



MSA Certification

Organic Farming Certification Scheme

Terms & Conditions

Malta Standards Authority

Certification

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1. Introduction

The Malta Standards Authority (MSA) was set up to facilitate the development of a quality infrastructure for Malta. As part of this remit, the Malta Standards Authority has set up the MSA Certification Body to offer certification and related services. MSA trading as MSA Certification offers its Organic Farming certification scheme on the principles of ISO /IEC 17021:2006. The key principles of guiding MSA Certification are based on:

- impartiality of service whereby decisions shall be based on objective evidence of conformity and that decisions taken by MSA 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 with the requirements for certification; as well as responsibility of MSA Certification to award or not certification based on sufficient objective evidence.
- Openness of MSA Certification processes by providing public access to appropriate and timely information about its audit and certification processes, and about the certification status of any organization.
- Safeguarding confidentiality of any proprietary information about MSA Certification clients
- Being responsive to clients complaints by investigating valid complaints in a timely and fair manner.

2. The Certification process

- a) A certification process is normally initiated by a request to the Head of Certification from the client opting to be certified. The client is required to obtain / download (www.msa.org.mt/certification/downloads.htm) an Application Pack consisting of an application form, the MSAC Terms and Conditions (this document), a Service Agreement and a Schedule of Prices. The client shall fill in appropriately and submit a signed hardcopy of the application together with the relevant documentation as instructed in the application form.
- b) MSA Certification will carry out an application/contract review (which may include further clarification/communication with the client) to define clearly the scope of certification, determine the resources required and to assign a lead auditor to manage the certification process.
- c) The application and the certification process are then delegated to a Lead Auditor who will be in charge of the whole process up to the reporting to the Certification Board and of subsequent surveillance visits.
- d) The lead auditor issues a quotation to the client followed by further communication such as meetings which may be held to serve as an introduction and to explain the certification process.
- e) Upon confirmation by the client, receipt of the signed Service Agreement the lead auditor carries a review on the documentation provided and then proceed to setting a date for the onsite audit.
- f) The lead auditor selects a team of auditors (which may include auditors and technical experts), which is then communicated to the client who may object with valid reasons for the participation any of the audit team members.

- g) Consequently, an Audit plan and the dates of Audit are communicated to the client. Upon agreement, the team of auditors performs an initial certification Audit. During the closing meeting of the audit, the lead auditor presents to the client a report of the findings which includes both positive and negative findings and non-conformities¹ (if any) reports as well as the recommendation to be presented to the Certification Board.
- h) Consequently the lead auditor presents his/her recommendation and the report together with the client file to the Certification Board.
- i) The Certification Board will take a decision² based on this report and other certification process supporting documentation. In case of successful compliance with the requirements of the relevant standard and the MSA Certification - Terms and Conditions, the client is awarded a certificate displaying the scope of certification and compliance logo.
- j) Verification of compliance is supported by surveillance visits at least every 12 months. During surveillance visit, MSA Certification would verify the proper use of the certification status and documents.

All organizations certified by MSA Certification need to comply with the requirements contained in the following MSA Certification Terms and Conditions.

3. Terms and Conditions

3.1 Scope

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

3.2 Requirements

3.2.1 Documentation

The client shall provide at least;

- a) Information on the corporate entity, name, addresses, legal status and, where relevant, human and technical resources;
- b) A description of the scope for certification and other relevant documents required in the application form.

3.2.2 Arrangements to conduct audits

The client shall make all the necessary arrangements for the conduct of the audits, including provision for examining documentation and the access to all processes and areas, records and personnel for the purposes of initial certification, surveillance, recertification and resolution of complaints. The client shall also make provisions where applicable, to accommodate the presence of observers (e.g. trainee auditors).

3.3 Reporting

Audit reports shall be solely based on objective evidence found during audits. Conformities and non-conformities will be supported by objective evidence. Reporting describes only a time sample of the client activities related to certification.

3.4 Non-Conformities – Minor, Major

A major non-conformity is the absence of or failure to implement a requirement of the regulation (Council Regulation (EC) No. 834/2007) or any other failure of the system which can compromise the reliability of the system. In case of a major non-conformity, the client is immediately informed who may decide to terminate the audit at that point. All major non-conformities must be cleared through the implementation of effective corrective actions before a recommendation can be made.

A minor non-conformity is a non fulfilment of a requirement which has minor effects on the system being certified. Acceptable corrective action plans must be agreed with MSA Certification before recommendation.

A considerable number of related minor non-conformities may also lead to a major non-conformity.

3.5 Fee Structure

3.5.1 Pricing Schedule

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

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

3.5.2 Extension to Scope

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

3.5.3 Local Travelling Expenses

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

3.5.4 Auditor Supplement

MSA Certification lead auditors/auditors are normally qualified staff members. Where a client's field of activity falls beyond the expertise of MSA Certification staff auditors, or other circumstances require MSA Certification to use external specialist auditors/experts, additional charges incurred will be passed on to the client. The additional charges include fees, travel costs and subsistence allowances.

3.5.5 Expenses

In line with general practice, MSA Certification will re-bill to clients any travel and other out-of-pocket expenses at cost plus VAT as appropriate.

3.6 Payment Terms And Conditions

3.6.1 Quotations

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

3.6.2 Fee

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

3.6.3 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.

3.7. Price Schedule

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

3.8. Revisions

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

3.9. Certification Fees

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

3.10. Cancellation Policy

Audits will normally be booked four months in advance. If a client agrees with the date of an audit and then cancels or postpones it, MSA reserves the right to charge a cancellation fee of 25% of the fee if the cancellation or postponement is 30 or more days from the agreed date and 100% of the fee if it is within 30 days. However, any non-refundable travel, subsistence or other costs that have been expended will be recovered from the client at cost price.

An invoice for the cancellation charge will be sent to the client and MSA Certification reserves the right to withhold any grant, maintenance or renewal of certification until it is settled.

3.11. MSA Certification Logo



Table 1 MSA Certification Logo

An electronic copy of this Logo will be provided to the client upon issue of certificate.

3.12. Use of MSA Certificate and Logo

3.12.1 The Certificate

- a) The Certificate shall be the property of Malta Standards Authority trading as MSA Certification.
- b) The certificate has no expiry date and shall be retained for the duration of the certification. Any changes to the details contained in the certificate must be notified to MSA Certification so that the necessary action can be taken. Any request for changes to the scope of certification should be notified in writing to the Head of Certification at MSA.
- c) If certification is cancelled by either party, the certificate must be returned to MSA Certification.
- d) The certificate is an official document which entitles the use of the relevant MSA Logo.

3.12.2 The Logo

The Logo displayed in Clause 3.11 is registered trademarks of the Malta Standards Authority trading as MSA Certification and its use shall be subject to the following terms and conditions:

- a) Logo (which is displayed in Clause 3.11) as designed by MSA Certification, shall be used together with reference to the relevant Regulation and with the certificate number.
- b) Regulation reference and certificate number shall be set beneath the Logo and the size of the text chosen must keep the text readable and clear.
- c) Clients will be provided with an electronic version of the Logo. The colour scheme of the Logo shall be kept within the colour references specified in the electronic provision of the Logo or can be issued as in single colour mode.
- d) The Logo may be used on correspondence and in any media relating to the scope of certification. It shall never be used in a misleading way such as on products or their packaging, on laboratory test reports, calibration or inspection reports.

- e) It is not permitted to use the MSA Certification Logo in association with any activity outside the scope of certification.
- f) The Logo cannot be transferred or used by other organizations outside the certified organization.

3.12.3 MSA Certification requires that clients:

- a) Conform to the requirements of MSA Certification body when making reference to its certification status in communication media such as the internet, brochures, advertising, or other documents.
- b) Do not make or permit any misleading statement regarding its certification.
- c) Do 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 the MSA Certification body.
- e) Amend all advertising matter when the scope of certification has been reduced.
- f) Do not imply that the certification applies to activities that are outside the scope of certification.
- g) Do not use its certification in such a manner that would bring the MSA Certification body and/or certification system into disrepute and lose public trust. In such cases, MSA Certification may take legal action against such clients and/or other third parties so as to safeguard MSA Certification interests and public trust.

3.12.4 Persons and bodies authorized to use certificate and Logo

The authorization to use the Certification Logo will be granted by MSA Certification without discrimination to any person or body whom MSA Certification certifies as conforming to the standard applicable, for as long as the services meet the required standard and as long as the client complies with the regulations governing the use of the Logo in question, and fulfils requirements in this document.

3.12.5 Supervision on the use of the Certificate and Logo

MSA Certification will check the use of the certificate and logo during the surveillance visits to the certified clients.

3.13 Complaints on clients

MSA Certification will notify a certified organization of any complaint received from the organization client and will examine the complaint and any relevant action during the next surveillance visit or during any additional visit that may be required. MSAC Certification has established a publicly available Appeals and Complaints Procedure to handle such complaints.

MSA Certification requires each certified organization to maintain complaints register or a customer feedback register detailing their clients' complaints and resulting actions. This will be periodically examined by the auditor during audits.

3.14 Withdrawal of Certification

The granting, maintenance and renewal of certification will be offered only to an organization that complies with the requirements and requirements of the Regulation and these Terms and Conditions. MSA Certification has the right to withdraw certification from an organization that fails to comply with such requirements at any time.

MSA Certification may, at its discretion, withdraw certification, reduce the scope of certification or require re-audit, in the light of changes in structure, personnel, staff responsibility, equipment and premises (where relevant) or scope of activity of an organization.

MSA Certification policy in relation to the withdrawal of certification involves a range of measures, which are designed to protect the integrity of the certification system and to ensure the organizations respect the requirements of certification. These measures are: voluntary suspension, suspension, resignation and termination of all or of part of the organizations falling within the scope of certification.

3.14.1 Definitions

Voluntary Suspension: A request by a certified organization, to temporarily withdraw all or part of its scope of certification.

Suspension: A temporary withdrawal by MSA Certification of all or part of an organization's scope of certification.

Resignation: A request by a certified organization to permanently withdraw all or part of its scope of certification.

Termination: A permanent withdrawal by MSA Certification of all or part of an organization's scope of certification.

The voluntary suspension, suspension of an organization's entire scope of certification, resignation or termination will be published in the MSA Certification database of certified organizations.

It is the policy of MSA Certification that all organizations holding MSA certification adhere to the following requirements relating to withdrawal of certification.

3.14.2 Voluntary Suspension

Organizations holding MSA certification that are unable, on a temporary basis, for any reason to comply with the applicable MSA criteria and/or Regulation are obliged to seek voluntary suspension for all or part of the organizations scope of certification and inform MSA Certification by registered post. In certain circumstances, MSA Certification may refuse voluntary suspension and impose a suspension or termination of all or part of the organization's scope of certification.

3.14.3 Suspension

An organization may have its certification partially or wholly suspended for failure to comply with MSA Certification criteria and regulations.

If the lead auditor responsible for the certified organization recommends suspension, such recommendation for suspension shall be presented to the Head of certification.

Only the Chairman of MSA or, in his absence, the Head of Certification, may authorize suspension.

In the case of suspension and voluntary suspension of certification, MSA Certification shall send a letter to the organization confirming the suspension of certification. It shall detail the actions required by the organization arising from the suspension and shall include the procedure for re-instatement of certification.

An organization shall only be in suspension or voluntary suspension for a period not exceeding 3 months. In exceptional circumstances, MSA Certification may permit an extension of this frame to a maximum of 6 months.

Failure to clear non-conformances, if any, following suspension or voluntary suspension with the agreed time frame may result in termination of certification.

An organization must notify its clients in writing of its new certification status prior to undertaking work in an area for which the organizations certification is under suspension or voluntary suspension. The status of a suspended client will be made publicly available to any enquirer.

3.14.4 Resignation

An organization may choose to resign all or part of its scope of certification at anytime.

Certification may be resigned by an organization upon giving two months notice in writing to that effect to MSA Certification.

3.14.5 Termination

MSA Certification may also, at its discretion, terminate certification:

- a) Failure to effectively address a major non-conformity as defined in clause 3.4 within agreed timeframes.
- b) If an organization being owned by an individual, such individual is declared bankrupt or enters into a composition with its creditors; or
- c) If an organization, being a Company, enters into liquidation, whether compulsory or voluntary (but not including liquidation for the purposes of reconstruction or amalgamation while solvent), or has a receiver of its business appointed; or
- d) If the management of an organization fails in any respect to comply with the laws of Malta; or
- e) Where, in the reasonable view of MSA Certification, an organization has made unreasonable or irresponsible use of sub-contracting; or
- f) If an organization fails to comply with any provision of MSA Certification criteria or regulations which may be changed from time to time; or
- g) If an organization has, in the reasonable view of MSA Certification, brought certification into disrepute either as a result of its certified or non-certified activities.
- h) If an organization fails to pay the agreed certification fee after a reasonable number of reminder notices have been issued.

In the above situations, the lead auditor shall recommend termination to the MSA Certification Board. Only the MSA Certification Board may authorize termination of certification.

In case of suspension or termination, the Chairman of MSA shall send a letter to the organization confirming the termination/suspension of certification. It shall detail the

actions required by an organization arising from its termination/suspension. The letter shall advise on the procedure for re-instatement of certification in the case of suspension. In the case of termination a new application is required.

The certificate must be returned by the organization to MSA following termination or resignation of all its scope of certification.

In the event of the certificate being withdrawn, the organization must remove the logo and all references to certification.

The organization will allow an MSA Certification auditor at reasonable notice to check that all references to certification have been removed.

3.15 Complaints and Appeals

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

Definitions: -

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

MSAC Certification as established a publicly available Appeals and Complaints Procedure to handle such complaints and appeals. This procedure is described in clauses 3.15.1, 3.15.2 and 3.15.3 A Complaints and Appeals file is maintained by the Head of MSA Certification on each complaint and appeal received, to ensure timely and appropriate action in dealing with the complaint and final close-out.

3.15.1. Conditions for Acceptance of a Complaint or an Appeal

This procedure should only be operated when a documented submission is made to MSA 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.

3.15.2. Handling Complaints

When a Complaint by any staff member, the member of staff or external auditor involved shall immediately inform the Head of MSA Certification, or in his absence the Quality Manager.

The Head of MSA Certification shall confirm whether the complaint relates to certification activities and shall designate a professional member of staff of MSA Certification, or of MSA if appropriate, who is independent of the matter in question, to deal with it. When MSA 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 MSA Certification procedures have been scrupulously followed, and whether all decisions taken in dealings with the organisation properly reflect stated MSA 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 MSA Certification as soon as possible. Where grounds have been found for MSA 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 MSA Certification shall formally notify the complainant as soon as possible (in terms consistent with any need to preserve confidentiality) of the result of MSAC'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 MSA Certification decisions shall form part of the record.

The staff of MSA 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 MSA 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 MSA Certification may, if required, modify the recommendations (but not the factual report). The Head of MSA 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 MSA Certification actions to formally end the complaints-handling process. As per rendering complaints public, MSA 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, MSA Certification shall correctly state the status of certification of client's management system as being suspended, withdrawn or reduced.

MSA 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 MSA Certification.

3.15.3. Appeals

All appeals will initially be validated and investigated by the Certification Board 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 Certification Board may be accepted by the Board. However, if not accepted by the Certification Board they will be referred to a specially established Appeals Committee (an independent body) by the Head of MSA 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 MSA quality system to competently come to a recommendation on the matter under appeal.

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

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

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

MSA 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 MSA Certification.

3.16 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). MSA Certification will inform its client prior to the release of information.

Information about MSA Certification clients coming from sources other than MSA 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.

3.17 Revisions to Terms and Conditions

MSA 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.

3.18 Register

MSA 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;

- 1) following the successful assessment and approval of the Board;
- 2) following the withdrawal and/or suspension of an organizations' certificate.

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

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