



Nesus Certification Sdn. Bhd.

Certification Terms & Conditions

(Rev 3 Date: 25.09.2024)

These Terms & Conditions are to address the requirements of conformity on assessment services for certification by Nesus Certification Sdn Bhd (NSC).

1. Scope

NSC provides independent conformity assessment services for the following relevant Standards:

- a. MS 2503: 2022 Series
- b. Any other Certification Standards that NSC may offer accredited certification for in the future.

2. General Conditions

The basic conditions for acquiring and retaining certification with NSC are that the applicant company agrees to and complies with as per the following procedures and rules:

- a. The audited company shall make available all information deemed necessary by NSC to complete the relevant audit program.
- b. Any certification contract issued by NSC is governed by the laws of Malaysia.
- c. NSC, if not satisfied that all the requirements for certification are not met, shall identify non-conformities and require the audited company to correct and take actions to prevent recurrence of the said non-conformities.
- d. The registered company grants NSC permission to publicize their certification status.
- e. In the case of Major non-conformities, when the applicant company can demonstrate that actions have been taken to meet all the requirements, NSC will arrange to repeat only the necessary parts of an audit that cannot be verified by submission of documentary evidence.
- f. If NSC is unable to verify the implementation of correction and corrective actions for a major non-conformity within 3 months of the date of the Stage 2 audit, then NSC is obliged by accreditation rules to repeat the Stage 2 audit prior to certification.
- g. If the applicant company fails to take corrective action within the specified time limit, it may be necessary for NSC, at extra cost to the applicant company, to repeat the audit in full;
- h. Identification of conformity shall refer only to the site or sites audited and shall only apply to the worded scope appearing on the certificate;
- i. Fees must be paid within the timescales stated on the quotation. Certificates will not be issued, until relevant fees have been paid in full;

- j. For a registered company to demonstrate effective management reviews and internal audits, these activities shall be carried at least once per year by the registered company;
- k. Failure to comply with these terms and conditions may result in legal action being taken against the company;
- l. The registered company must allow NSC to conduct ongoing Surveillance audits in line with the planned arrangements stated in the proposal;
- m. Certified clients must only use the certification marks in accordance with NSC rules for use of certification marks;
- n. Certified clients must inform NSC within 7 days of notification of prosecution by a regulator within the scope of registration.
- o. An audit day consists of 8 hours of audit activity.
- p. A cancellation fee may be charged for visits booked and confirmed in writing that are cancelled or postponed by the registered client within 2 weeks of the booked date, NSC is responsible for, and will retain authority for, decisions relating to accredited certifications, including the granting, maintaining, renewing, extending, reducing, suspending and withdrawal of the certification.

3. Confidentiality

- a. NSC is responsible for ensuring that secrecy is maintained by its employees and its agents, concerning all confidential information with which they may be acquainted because of their contacts with the company.
- b. Where information is required to be disclosed to a third party, either by law or in maintenance of certification (eg. Accreditation Bodies), the client shall be informed of the information provided as permitted by the law.

4. Non-discriminatory

- a. NSC implemented the equal treatment and opportunities for potential client ,stakeholders and certified entity regardless of their background, size or characteristics.
- b. Nsc committed to providing a work and service environment free from discrimination, harassment, and vilification for potential clients, stakeholders and wokers.
- c. NSC are responsible to confine its requirements, evaluation, review, decision and surveillance (if any) to those matter specifically related to the scope of certification.

5. Changes

The company shall inform NSC in writing and without delay of any intended changes relating to the following:

- a. The legal, commercial, organizational status or ownership
- b. Organization and management
- c. Contact address and site
- d. Scope of operations under the certified management system

- e. Major changes to the management system and processes

NSC will determine whether the notified changes require any additional audit activity. Failure to notify NSC may result in certification suspension.

6. Application for Certification

- a. Upon receipt of a completed application for quotation from an applicant company, a quotation outlining the audit criteria and fees will be submitted to the applicant company.
- b. Once the application for certification, suitably authorized by the applicant company, and accompanied by the necessary fee payment has been received by NSC, the project will be allocated an audit team.
- c. The audit team leader will be responsible for ensuring that audit is carried out in accordance with NSC procedures.

7. Fees

- a. Fees are detailed in the quotation submitted to the applicant. All costs are based on the charge rate applicable at the time of quotation and NSC reserves the right to increase charges during the certification period. Such increases will notified to the client company in writing.
- b. Once an application for certification is made, payment of the initial registration fees is required and payment of ongoing registration fees is due as per the payment schedule within the quotation.
- c. Additional fees will be charged for additional work not included in the scope of the original quotation and for any extra, unscheduled visits required due to noncompliance being identified in the continuing adequacy and/or implementation of the relevant management system.
- d. Unless otherwise stated, fees quoted will include travel and expenses associated with the audit / surveillance activities. NSC reserves the right to charge late payment charges.
- e. All fees are subject to local taxes in the country concerned at the appropriate rates.

8. Initial Audit

Conformity assessment audits are based on sampling within the Management System and are therefore, not a guarantee of 100% conformity with standard requirements. The initial audit of an applicant company's management system shall be carried out over two stages:

- a. **Stage 1** - to audit the applicants' management system documentation; evaluate location and site-specific conditions and to determine readiness for the Stage 2 audit; establish the applicants' understanding of the requirements of the standard, in particular with respect to the identification of key performance or significant aspects, processes, objectives and operation of the management system; to discuss and agree on the scope of the management system, processes and location(s) and related statutory and regulatory aspects (where applicable) and associated risks, etc; to plan the Stage 2 audit and establish planning arrangements for internal audit and management review and the general readiness for the stage 2 audit;
- b. **Stage 2** - to audit the implementation (including effectiveness) of the applicants' management system through the audit of the information and objective evidence about conformity to all

requirements of the applicable management system standard or other normative documents; assess performance monitoring, measuring, reporting and reviewing against key performance objectives and targets; evaluate the applicants' management system and performance with regards to legal compliance, operational control of processes, internal auditing and management review and policies; links between the normative requirements, policy, performance objectives and targets (consistent with the expectations in the applicable management system standard or other normative document), any applicable legal requirements, responsibilities, competence of personnel, operations, procedures, performance data and internal audit findings and conclusions. All records produced for the implementation and operation of the appropriate management system shall be readily available for inspection by the audit team. The applicant company shall ensure that NSC is advised of the name of the management representative who has authority and responsibility for maintaining the management system. This individual shall be required to maintain contact with NSC. Any changes to this designated person must be informed to NSC in writing.

9. Certification Decision

- a. When the responsible decision makers of NSC are confident that the company meets all the requirements for certification following a thorough review of the audit report(s) and associated objective evidence, the applicant shall be entered on NSC's certification directory and a registration number and certificate issued. Certificates issued will remain the property of NSC and shall be returned to NSC upon request.

10. Surveillance Audit

- a. Periodic surveillance visits shall be carried out to confirm that the certified management system has continued to fulfill requirements between re-certification audits; ensure internal audits and management reviews have been performed to programme; review actions taken on non-conformities identified during the previous audits; evaluate treatment of complaints; evaluate the continued effectiveness of the management system with regards to achieving objectives; evaluate the management system and performance with regards to legal compliance; review progress of planned activities aimed at continual improvement; ensure continuing operational control and review of any changes since the last visit.
- b. The certificate holder shall allow NSC the right of access for surveillance purposes and NSC shall reserve the right to make unannounced visits as required. The certificate holder will be informed of the results of all surveillances.
- c. First surveillance visits shall be conducted no later than 12 months after the certificate issue date; and at least once a calendar year thereafter.

11. Renewal of Registration / Renewal of Certification

- a. Regardless of the frequency of the surveillance routine, a certification cycle runs for a five-year period from the date of the certificate decision with a full re-audit to be completed within 5 years of the last date of the Stage 2 audit, and every 5 years thereafter.
- b. Failure to submit for re-audit prior to the expiry date will result in a period during which the company's registration will be deemed to have expired. NSC's client companies will be subjected to re-audit prior to the expiry of the certificate. Six (6) months prior to the expiry date, a new quotation will be submitted covering the new five-year cycle.
- c. Typically, the man-day allocations for a five-year audit will be approximately the same as the initial Stage 2 audit.

12. Extension / Reduction of Certificate Scope

- a. Extending the scope of registration, to cover new products / processes / locations requires registered companies to complete and return a new application for quotation. This will allow NSC to determine whether additional audit time is required to cover the changes required. The application procedure outlined in clause 5 of these Terms & Conditions will be followed and an audit will be carried out on the areas not previously covered.
- b. With regards to reduction in the scope of registration, it is mandatory that NSC be advised immediately of changes in organization i.e. closure of sites or removal of method / system previously used under original scope on certificate.
- c. Upon review and acceptance of the information, NSC will determine the actions needed to process the scope reduction and will notify if an additional audit and a change in the worded scope is required.
- d. The cost of this reduction in scope of the certificate will be based on the nature and programming of the audit if required or administration costs for a new certificate.
- e. In both cases, an amended certificate detailing those aspects of the company activities covered by the extension, will be issued following a successful audit (where applicable) to replace the original certificate issued to the company.

13. Publicity by registered companies

- a. A certified company has the right to publicize the fact that the management system which it utilizes has been certified, and can apply the relevant marks to stationery and promotional materials relating to the scope of certification as detailed on the certificate.
- b. Certification marks must not be applied or displayed in any way that is ambiguous as to the scope of the certification.
- c. Any statement about certification made on product packaging shall in no way imply that the product itself is certified by NSC and shall include the brand name of the certified client, the type of management system and standard and the name of Nesus Certification Sdn Bhd.
- d. In every case, the registered company shall ensure that no confusion arises between certified and non-certified products /processes or activities in its publications and advertising.
- e. The company shall not make any claims that could mislead purchasers to believe that a product/process or activity is covered by certification when, in fact, it is not.

14. Misuse of Certificates

NSC takes all reasonable precautions to control the use of the certificates issued. Incorrect references to the scope of certification or incorrect use of the certificates shall be dealt with by suitable actions, which could include suspension or withdrawal of certificates, legal action and / or publication of the transgression.

15. Suspension of a Certificate

- a. A certificate may be suspended for a limited time (maximum 6 months) in cases of:
 - i. Widespread failure by a registered company to effectively implement the management system requirements.
 - ii. Failure to permit NSC to conduct re-certification or surveillance audits at the required frequencies.

- iii. Failure to accept the presence of accreditation body auditors attending the audit to be conducted by NSC.
 - iv. Failure to notify NSC of significant changes to the registered company.
 - v. Misuse of certification marks.
 - vi. Misrepresentation / misuse of the certificate.
 - vii. Falsification and / or fabrication of records of implementation.
 - viii. Failure to respond to Corrective Action Requests within 30 days of the date of issue.
 - ix. Non-payment of certification fees owed to NSC.
 - x. Expiry of a certificate after the 5-year registration period has lapsed.
 - xi. Request from the client for voluntary suspension.
- b. If suspended, the company shall immediately cease to identify the coverage of any certificate under suspension. NSC shall notify in writing an official suspension of certificate to the company, this notification will indicate the conditions that will allow removal of the suspension.
 - c. At the end of the suspension period, or earlier if suitable responses have been submitted by the suspended client, an investigation will be undertaken to determine whether the required conditions for removal of the suspension have been followed.
 - d. If the conditions have been satisfied, the certificate will be re-instated. However, if the conditions have not been satisfied, the certificate shall be withdrawn.
 - e. The suspended company shall be liable for any reasonable costs associated with the suspension and subsequent reinstatement of the certificate and these will be charged to the registered company.

16. Withdrawal of Certificate

- a. A certificate may only be withdrawn if the company does not meet required conditions raised on suspension of certificate.
- b. Intention to withdraw a certificate will be notified to the company in writing 7 days before the proposed withdrawal date and the company does have the right to appeal against this decision.
- c. NSC is not liable to reimburse any audit fees paid and NSC will publish the withdrawal of the certificate.
- d. Reinstatement of 'withdrawn' certificate may require a full initial audit to be conducted and where appropriate, fees to be paid in advance.
- e. Withdrawal of the certificate will require that all promotional materials endorsed with NSC's certification logos must be withdrawn from use immediately and any continued use of the marks on company publicity and stationery materials will be in contravention of the intellectual property rights of the owners of the marks.

17. Cancellation of Certificate

- a. A Certificate may be canceled if:
 - i. The company does not wish to renew the certificate.

- ii. The company goes out of business.
- iii. The company does not respond to correspondence from NSC.
- b. NSC is not liable to reimburse any audit fees paid and NSC will publish notification of the cancellation of the certificate.
- c. Cancellation of the certificate will require that all promotional materials endorsed with NSC's certification logos must be withdrawn from use immediately and any continued use of marks on company publicity and stationery material will be in contravention of the intellectual property rights of the owners of the marks.

18. Transfer Client

- a. A transfer of certification occurs when a client from another certification body chooses to switch their certification to NSC.
- b. The transfer review checklist should cover following aspects:
 - i. Currently holds an accredited certificate issued by a certification body accredited.
 - ii. Has no outstanding major non-conformances.
 - iii. The system as sampled is in compliance with local Legislative Regulatory requirements.
 - iv. Is not engaged in legal representations with statutory bodies.
- c. For clients transferring from another Certification Body and not meeting (a) and (b) above, a contract review is performed to determine the transfer visit duration.

19. Termination Client

Termination of Certification (due to serious / major findings) – actions which can affect NSC accreditation. NSC can initiate immediate termination of the certification if the client does not comply according to the list as below:

- a. MPOCC Scheme requirements. (www.mpocc.org.my)
- b. MPOB requirements.
- c. MSPO Standards. (MS2530:2013 series)
- d. NSC Rules & Regulations. (<https://nesus.com.my/terms-conditions/>)
- e. NSC/QCA. (Quotation & Certification Agreement)
- f. Activities / Actions which can affect NSC accreditation.

20. Special Audit

Expanding scope of the certified clients:

- a. In response to an application for expanding the scope of a certification already granted, the application shall be review and determine any audit activities necessary to decide whether or not the extension may be granted. This may be conducted in conjunction with a surveillance audit or independent audit.

Short notice-audits of the certified clients:

It may be necessary for NSC to conduct audits of certified clients at short notice to investigate complaints or in response to changes or as follow up on suspended clients, in such cases:

- a. NSC shall describe and make known in advance to the certified clients the conditions under which these short notice visits are to be conducted. (via email, phone call or electronic media)
- b. NSC shall exercise additional care in the assignment of the audit team because of the lack of opportunity for the client to object to audit team members.

21. Appeals and Disputes

- a. In the event of certificate withdrawal or if a client company does not accept a non-conformity or recommendation for registration, the company has the right of appeal.
- b. Should the company intend to appeal, then they should refer to the Appeals procedure of NSC.
- c. NSC must receive notification of the intent to appeal within seven (7) days of the company's receipt of the intention of withdrawal notice from NSC, or the date of the audit.
- d. The appellant must submit a formal documented substantiation for the appeal to NSC within fourteen (14) days of the receipt of the intention of withdrawal notice or the date of the audit.
- e. All client company appeals will be initially reviewed by the appointed certification decision maker(s) and the NSC audit staff responsible for the recommendation to withdraw the certificate or identification of the non-conformity - who must provide evidence to support their recommendation.
- f. Should the appointed decision maker reject the appeal, then it will have to be passed to the board for appraisal. Should the board concur with the decision maker(s) finding then the appeals committee, drawn from the independent members of the impartiality committee shall consider the appeal.
- g. The appellant will be advised on the names of the appeals committee and the appellant has the right to dispute the members of the appeals committee by formal notification of their dispute.
- h. This dispute will be reviewed by the chairman of the committee or, if the chairman is a member of the appeals committee, by the vice-chairman. The result of the appeals committee review will be notified to the company.
- i. The decision of the appeals committee is final and shall be binding on both parties. Once the decision on the appeals have been made, no counter claim by either party can be made to amend or change the decision.
- j. In instances where the appeals have been successful, and the certificate is re-instated or the nonconformity is removed, no claim can be made against NSC for reimbursement of costs or any other losses incurred because of the initial withdrawal or identified non-comformity.
- k. Submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant.

22. Complaints

- a. Should a client company have any reason to complain regarding the conduct of NSC's employees, then the complaint should be made in writing to NSC.
- b. Complainants will receive an acknowledgement of receipt immediately and the complaint will be investigated and decided upon within a maximum of thirty (30) days from initial receipt.

- c. Should NSC receive a complaint by a user of a registered client, indicating that a certified client no longer complies with NSC's requirements, then it may be necessary to either initiate withdrawal of certification, or conduct a full re-audit of the client, at extra cost to the client.
- d. All certified clients shall make available, when requested, records of all complaints and corrective actions taken, in accordance with the management system standards or other normative documents.

23. Directory of Certified Companies

- a. NSC maintains a directory of all certified companies, including the name, relevant normative documents, scope and geographical location (e.g. city and country) for each certified client (or the geographical location of the headquarters and any other sites within the scope of a multi-site certification).
- b. This is published and made available upon request to both certified and non-certified companies and members of the public in the website www.nesus.com.my

24. Accreditation Body (Department of Standards Malaysia) Visits

- a. NSC's clients shall, where an accreditation body so nominates a need to, accept the presence of officers of the accreditation body attending an audit to be conducted by NSC.
- b. Attendance by accreditation officers shall in no way affect the certification decision making process of the NSC's Lead Auditor.

25. Liability

- a. NSC's auditors carry out an evaluation of conformity against a standard, which in respect of the time allocated can only be considered as a snap shot of the activities of the audited company and not an exhaustive evaluation.
- b. At no point, does NSC hold itself up, purport or profess to be a regulatory authority or expert consultants within the areas audited and can only operate within the general working knowledge of the field involved as defined by the scope of activity.
- c. NSC holds itself removed from any responsibility or liability to the audited company for any implications or actions resulting from legislative/regulatory noncompliance on behalf of the audited company including any actions taken after the audit resulting in legal or financial failures of the audited company.