



REGULATIONS RELATING TO REGISTRATION

KIWA

Preamble

NQA Certification Limited (henceforth referred to as NQA) provides certification services to National and International management systems standards.

Where reference is made to 'the relevant standard' in these Regulations, this is to mean one or more of the standards forming the Application for Registration and any linked requirements (e.g. IATF 16949) against which registration is required.

Confidentiality

1. All information acquired by NQA, about an applicant or a registered company, shall be confidential and, except as required by an accrediting organisation or for input to industry databases, shall not be disclosed to a third party without the prior written agreement of the company concerned.

Registration

2. A company (or partnership, government department, local authority or other appropriate body), whose management system for part or all of its operation (its scope) has been assessed by NQA as being compliant with the requirements of the relevant standard, may be granted registration. NQA maintains and makes publically accessible on request, a directory of valid certifications.
3. The continuance of registration for such scope is dependent upon the outcome of periodic surveillance/re-certification audits of the company's system by NQA in order to assure itself that all the requirements of the current edition of the relevant standard continue to be met by the company.

Management Representatives

4. The management representative is the person, nominated by the company, who is functionally responsible to the executive management for the maintenance of that company's management system and who is fully conversant with the requirements of the relevant standard.
5. Notwithstanding regulation 10; for IATF 16949 certification; consultants to the client cannot be physically present at the client's site during the audit or participate in the audit in any way.

Access

6. Clients will be required to provide rights of access to facilities, activities, and audit information:
 - a) To representatives of NQA to carry out assessment activities and internal witnessed audits, and
 - b) To the accreditors of NQA and appropriate competent or industry bodies, such as, but not limited to: UKAS, IATF and FSSC in order to facilitate the witnessing of NQA conducting assessment activities and undertake related scheme oversight.

Application for Registration

7. The process of registration normally involves a Stage 1 audit of the company's management system and a subsequent Stage 2 audit of the implementation of that system. Application by a company for both a Stage 1 and Stage 2 audit shall be made to NQA in such a manner as NQA may from time to time prescribe.
8. An application shall be submitted, on the prescribed form, for all addresses from which activities within the company's proposed scope of registration are arranged or carried out. The information provided shall include all data necessary for determination of scope, certification structure, and risk analysis. These regulations apply to all such addresses with equal validity.

9. It is the responsibility of applicants to satisfy themselves that the proposed scope of registration meets their requirements. The applicant shall also determine which accredited registration or combination of accredited registrations is required (see Preamble).

Stage 1 Audit

10. An applicant shall permit NQA, by such assessors and experts as it may appoint for the purpose, to audit the company's MS for the time in being.

The company shall have the right to raise an objection to the composition of the audit team, providing grounds for such objection. NQA shall not unreasonably disregard the grounds for objection. The applicant shall provide appropriate facilities for such purpose, including office accommodation, and all supporting documentation sought by the assessor.

The company's management representative, or their deputy, shall be present, or available, throughout the Stage 1 audit. Where a management consultant is also present, the applicant shall ensure that the consultant does not attempt to influence the course or outcome of the Stage 1 or Stage 2 audit. A senior executive of the company shall attend the Stage 1 opening and closing meetings. If the Stage 1 audit indicates that the clients application should proceed, a Stage 2 audit is arranged.

Stage 2 Audit

11. An applicant shall permit NQA, by such assessors and experts as it may appoint for the purpose, to assess the compliance of the company's management system against the requirements of the relevant standard.
12. The company shall have the right to raise an objection to the composition of the audit team, providing grounds for such objection. NQA shall not unreasonably disregard the grounds for objection. The applicant shall provide unrestricted access to those parts of its business, premises and supporting documents covered by the proposed scope of registration.
13. Office accommodation shall be made available for the duration of the Stage 2 audit, and the company's management representative, or its deputy, shall be present throughout that Stage 2 audit. A senior executive of the company shall attend the opening and closing meetings. The Stage 2 audit visit shall normally take place within six months of the Stage 1 audit. In the event that the time interval exceeds six months, NQA may require, by such assessors and experts as it may appoint, to verify that the company's MS has not substantially changed.

Appraisal of Application for Registration

14. When considering an application for registration following a Stage 2 audit, NQA may, at its discretion, decide to:
- Grant registration, or
 - Decline registration.

Certificate of Registration and Replicas of NQA Devices

15. NQA shall issue a Certificate of Registration detailing the company's scope of registration and incorporating the date of registration, validity period and the certificate number. The certificate shall incorporate the appropriate accreditation mark. The certificate and audit report(s) are the property of NQA and shall be returned, upon request, to NQA on cessation of registration for whatever reason.
16. The Certificate of Registration shall contain the following information:
- The name and geographic location of the client, (or the geographic location of the Head Office and any sites within the scope of a multisite certificate).
 - The dates of granting, extending or renewing certification.
 - The expiry date.
 - A unique identification number.
 - The precise standard and/or other certification criteria, against which certification is issued.
 - The scope of certification.
 - The name, address and certification mark of NQA.
 - Any other information required by the certification criteria.
17. During the currency of its registration with NQA, a company shall be entitled to advertise that fact and to use the NQA Registration or Certification Mark(s) as appropriate, the former in the case of accredited scopes and the latter by all registrants. All use of NQA Registration and Certification Marks must be in accordance with the Conditions of Use of NQA's Marks. No company shall normally be permitted to hold more than one certificate number for each registration held. A company shall not use either the NQA Registration Mark or the NQA Certification Mark, until its Certificate of Registration is issued. Registered companies are prohibited from using the IATF logo in any capacity.
18. A company registered with NQA shall, at all reasonable times, be prepared to produce its Certificate of Registration for inspection by an authorised representative of NQA.

Conditions of Continued Registration

19. Registration shall subsist, without renewal, subject to the satisfactory outcome of any periodic surveillance and re- assessment audits carried out by NQA and compliance with these Regulations Relating to Registration, as may be amended from time to time.
20. A company registered with NQA shall be eligible for continued registration subject to:
- Access, by NQA representatives, to those parts of the business and premises covered by the scope of registration for the purpose of periodic surveillance audits of the management system (see Regulation 21), and
 - Application being made for the inclusion of any additional addresses at which activities covered by the scope of registration are carried out or arranged and which are, in consequence, subject to the controls described in the company's MS, and
 - Application being made for changes to the company's scope of registration as a result of changes to the company's MS, and
 - Compliance with scheme specific requirements (such as IATF Rules for achieving and maintaining IATF recognition), and
 - Compliance with the requirements of the relevant standard, and
 - Retention of records of Management Reviews and Internal Audits for a minimum period of three years, and
 - Notification to NQA of significant changes to the company's MS. Work associated with Regulations 20.c) and 20.d) will incur the payment of additional fees. The company shall notify NQA of changes, under Regulations 20.c), not later than twenty-eight days prior to coming into effect, and
 - Notification to NQA without delay (maximum three (3) working days) of matters that may affect the capability of the Management System to continue to fulfill the requirements of the applicable certification scheme e.g.
 - Legal status.
 - Commercial status (joint venture, sub-contracting with other organisations).
 - Ownership status (mergers, acquisitions).
 - Organisation and management (key managerial, decision making or technical staff).
 - Contact address or location.
 - IATF OEM special status (notification shall be within 10 calendar days).
 - Major changes to the management system and processes.
 - Scope of operation under the certified management system.
 - Notification to NQA without delay of the occurrence of a serious incident or breach of regulation necessitating the involvement of the competent regulatory authority.
 - Notification to NQA within three (3) working days, of product recalls and calamities that affect the capability of the management system to continue to fulfill scheme requirements.
 - Notification to NQA within three (3) working days, of any legal proceedings with governmental authorities and the outcomes of those related to food safety and/or quality that affect the capability of the management system to continue to fulfill scheme requirements.
 - Notification to NQA, as soon as possible, of major threats to business continuity such as an earthquake, fire, flood, tsunami, force majeure etc. related to food safety and/or quality that affect the capability of the management system to continue to fulfill scheme requirements.
 - Provision upon request of all data necessary for determination of scope, certification structure, and risk analysis.

Periodic Surveillance Audits

21. The certification issued to clients whose management system has been shown to comply with the criteria against which an assessment was conducted, as described in Regulations 10 to 13 will be maintained by NQA conducting periodic surveillance audits. The first surveillance audit will take place at a time prescribed by NQA, which would normally be no more than twelve months following the date of the certification decision.
22. The company shall have the right to raise an objection to the composition of the audit team, providing grounds for such objection. NQA shall not unreasonably disregard the grounds for objection. The client shall provide unrestricted access to those parts of its business, premises and supporting documents covered by the proposed scope of registration.
23. Subsequent surveillance audits shall normally be undertaken on a notional annual or bi-annual basis as deemed necessary by NQA, (unless further visits are deemed necessary by NQA). The requirements of Regulations 11 to 13 are generally applicable.

Re-certification Audits

24. Certification will normally be valid for a period of three years, subject to compliance with Regulation 20. Prior to the conclusion of three year certification cycle, a re-certification audit will be carried out by NQA in lieu of a periodic surveillance audit, as described in Regulations 21 to 23. This re-certification audit will evaluate the continued conformity and effectiveness of the client's management system as a whole with all of the requirements of the certification criteria.

The company shall have the right to raise an objection to the composition of the audit team, providing grounds for such objection. NQA shall not unreasonably disregard the grounds for objection. The applicant shall provide unrestricted access to those parts of its business, premises and supporting documents covered by the proposed scope of registration.

25. Following a recertification audit, NQA may, at its discretion, decide to:
 - a) Grant continued registration, or
 - b) Decline continued registration.
26. Should the decision be to grant continued certification, NQA will reissue the certificate of registration to the client as described in Regulation 15. That re-issued certificate will be normally valid for a period of three years, subject to compliance with Regulation 20.

Suspension

27. Management system certification issued by NQA may be temporarily suspended for a number of reasons including:
 - a) Voluntary cessation (by the client) of the operation of the certificated management system for whatever reason, (as required by Regulation 20f).
 - b) The management system adopted by the client has persistently or seriously failed to meet the certification criteria and has shown itself to be incapable of being effective, (as required by Regulation 20f), and
 - c) The client has not permitted NQA to conduct surveillance/reassessment activities (as required by Regulation 20b).
28. During its suspension, for whatever reason, the client shall not promote any claim to the effect that its management system is certificated. In addition NQA may place notice on its website (www.nqa.com) that a client's certification is under suspension. Financial Year, Fees and Charges.

Appointments, Postponements and Cancellations

29. NQA may, at any time, cease consideration of an application, or cancel registration of a company for failure to make payment of the prescribed fees and charges. The decision to cease consideration of an application, or to cancel registration, shall be notified to the company in writing and shall be deemed to become effective at the expiration of fourteen days after the date of dispatch of the letter. Should the company seek to have their registration reinstated, then NQA may make a charge to cover the costs involved.
30. NQA may, at any time, withdraw the registration of a company if it is shown to the satisfaction of NQA that:
 - a) It has committed a breach of any of the obligations imposed by these Regulations, or
 - b) It fails to maintain its management system to the requirements of the relevant standard, or

- c) It fails to rectify departures from the relevant standard observed by an NQA assessor during periodic surveillance audits of the management system, or
- d) It fails to notify NQA of the existence of new addresses that either arrange or carry out work covered by the existing scope of the company, or
- e) It fails to notify NQA within twenty-eight days of a change in the company's ownership which results in a change to the controlling interest of the company, or
- f) It attempts to mislead its clients about the location or source of a service within its scope of registration, or
- g) It has made use of the registration or certification marks or devices of NQA (as described in Regulation 17) in a manner which is likely to bring NQA into disrepute, or
- h) It fails to advise NQA, within twenty-eight days, of a change of management representative at any of its business locations covered by its Certificate of Registration, or
- i) It fails to notify NQA without delay, of the occurrence of a serious incident or breach of regulation necessitating the involvement of the competent regulatory authority.
- j) It becomes bankrupt or insolvent or has a receiving order made against it, or compounds with its creditors or being a corporation commences to be wound up (not being a members voluntary winding up for the purposes of reconstruction) or carries on business under a receiver for the benefit of creditors or any of them or if, in the opinion of NQA, the nature of its work has changed or
- k) It shall cease to trade or if there be any change in the ownership of the business that materially affects the conditions under which the company was registered, or
- l) It performs any act which, in the opinion of NQA, is contrary or prejudicial to the objects or reputation of NQA.

31. Before deciding whether or not to withdraw the registration of a company in accordance with Regulation 30, NQA shall inform the company, in writing by recorded delivery, of their intention to do so and the reason for the withdrawal. NQA shall afford the company the opportunity to make representation in writing to NQA within fourteen days of the date of recorded dispatch, and shall consider such representation before deciding whether or not to withdraw the registration of the company.
32. A decision to withdraw the registration of a company under Regulation 30 shall be notified in writing by recorded delivery. The registration of a company which is withdrawn shall not be transferred to any other company. Notwithstanding Regulation 1, NQA may make public the withdrawal of registration and the associated regulation(s) which was infringed.

Complaints

33. NQA has a publicly available description of its process for handling complaints against it. This process is described on its web-site (www.nqa.com). Details of the subject of any complaint and its resolution are also contained on that web-site, should the complainant and/or client wish the details of the complaint to be publicly available.

Appeals

34. Any applicant organisations or certificated client of NQA Certification Limited (NQA) has the right to appeal any decision pertaining to the certification process made by NQA and concerning such applicant organisation or certified client.

Note 1: Submission, investigation and decision on appeals shall not result in any discriminatory action against the appellant.

Note 2: For the purposes of this appeals procedure, an "Independent Person" means a person who has had no direct involvement with the audit or certification of the relevant appellant in the twelve months prior to the submission of the written appeal including the audit or certification decision that forms the subject of the appeal.

35. In the first instance the appellant submits a written appeal to NQA setting out the background to and reasons for the appeal. NQA shall log receipt of such appeal, formally confirm receipt of such appeal and provide the appellant with the name(s) of the individual(s) responsible for the investigation and an anticipated timeframe for completion.
36. On occasions where the anticipated timeframe for completion is exceeded, the appellant shall be kept updated of progress.
37. The outcome of the investigation and provisional decision shall be reviewed and approved by an Independent person who has had no

prior involvement with the investigation and provisional decision.

- 38.** In order to ensure impartiality, the outcome of the investigation and provisional decision shall be reviewed by the Independent Certification Board of NQA.

This review shall precede communication of the outcome to the appellant.

- 39.** Upon completion of the investigation and satisfactory impartiality review, the outcome shall formally be communicated to the appellant.
- 40.** Upon occasions where the appellant wishes to challenge the decision of the appeals investigation, an additional appeal may be submitted to the Managing Director.
- 41.** Subject to conformity with pre-defined independence requirements, the decision of the Managing Director is final and binding upon all parties.
- 42.** On occasions where the Managing Director is not Independent, the Managing Director shall refer the final decision to the Global Accreditation Director.
- 43.** Actions incumbent upon any party within this process (both internal and external) shall be completed within 21 working days. Misuse of NQA Certificates of Registration or Marks.
- 44.** A company, whose registration has been withdrawn, shall not exhibit, or cause to be exhibited, its former Certificate of Registration or any copy of it, either on its premises or elsewhere, nor shall it use or display, or permit to be used or displayed, any reproduction, print or replica of the NQA registration or certification marks in any form or on any material whatsoever.
- 45.** All certificates of Registration must be returned promptly to NQA when there is either a legitimate requirement for a change to its detail or upon cessation of the company's registration under either Regulation 30 or Regulation 32.
- 46.** No company that is not registered with NQA shall use, or cause to be used, the words "NQA" in any manner or for any purpose whatsoever, in connection with its business, its company or trading name, nor shall it in any way represent itself or its business as being so registered.

Short Notice Audits

- 47.** It may be necessary for NQA to conduct audits of certified clients at short notice or unannounced to:
- a) Address significant structural changes to the company and/ or the documented management system, which may include a move of premises.

- b) Significant complaints which may bring into question the validity of the certificate.
- c) Follow up where certification has been suspended.

- 48.** It may be necessary for NQA to undertake unannounced audits of certified clients where specifically required by the relevant standard.

Warranties

- 49.** NQA warrants that, as at the date on which a Certificate of Registration is issued or re-issued pursuant to Regulation 14 or Regulation 24 following a recertification audit (as applicable):
- a) The Certificate of Registration issued under these Regulations will conform to the express specifications set forth in Regulation 18.
- b) It shall have the right to confer and/or transfer the Certificate of Registration and that the same shall be delivered free of encumbrances; and
- c) The Certificate of Registration provided hereunder meets the specifications and requirements of the appropriate oversight bodies in all material respects.
- 50.** Each party warrants to the other that it has all requisite power and authority to enter into and perform its obligations under these Regulations and that the terms of these Regulations and the other documents referred to herein constitute valid, legal and binding obligations.
- 51.** Other than those express warranties set out in Regulation 49 and 50 above, NQA provides no other warranties under the terms of, or in connection with, these Regulations.

Language

- 52.** All audits will be conducted in English unless prior arrangements have been made and expressly agreed by NQA in writing.

NQA Certification Limited

Registered in England
No. 09351758

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