
Declaration of Rights and Obligations for Management Systems Registration

The Bureau of Standards, Metrology and Inspection,
Ministry of Economic Affairs, Republic of China

QAD-050-008E [V.12 March 19, 2014](#)

Declaration of Rights and Obligations for Management Systems Registration

For the purpose of defining the rights and obligations of both parties during the process of ISO 9001 (hereinafter called "management systems") certification, the applicant/certified organization (hereinafter called "Party A") and the Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs (hereinafter called "Party B") have signed this Declaration.

I. Party A is entitled to the following rights:

1. Party A may file an appeal, complaint or dispute for matters in relation to the processing of certification conducted by Party B during the process of certification.
2. Party A reserves the right to propose any objection or disagreement on the assessors appointed (including experts), the assessment/ surveillance/ reassessment plans, and the date of implementation arranged by Party B (This clause is not applicable to foreign applications involving Mutual Recognition Agreements (MRAs)).
3. Party A may use the certification documents, including certificates, the certification logo and reports approved and authorized by Party B for publicity purposes in publications, electronic media or other channels.
4. If Party B cannot conduct the assessment, second-assessment or document review (the last item is applicable to foreign applications involving MRAs) after formally accepting the application within six months due to factors caused by Party A, Party A can apply for a postponement with a duration of no more than six-months and providing reasonable explanations in writing.
5. Party A can cancel the management systems application from Party B before the assessment begins.
6. If Party A requires the registered information that would normally be made publicly available by Party B to be kept confidential, Party A shall give notice to Party B in writing.
7. According to the article 3 of "Personal Information Protection Act", Part A has the following rights:
 - (1) Any inquiry and request for a review of the personal information or any request to make duplications of the personal information;
 - (2) Any request to supplement or correct the personal information but have to explain the reason;
 - (3) Any request to discontinue collection, processing or use of personal information or any request to delete the personal information.
8. Party A may choose not to provide the personal information. However, if the personal information is not complete or correct, Party A may lose his rights and interests.

II. Party A is obligated to:

1. Abide by the "Regulations Governing Implementation of Management Systems Certification" of Party B and relevant requirements.
2. Abide by [principle of good faith](#) and relevant regulations on the management systems certification set forth by Party B. [Provide](#) Party B with all necessary information relation to the execution of certification, [and not allow to have the situation of concealment of facts, providing with false information, and significant violation which damage to social welfare.](#)
3. Make all necessary arrangements for the conduct of the certification, including provision for examining documentation and access to all areas (including multi-site), records, and

personnel for the purpose of assessment/ surveillance/reassessment, and resolution of appeals, complaints or disputes. If the assessment/surveillance is conducted in the local language of the applicant or in English, foreign applicants shall provide Chinese translator(s) to assist the team.

4. If the application documents are not in compliance with the requirements, Party A shall revise and comply completely within 15 days after receiving notice from Party B.
5. Party A shall be in coordination with Party B to conduct the assessment or second-assessment within six months after the application is formally accepted by Party B.
6. Part A does not use its registration in such a manner as to bring Party B into disrepute, and does not make any statement regarding its registration which Party B may consider misleading or unauthorized.
7. Claim only the scope of certification within that approved by Party B.
8. State that their management systems achieved the registration by Party B, any implication or manifestation of the products, services or activities being certified by Party B shall be prohibited.
9. Use the certification documents, including certificates or reports approved by Party B according to following regulations:
 - (1) Misquotation of certification contents (such as the implication of the products, services or activities being certified) or misuse of certification documents (including certificates) or reports (e.g. any conduct or behavior which may be misunderstood) shall be prohibited for use in publicity in any form including: printed matter, electronic media or any other means.
 - (2) If items described in the certificate undergo any change, Party A shall file an application to Party B with the relevant documents for the reissue of new certificate.
 - (3) Party A shall immediately stop using relevant certification documents, including certificates or reports if Party B takes disciplinary action against Party A by canceling or withdrawing the certification.
 - (4) Party A shall return the certificate, which has become invalid due to the replacement, canceling or withdrawing by Party B.
10. Party A may use the certification logo in accordance with “Regulations for Use of Certification Logo for Management Systems Registration.”
11. At the request of Party B, Party A shall provide the records of all communications from the interested parties (including complaints) and all the corrective action taken according to the management systems standards or the requirements of other relevant documents.
12. Party A shall immediately inform Party B in case of any changes occurring in the management systems or those that may affect conformity with the requirements, according to the "General Requirements for Application for Management Systems Certification.”

This includes the following changes:

- (1) the legal, commercial, organizational status or ownership (e.g. a change of the organization name),
- (2) organization and management (e.g. the person-in-charge, or the Taiwanese agent for foreign applications involving MRAs, key managerial, decision-making or technical staff),
- (3) contact address and sites (e.g. a revision of address or a expansion of additional sites),
- (4) scope of operations under the certified management system (e.g. a change in the

- scope of certification),
- (5) major changes to the management system and processes,
 - (6) a change of factory address (for manufacturing industry), or a change of business address (for the services industry), and
 - (7) the suspension or shutdown of the applicant.
13. The fees incurred for the certification shall be paid in accordance with the regulations stipulated by Party B.
14. The personal information of the Party from Party A to Party B should be agreed such as Application Form for ISO 9001 Certification (QA-90), Basic Information & Questionnaire (QA-91) and so on.

III. Party B is entitled to the following rights:

1. Party B possesses the proprietorship of the management systems certification logo and may use, display or exhibit and apply it as deemed necessary.
2. Party B may use, publish and apply the directory of registered organizations with the management systems certification through publications, electronic media or other channels.
3. Party B may return application in the following situations:
 - (1) Party A is unable to revise the required application documents completely within 15 days after receiving the notice from Party B;
 - (2) Party A is unable to coordinate with Party B in order to conduct assessment or second-assessment within six months, or do not apply for postponement after being formally accepted by Party B.
4. Party B may take disciplinary action against organizations who violate the regulations with the following measures:
 - (1) If Party A receives the certification by deception, Party B may revoke the certification of Party A.
 - (2) If any of the following situations occur, Party B may cancel the certification of Party A:
 - a) The management systems are not in compliance with the requirements after surveillance, and continue to fail after re-surveillance.
 - b) The management systems are not in compliance with the requirements within the designated transition period when the certification standards are amended.
 - c) The relevant fees are not paid, and remain unpaid, in accordance with regulations after receiving a second-notice from Party B.
 - d) Neglect to report a suspension or shutdown of operations, and continue without reporting within 15 days after being provided notice from Party B, while remaining in a state of suspension or shutdown.
 - e) The relevant register or legal license is withdrawn or cancelled.
 - f) An application is made for the cancellation of the certification.
 - g) The necessary arrangements are not made for the conduct of the assessment, including provision for examining documentation and the access to all areas, records, and personnel for the purpose of assessment, surveillance, reassessment and resolution of appeals/complaints/disputes.
 - h) The certificates and certification logo are used improperly, or failure to take

corrective action after receiving the notification from Party B.

5. For the purpose of Management Systems Registration including an application being processed, assessed or registered, surveillance, accreditation, requests of the government authority in charge of subject industry, survey, research and other relevant affairs, Party B may collect, process or use personal information from Party A by automatic or non-automatic measures within the scope of job functions provided by laws and regulations.

IV. Party B is obligated to:

1. Conduct of the management systems in accordance with the "Regulations Governing Implementation of Management Systems Certification" and relevant requirements.
2. Maintain the impartiality and independence of the management systems certification. Party B shall accept all applications and shall not discriminate against any applicant due to their financial condition, size, membership with other associations, or the number of applications submitted.
3. Keep Party A fully informed of their rights and obligations.
4. Certification personnel (including contracted employees) engaged in the management systems certification shall keep the confidentiality of the business according to the "Law on Civil Services of Government Employees" and the "Rules on the Protection of National Secrets." The information shall not be disclosed to any third party without the written consent of Party A.
5. If it is required by law or the requirements of the accreditation body or the agreement group of a peer assessment scheme to provide a third party with any information on the management systems certification that is involved in matters concerning Party A, Party B shall notify Party A pursuant to the law or the requirements.
6. All documents regarding regulations or legal requirements of the management systems certification, including general requirements for application and registration and explanations on the rights and obligations of Party A shall be regularly updated and provided to Party A. Party A shall be notified of any changes according to business needs. An explanation in writing shall be provided to Party A upon request.
7. Party B shall notify Party A in advance of the names and responsibilities of the assessment/surveillance team members, and advise Party A that they may comment or declare objection or disagreement on any of the appointed member before the assessment/surveillance is conducted, provided a reasonable explanation is stated in writing (this clause is not applicable to foreign applications involving MRAs).
8. If the results are not consistent with the suggestions made by the assessment/surveillance teams, Party B shall provide an explanation to Party A in writing.
9. Party B shall issue certificates in Chinese and English to Party A when Party A is proved to be in compliance with the management systems requirements, and after payment of the necessary fees required by Party B. Party B shall renew the certificate before the expiration of validity, and if the results of the surveillance for Party A still meet the requirements and Party A has paid the required fees.
10. Party A may apply for replacement or renewal of certificates due to loss, destruction, damage or changes in the certificate contents. Party B shall replace or renew certificates if the conclusion of a review conducted by Party B meets the requirements, and if Party A has paid the required fees.
11. The registered information of Party A will be published in the directory of registered organizations for the management systems certification, unless Party A formally requests in

writing that the information be kept in confidential.

12. Party B should notice Party A of any changes to the relevant requirements or regulations of operation for certification in an appropriate period before the effective date by documented notice or publishing in electronic media etc.

~~~~~

The undersigned hereby declare to fully understand and agree upon the rights and obligations of both parties as stated above, and agree to proceed based on the terms of this Declaration.

**Party A:**

**Party B:**

The Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs, Republic of China

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

This Declaration is made in duplicate, with each party retaining one copy for reference.