organization which monitors all compliance activities concerning Regulation (CE) 834/2007.

Suspension Of Certification: temporary withdrawal of certification for a maximum period of 12 months related to one or more lots and / or production units and / or preparation and / or import as well as to individual production lines.

Abolition Of Information: ban for the operator to use information related to organic production and labelling documents in relation to the lot or the entire production.

Inspection Visit: inspection visit to the operator

TERMS AND CONDITIONS

SCOPE

These terms and conditions apply to clients seeking or holding certification from SMI Certification, unless indicated otherwise.

3.0 CERTIFICATION PROCESS

3.1 APPLICATION FOR CERTIFICATION

The request to enter the control system is valuable to different types of operators: producers (fruit-vegetable and/or livestock), processing and foodstuff conditioning companies as well as importing companies.

3.1.1 PRODUCERS

This category includes farms that produce fruit-vegetable and/or livestock products, operating in compliance with the required hygienic standards and current laws specific for the sector.

Requests must be formalized by sending a copy of the "Application form" SMI(ORG)-F01. The application must have copies of the following documents attached:

- Annual Production Program (fruit-vegetable or livestock products);
- document(s) supporting the cadastral information on the land;
- document(s) supporting cadastral information on the properties;
- plans of the land areas as declared;
- plans of the properties as declared;
- legal and statutory client/company identification documentation documents;
- Organic production management plan.

In addition, companies producing livestock products must attach:

- program for the use of livestock (liquid) manure;
- program for tracing animal feed;
- program for the management of reproduction;
- hygiene plan;
- company records.

3.1.2 FOOD PROCESSING COMPANIES

This category includes companies that prepare foodstuffs and cannot be classified as producers under current law; they may process foodstuffs in any way, fruit, vegetable or livestock, produced by organic farmers.

Requests must be formalized by sending a copy of the "Application form" SMI(ORG)-F01. The notification must have copies of the following documents attached:

- document(s) proving ownership and use of the declared properties;
- plans of the properties declared;
- authorization to operate, issued by the competent authorities;
- specific contract in case of processing at third party facilities;
- legal and statutory client/company identification documentation documents;
- Organic Processing management plan;
- manual for internal inspections.

3.1.3 IMPORTING COMPANIES

This category includes companies that import products obtained by organic farming from third countries.

Requests must be formalized by sending a copy of the "Application form" SMI(ORG)-F01. The application must have copies of the following documents attached:

- authorization to operate, issued by the competent authorities;
- legal and statutory client/company identification documentation documents.

When requesting to enter the SMI Certification control system the operator agrees to pay a service fee which is established annually by Head of SMI Certification and is committed to allow SMI Certification inspectors free access to the production, processing and product handling sites and also to any documents regarding the activities subject to certification.

3.2 preliminary and initial evaluation

The Head of SMI Certification accepts requests to enter the SMI Certification control system from any business that operates in the field of agricultural food products, without any restriction or discrimination; he sees to the examination of the documents, and, if found in order, arranges the first inspection visit (initial visit).

If the documentation is incomplete, the Head of SMI Certification requests the applicant concerned to provide the missing information or take the necessary actions to solve the non-conformances found, before a given deadline. While waiting for the non-conformances to be resolved, the procedure to enter the control system is suspended.

After completing the initial stage of the procedure, the first inspection visit (initial visit) is carried out by an SMI Certification inspector. The objective of this visit is to establish the conformance of the environmental, operational, structural and management aspects of the company, the quality system documents present and the operator's training to manage the registration documents required for each single activity.

The Head of SMI Certification collects the entire file of the inspected company and sends the original documentation and the inspection report to the MCCA Organic Certification Board (hereafter referred to as the Board).

The Head SMI Certification examines the documents received and advises the Board on whether or not to allow the operator to enter the Control System.

The Board in turn reviews the conformance of the file and, if the outcome is positive, issues a statement of eligibility for the SMI Certification control system. The official entry date into the system is the date of the dated of the decision of the Board.

If the outcome is negative, the company is informed in detail of the reasons for the negative decision, and is given a list of necessary corrective actions to resolve the non-conformances as well as a deadline to before his application expires. Before the deadline, the operator must send a formal statement that the corrective actions have been put into effect. This will be checked by SMI Certification at the first inspection visit. If no communication whatsoever is received before the end of the deadline, the application will expire.

The organic primary producer operator who submit his lands for a first time under control to the SMI Certification control system start with conversion period from the date of first application. Such period is different depending from which kind of crops are adopted. For annual plants the conversion period is two years, for perennial plants the conversion plan is three year in agreement with EU Regulation 834/07 Art. 17 and EU Regulation 889/08 Art. 36.

Is it possible to recognize the previous period as conversion period from the first application, only if there are one of the condition mentioned in the EU Regulation 889/08 Art. 36. The request of previous recognition as conversion period must be submitted at SMI Certification with all relevant evidence confirming the condition mentioned in above said EU Regulation, and the decision is issued from Board.

In case of Third Countries certification service, the conditions for previous recognition as conversion period are better specified in the Technical Standard for equivalent system companies.

In case of organic primary producer operator is in transition from another control body to SMI certification system control, the Head of SMI Certification in liaison with quality manager have to request to the previous Control Body all information about organic status of the fields and if irregularities or infringements was imposed. Only after such information was given from previous Control Body and irregularities or infringements are solved documentation can be submitted to the Board decision and eventually can be assured continuity of control and previous organic status confirmed. If previous Control Body doesn't give answer but there are enough information and documental evidences about previous organic status then Board can confirm continuity of control and previous organic status. If such information and documental evidences lack, then fields start from beginning of conversion period.

3.3 MAINTAINING CERTIFICATION

The Inspection team carries out at least an annual inspection visit and deliver the inspection report to the Head of SMI Certification. If any non-conformances are found during the inspection, the inspector will deliver all documents regarding the inspection as soon as possible to guarantee the fastest possible handling of the non-conformances found.

The Inspector may send a copy of the inspection report to an inspected operator, but only after having received a formal request by the operator in question.

3.4 MODIFICATION TO SCOPE

Changes of scope of certification which may include:

- increase of company surface area of more than 30%,
- adoption of new production policies,
- introduction of livestock in the control system,
- addition of processing and/or new processing facilities,

are submitted to the Head of SMI Certification using Application Form [SMIC(ORG)-F01] together with the necessary documentation as indicate on the Form.

All documentation is forwarded to the inspection team for reassessment.

During the inspection at livestock farms, the operator may request a derogation on livestock. The inspector will assess the technical possibilities and enter the request on the livestock Inspection report in the appropriate column "Derogations requested by the operator". This request for derogation will be delivered to the Head of SMI Certification who will assess the documents, complete the appropriate form and send it to the Certification Board. The Board will assess the request and will authorise the derogation on livestock if the conditions are considered appropriate. The concession will then be sent to the operator.

3.5 SURVEILLANCE PROCEDURES

After the initial release of the organic compliance certificate, an approximate date for a surveillance visit is set for the operator. Surveillance visits are pre-announced appointments to verify that the company maintains the general requirements set by the REG (EC) 834/07 and the Technical Standards for SMIC rules for equivalent companies and that the products marketed by it conform to the regulations. During surveillance visits, the operator must give full access to fields and facilities and ensure maximum collaboration with personnel from SMIC. The announced surveillance visits are carried out as, agreeing with the operator on the inspection date. Upon the decision of the Head of SMI Certification, extraordinary inspections and unannounced inspection or on short notice can be carried out depending on the business risk.

Samples may be taken. In case of sampling, a minimum of 3 samples are taken and a report, signed by the Inspector and the operator is drawn up. The operator is given one of the samples and the remaining are sent by the Head of SMI Certification in a timely manner according to the type and no later than 15 days after collection to an accredited laboratory.

The sample left to the controller company must be properly stored by the operator under conditions which prevent its perishability. In the event of a positive outcome of the analysis on the first sample a confirmation will be needed therefore a second sample will be sent to an accredited laboratory to ISO 17025. In the case the first analysis report or investigation or tests are positive the Head of SMIC proceeds in sending the precautionary suspension communication which informs the operator of the outcome of the test report and is then responsible for the placing on the market of nonconforming product. Upon confirmation of positive results in the second analysis, the Head of SMIC activates the infringement process. The Head of SMIC proposes the assessment of the documentation and the Board sanctions the infringement in accordance with the policies of SMIC. The Board assesses the documentation and issues the sanction.

3.6 MODIFICATIONS TO CERTIFICATION REQUIREMENTS

The certification requirements and rules of the control system can, over time, be affected by legislative changes and the evolution of the effectiveness of assessment instruments. In case of change to the certification requirements, the SMIC will notify all operators in the changes that occurred, the corrective actions and the time within which those decisions must be made. Failure to implement corrective actions will result in the withdrawal of certification. The delay in the implementation of corrective action will result in suspension of certification.

3.7 SANCTIONS

On the basis of Community legislation, there are two levels of non-compliance: infringements and irregularities, which are followed by sanctions, whose type is graded according to the capacity to affect or not affect the safety control system. In a specific procedure, the SMIC defines the procedures for the application of sanctions to be taken with respect to irregularities and infringements. The sanctions are:

- recall
- warning
- abolition of instructions on organic methods
- suspension of certification
- withdrawal of the operator

Recall: This is a measure that has no effect on the certification. The verification of the corrective action is carried out at the first useful inspection visit. Failure to comply with a recall involves the application of a significant sanction, normally a warning.

Warning: it is a measure that has no effect on the certification provided that the corrective action is satisfied within the time specified. The verification of the corrective action is carried out at the first useful inspection visit. Failure to comply with an enforcement notice requires the application of a sanction more significant, normally the abolition of the organic farming indications.

Abolition of biological indications: means the removal of indications and involves a prohibition on the operator to bring in labels and products involved in the irregularity, the particulars relating to the method of organic farming in relation to the lot, or the entire production affected by the irregularity. The verification of the application and its effectiveness is taken during the first useful inspection visit. Failure to comply with a suppression of biological indications involves the application of a significant sanction, normally suspension of certification.

Suspension of the certification: is applied in the event that the reliability of the controlled operator is compromised, and is the suspension of the certification and return to the conversion period for the plot or animals affected by the measure. The suspension means that the operator is prohibited, for the period indicated, from marketing products with indications referring to organic farming methods. It can refer to one or more process areas or the entire company, as well as to individual production lines. The verification of the corrective action is carried out in the terms and conditions laid down by the decision. Failure to comply with a suspension usually involves the exclusion of the operator.

Withdrawal of Operator: in this case the infringements are on such a level as to compromise the reliability of the operator in the management of the company. The level of infringement is such that the operator's permanence in the control system can repeatedly commit non-conformances and not fulfil its commitments towards the competent authorities and contractual obligations to CB.

4.0 CERTIFICATION OF CONFORMANCE AND AUTHORISATION FOR PRINTING LABELS

An operator participating in the SMI Certification control system and possessing a statement of company eligibility may request a certificate of conformance and/or authorization for printing labels from Head of SMI certification by using the correct application form.

The certificate of conformance authorizes the operator to issue declarations of conformance regarding the method of organic farming for the agricultural food products that are listed on the certificate. When issuing the certificate of conformance, SMI Certification will send the operator also the Transaction certificate required for the selling of organically produced products.

When issuing the authorization for printing labels, SMI Certification will send the authorized operator also the registration form to record the use of the labels. These records are kept on paper for single-ingredient products, but a computer registration system may also be used.

4.1 CERTIFICATES AND STATEMENTS ISSUED BY SMI CERTIFICATION

4.1.1 CERTIFICATES ISSUED BY THE CONTROL BODY ARE:

- **Certificate of conformance:** this document lists every product separately for which the operator is authorized by CB to release declarations of conformance. It is issued at the end of the conversion period and includes the authorization codes for each single product; it is issued by the SMI Chairman.
- **Authorization for printing labels:** a product certificate for final and packed products. It allows the operator to indicate on the product label the organic origin of the prime material contained in the package for sale. It is issued on request of the operator in question by the MCCA Chairmen. The operator authorized to print labels must keep the records updated on the registration form for the use of labels as provided by the SMI Certification, either on paper or in a computer file.
- **Transaction documents:** issued by SMI Certification when formally requested by the operator and when regarding single product batches for which the operator issued a declaration of conformance or not; these documents represent a product certificate for

a specific product batch. Transaction certificate can be issued even in case of third country certification as declaration of equivalence.

- **Inspection certificate:** issued by SMI Certification in case of organic product importation from third countries in equivalence in agreement with EU Regulation 834/07 Art. 33 and 1235/08 Art. 13.

4.1.2 FORMAL STATEMENTS ISSUED BY THE CONTROL BODY ARE:

- **Statement of company eligibility:** statement issued by SMI Certification that indicates for which product(s) the operator is subject to inspection. It is first issued to conclude the notification process. This document is used to certify eligibility when a company has completed the process to enter the control system. This document contains the following information:

For producers of fruit-vegetable and livestock products: identification of the land parcels and crops subject to inspection, indicating for each parcel the start and end date of the conversion period (or, if applicable, actions of suspension).

For processors and importers: identification of the registered head office and the production site(s) subject to inspection as well as a general description of the activities subject to inspection.

- **Documentary Evidence:** issued by SMI Certification that indicates for which product(s) the third country operator is subject to inspection in equivalence in agreement with EU Regulation 834/07 Art. 33 and 1235/08 Art. 6.
- **Statement of derogation on livestock:** this document supplements the notification for the admission of livestock farms that request a derogation during the initial visit. This statement does not replace the product certificate. It may also be issued at a later time in connection with technical necessities required of the operator and held necessary by the inspector during the inspection.

5.0 CONTRACT OBLIGATIONS

When the operator is excluded from the control system for non-fulfilment of contractual obligations with SMIC, based on a proposal from the Head of SMI Certification and the decision of the Chairman MCCA, the same operator may be reinstated in accordance with the first notification and will then follow the process of an initial application

5.1 FEE STRUCTURE

5.1.1 PRICING SCHEDULE

Pricing Schedule SMICORG-S01 gives the fees charged for certification work

In case of additional surveillance visits required, such as in the case of sanction encountered during a surveillance visit or to ensure verification of compliance to the requirements of SMI certification, the charges for such surveillance visits as in the pricing schedule shall apply.

5.1.2 MODIFICATION TO SCOPE

Organizations wishing to extend the scope of their certification must formally apply to SMI Certification providing all the necessary details. A quotation will be issued in advance where additional Inspector or administration time is involved.

5.1.3 LOCAL TRAVELLING EXPENSES

SMI Certification will not bill for travel time for journeys within the Maltese islands.

5.2 PAYMENT TERMS AND CONDITIONS

5.2.1 QUOTATIONS

Clients are entitled to firm quotations before SMI Certification begins any certification work.

5.2.2 FEE

On acceptance of quotation, the client agrees to pay upfront the amount quoted within 30 working days from acceptance. SMIC will not proceed with any certification work until this is received. The fee is not refundable if the applicant withdraws from the certification process.

5.2.3 INVOICES

Invoices are raised in Euros and are due and payable in full. Terms of payment are 30 days from the date of invoice. Value Added Tax is chargeable on all invoices according to Maltese laws in force at the time or local foreign country.

5.3 PRICE SCHEDULE

Price schedule (SMIC(ORG)-S02) is included in the Information Pack supplied with this document.

5.3.1 REVISIONS

All our prices are reviewed annually and are subject to amendment at any time.

5.3.2 CERTIFICATION FEES

Fees are applicable according Price schedule (SMICORG-S02).

6.0 COMPLAINTS AND APPEALS

This section contains guidelines concerning the responsibilities and actions of SMI Certification in relation to the investigation of complaints and appeals.

Definitions:-

- **Complaints** relate to the quality of service offered to clients and can arise from clients, end users or the general public.
- **Appeals** are disagreements with the recommendations of the staff or external Inspector to the Evaluator of SMI Certification or concerning the interpretation of SMI Certification Regulations or in connection with the operation of the SMI Certification schemes.

SMI Certification as established a publicly available Appeals and Complaints Procedure to handle such complaints and appeals. This procedure is described in the following clauses. A Complaints and Appeals file is maintained by the Head of SMI Certification on each complaint and appeal received, to ensure timely and appropriate action in dealing with the complaint and final close-out.

6.1 CONDITIONS FOR ACCEPTANCE OF A COMPLAINT OR AN APPEAL

This procedure should only be operated when a documented submission is made to SMI Certification clearly indicating that a Complaint or Appeal is being made. Such a documented submission shall include the name and address of the complainant/appellant.

This procedure should not be followed for complaints received without documented authentication, such as verbal complaints where the complainant declines to confirm in writing, anonymous written communications, sources apparently not involved with the complaint and hearsay.

6.1.1 HANDLING COMPLAINTS

When a complaint to any staff member is made, the member of staff or external auditor involved shall immediately inform the Head of SMI Certification, or in his absence the Quality Manager.

The Head of SMI Certification shall confirm whether the complaint relates to certification activities and shall designate a professional member of staff of SMI Certification, or of SMI if appropriate, who is independent of the matter in question, to deal with it. When SMI

Certification receives a complaint about a certified client, it shall inform the certified client about this complaint.

The Designated Officer shall endeavour to establish clearly and without delay the substance of the complaint. The Officer shall endeavour to obtain in writing, and to authenticate as far as possible, all claims or statements made by the complainant or other parties concerned. No investigation of a complaint shall be pursued merely on the basis of hearsay.

Following authentication of the complaint, the Designated Officer shall acknowledge forthwith in writing the receipt of the complaint, and shall proceed with all urgency to investigate and resolve the immediate issue involved. In particular the Designated Officer shall establish as clearly as possible whether accepted SMI Certification procedures have been scrupulously followed, and whether all decisions taken in dealings with the organisation properly reflect stated SMI Certification policy and requirements.

When the immediate issue has been investigated as thoroughly as is practical, the Designated Officer shall submit a written report on the complaint to the Head of SMI Certification as soon as possible. Where grounds have been found for SMI Certification to reconsider its treatment of the complainant, the report shall make specific recommendations on the actions to be taken.

On receipt of the report and any recommendations, the Head of SMI Certification shall formally notify the complainant as soon as possible (in terms consistent with any need to preserve confidentiality) of the result of SMIC's investigation of the complaint, and shall put in motion all necessary steps to implement the appropriate recommendations.

The Designated Officer shall place on the Complaints File a complete record of the receipt, handling and outcome of any complaint. The facts of the complaint, the report and recommendations, and any SMI Certification decisions shall form part of the record.

The staff of SMI Certification shall take all necessary measures to preserve the confidentiality of information obtained during the investigation of a complaint. In particular, any reasonable request for preservation of anonymity or confidentiality expressed by those making claims or statements in connection with a complaint shall be respected.

In the absence of an immediate resolution to the relevant issues the services of an independent and mutually agreed arbitrator may be retained.

Following resolution of the issue of immediate concern the Designated Officer shall submit a written report to the Head of SMI Certification making specific recommendations with respect to remedial action e.g. increased surveillance, reduction, suspension or termination of certification.

On receipt of the report from the Designated Officer, the Head of SMI Certification may, if required, modify the recommendations (but not the factual report). The Head of SMI Certification shall formally notify the parties in writing as soon as possible (in terms consistent with any need for confidentiality) of the outcome of the investigation and the proposed SMI Certification actions to formally end the complaints-handling process. As per rendering complaints public, SMI Certification shall determine whether to make complaints public and to what extent they should be made public together with the client and the complainant.

Upon request by any party, SMI Certification shall correctly state the status of certification of client's management system as being suspended, withdrawn or reduced.

SMI Certification will review the outcome of each complaint to identify any improvements or modification that may be appropriate to implement in the quality system of SMI Certification.

6.1.2 APPEALS

All appeals will initially be validated and investigated by the Evaluator acting with the advice of any appropriate specialist it may deem to be necessary. Should the organisation making the appeal wish to have a representative present during consideration of their appeal, then written notification to this effect shall be submitted together with the appeal.

The organisation making the appeal will be given at least two weeks written notice of the date on which the appeal will be considered.

Appeals against the decisions of the Evaluator may be accepted by the Evaluator. However, if not accepted by the Evaluator they will be referred to a specially established Appeals Committee (an independent body) by the Head of SMI Certification. The Appeals Committee will be convened and appointed only when required to deal with a specific appeal. The membership will comprise three individuals who are completely independent of the matter under appeal and who collectively have the necessary technical expertise, management system competence, legal knowledge and knowledge of the SMI quality system to competently come to a recommendation on the matter under appeal.

The decision of the Appeal Committee shall be binding on the SMI and the Head of SMI Certification shall inform the Evaluator and the complainant, as fully as confidentiality considerations permit, of the final outcome of the complaint.

The Head of SMI Certification shall retain a complete record of the receipt, investigation, processing and outcome of each appeal, including the report and decision, on the SMI Certification Complaints and Appeals file.

All necessary measures shall be taken to preserve the confidentiality of information obtained during the investigation of a complaint.

SMI Certification will review the outcome of each appeal to identify any improvements or modification that may be appropriate to implement in the quality system of SMI Certification.

6.1.3 CONFIDENTIALITY

Clients are informed and agreed in advance about which information related to them is intended to be made publicly available. They are also informed when their confidential data is made available to other parties (such as accreditation body and public institution). SMI Certification will inform its client prior to the release of information except information which have to be given by rules and Regulations.

Information about SMI Certification clients coming from sources other than SMI Certification clients shall be treated as confidential.

All personnel who gain access to such information are bound by a confidentiality agreement not to disclose any information without written agreement of the applicant. They take utmost care in filing and handling of confidential information.

7.0 REVISIONS TO TERMS AND CONDITIONS

SMI reserves the right to revise these regulations as necessary. All certified organizations have six months to comply with any revisions to the regulations from date of notification.

8.0 REGISTER

SMI Certification maintains and publishes a database of certified organizations which lists alphabetically all the certificate holders together with their addresses and certified scopes.

The database is updated;

- following the successful assessment and approval of the Evaluator;
- following the withdrawal and/or suspension of an organizations' certificate.

This database is publicly available to any enquirer and on the SMI Certification website.

END