

Scheme Regulations

Note: These are the general scheme regulations which cover all standards. Additional regulations apply as follows

Doc. No.	Title	Relevant Standards
Reg 2	Logo Regulations	All
Reg 3	Security Certification Regulations	As required by the Private Security Authority
Reg 4	Environmental Scheme Regulations	ISO 14001
Reg 5	Health & Safety Scheme Regulations	ISO 45001
Reg 6	On-Line Certification Website Terms & Conditions	Private Security Authority standards (various)
Reg 7	Energy Scheme Regulations	ISO 50001
Reg 8	Information Security Scheme Regulations	ISO 27001

1. Glossary of Terms

a. Applicant

An organisation which has applied for certification

b. Assessment Committee

The committee established by EQA (Ireland) to appoint assessors and review audit reports prior to the issue of certificates.

c. Assessor (auditor)

An individual who has been appointed by the Assessment Committee for assessment and surveillance assignments. All management system lead assessors meet the requirement for IRCA (International Register of Certificated Auditors) registration. Assessor and Auditor are equivalent and may be used interchangeably.

d. Certificate

A certificate of registration issued to an organisation, which has been assessed as having a management system, product offering or security service which meets the requirements of the Standard applicable to that system, offering or service.

e. Certificated Organisation

An organisation which is included in the EQA "Directory of Certificated Organisations".

f. Enquirer

This is an organisation, which requests information regarding the Scheme(s)

g. EQA

The registered company E.Q.A. (Ireland) Limited. E.Q.A. (Ireland) Limited is a subsidiary company of European Quality Assurance (IRL) Limited.

h. **EQA Criteria**

The requirements of the applicable standard, together with such additional requirements as may be imposed in these Scheme Regulations or any other relevant regulations including those set out above.

i. **INAB**

The Irish National Accreditation Board (INAB). The national body in Ireland with responsibility for the accreditation of laboratories, certification bodies and inspection bodies.

j. **Logos**

The logos which can be used by a certificated organisation pursuant to condition 7 herein.

k. **Management System**

The framework of processes and procedures used to ensure that an organisation can fulfil all tasks required to achieve its objectives.

l. **Major Problem**

A complete process failure which adversely affects product or service quality (ISO 9001), or;

A process failure or lack of control resulting in actual or potential damage to the Environment (ISO 14001), or;

A process failure or lack of control resulting in an increased safety risk (OHSAS 18001, ISO 45001), or;

A process failure affecting the capability of achieving Energy results or Energy performance improvement (ISO 50001), or;

A process failure adversely affecting information security, the capability of achieving the intended outcomes of the information security management system, or a lack of control resulting in a breach of legislation (ISO 27001), or;

A significant failure to meet requirements of the standard, or;

A number of minor problems associated with the same requirements or issue.

m. **Minor Problem**

A partial failure to comply with a specified requirement of the standard.

n. **Category 1 Problem (Security Certification)**

A serious problem which must be notified to the PSA. A category 1 problem must be resolved in order to issue or maintain certification.

o. **Category 2 Problem (Security Certification)**

A less serious issue which does not necessarily need to be notified to the PSA.

An audit can be passed with Category 2 problems in accordance with PSA auditing guidelines for some PSA schemes (Subject to auditor discretion).

p. **Category 3 Problem (Security Certification)**

The least serious problem as defined by the PSA.

An audit can be passed with Category 3 problems in accordance with PSA auditing guidelines for some PSA schemes (Subject to auditor discretion).

q. **Observation**

This is a comment which might be an opportunity for improvement but for which no immediate corrective action is necessarily required.

r. **Scheme Manager**

This is the person appointed by EQA for the time being to administer the Scheme(s)

s. **Scheme Regulations**

These are the rules governing the assessment and certification of organisations to national and international standards.

- t. **Standard**
The relevant National, International or scheme specific standard(s) against which the applicant is to be assessed.

2. **Authority**

The Governing Board of EQA (Ireland) is the only authority that can issue certificates under the Scheme(s). The Board delegates this authority to the Chief Executive.

The Scheme Manager programmes the assessment and surveillance and controls the assessors. The chief executive directs the Scheme Manager.

3. **Enquiries**

- a. Information is made available to enquirers on the EQA website (www.ega.ie). This includes an on-line application form/request for quotation. On request, EQA will send an information pack by e-mail, this pack includes a hard copy application form/request for quotation. On receipt of a completed application form (on-line or hard copy), EQA will conduct a contract review (this may result in a request for further information, issue of a quotation or explanation as to why EQA is unable to provide the service requested).
- b. Quotations are valid for a period of 90 days and are issued in accordance with the EQA General terms and conditions which are available for download from our website.

4. **Applications**

- a. If the enquirer accepts the quotation they should contact EQA to arrange a date for the assessment to take place (EQA may request a deposit before confirming an audit date).
- b. The applicant must have a management representative or point of contact who is responsible for ensuring the applicable management system, product offering or security scheme meets the requirements of the Standard(s). This person's identity and contact details must be notified to EQA in advance.
- c. Depending on the applicable standard, EQA may request a copy of the System documentation for review in advance of the on-site assessment. An assessor is appointed to examine and report on the documentation.
- d. Depending on the applicable standard, EQA may need to carry out a preliminary or stage 1 audit in advance of the main physical assessment. This will normally be detailed in the quotation however the assessor may recommend a preliminary visit be carried out following review of the documentation in c. above.
- e. Prior to the commencement of the physical assessment, the Assessor will require the applicant to sign the "Application for Registration" to agree to these scheme regulations and also to sign the "Form of Contract" to agree to the EQA General Terms and Conditions. By signing these documents, the applicant acknowledges the content of, accepts and agrees to abide by the Scheme Regulations and EQA General Terms and Conditions.

5. **Access**

In respect of all premises which the applicant wishes to be detailed on the certificate, the applicant must make said premises, together with any relevant sites, available to the assessor for inspection.

6. **Certificate**

An applicant who satisfies the requirements of the scheme will be issued an EQA certificate. This certificate remains the property of EQA.

7. EQA Logo

- a. A certificated organisation may download copies of the logo(s) relevant to the standard(s) to which they are certified from the EQA website (www.eqa.ie). Prior to download, the EQA Logo Regulations must be accepted. EQA will E-mail copies of the logo(s) on request.
- b. The certificated organisation shall discontinue any use of the logo which is unacceptable to EQA.
- c. If certification is withdrawn the certificated organisation must immediately remove both the logo and all references to certification.

8. Certification

In order to obtain or maintain certification the organisation must:-

- a. Offer all their clients a standard of product and/or service consistent with these regulations and the criteria to which they are certificated by EQA.
- b. Only make claims to certification in respect of the scope for which certification has been granted.
- c. Not make or permit any misleading statements regarding certification or make use of or permit the use of a certification document or part thereof in a misleading manner.
- d. Not refer to certification as “accreditation”. Reference to “accredited certification” is acceptable.
- e. Refrain from any misrepresentations as to EQA’s accreditation status or any misleading acts or statements in relation to the significance of accreditation and in particular from any representation that the fact of accreditation of EQA who has carried out the assessment and/or surveillance audit of the organisation’s products or services implies that the products or services are approved by INAB.
- f. Not use certification in a way which could bring EQA and/or the certification system into disrepute or make any statement regarding certification which EQA may consider misleading or unauthorized.
- g. Without prejudice to the Organisation’s general legal obligations in relation to the maintenance and making available of its records, the organisation shall retain on record all records related to the Management System, Product Scheme and/or Security system for a period of 3 years or as otherwise specified by EQA or required by law.
- h. Advise EQA immediately of any change of address, contact details or addition or removal of offices or sites which are covered by the certified activity.
- i. Advise EQA of any changes to the company ownership, legal status, management structure or scope of operations as soon as they take place.
- j. Present all revised documentation to the assessor at each assessment audit and surveillance visit for checking.
- k. Afford EQA and its representatives such assistance and co-operation as is deemed necessary by EQA to enable it to monitor compliance with the scheme regulations. This co-operation shall include but not be limited to:
 - Affording EQA access to relevant areas of the organisation for the witnessing of activities
 - Preparation, packaging and dispatch of other items needed by EQA for verification purposes

- Permitting scrutiny by EQA of the organisations records (records required to demonstrate compliance or otherwise to the standard)
 - Facilitating witness audits by EQA management representatives of EQA assessors on written request
 - Facilitating witness audits by the Irish National Accreditation Board (INAB) of EQA assessors on written request
- l. Ensure that all sub-contracted work is carried out in accordance with the requirements of the certificated system. Where a company wishes to sub-contract a critical element of the scope, the organisation shall procure that EQA will have access to the sub-contractors records and premises (related to the certificated organisation).
 - m. Respond fully and forthwith in writing to any problems raised during an initial assessment or re-assessment within the time frame allocated (unless the lead assessor has marked the problem(s) “Check Next Time” in accordance with PSA auditing guidelines).
 - n. Respond fully and forthwith in writing to any problems raised during a surveillance within the allocated time frame (unless the lead assessor has marked the problem(s) “Check next time”).
 - o. An initial application will be deemed void if corrective action to any problem(s) raised by EQA has not been received by EQA within 3 Months.
 - p. Facilitate a re-visit if the assessor and/or assessment committee do not believe that sufficient evidence to problems raised could be supplied in writing.
 - q. Promptly pay such fees for application, membership, assessment, surveillance and other services as shall be from time to time determined by EQA.
 - r. Facilitate Assessment, Surveillance and Re-Assessment visits in accordance with the requirements of ISO 17021 and/or ISO 17065 (these are the standards which EQA must meet in order to issue accredited certificates to clients).
 - s. Facilitate Assessment, Surveillance and Re-Certification visits in accordance with Private Security Authority (PSA) guidelines (in the case of standards which are used for Private Security Authority licensing).

9. Fees

Unless stated otherwise in a formal quotation, applicable fees are as follows:-

- a. Registration deposit (non-refundable deposit required in order to obtain written confirmation that an applicant is in the process of obtaining certification from EQA)
- b. The Stage 1 assessment fee (where the standard requires that a preliminary visit take place in advance of the main assessment audit).
- c. The assessment fee which covers the physical assessment (or stage 2 main assessment visit) and issue of certificate.
- d. The surveillance fee which covers each surveillance visit.
- e. The 3 year Re-Assessment fee (this does not apply to Security certification schemes)
- f. Re-Visit fees will apply where the assessment committee request a re-visit or where special audits are required (e.g. in order to process a significant change in scope or in response to a complaint).
- g. EQA must be notified in writing if the client decides to postpone or cancel a scheduled and confirmed audit. The client shall be liable to pay to EQA a postponement/cancellation fee if the notification is received by EQA less than 1

calendar month (30 days) prior to the date of the scheduled audit. The amount of such fee shall be as follows:

- i. if the notification is received less than 30 (thirty) calendar days but more than 7 (seven) calendar days prior to any scheduled activity, the postponement/cancellation fee shall be 50% of the cost of the scheduled audit;
 - ii. if the notification is received less than 7 (seven) calendar days prior to any activity, the postponement/cancellation fee shall be 100% of the cost of the scheduled activity.
- h. EQA reserve the right to increase fees from time to time at its absolute discretion and in accordance with increases in costs. EQA will provide written notice to clients in advance of any increases in fees.

10. Surveillance

- a. EQA will normally carry out annual surveillance visits to ensure the certificated organisation is maintaining the requirements of the standard. For management system certification (e.g. ISO 9001, ISO 14001, ISO 45001, ISO 50001, ISO 27001), the first surveillance visit shall take place 10 Months after the main assessment visit.
- b. Where a scope is seen to be complex or where a company operates from several sites, EQA may at its absolute discretion carry out audits on a more frequent basis. This will normally be detailed in the quotation however the assessment committee may at its discretion recommend an increase (or decrease) in frequency following review of the assessor reports.
- c. If serious problems are found the organisation will be given a specific time to carry out corrections. The next surveillance visit may be brought forward or a re-visit may be carried out at EQA's discretion.

11. Re-assessment

- a. For Management System schemes, re-assessment audits are conducted every 3 years and must take place prior to the expiry of the certificate(s).
- b. It is a requirement that a 3 year summary report detailing all changes and improvements over the 3 year cycle is produced in advance of the audit taking place.

12. Confidentiality

- a. The EQA Directory of Certified Clients is publicly available. This includes a synopsis of the information detailed on the certificate of registration.
- b. EQA reserves the right to include the name of new clients on their website with a summary of the standards obtained (and may include the names of existing clients who have obtained certification to an additional standard).
- c. EQA reserves the right to list the certificate number of any certificates which have been suspended or withdrawn on their website.
- d. On request and in compliance with the rules of accreditation applicable to it, EQA reserves the right to verify whether a company has applied for registration, is listed on the Directory of Certified Clients or has been suspended or withdrawn from a scheme.
- e. Where a scheme operated by EQA is accredited by the Irish National Accreditation Board (INAB), INAB may review the contents of client files as part of the accreditation process (INAB use this information strictly for accreditation purposes only).

- f. All client information other than that detailed in a, b, c, d and e above will only be communicated to third parties following written approval or request by the certificated organisation.
- g. In the event that EQA is required by law to provide to a third party confidential information pertaining to a client then and in such event and unless restrained from so doing by operation of law or Court Order, EQA shall notify such client or individual in advance of the information being so provided.

13. Impartiality

- a. EQA are committed to providing an impartial certification service, as such we have prepared an impartiality statement, a copy is available for download from the EQA website (www.ega.ie) or on request.

14. Complaints

- a. EQA will notify a certificated organisation of any complaint received from a customer or third party and will require a response in writing. EQA will examine the complaint and any relevant action during the next planned visit or may carry out a short notice audit depending on the severity of the complaint. Failure by a certificated organisation to provide a written response shall result in an assumption by EQA that the complaint is a valid complaint and EQA shall take such action as it may deem appropriate in the circumstances.
- b. Each certificated organisation shall maintain a Complaint File detailing their client complaints and resulting actions, which shall be examined by the assessor at each visit.
- c. Any complaints received involving EQA staff or its representatives shall be directed to the Chief Executive for investigation (or chairperson of the governing board if the complaint involves the Chief Executive).
- d. Complaints will only be investigated if they are confirmed in writing, (e-mail or letter) and clearly identifies the full contact details of the complainant. EQA will acknowledge all complaints in writing.
- e. EQA's full complaints procedure is detailed in the EQA "Corrective and Preventive Action Procedure". A copy is available for download from the EQA website (www.ega.ie) or on request.

15. Withdrawal, Refusal and Suspension of Certification

- a. The granting, maintenance and renewal of certification shall be offered only to an organisation that complies with EQA certification requirements (which include the requirements of the standard). EQA reserves the right to withdraw certification from an organisation that fails to comply with EQA requirements at any time.
- b. Following an EQA audit, the lead assessor may make a recommendation to refuse, withdraw, suspend or reduce the scope of certification. The reasons will be explained to the client and the recommendation will be sent to the assessment committee for approval.
- c. Following review of an audit report by the assessment committee, the assessment committee may make a decision to refuse, withdraw, suspend or reduce the scope of certification, the reasons for the decision will be explained to the client.
- d. EQA may, at its discretion, withdraw certification, reduce the scope of certification, or require a special audit (as defined ISO 17021), in the light of changes in structure, personnel, staff responsibility, equipment and premises (where relevant) or scope of activity of an organisation.

- e. The EQA 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 that organisations respect the requirements of certification. These measures include but are not limited to; voluntary suspension, suspension, resignation and withdrawal of all or part of the organisations scope of certification.
- f. The voluntary suspension, suspension, resignation or withdrawal of all or part of an organisation's scope of certification will be published in the EQA Directory of Certificated Organisations.
- g. Voluntary Suspension.
Organisations holding EQA certification that are unable, on a temporary basis, for any reason to comply with the applicable EQA criteria and/or regulations are obliged to seek voluntary suspension for all or part of the organisations scope of certification and inform EQA in writing. In certain circumstances, EQA may, at its absolute discretion and without obligation to proffer reasons for its decision, refuse voluntary suspension and impose a withdrawal of all or part of the organisations scope of certification.
- h. Suspension.
An organisation may have its certification partially or wholly suspended for failure to comply with EQA criteria and regulations (e.g. failure to facilitate a surveillance audit, failure to respond to corrective actions within the agreed time scales, following recommendation of a lead assessor or the assessment committee or following receipt of a complaint).
- i. In the case of suspension and voluntary suspension of certification, EQA will send a letter to the organisation confirming the suspension of certification.
- j. Under suspension, the organisation's certification is temporarily invalid and all promotion of certification shall cease. Where an organisation's certification is partially suspended, promotional material shall be amended to reflect only the scope / activities / locations which are not under suspension.
- k. An organisation shall only be in suspension for a period not exceeding 3 months. In exceptional circumstances, EQA may at its absolute discretion permit an extension of this time frame to a maximum of 6 months.
- l. A re-instatement fee may be applied in order for suspension to be lifted.
- m. Failure by the organisation to resolve to the satisfaction of EQA the issue(s) which resulted in suspension within the agreed timescale will result in withdrawal of certification.
- n. Resignation:
An organisation may choose to resign all or part of its scope of certification at anytime by informing EQA in writing.
- o. Withdrawal:
EQA may at its absolute discretion withdraw certification of all or part of the organisation's scope of certification for any of the following reasons;
- An organisation, being owned by an individual where such individual is declared bankrupt or enters into a composition with his/ her creditors
 - An organisation, 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
 - The management of an organisation fails in any respect to comply with the laws of the country(s) in which it is operating

- Where, in the view of EQA, an organisation has made unreasonable or irresponsible use of sub-contracting
 - Where an organisation fails to comply with any provision of EQA criteria or regulations, which may be changed from time to time
 - Where an organisation fails to discharge all overdue invoices in respect of services delivered
 - Where an organisation has, in the reasonable view of EQA, brought certification into disrepute either as a result of its certificated or non-certificated activities.
- p. The Governing Board of EQA have final authority over withdrawal of certification. A report on all withdrawals is provided by the Chief Executive to the Governing Board at each meeting. A withdrawal decision may be appealed to the Governing Board.
- q. EQA shall confirm the withdrawal or resignation of certification in writing. It shall detail the actions required by an organisation arising from its withdrawal or resignation and shall include the procedure for re-instatement of certification.
- r. The certificate of registration shall be returned by the organisation to EQA following withdrawal or resignation of all or part of its scope of certification (where only part of the scope certification is withdrawn, EQA will issue a new certificate reflecting the reduced scope).
- s. In the event of the certificate being withdrawn, the organisation shall remove the logo and all references to certification and all promotion of certification.
- t. In the event of the scope of certification being reduced, the organisation shall modify promotional materials to reflect only the scope / activities / locations which remain certified.
- u. The organisation shall allow an EQA assessor at reasonable notice access to confirm that all references to certification have been removed.
- v. An organisation shall notify its clients in writing of its new certification status prior to undertaking work in an area for which the organisations certification is under suspension or has been withdrawn.

16. Multi-site Organisations

- a. An organisation shall inform EQA of all sites which will be covered by the certification scheme.
- b. Where a certification scheme is managed by a central office, withdrawal or suspension of certification at the central office shall automatically apply to all sites managed by the central office (this applies regardless of whether or not EQA have issued separate certificates for each site)
- c. Where an organisation wishes to exclude a site from certification, the EQA logo or any other claim to certification shall not be used in relation to this site (e.g. if company headed paper or website includes the address of an un-certified site, the logo cannot be used on the headed paper or website).
- d. Where the sites to be visited are based on a sampling procedure, EQA shall be informed in advance of any sites to be excluded from certification. It is not possible to exclude a site because it has been chosen as part of the random selection process or as a method of resolving a problem(s) identified during an audit (all sites are eligible for random selection, sites visited shall be considered as representative of all sites).

- e. These EQA scheme regulations shall apply to all sites covered by the certification scheme.

17. Appeals

- a. Appeals may include appeals against
 - Recommendations and decisions of assessors and employees of EQA including those arising from the interpretation of the regulations and the specified criteria of competence or otherwise arising in connection with the operation of the certification schemes
 - Recommendations and decisions of the chief executive of EQA or the Governing Board of EQA.
- b. Appeals must be made in writing to the Chief Executive within 21 calendar days of being informed of the recommendation or decision.
- c. The full appeals procedure is detailed in the EQA “Corrective and Preventive Action Procedure”. Available for download from the EQA website (www.ega.ie) or on request.

18. Disputes

- a. The contract shall in all respects be subject to and construed in accordance with the laws of the Republic of Ireland and the client submits to the exclusive jurisdiction of the Courts of the Republic of Ireland.

19. Accreditation

- a. INAB (Irish National Accreditation Board):
The EQA schedule of accreditation is available on the INAB website. All certificates which bear the INAB logo are accredited by INAB. EQA is subject to surveillance visits by INAB to ensure that the schemes are operated to international standards.
- b. Non-Accredited:
EQA (Ireland) may offer certification schemes and/or scopes within a certification scheme without accreditation from an accreditation body. Non-accredited schemes are monitored internally and are carried out in accordance with international auditing principles. Non accredited certificates do not display an accreditation body logo.
- c. Private Security Authority (PSA)
EQA (Ireland) are approved by the PSA as a certification body for the purpose of auditing the standards required for security service licensing. The PSA logo will appear on PSA mandated security certification schemes.
- d. Witness Audits:
In accordance with accreditation guidelines, the certificated organisation will facilitate witnessed audits of EQA assessors by accreditation representatives upon written request from EQA.

20. Register

EQA maintain a register of certificated organisations which lists alphabetically all the certificate holders together with their addresses and certificated scopes (See Confidentiality above). The register is updated regularly and is available for inspection upon appointment.

21. Revisions

EQA reserve the right to revise the scheme regulations from time to time.