

	BHUTAN STANDARDS BUREAU MANAGEMENT SYSTEM CERTIFICATION SCHEME	MANAGEMENT SYSTEM CERTIFICATION PROCEDURE
DOC: BSB MSCS-P5.1-01	ISSUE: 03	14 April 2018

PROCEDURE FOR LEGALLY ENFORCEABLE CERTIFICATION AGREEMENT

1. PURPOSE

To have a legally enforceable agreement for the provision of certification activities to the clients and clearly define the responsibilities of the parties.

2. SCOPE

This covers BSB Management System Certification Scheme operated in accordance with ISO/IEC 17021-1-2015.

3. RESPONSIBILITY

3.1 Director General- He is responsible for defining the responsibilities and obligation of the BSB and the clients.

3.2 Head Management system Certification - He as Management Representative (MR) will ensure implementation of the procedure.

4. PROCEDURE

4.1 The BSB has a legally enforceable agreement for the provision of certification activities to its clients. This agreement for certification takes into account the responsibilities of the client and BSB.

4.2 The BSB ensures that the certification agreement with the client complies with the specified requirements in the certification scheme and the certification requirements.

4.2.1 The client shall always fulfil the certification requirements including implementing any changes when they are communicated by BSB.


4.2.2 The certified organization continues to fulfil the management requirements for which it has been certified.

4.2.3 The client shall make all necessary arrangements for:

- a) the conduct of the evaluation and surveillance, including provision for examination of documentation and records, and access to the relevant equipment, location(s), area(s) and personnel,
- b) Investigation of complaints and
- c) Access to accreditation assessors, when required

4.2.4 The client shall make claims regarding certification consistent with the scope of certification granted.

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4.2.5 The client does not use BSB management certification in such a manner as to bring it into disrepute and does not make any statement regarding its management system certification which may be consider misleading or unauthorized.

4.2.6 Upon suspension/withdrawal, the client shall discontinues its use of all advertising matter that contains any reference thereto and returns as required by the certification scheme any certification documents and takes any other required measures.

4.2.7 When the client provides copies of the certification documents to others, the documents shall be reproduced in their entirety or as specified in the certification scheme.

4.2.8 In making reference to BSB management certification in communication media such as documents, brochures or advertising, complies with the requirements of BSB or as specified by the certification scheme.

4.2.9 The client complies with any requirements that may be prescribed in the management system certification scheme that relate to the use of marks of conformity, and on information related to the management system.

4.2.10 The client shall keep record of all complaints made known to the client relating to the compliance with certification requirements and to make these records available to the certification body for verification when requested; and

- a) takes appropriate action with respect to such complaints and any deficiencies found in management systems that affect compliance with the requirements for certification and
- b) Documented actions taken.


4.2.11 the client shall inform BSB, without delay, of changes that may affect its ability to conform to the certification requirements. Such changes can include:

- a) the legal, commercial, organizational status or ownership,
- b) organization and management (key managerial, decision-making or technical staff),
- c) modifications to the management system
- d) contact address and management system sites,
- e) scope of operations in the management system and
- f) Major changes to the management system.

5. REFERENCES

Management System Certification Scheme- Certification agreement

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CERTIFICATION AGREEMENT

The **Bhutan Standards Bureau**, Management System Certification hereinafter referred to as the certification body makes agreement with hereinafter referred to as client for the certification of the Management System. The details of certification are given below:

Sl. No	Management System standard	Scope of Certification	Certification Number	Effective Certification date

In order to hold and use the certification effectively, the client shall comply with the conditions of the agreement as follows:

Article 1: Regulations for certification and inspection

The stipulations of the general provisions for certification process specified in the Bhutan Standards Licensing Regulation 2015 & scheme requirements stipulated in ISO IEC 17021-1-2015 shall apply in conjunction to this agreement.

Article 2: Rights and obligations

2.1 The client agrees that the certified management conforms to the requirements of the standard and the certification body when making reference to its certification status in any communication media such as the internet, brochures, advertisements or other documents.

2.2 The Bhutan Standards Bureau (BSB) authorizes the client to use the Bhutan Standards management system certification mark for the scopes covered in the certification and to announce publicly that certification has been received. The client is liable to penal provisions under the BSB Act & Regulations in the event of misuse of the standards mark. The BSB shall exercise proper control of ownership and shall take action to deal with incorrect references to certification status or misleading use of certification documents, marks or audit reports.

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2.3 The client agrees that the persons representing the certification body will have unobstructed access without prior notification to the premises of the organization covered under the scope of certification during the normal working hours. The client also agrees to allow observers & trainee auditors with the technical audit team and observers from accreditation and regulatory bodies.

2.4 The client agrees that it shall not make any misleading statement regarding its certification including use of the certification document or any part thereof that the certification body may consider misleading or unauthorized. This will include certification statements on activities and sites that are outside the scope of certification, using management system certification reference to imply that the certification body has certified a product, process or service, etc. The client is liable to penal provisions under the BSB Act & Regulations in the event of any misleading use of certification.

2.5 The client agrees that upon withdrawal of certification, it shall discontinue the use of all advertising matter that contains reference to certification as directed by the certification body. The client also agrees to amend all advertising matter when the scope of certification has been reduced.

2.6 The client agrees to inform the certification body without delay the changes that affect its ability to conform to the requirements of the standards or certification requirements.


2.7 The client agrees to make claims regarding certification consistent with the scope of certification and agrees not to use its management system certification in such a manner as to bring the certification body into disrepute and lose public trust.

2.8 The client agrees that if copies of the certification documents are provided to others, the documents shall be reproduced in their entirety or as specified in the certification scheme.

2.9 The client agrees to comply with any requirements that may be prescribed in the certification scheme relating to the use of certification body mark, accreditation body mark where applicable and on information related to the management system.

2.10 The client agrees that there shall be no ambiguity, in the mark or accompanying text, as to what has been certified and which certification body has granted the certification. This mark shall not be used on a product nor product packaging nor in any other way that may be interpreted as denoting product conformity.

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Article 3: Surveillance

3.1 The certification body shall carry out surveillance of the client to determine continuing conformity to the standard during the period of validity of license.

3.2 The surveillance shall be carried out by the appointed auditors within the certification body or external auditors where necessary. This shall be determined by the certification body as per the certification scheme requirements.

3.3 The Surveillance activities shall be carried out as per the requirements stipulated in clause 9.6.2 of the ISO/IEC 17021-1-2015 and the client shall be informed in advance.

Article 4: Recertification

4.1 The client shall apply for recertification showing its intent to renew the certification at least before 3 months from the expiry. The recertification activities shall be in accordance with the requirements stipulated in the certification body's scheme document.

4.2 Where there are significant changes to the management system, the organization or the context in which the management system is operating, the certification body shall carry out stage 1 audit during recertification.


Article 5: Information on modifications of management system

5.1 The client agrees to inform the certification body of any intended modification in the management system, the manufacturing process or any changes that may affect the management system. The client also undertakes to inform the certification body, without delay, the changes relating to legal, commercial, organizational status or ownership and agrees for any verification by the certification body when necessary.

Article 6: Complaints

6.1 The client agrees to keep a record of complaints and action taken of any complaints regarding those aspects of the management systems covered by the licence and to make available to the certification body upon request for verification.

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6.2 The client also agrees to take appropriate action with respect to such complaints and any deficiencies found in management systems that affect compliance with the requirements for certification.

Article 7: Publicity

7.1 The client has the right to publish that he has been authorized to use the management system certification mark to which the scope applies. However the use of marks shall be strictly as per the regulation of the certification body.

7.2 Among other methods the certification body may give publicity to the certification given to the client in news papers, radio and television etc. and cancellation of the agreement, as appropriate.

Article 8: Confidentiality

8.1 The certification body is responsible for ensuring and maintaining confidentiality of information which comes into the possession by its employees, auditors and experts engaged in certification as a result of their contacts with the client and will not disclose to any third party except as may be required by the law of the land.

Article 9: Payment


9.1 The client agrees to pay for all expenses in relation to the certification. Payment becomes due within 28 days from the date of invoices.

Article 10: Agreement period

10.1 This agreement comes into force on **22 June 2017** and remains in force until **21 June 2020** unless withdrawn for justified reasons or cancelled by either party upon due notice given to the other party. The agreement period is the full certification cycle and the same agreement shall remain in force from every date of recertification decision unless withdrawn or cancelled by either party.

10.2 The validity of the certification is for three years and recertification shall be carried out as per article 4 of this agreement and requirements stipulated in ISO/IEC 17021-1-2015 Bhutan Standards Licensing Regulation 2015.

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10.3 When the client ceases his operation, the client shall notify the certification body in writing within thirty days from the date of cessation thereof.

Article 11: suspension, withdrawal or reducing the scope of certification

11.1 Depending on the reason for suspension, withdrawal or reducing the scope of certification the following schedule of notice will be followed:


	Situation requiring the dispatch of notice that can lead to suspension and withdrawal	Days of notice prior to withdrawal/suspension
01	The client wishes to suspend/withdraw/reduce the scope of certification	Maximum 30 days
02	BSB determines that the client has continuously misused certification.	Maximum 60 days
03	Gross violation of the standard and scheme requirements	Maximum 60 days
04	Non-payment of fees according to article 9	Max. 30 days
05	Failure to meet other provisions of the agreement	Max. 60 days
06	Mandatory compliance with new requirements in relation to revision of standards	To be specified by the certification body on case basis.

Such notices shall be sent through registered letter (or any equivalent means) to the client, stating the reasons and the date of withdrawal/suspension of the certification.

11.2 Upon suspension, withdrawal or reducing the scope of certification, the client agrees to discontinue the use of mark on the management system in advertisement/publicity material including letter heads.

11.3 The certification body shall reduce the scope of certification only to exclude the parts not meeting the requirements when the client has persistently failed to meet the certification requirements for those parts of the scope of certification. The period of notice as determined by the certification body shall be sent to the client.

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Article 12: Modification of management system requirements

12.1 If the requirements applying to the management systems covered by this agreement are modified, the certification body shall immediately inform the client by registered letter (or equivalent means), stating at what date the modified requirements will become effective, and advising the client of any need for a supplementary examination of the management systems which are subject to this agreement.

12.2 Within a specified period of time after receipt of the advice described in paragraph.12.1, the client shall inform the certification body by registered letter (or equivalent means) whether the client is prepared to accept the modifications. If the client gives confirmation within the specified period of his acceptance of the modification and provided the result of any supplementary audit is favourable, a supplementary certificate will be issued or other modifications of the certification document.

12.3 If the client advises the certification body that he is not prepared to accept the modification within the time specified in accordance with 12.2 or if he allows the terms for acceptance to lapse, or if the result of any supplementary audit is not favourable, the licence covering the particular management system shall cease to be valid on the date on which the modified specifications become effective, unless otherwise decided by the certification body.

Article 13: Liability

13.1 All parties shall be bound by the legal requirements of the Royal Government of Bhutan.

Article 14: Appeals


14.1 All disputes that may arise in connection with this agreement or appeals on decisions on certification shall be settled in accordance with the appeals procedures of the certification body.

Issued in duplicate and signed by an authorized representative of the Bhutan Standards Bureau and the client.

For the certification body:

For the client:

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Date.....

Director General

Bhutan Standards Bureau

(Seal and signed)

Date.....

Company Representative

(Seal and signed)

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