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INTRODUCTION

The present document of the ACCREDIA Department of Certification and Inspection (ACCREDIA-DC) contains a series of specifications concerning the reference standard UNI CEI EN ISO/IEC 17021-1, as agreed with the certification bodies in order that the behaviour of the auditors and of the accredited certification bodies is consistent, referring also to the applicable ISO/IEC and EA/IAF documents.

The present revision 03 of RT-09 became necessary following the conclusion of the period of transition to the standard ISO/IEC TS 17021-2, the publication of UNI CEI EN ISO/IEC 17021-1:2015 and UNI EN ISO 14001:2015, and the revision of ACCREDIA Regulation RG-01-01 "Regulation for the accreditation of management system certification bodies" as well as the publication of other applicable documents pertaining to accreditation and certification activities (e.g. IAF MD 17).

The contents of the present Technical Regulation RT-09 shall be complied with by the accredited certification bodies, together with the contents of the Technical Reports UNI/TR 11311 and with UNI/TR 11405.

REFERENCES

The present Regulation makes reference to the following documents and standards in the currently valid revision or edition:

- UNI CEI EN ISO/IEC 17021-1 "Requirements for Bodies providing audit and certification of management systems";
- ACCREDIA General Regulation RG-01 "Regulation for the accreditation of Certification, Inspection, Verification and Validation Bodies – General requirements";
- IAF MD 1 "Certification of Multiple Sites Based on Sampling";
- IAF MD 2 "Transfer of Accredited Certification of Management Systems";
- IAF MD 3 "Advanced Surveillance and Recertification Procedures (ASRP)";
- IAF MD 5 "Duration of QMS and EMS Audits";
- IAF MD 11 "Application of ISO/IEC 17021 for Audits of Integrated Management Systems (IMS)";
- IAF MD 12 "Assessment of Certification Activities for Cross Frontier Accreditation";
- ISO/IEC TS 17021-2 "Requirements for bodies for auditing and certification of management systems – Part 2 Competence requirements for auditing and certification of environmental management systems";
- EA 7/04 "Legal compliance as a part of accredited ISO 14001 certification";
- IAF MD 17 "Witnessing activities for the accreditation of management systems certification bodies";
- Technical Report UNI/TR 11331 "Indications regarding the application of UNI EN ISO 14001 in Italy, based on criticalities raised and on practical experiences";

- Technical Report UNI/TR 11405 “Environmental Management Systems – the application of standard UNI EN ISO 14001 in the Public Administration Authorities with territorial management competences”.

Note: In the present Technical Regulation, the standards and documents without a date are applicable in their current version.

1. CHOICE OF CRITICAL CODES OF THE TECHNICAL CLUSTERS OF IAF MD 17 FOR THE ACCREDITATION AND PLANNING OF SURVEILLANCE ACTIVITIES

The document IAF MD17 provides the requirements for accreditation and maintenance of accreditation. In particular, the technical clusters defined in chapter 6 shall be taken into consideration by ACCREDIA-DC for the definition and management of the four-year assessment program of the CB to ensure that the scope of accreditation is covered.

With regard to the option given in for each AB: “Each AB can decide to designate different critical codes within each technical cluster according to national regulations, local market conditions and effective use. The technical justification for these modifications shall be recorded” - IAF MD17, § 6), ACCREDIA-DC has substituted some critical IAF codes in accordance with the needs of the Italian market.

The substitutions do not involve an increase in the number of witness assessments.

The justifications of the substitutions are set out at the foot of the table.

| Technical cluster | IAF code | Description of the economic sector (ref. IAF ID1) | Critical IAF code(s) | Notes |
|-----------------------------------|----------|------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------|
| Agriculture, forestry and fishing | 1 | Agriculture, forestry and fishing | 1 | |
| Food | 3 | Food products, beverages and tobacco | 3 | |
| | 30 | Hotel and restaurants | | |
| Mechanical | 17 | Limited to “Fabricated metal products” | 17 or 18 | IAF 17 Limited to “fabricated metal products” corresponding to sector 25 of the NACE codes, rev.2 |
| | 18 | Machinery and equipment | | |
| | 19 | Electrical and optical equipment | | |
| | 20 | Shipbuilding | | |

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|------------------|----|----------------------------------------------------|-------------------------|-------------------------------------------------------------------------------------------------|
| | 21 | Aerospace | | |
| | 22 | Other transport equipment | | |
| Paper | 7 | Limited to "Paper products" | 9 | IAF 7 Limited to "paper products" corresponding to sectors 17.2 and 18 of the NACE codes rev. 2 |
| | 8 | Publishing companies | | |
| | 9 | Printing companies | | |
| Construction | 28 | Construction | 28 | |
| | 34 | Engineering services | | |
| Goods production | 4 | Textiles and textile products | 5 and 6 | |
| | 5 | Leather and leather products | | |
| | 6 | Wood and wood products | | |
| | 23 | Manufacturing not elsewhere classified | | |
| Chemicals | 7 | Limited to "Pulp and paper manufacturing" | 10 and 12 and 16 and 17 | IAF 7 Limited to "Pulp and paper manufacturing" corresponding to 17.1 of the NACE codes rev. 2. |
| | 10 | Manufacture of coke and refined petroleum products | | |
| | 12 | Chemicals, chemical products and fibres | | IAF 17 Limited to "Base metals production" corresponding to 24.1 of the NACE codes rev. 2. |
| | 13 | Pharmaceuticals | | |
| | 14 | Rubber and plastic products | | |
| | 15 | Non-metallic mineral products | | |
| | 16 | Concrete, cement, lime, plaster etc | | |
| | 17 | Limited to "Base metals production" | | |

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|-----------------------------------|----|----------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------|
| Mining and quarrying | 2 | Mining and quarrying | 2 | |
| Supply | 25 | Electricity supply | 25 or 26 | |
| | 26 | Gas supply | | |
| | 27 | Water supply | | |
| Transport and management of waste | 31 | Transport, storage and communication | 24 and 39 | IAF 39 is critical only with regard to NACE codes 37, 38.1, 38.2, 39 |
| | 24 | Recycling | | |
| | 39 | Other social services | | |
| Services | 29 | Wholesale and retail trade; Repair of motor vehicles, motorcycles and personal and household goods | 29 or 35 or 36 | |
| | 32 | Financial intermediation; real estate; renting | | |
| | 33 | Information technology | | |
| | 35 | Other services | | |
| | 36 | Public administration | | |
| | 37 | Education | | |
| Nuclear | 11 | Nuclear fuel | 11 | |
| Health | 38 | Health and social work | 38 | |

Justification of the choice of critical IAF codes

Below there are the justifications which led to the substitution of some IAF codes indicated in the document IAF MD 17 as "critical".

"Mechanics" cluster

The critical codes IAF 20 and IAF 21 have been substituted by critical codes IAF 17 and IAF 18 because they are representative of the environmental aspects of the cluster and are more present in the Italian market in terms of number of certifications and accreditations.

"Production of goods" cluster

The critical code IAF 13 has been substituted because in Italy pharmaceutical production is not so large-scale and therefore the competence required is sufficiently ensured, in cases of accreditation in IAF 12. For the same reason, IAF 7 has also been substituted and the sectors 16 and 17 have been included as critical because of their significant presence in Italy and because they require specific competences.

Note 1: For the clusters "Supply" and "Services", if the CB has, among the IAF codes involved, accredited or applicant, respectively IAF codes 25 or 36, these codes shall be chosen with priority from all the critical codes for the performance of witness assessments for the purpose of accreditation.

Note 2: The classification in clusters does not represent the CB's technical areas established for the qualifications of its personnel.

For the qualifications of the CB's personnel and the setting up of audit teams, following the entry into force of ISO/IEC TS 17021-2, ACCREDIA makes reference to the requirements it contains and it is the CB's responsibility to show conformity of the criteria it has adopted, also in the application of those contained in previous revisions of RT-09. The CB is responsible for the adoption of the most suitable modalities to qualify its staff, auditors and to create audit teams which ensure adequate competence.

2. STAGE 1 AUDITS

This section offers some indications for an effective and uniform approach to audits required by the standards during the course of Stage 1.

Whatever terminology is used by the CB, it shall be documented transparently and unequivocally for ACCREDIA-DC so that all the phases of certification can be performed concerning Stage 1.

Stage 1, if the Organisation requests so, can be preceded by a preliminary audit which, however, cannot last more than two audit-days.

Among the objectives of the Stage 1 audit there is also the thorough planning of Stage 2. The interval between the two stages shall allow for:

- the preparation and the communication to the organisation undergoing certification of an audit plan for Stage 2, following the completion of Stage 1;

- adequate management by the organisation of problems which, in the Stage 2 audit, could be classified as nonconformities.

Only in the case of organisations with fewer than 10 employees and “low” or “limited” environmental impact (as defined in the document IAF MD 5), it is possible to carry out Stages 1 and 2 on consecutive days. However, if the result of the Stage 1 audit reveals the presence of problems which could be classified as nonconformities sufficient to exclude the possibility of granting certification, i.e. failures to adhere to the requirements of the standard or situations raising doubts or that significant doubts are raised with regard to the capacity of the organisation’s environmental management system to produce the desired results (see UNI CEI EN ISO/IEC 17021-1 § 9.4.8.3), it is, in such cases, not possible to carry out Stage 2 consecutively to Stage 1.

The CB shall explicitly inform the client organisation that, in cases such as those described above, Stage 2 shall be re-planned sufficiently far ahead to allow time for the organisation to solve any problems resulting from the interruption of the audit at the end of Stage 1.

The resolution of criticalities raised in Stage 1 may determine “*significant modifications which could impact the management system*” making it necessary to “*repeat Stage 1, entirely or partially.*” This possibility, which shall be dealt with in the CB’s procedures and regulations, constitutes another critical factor in performing Stages 1 and 2 consecutively.

To attain the objectives of § 9.3.1.2.2 of the standard UNI CEI EN ISO/IEC 17021-1, during Stage 1, the CB shall:

- evaluate that the EMS documents of the organization, including risks, opportunities and procedures, covers and conforms with all the requirements of the standard;
- verify that the organization has developed a complete analysis of the context, acquiring directly from the top management the evidence which guarantees trust that the analysis of the context is effective in providing the management system with the capacity to obtain the expected results, and recording information regarding the audits performed;
- verify that “*within the field of application defined for the EMS*” the organization has identified and evaluated all “*the environmental aspects of its activities, products and services which it could impact, as well as the environmental impacts, considering a life-cycle perspective*” in order to identify which are the important ones on which to develop its EMS;
- it is essential that the CB pays full attention to the completeness, coherence and correctness of the analysis of the context and the identification and evaluation of the environmental aspects, rather than the mere existence of formal documents (“analysis of the context” and “initial environmental analysis”). The CB shall verify that the evaluation phase is supported by reference to the results of the context and of possible risks as well as by data and information of a qualitative and quantitative nature for the various environmental aspects which have been identified and which shall be gathered and made systematically available by the organization. This does not rule out that the CB requires, also as part of its internal certification regulation, in terms which are binding, the existence of the initial environmental analysis;
- verify that the organization has prepared available all the necessary environmental authorizations for all activities related to the scope of certification, verifying also the validity, fullness and correctness. The report or other document prepared by the CB at the conclusion

of Stage 1, shall record all the references to the documents and/or authorizations examined (see also § 3.3);

- discuss, verify and document the scope of certification.

With particular reference to points 2, 3, 4 and 5, it is necessary (UNI CEI EN ISO 17021-1 § 9.3.1.2.2 b)) that the audit team conducts all the relevant site inspections in order to have a full picture of the context, activities involved and of the environmental impacts of the organisation.

The audit plan for Stage 2 shall be set out on the basis of the conclusions of Stage 1 and it shall take into consideration the specific importance of significant environmental factors, the level of legislative compliance and the results of the internal audit cycle.

3. AUDITS REGARDING THE LEGISLATIVE COMPLIANCE OF ORGANISATIONS APPLYING FOR ENVIRONMENTAL CERTIFICATION

3.1. RESPONSIBILITIES OF THE CERTIFICATION BODIES AND OF THE ORGANISATIONS

The CB shall evaluate the intention and capacity of the client's management system to ensure that the client meets the applicable mandatory and contractual requirements (UNI CEI EN ISO/IEC 17021-1, § 9.2.1.2 b), although "a certification audit of a management system is not an audit of legal conformity" (UNI CEI EN ISO/IEC 17021-1, § 9.2.1.2) ¹.

It should also not be overlooked that the interested parties require that EMS certification provides trust that the mandatory requirements, in line with the field of application of the certified system, are adequately and constantly controlled by the organization.

Granted this, if the CB, during the audits regarding the capacity and intention of the organization to fulfil legal requirements, should identify any violations of the mandatory standard which are directly related to the field of applications for certification, it should issue a NC, the gravity of which depends on the reference standard. If the legal failure can constitute evidence of a failure of intention or of capacity of the EMS of the organization to fulfil the mandatory requirements over time, the CB shall issue a NC whereby certification cannot be granted until the situation has been resolved.

If there are doubts with regard to interpretations (see UNI/TR 11331 § 4.5.1), the CB may issue a finding of a level which permits the granting of certification and which is in line with the objectives of the standard.

¹ The objective of an audit of legal conformity is to evaluate precisely the fulfillment of the legal requirements and those of the regulations, and, therefore, not the capacity and intention to reach a result, but the result itself, which shall be in accordance with the applicable regulations – an activity which is similar to an inspection, and not to an audit of the management system.

In management system audits, the aim is not only to establish conformity with the mandatory rules, but the analysis of the method and strategy adopted by the organization to reach a certain result is also a determining factor.

3.2. THE RELATION BETWEEN "AUTHORISATIONS" AND CERTIFICATIONS GRANTED AGAINST THE STANDARD UNI EN ISO 14001

In order to avoid discrimination among Organisations operating throughout Italy at local level, in cases of formal nonconformity provided for in section 4.2 of the document UNI/TR 11331 and only in the conditions described therein, ACCREDIA-DC accepts that the CB issues certification against UNI EN ISO 14001.

ACCREDIA-DC requires the accredited CBs to carry out the necessary audits to show that the organisation has done everything given under point 4.2 of the Technical Report UNI/TR 11331.

In particular, the CB shall monitor the behaviour of the organisation during the course of authorisations which are incomplete or undergoing modification, additions or updating.

If, during Stage 1, the CB finds that the Organisation has not presented application for authorisation within the timeframe given in section 4.2 of the Technical Report UNI/TR 11331, certification cannot be granted before the correct period of time has elapsed. For example, if the application has been presented on January 1 and Stage 1 is carried out on February 1, a more critical nonconformity has to be issued and certification cannot be granted before the correct timeframe has elapsed.

In all cases, once an organisation has obtained the authorisation requested, every nonconformity related to that aspect shall be satisfactorily resolved.

The above does not cancel the fact that the organisations retain full responsibility from a legal and administrative point of view for any decision to operate without the necessary authorisation and that the CBs are responsible for the choices they make in this context.

3.3. CONFORMITY ASSESSMENT OF TECHNICAL, OPERATIONAL AND ANALYTICAL ASPECTS DURING CERTIFICATION

Evidence of lack of intention or capacity on the part of the organization to respect the legal requirements for the scope of the audit (e.g. repeated or prolonged breaches of the law or regulations, requirements etc.) which create uncertainty about the organization's ability to maintain control of these criticalities by means of effective procedures and operative modalities shall be formalised in the audit reports as nonconformities of a sufficient level to prevent the granting of certification until their full resolution.

If the CB, in compliance with the provisions of section 4.3 of technical report UNI/TR 11331, decides to take on the responsibility of issuing a minor nonconformity, (whereby certification or maintenance can be granted), it will have to give evidence that the corrective action proposed by the organisation is commensurate with a lower grading of finding and will have to keep and make available to ACCREDIA-DC the complete documentation of the case (the nonconformity text, the corrective action proposed by the organisation and the reasons for the decision to go ahead with the certification process, including decisions by its decision-making bodies).

ACCREDIA-DC reserves the right to ask to examine the relevant files during audits performed at the CB's offices.

3.4. ASSESSMENT OF MANDATORY ASPECTS DURING SURVEILLANCE AND RENEWAL AUDITS

If, during the surveillance, renewal, special or supplementary assessments at the CB, evidence is found of nonconformities in the authorisation phase which were not found in previous audits (for example, a lapsed authorisation, or new plant for which authorisation was not obtained), it is necessary to issue higher level nonconformity.

If the application has not been presented, the CB shall ask the organisation to immediately provide for such application, both accurate and full, on pain of suspension or withdrawal of certification.

If, however, the application has been presented within the correct timeframe or otherwise in accordance with section 4.2 of the document UNI/TR 11331, the CB can consider the situation to be in conformity and will in any case have to ask the organisation to be informed of any development of the file in question.

For situations of a technical, operational and/or analytical nature, it is necessary to take into consideration the context in question in order to evaluate the conditions for maintenance of certification. Therefore, in a situation which is clear, precise, traceable to exceptional/unforeseeable events in which the organisation is able to show correct modalities of management and defined correction times, the CB can raise a minor nonconformity which does not compromise certification maintenance, or else it can document the findings in another way (e.g. a checklist, a recommendation or similar), guaranteeing to keep the documentation for subsequent assessments by ACCREDIA-DC.

If this course of action is not followed, it will be necessary to issue a higher level nonconformity in the absence of an adequate and timely corrective action by the organisation which could lead firstly to the suspension and subsequently also to the withdrawal of certification.

3.5. ONGOING LEGAL PROCEEDINGS

In cases in which an organisation is involved, either directly or through persons representing it, in legal proceedings or in juridical sentences passed regarding environmental matters, the CB shall ensure adequate and systematic surveillance of the problem and monitoring of the state of progress of the situation in all Stage 1 and Stage 2, audits of surveillance and renewal. It shall also collect sufficient evidence to show that – with regard to the object of the conviction or legal proceedings – the organisation has identified the causes and any impact on its EMS, making available and implementing the necessary actions to avoid repetition. In all cases the CB shall, during the assessment, gather all the information available regarding the legal procedure and perform an independent review.

The CB shall also consider the possibility of performing additional audits.

The CB shall ask the organisation to keep it informed about all developments of ongoing proceedings.

It transpires that ongoing criminal proceedings are related to the possibility of a crime but without demonstrating guilt on the part of the organization's legal representative (or of other person operating on behalf of the organization) and that a conviction leads to the atonement of the sentence.

In compliance with section 4.4 of the technical report UNI/TR 11331, it cannot be excluded that the organizations involved in criminal proceedings are either certified or certifiable against UNI EN ISO 14001.

If the area, activities, systems included in the scope of certification are confiscated, the CB shall evaluate whether this makes it impossible to verify that the management system continues to be in conformity and effectively implemented and, if the result is negative, it shall suspend the certificate.

4. MANAGEMENT OF SURVEILLANCE AUDITS; SURVEILLANCE AND RENEWAL PROCEDURES

This section contains indications for the reliable management of surveillance activities.

The standard UNI EN ISO/IEC 17021 provides indications so that the CBs can properly plan their surveillance audits during the period covered by valid certification.

It is, however, necessary to provide additional indications for the application of such requirements in order to ensure that the practices and procedures of the CBs for the management of surveillance activities are more uniform and guarantee effective control of the EMS certificate.

For the CB, surveillance audits have the fundamental objective of being able to *"maintain certification based on demonstrating that the client continues to comply with the requirements of the standard relative to the management system"* (UNI CEI EN ISO/IEC 17021-1, § 9.6.1).

The standard UNI EN ISO/IEC 17021-1 requires, in surveillance activities in general, that *"The certification body shall develop its surveillance activities so that representative areas and functions covered by the scope of the management system are monitored on a regular basis, and take into account changes to its certified client and its management system"* (UNI EN ISO/IEC 17021-1 § 9.6.2.1.1).

The standard also states that *"surveillance audits shall include on-site audits but they are not necessarily audits of the entire system and they shall be planned together with other surveillance activities, so that the CB can continue to have confidence in the certified management system continues to comply with the requirements in the periods between the recertification audits."* (UNI EN ISO/IEC 17021-1, § 9.6.2.2) and requires that the CB includes in its plan of activities for the surveillance audit that the Organisation ensures that *"continuous control of activities is maintained"* (point 9.6.2.2 letter f).

Granted the above, in surveillance audits of the environmental scheme, during the period of the three-year audit program, there are various aspects which require detailed planning of the contents of the audit. Some important examples are given here below:

- maintenance of possession of authorisations, in full and valid and/or monitoring of ongoing authorisation proceedings;
- control and surveillance of activities related to the various important environmental aspects;
- audit of management of maintenance and suppliers and contractors, all of which come under point 8.1 "Operative planning and control" of standard UNI EN ISO/IEC 14001;
- control and correct management by the organisation of all physical areas where the organisation's activities take place (departments, units, depots, yards etc.).

4.1. PLANNING SURVEILLANCE ACTIVITIES

Planning surveillance activities – which always and in every case includes the three-year audit program – shall be conducted in such a way as to pre-define, as far as possible, also the contents of the individual audits and their relative dates and times.

The three-year audit program and the plans of the individual audits can be fine-tuned and modified at a later date according to the results of audits or other inputs regarding the status of the system.

Planning without the necessary details, justifications and reasons is not considered acceptable (see also point 4.3).

4.2. RECURRENT PROBLEMS

During the surveillance audit criteria regarding many choices are normally applied during surveillance audits – either planned or unplanned.

These choices regard, for example:

- the points in the reference standard to audit;
- the positions of the organisation's staff members for the performance of audits (for example by interview);
- the production units at which audits will be performed;
- the units, or working areas or depot or handling area, where a site inspection will take place;
- environmental aspects for which to audit:
 - the ability of the Organisation to ensure adequate control and surveillance;
 - compliance with legislative requirements and in particular possession of authorisations and acknowledgement of relative requirements;
- specific elements contained in the individual paragraphs of the standard, e.g. for operative control: maintenance, the management of suppliers and sub-contractors, the control of activities related to important environmental factors and for internal and external communication.

The sampling conducted by the CB, adhering to its most professional methods and its responsibilities, inevitably involves the fact that in a surveillance audit, more than in a certification audit, the object of the audit is significantly less complete with respect to the certification scope.

It remains indispensable, to ensure the fundamental objective of surveillance audits in the context of a three-year audit program or surveillance cycle, that the CBs put the audit teams in a position whereby they can carry out the audits taking into account the object and the results of previous audits (described in sufficient detail), so as to guarantee, over the three-year validity period of the certificate, adequate coverage of all aspects of the activities of the certified organisation.

Below are some examples of circumstances illustrating the importance of the above factors:

- during the course of a certification audit the fact is emphasised that the organisation has made an application for authorisation and is waiting for this authorisation: the CB which has issued certification in the absence of authorisation shall make sure that in the first

surveillance, actual possession of the authorisation is verified or, at the least, full control of the file (regular documented reminders, visits to the competent authority, gathering of opinions or provisional authorisations etc.) by the organization;

- in the first surveillance control verifications of suppliers and sub-contractors are not performed (see § 8.1): the CB shall keep records of this so as to decide whether to include such matters in the next surveillance or whether to postpone them giving reasons for this on the occasion of the renewal audit;
- in a surveillance audit, site inspections are not undertaken of external yards where goods are handled and where refuse is temporarily kept: the CB shall keep track of such and decide carefully whether to introduce a specific visit in the next due surveillance;
- in an audit it emerges that the organisation is planning a new activity which needs fire department control: the CB shall plan the audit that the organisation has activated and keeps the relevant files under control at the fire department for the subsequent audit.

4.3. CRITERIA FOR CONDUCTING SURVEILLANCE ACTIVITIES

The CBs, bearing in mind the recurrent problems mentioned in the preceding paragraph, shall identify the necessary information to describe in sufficient detail the specific object of the surveillance audits; this information shall contain, at least, the following information:

- authorisations examined with expiry date and/or state of implementations connected to the existing authorisations or those under modification or acquisition;
- environmental aspects for which an audit has been performed of the ability of the organisation to ensure adequate control and/or surveillance;
- the details of the procedures or of the instructions examined (for example maintenance, control of suppliers and sub-contractors, management of sewage plant, management of temporary refuse deposits etc.), covered by very wide-ranging points of the reference standard, such as, for example, points 8.1, 8.2, 9.1;
- units, areas where site inspections have been carried out for the examination of ongoing files;
- staff members and units where interviews have taken place for the audit of ongoing files and of the level of involvement and training of personnel.

In addition, the CB shall:

- establish in which document or documents this information shall be recorded;
- establish whose task it is (e.g. CB or Lead Auditor) and exactly when (e.g. during preparation of the surveillance audit plan) to establish the specific object of an audit bearing in mind the specific object of previous audits;
- make the necessary information available to the Lead Auditor;
- record everything that was assessed in the audits.

Evident problems emerge due to the incompleteness of the surveillance audits; however the CBs shall ensure continuity in the sending of information between audits irrespective of the type of audit (certification, surveillance, supplementary or renewal).

Examples of actions which the CBs can activate in response to requirements:

- prepare three-year surveillance programs in adequate detail; in this case the CB shall be able to modify the three-year programs in the light of evidence emerging in the subsequent audits;
- prepare audit plans for single surveillances bearing in mind the specific object of the previous audits (not only surveillance), including sufficiently precise details for the audits which the Lead Auditor will have to perform;
- provide for specific spaces in the audit reports so that the Lead Auditors can indicate the verifications carried out and include any indications for verifications to plan in subsequent audits (not necessarily only surveillance);
- prepare modalities for filling in lists of findings and of the audit timeframes and deliver them to the Lead Auditor before each surveillance audit, as well as the audit plan, the previous audit reports and the nonconformities and also the lists of findings and/or audit timeframes.

These actions can be undertaken individually or in combination. It is the CB's responsibility to establish the organisational tasks and duties in order to ensure the effectiveness of the cycle of surveillance audits.

5. REQUIREMENTS FOR THE PERFORMANCE OF EFFECTIVE AND UNIFORM AUDITS REGARDING THE POSSESSION OF A FIRE PREVENTION CERTIFICATE BY ORGANISATIONS APPLYING FOR CERTIFICATION TO UNI EN ISO 14001

Fire prevention involves environmental issues and as such is considered pertinent to the application of standard UNI EN ISO 14001.

The present section contains indications for the CBs to promote the use of a consistent approach in the evaluation of the capacities of the organization's EMS to maintain conformity with requirements set out in Presidential Decree 151/2011 which defines the activities subjected to fire prevention controls.

5.1. GENERAL REQUIREMENTS

The CB shall request the certified or applicant organizations the following:

- that the organization has defined all its activities which are in the list of activities and applicable procedures in accordance with the category in question;
- that the Organization has activated administrative procedures and that it carries them out properly, respecting the requirements and timeframes of the law;
- that any requests for additions of the competent authorities were promptly and fully complied with;

If one of the above verifications had a negative result, the organization cannot be certified and the CB shall request a response from the organization before granting certification.

5.2. REQUIREMENTS FOR ACTIVITIES OF CATEGORIES B AND C

For activities in categories B and C the CBs shall require from certified or applicant organizations:

- that work regarding adaptation is undertaken in accordance with the command project of the Fire Department, in conformity with fixed expiry dates or regulations of the Fire Department in a timely and complete fashion;
- that, with regard to uncompleted work or safety regulations not yet implemented, safety measures are in place such as to render risk acceptable in the view of the CB;
- that a program is in place with regard to existing risks, including phases and times for the completion of works and for administrative procedures and standardization activities.

The CB shall base its evaluations on the extent of implementation of the anti-incendiary plan approved by the Fire Department. The CB is responsible for further appraisals, taking also into consideration the remaining risks at the time of the audit.

In cases of long-term and very expensive adaptation projects, the CB shall make sure that conformity with standards takes place in keeping with the agreed certification program. The CB shall not accept that a situation of nonconformity continues beyond the agreed program. In such cases the CB shall monitor the times involved, if necessary by means of supplementary or surveillance visits regarding the scope and behaviour of the organization with regard to the anti-incendiary practice.

If, however, granted as described above, the organization presents instance pursuant to article 4, paragraph 1, (certificate for starting works), in accordance with the requirements and timeframes necessary under legal requirements, and if the organization possesses the receipt issued by the competent authority, the certification can be granted.

5.3. REQUIREMENTS FOR ACTIVITIES OF CATEGORY A

For these activities, given that the approval of the project by the Fire Department is not necessary, and that therefore a "status of the project" is not documented for evaluation by the audit team regarding the ongoing works and the related risks, the CB shall ask the organization, before issuing the certificate, for evidence of the presentation of the certificate for starting works with regard to the requirements and timeframes necessary under the law.

5.4. MAINTENANCE OF CERTIFICATION

For organizations already possessing UNI EN ISO 14011 certification, the principle is applied whereby, before starting any activity which will be controlled by the Fire Department or modifying one which exists and which is in conformity, the organization shall have, in advance, assured that all the legal conditions for legitimate activity are in place, including the applicable safety measures.

If a certified organization operates an activity which is subject to Fire Department controls not in keeping with these conditions, the CB shall raise a NC requiring an immediate response by the organization, incurring a supplementary visit and the possible suspension or withdrawal of the certification if so decided by the CB.

5.5. ORGANISATIONS SUBJECT TO ADDITIONAL PROCEDURES PURSUANT TO LAW DECREE 105/2015

Setting aside all applicable legal obligations in specific cases, in this case the procedure for the committee for controls related to full notification, incorporates the one obtained from the Fire Department for the granting of the fire prevention certificate.

The timeframe for the procedure is set by the applicable law (article 31 of Law Decree 105/2015 and subsequent modifications). It is therefore possible that organisations which have commenced the procedures as described above, do not receive answers from the competent bodies for significant periods of time. In these cases the principles hold, as per point 4.2 of the document UNI TR 11331, and, in cases of organisations not subject to notification, application is not made regarding "tacit refusal" as above, as under the normal procedures for granting a fire prevention certificate.

The CB shall verify that the organisation:

- has opened the process before the granting of certification adequately in advance of the specifications contained in point 4.2 of UNI TR 11331;
- carefully undertakes follow-up of the process, sending to the competent bodies (the Committee and the Fire Department) the instances and the documents as required by the law and reminding the competent bodies in accordance with its competences;
- is fully in accordance with the requirements given in the safety report.

6. REQUIRMEENTS FOR THE PERFORMANCE OF EFFECTIVE AND CONSISTENT AUDITS CONCERNING THE IDENTIFICATION OF "REAL AND EXISTING DANGER OF OVERSTEPPING THE LIMITS" PURSUANT TO LAW DECREE 152/2006 AND SUBSEQUENT MODIFICATIONS AND ADDITIONS

Among the various normative aspects defined by title 5 of part 4 of Law Decree 152/2006 and its modifications and additions and in particular article 242, a case is presented, the application and interpretation of which require some additional specifications.

This regards sites, where activities are underway, at which the audit team of a CB, gathers sufficient evidence for there to be the possibility "*of identifying ingrained contamination which could risk causing further contamination*" (article 242 paragraph 1), in the face of events which took place at a previous date² or if a risk of contamination appears to be possible due to ongoing activities (accidents, new forms of pollution).

These might be situations in which the occurrence of such phenomena as trickling from tanks, from waste deposits or potentially contaminating substances from stocks containing dangerous material, or trickling from yards and other open spaces where pollutant activities take place etc., is possible.

² See also paragraph 1 of article 1 of Law 152/2006 + subsequent amendments.

During certification (Stage 1 or Stage 2) the CB might find itself in the situations described below:

- at the sites of the organisation the audit team finds no evidence of the possibility of contamination. In this case the CB shall ask the organisation for a description in its documents (initial analysis and/or documents of the system) paying particular attention to past activities and to explaining the reasons why there is no danger of overstepping the limits;
- the audit team of the CB gathers, during visits to the organisation's sites or the examination of documents, sufficient evidence of the possibility of contamination. In this case the audit team shall examine the documents of the EMS – especially those regarding the application of points 6.1.2 and 9.1.1 and any others which appear relevant – and:
 - if the organisation has identified the possibility of contamination and has activated procedures under Law Decree 152/2006 and subsequent modifications and additions, the CB shall verify, irrespective of who is responsible for the pollution³, the timely and thorough application of the provisions of the Law Decree by the organisation, starting with the obligation of providing communication to the competent bodies and issuing nonconformities under the principles covered in section 4 of technical report UNI/TR 11331; it is taken for granted, in this case, that the organisation has considered this item to be of significance;
 - if the organisation has provided no communication to the competent bodies, nor planned or carried out an identification plan, but has evaluated the item as "significant" and has conducted a preliminary investigation to evaluate the concentration of pollution in the soil, subsoil and/or underground waters in order to assess the results against the acceptable limits, the CB shall evaluate the results of enquiries conducted and behave accordingly (if concentrations do not exceed the limit the organisation is not subject to any specific obligations);
 - if the organisation – in the situation mentioned – has not undertaken preliminary enquiries, the CB shall ask for, after issuing nonconformities, control measures, surveillance or improvement by the organisation with regard to the problem, and in particular it shall request direct or indirect monitoring (for example of absence of leaking from the tanks) of the quality of the soil, subsoil and/or underground waters, such as to exclude the risk of contamination;
 - if the organisation has identified the possibility of contamination and has not provided any communication thereof nor made any preliminary investigation and has not judged the problem to be "significant" or indeed has not deemed it worthy of consideration, the CB shall verify the reliability of the procedure adopted by the organisation for the evaluation of environmental factors and shall issue a nonconformity highlighting substantial failures in the EMS concerning the reliability of identification or evaluation of environmental factors and, if necessary, request the immediate conduct of environmental verifications as per the above point.

The nonconformities which the CB shall issue in cases 1 and 2 are the result of ineffective management of compliance with the law and they shall carry a weight which is consistent with the principles contained in section 4 of the technical report UNI/TR 11331.

³ The organization, if it does not consider that it has responsibility, may use third parties.

In surveillance, renewal and extraordinary audits, the CBs shall apply criteria of interpretation which are the same as those mentioned above.

The nonconformities which the CB shall issue in cases 3 and 4 refer principally to the EMS and not to management of compliance with legal requirements, other than if the CB makes a specific different choice, and they shall have a weight which is consistent with the principles of section 4 of technical report UNI/TR 11331.

7. REQUIREMENTS FOR THE CONDUCT OF EFFECTIVE AND CONSISTENT AUDITS IN RELATION TO THE DEFINITION OF THE SCOPE OF CERTIFICATION

With regard to the certification of EMSs, the "client" is to be associated with the environment only in the broadest sense with regard to the public and any other interested party in the organisation's environmental performance.

Thus the "critical" information for the interested parties, although it also includes the product, consists essentially in the activities and processes undertaken by the certified organisation.

In formulating the scope of an environmental certification, granted against the standard UNI EN ISO 14001, the CBs shall record, as well as the product, the types of activity (processes) under control of the organisation which are included in the field of application of the certified EMS; the reasonable level of detail can be determined according to the productive complexity of the organisation but it will still have to give an idea of possible related environmental impacts.

In addition to the provisions of the ACCREDIA regulation RG-01-01 in the point "Criteria for the formulation of the scope of EMS certificates", it is underlined that *the use of general terms describing activities included in the scope of certification such as, for example, design, development, manufacture etc., followed by the object of the activity, shall be added to by more specific, appropriate and relevant terms such as "mechanical work", "paintwork", "organisational outline", "production of energy with thick oil / coal". This is aimed at giving an idea of possible related environmental impacts.*

The thoroughness of the scope of certification shall always be confirmed after the Stage 1 audits.

Some examples are provided below.

Examples of incorrectly formulated scopes

- reduction of high-resistance bolts;
- control and regulation tools;
- electrical installation material for civil and industrial application, cabling and installation channels;
- production of thermal and electrical energy for heating.

Examples of correctly formulated scopes

- thermal combustion of solid refuse;
- production of low-tension asynchronous engines through the phases of assembly, painting and testing;
- injection moulding of technical articles in thermoplastic and hardening materials;
- supply, selection and storage of fruit and vegetable products.

7.1. EXCLUSIONS

Bearing in mind the interpretation of operative units given in Technical Report UNI/TR 11331 in point 3.1, if it is possible to certify, within one location, one or more operative units of the organisation, but not all of those present in the same site, the operational units not covered by certification shall be included as exclusions in the certificate.

In the case of service activities, the certification scope and the exclusions will have to be consistent with the contents of Technical Report UNI/TR 11331, point 3.2. In particular, if the exclusion regards activities – typically, service activities – which take place outside the site or at mobile sites, such exclusions shall be specified in the scope; alternatively, activities which are part of the field of application of the management system and indicated in the certificate, shall be preceded by the indication “limited to activities of.....”, or similar wording, so that the general public cannot think that activities not included in the field of application of the system are certified.

The Certification Body cannot accept exclusions from the field of application of the EMS certificate of one or more operative units or of one or more service activities in cases in which such exclusion can be classified as “cherry picking.”

“Cherry picking” is not applicable to situations in which the intention of organisations to exclude operative units from the certification scope is accompanied by an adequate knowledge of the problems involved and by a program of extension. This is true also if the excluded party does not conform with the standard or with the legal requirements, in that the organisation demonstrates its intention to resolve the problem and to eliminate all situations which are not in conformity.

The CB shall monitor the implementation of the extension program.

8. REQUIREMENTS FOR THE EFFECTIVE AND CONSISTENT CONDUCT OF AUDITS UNDER POINT 8.1 OF THE STANDARD UNI EN ISO 14001 REGARDING THE MANAGEMENT OF RELATIONS WITH SUPPLIERS AND CONTRACTORS

The CB is required to plan and carry out, as part of certification audits and during the three-year audit period, audits to ascertain that the organisation has activated the provisions under section 6 of the technical report UNI/TR 1131.

9. CRITERIA FOR THE DEFINITION OF THE BOUNDARY BETWEEN ENVIRONMENTAL REQUIREMENTS AND OCCUPATIONAL HEALTH AND SAFETY FOR AUDITS OF CONFORMITY TO THE STANDARD UNI EN ISO 14001

This section contains the criteria that have been defined following numerous requests for clarification received by ACCREDIA-DC from the CBs and from the market for the definition of a precise operational dividing line between requirements applicable to EMSs and those applicable to occupational health and safety management systems (OHSAS).

Such criteria regard both matters for discussion (the activities submitted to operative control) and legislative requirements to be considered and applied for environmental management systems.

Accepting that, under the principle contained in Technical Report UNI/TR 1131, observance of the applicable legislation is basically a pre-requisite for certification – and this is valid also for the OHSAS scheme – the chief aim is to assure the market that CBs apply uniform criteria in the audits.

To this end, the contents of section 3.3 of Technical Report UNI/TR 11331 are reinforced. It remains necessary to provide further clarification to give the CB the possibility to improve uniformity of behaviour.

9.1. GENERAL CONSIDERATIONS

CBs are strongly encouraged to clarify in their contracts and/or in the applicable regulations of the various certification schemes, the object of the audits which are to be performed.

Factors regarding occupational health and hygiene shall not constitute an element resulting in nonconformities against standard UNI EN ISO 14001.

9.2. SPECIFICATIONS REGARDING THE DIVIDING LINES BETWEEN THE TWO SCHEMES

The definition of the word "environment", and in particular the content of the "note" is used in the technical report UNI/TR 11331 to clarify the definition in doubtful cases.

In effect, environmental pollution can also originate from within the workplace, i.e. within an organisation.

The table below, which is not exhaustive, consistent with the principles contained in section 3.3 of technical report UNI/TR 11331, provides some indications for evaluating if an aspect should be considered or not in the scope of application of the requirements of the standard UNI EN ISO 14001.

In all cases the CB shall limit its requirements, its audit activities and decisions concerning certification, to those specific aspects connected to the scope of application of certification. It follows that – in the conformity assessment of the EMS – the auditor is held, by contract, to ensure that only the requirements contained in the standard UNI EN ISO 14001 have been complied with. Thus, if, during the course of an audit, the auditor finds a non-observance of a requirement regarding management systems which is different from the environmental one (and which does not have a direct influence on the environment), such non-observance cannot be formalised as a nonconformity of the system being audited.

| Aspect | EMS requirement |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Building permission | To be considered in cases on environmental impact (e.g. classified green areas) |
| Permission for use of building | No |
| Insalubrious industries | Yes |
| Major accidents | Yes |
| Fire prevention certificate | Yes |
| Risk assessment document | No |
| Evaluation of exposure of personnel to noise | No – can be required because it provides noise levels of machinery where they have been placed |
| Grounding system | No - (safety aspect & preliminary to issue of fire prevention certificate) |
| Conformity of electrical & thermo-hydraulic plants | No – (safety aspect & preliminary to issue of fire prevention certificate) |
| Boiler maintenance records | Yes |
| Audit of pressure equipment | No – can be required if accidents can have external repercussions |
| Concentration of pollutants in workplace | No – can be required if pollutants can spread externally & certainly in cases of convoy emissions (Law Decree 152/2006 & amendments, part 5) |
| Level of electromagnetic field in workplace | No – can be required if pollution spreads externally; |
| Handling, identification and labelling of dangerous substances | Yes |
| Risk assessment of spreading of asbestos fibres in the workplace | No – can be required in cases in which pollution can spread externally; excluded – specific requirements for workers' safety |

| | |
|-----------------------------------------------------------------------------|-----|
| Risk assessment of spreading of asbestos fibres in the external environment | Yes |
| Alternative Dispute Resolution | Yes |
| Radioactivity | Yes |
| Substances damaging the ozone layer | Yes |
| Greenhouse gases | Yes |
| Policlorobifeniles/policlorotrifeniles | Yes |
| Hazard analysis & critical control points | No |
| RoHS Directive | Yes |

Note: If a requirement is to be considered among the items to be audited in an EMS, the relative legislative requirements shall be applied by the organisation and verified by the CB according to the principles given in section 4 of technical report UNI/TR 11331 and in section 3 of the present Technical Regulation.

10. REQUIREMENTS FOR CERTIFICATION IN CONFORMITY WITH THE STANDARD EN ISO 14001 IN IAF SECTOR 36 FOR PUBLIC ADMINISTRATION AUTHORITIES WITH TERRITORIAL/AREA COMPETENCES

This chapter gives the requirements for a harmonized and consistent application by accredited CBs of the standards for the EMS certification of Public Administration Authorities (PAs) with specific governmental territorial competences. These include a number of local administrative entities, such as regions, provinces, metropolitan cities, municipalities, designated mountainous areas, associations of municipalities and consortiums, national parks (for the protection of natural areas with local entities in them, administrative entities including those with environmental protection status such as park authorities (for the management and protection of protected natural areas), all of which have the task and competences for governance of areas of high environmental importance.

The requirements are formulated taking into account experience gained in the market and the recommendations provided by Technical Reports.

The definition of the specific requirements for the PAs with territorial competences is of great importance bearing in mind their role with regard to the general public and with all interested parties.

10.1. CONTINUITY AND CONSISTENCY OF POLICY, OF OBJECTIVES AND OF THE ENVIRONMENTAL MANAGEMENT SYSTEM

The CBs shall request the PAs to show that the principles of its environmental policy and the improvement objectives of the EMS are consistently applied in phases of planning and operative control, in the contents of the instruments of territorial governance (regulatory plans, territorial or land plans, acoustic areas, regulations, technical standards of implementation and so forth.)

The CB shall verify that the PAs are capable of explaining the consistency of their administrative and planning with a policy and with environmental aims, also with regard to the interested parties.

The CB shall verify that the resources for the EMS and for the specific objectives are clearly included in the instruments of economic and financial planning of the CB (e.g. the executive management plan, the budget, management control) and that they are supported by provisions at the appropriate level. Therefore the instruments of economic planning of the PA shall include the necessary resources for maintaining the EMS and for achieving objectives.

The CB shall ensure that the PA, in establishing its environmental objectives, does not limit itself only to direct factors, but also takes into consideration indirect factors for the improvement of the environment in the area in question, also involving other public and private entities. In doing this the CB shall take into consideration the competencies of the PA which applies for certification.

If a number of entities are involved in achieving objectives (e.g. in the improvement of indirect environmental matters, in the agreement of programs, in the necessary actions to carry out activities under Agenda 21,) the CB shall verify that the PA monitors all the activities undertaken by the various entities involved and that they respect all their responsibilities.

The CB shall verify whether, if there is a change of top management⁴, the environmental policy of the PA is confirmed or modified by means of a specific act of approval by the new Administration or Administrative Council, and that the EMS will continue to be effectively applied by such administration.

10.2. DIRECT AND INDIRECT ENVIRONMENTAL MATTERS

The CBs shall verify that both direct and indirect environmental matters have been identified and evaluated by the PA.

In order to do this, the CB shall comply with the requirements set out in EN ISO 14001, also taking into account the contents of the present document.

The CB shall require an analysis of the activities and of the competences - especially those required by the law - of the PA which applies for certification. This analysis must permit the PA to identify all direct and indirect environmental matters and, in the latter case, the modalities whereby it is possible to influence the behavior of other entities in the territory or area in question and therefore to influence the state of the environment.

⁵ This requirement refers to the possibility that the outcome of administrative elections can cause changes in government policy and therefore in the choices of certified administrations regarding territorial management.

The CB shall also require that the environmental data and information regarding the state of the environment of the relevant area are taken into consideration and updated, for all environmental factors, properly graded. It is also necessary to respect the relevant UNI Technical Reports.

It is therefore necessary to identify the categories of the entities which are causing environmental impact and which may be influenced by the PA.

Evaluation of the importance of these factors on the environment must be made taking into account the special local environmental characteristics.

With regard to environmental factors for which the PAs do not have competence, the CBs shall limit themselves to a verification that the PAs have set out an awareness-raising program of the environmental problems in their area of competence which is controlled by other bodies or entities with which, for reasons of law or competence or agreements, there are no ongoing relations.

10.3. LEGAL COMPLIANCE

10.3.1. Identification of legal requirements

The CB shall extend its audit activities to the capability of the PA to manage its obligations according to all the typologies covered by the relevant UNI Technical Reports.

Sector environmental plans of a higher level constitute the legal framework whose cogency shall be evaluated on a case-by-case basis and which shall be used as a reference.

10.3.2. Assessment of legislative compliance of the PA by the CB

It is suggested that the CB allocate the necessary time to verify legal compliance in a balanced manner between direct and indirect factors, in coherence with environmental impact and actual situations in the relevant territory or area.

It is absolutely necessary to apply an approach of rigour, transparency and credibility when verifying compliance with environmental laws under UNI EN ISO 14001 certification, in accordance the present document and with EA Guidance 7/04.

The CB shall raise a "legislative" nonconformity as per paragraph 3 of the present document for failure to respect any applicable law covering PA activities for which certification is necessary.

Such findings are to be considered critical and they therefore preclude certification.

Under certain precise circumstances, such as objective evidence related to UNI Technical Reports and exclusively within the limitations of, and in conformity with, point 10.3.3, the level of the finding may be less severe and certification may nonetheless be granted.

This is the only manner in which a CB can retain its responsibilities and proceed to the certification of a PA without total legal compliance.

In all cases, in issuing certification to a PA with territorial competencies, CBs shall safeguard the credibility of the certification system to all interested parties.

10.3.3. Limitations and dispositions

The CBs shall respect the following limitations and requirements in all cases when issuing certification under their responsibility to PAs which do not present total legislative compliance.

Any finding or deferred granting of a certification in cases where there is a failure to comply with a legal requirement shall remain open and shall be monitored until the situation is fully resolved. This is in order to ensure maximum transparency and to enhance the capacity of the EMS of the PA applying for certification to obtain and maintain full conformity. In exemption of the above, in cases where the regulations of the CB do not permit a finding to remain open for a number of audits, the CB shall assure the decision-making body and any necessary committees for safeguarding impartiality and also ACCREDIA-DC, that it can conduct a document review, also as a witnessed activity, giving the history of a finding from its beginning.

In the case of requirements specifically applicable to the activities of PAs (e.g. the management of asbestos, the acquisition of anti-incendiary equipment, the conformity of waste disposal units etc.) requiring major economic resources within a fixed budget, the CB can raise a finding which does not preclude certification; it must also require the binding commitment of the PA to enact a program of work and conformity maintenance control, giving timeframes and end-dates, economic resources and responsibilities, in order to guarantee full respect of all legal requirements applicable to the PA's activities. To do this, the CB shall become involved in the planning activities of the PA and make sure that it is able to estimate the financial burdens for full conformity and it shall acquire the necessary elements regarding estimated costs and their distribution within the budget, the Executive Management Plans and/or the three-year operative plan. This type of work program shall be required in all cases which require a process resulting in full conformity.

During the period of certification, the work program shall be activated for all the relevant activities and in the subsequent surveillance visits and the CB shall undertake systematic audits of the continuity of the planned activities, keeping the finding open until full conformity or implementing other methods which enable ACCREDIA-DC to make a document analysis, also by witnessing, of the history of the finding from its beginning.

The greatest amount of time permissible for the timeframe of the program of adaptation activities shall be evaluated by the CB, bearing in mind the objective relevance of the environmental impact related to the failure to conform and to the relation between the relevance of the resources that the PA can commit.

In the case of anti-incendiary certification, the following is applicable:

- if all audited activities controlled by the fire department respect the conditions as per paragraph 5.1 of the present document, there are no problems for certification as long as there is no need to raise a finding with regard to a legal requirement;
- it is not possible to grant certification, irrespective of the size of the CB, if it has not achieved a sufficiently advanced state of implementation of the planning, meaning that the approval of the fire department has been obtained, at least for all buildings which are open to the public, such as schools or which can be the object of interested parties, such as indoor sports stadiums.

In all cases, before granting certification without full legislative compliance, the CB shall, on the basis of a risk analysis related to the specific certification, verify that the state of legislative conformity is advanced enough to ensure the credibility of the certification for all interested parties.

The justifications for decisions taken in special cases shall be documented and, if there is a risk to impartiality, such justifications shall be submitted to a representative committee of the parties.

In cases of shared responsibility, such as for the management of the cycle of water and of waste, the CB shall make sure that the applicant PA has clarified the extent of its responsibilities and has taken the necessary steps to implement its competencies and to fulfill its legal obligations by performing the necessary actions.

In line with the EA Guidance 7/04 and the relevant UNI Technical Reports, for the implementation of their adaptation programs, the PAs are required to take the necessary steps with regard to other rival or complementary administrations in the management of legal obligations. The CB shall evaluate the effectiveness of the certified or applicant PA's actions (e.g. assessing the correctness of procedures of communication, the choice of suitable interlocutors or the use of effective administrative processes) and the continuity of its action, with regard, in particular, to inertia or inactivity on the part of the administrations in question.

In cases of shared environmental responsibilities (water, waste, local public transport etc.) irrespective of the legal obligations faced by the PAs, the CB shall ask the PA to give evidence that it exerts its influence towards other Bodies involved in safeguarding the interests of the interested parties.

10.4. COMPETENCIES OF THE PERSONNEL

The CBs should give special attention to audits of competence of the PAs staff operating in the ambit of planning activities (even if they are external personnel) and for the issue of authorizations, given the importance they have in matters regarding the area in question.

10.5. COMMUNICATION WITH THE PUBLIC AND WITH THE INTERESTED PARTIES

Good internal communication, staff involvement and management of relations with the public and with the interested parties, are all fundamental aspects of the environmental certification of the PAs.

10.5.1. Internal communication and involvement

The CB shall ensure that the PA has put into place a policy of communication and involvement of its staff and collaborators in such a way as to:

- ensure the sharing of the principles of the policy, objectives and procedures of the EMS;
- ensure that the CB sends out, also by means of concrete actions and examples, messages which confirm the awareness of the public that environmental protection is a community value which depends on the actions and choices of every individual person.

10.5.2. How to deal with received communication

The CBs shall require that the PAs, in their evaluation of environmental factors and in establishing the contents of their instruments for governance, take into account any indications or protests received from the general public.

Following receipt of such indications concerning environmental issues (whether individual or collective) the CB shall verify that the PA, in addition to legal requirements regarding the public

availability of environmental information, provides accurate and satisfactory responses, which respect public interests and are also in keeping with existing government policies.

The CB shall adopt an approach of considerable respect for such indications and shall be especially prompt and proactive in its analyses and responses. The CB shall make sure that this approach is respected by the PAs.

10.5.3. Involvement of the general public

The CBs shall ask the PA which is applying for certification and which provides information regarding its certification program, to offer both to the public and to other interested parties, information regarding important environmental factors, direct and indirect, concerning any limitations in the scope of certification.

The CB shall request the PA for evidence of specific evaluations by the PA regarding the opportunity to inform the public, and other interested parties, concerning further information, such as improvement objectives.

10.5.4. Involvement of persons / entities over which the PAA does not have relations of direct competence

The CB shall encourage the PA to activate and promote contacts also with other persons or entities in the area with which or whom there are no existing relations, so as to gain more detailed information on the state of the environment or on activities with an environmental impact with a view to starting voluntary initiatives for the improvement of the environment in a general sense.

10.6. EMERGENCIES

The CB shall verify that the PA has taken into consideration all the possible emergency situations covered in the relevant UNI Technical Reports.

The PA shall give evidence to the CB that it deals with all environmental matters coming within the EMS in emergency situations, using all the appropriate modalities and according to the applicable legal requirements.

10.7. INTERNAL AUDITS

The programming of the cycle of internal audits, as defined in the standard UNI EN ISO 9011 "Guidelines for audits of management systems", is of great importance to the PAs. The CB shall verify that the PA has developed this program so as to have effective control over activities which may have direct or indirect impact on the environment, with sufficient time and resources for audits in the places where it carries out its activities, such as offices, locations it possesses or operative locations, with particular reference to offices which control administration regarding significant indirect environmental factors.

Real estate belonging to the PA where no activities are undertaken does not necessarily have to be included in the internal audit program. The CB shall, however, ask the PA to demonstrate that it knows the condition of the structures concerning environmental aspects, such as structures which contain asbestos or underground tanks etc.

The CB shall also verify that the PA has taken into consideration the possibility of performing second phase audits on suppliers, sub-contractors and managers which are more critical and also to perform audits at interface Bodies or entities.

10.8. MINIMUM CERTIFIABLE ENTITY

For the application of criteria, for the definition of the field of application of the EMS, which have been set out in the relevant UNI Technical Reports, the CBs shall consider "*PAs possessing particularly complex organizational competencies and structures*": exclusively the Regions, the Autonomous Provinces and the Metropolitan Cities.

It is possible to issue ISO 14001 certification only for these typologies of PA which answer to the requirements of a "functional unit" as defined in the standard UNI EN ISO 14001 and in the relevant UNI Technical Reports. These certificates can be maintained on a permanent time basis without application for extension of the scope of the EMS for the entire PA.

For PAs which do not possess particularly complex competencies or organizational structures, apart from the exceptional cases described below, no activity whatsoever may be excluded from the field of application of the certified EMS.

10.8.1. Provinces and major local administrative authorities

In order to favour the application of the EMS in a sector which is characterized by considerable territorial significance, for local administrative units with a population exceeding 40,000, partitioning is possible, provided that the following conditions are met:

- the top management is represented by an internal person or unit which has authority for the resources of the entire organization (e.g. for a local municipal administration or province represented by a mayor or president of the local administration government);
- there is a policy which has been approved by the top management;
- the top management of the PA officially approves a written documented commitment extension program to the certification of the entire PA. The program shall be completed within six years;
- the certification of all the organization takes places starting from a minimum size which corresponds to all parts of the organization which answer to a Director whose competences include administration, finance, technical matters, and who has autonomy with regard to spending, to the organization of human resources and control instruments. Such person shall be a sector or department manager;
- that the interfaces are clearly defined with the other parties/units of the PA, especially regarding the limits of competence and responsibility;
- information on the field of application of the certification granted to interested parties clearly refers to the entity and that this information is given in the scope of certification, taking care to mention the certified part and the PA to which it belongs;
- the logo shall not be used for the PA in its entirety and shall always be referable to the certified entity;

- the PA gathers all the data and information concerning the entire territory so as to develop a phase of identification and assessment of the environmental factors. This shall not be limited only to the activities which are the object of partitioning. These data are necessary for correctly implementing the extension program and the possible objectives for improvement.

It is not possible to exclude competence activities of the PA which have a particularly important environmental impact or which present problems of legislative compliance or conformity with reference standards, in other words, cherry picking is not allowed.

It is not considered as cherry picking in cases where there is a temporary exclusion from the certification scope on the part of the PA which presents problems of legislative compliance and which has approved the extension program of the certification scope to the entire entity.

The organization cannot be partitioned if:

- the certified or applicant part covers only parts of the activities which are not representative in terms of the relevance of environmental factors and impacts of the organization's activities;
- it is not possible to clearly understand the reasons behind the choices made or to identify unequivocally from the outside which part of the organization's activities is included in the EMS.

10.8.2. Description of the scope

In order to ensure maximum transparency to the general public, the scope of the certificate shall be expressed giving an indication of the processes carried out by the PA which fall within the scope of certification, with a sufficiently detailed description of the principle activities of all the sectors or departments into which the PA is divided.

For certain competencies of particular environmental importance, such as the management of water cycles or urban waste disposal, it is necessary to indicate, both transparently and comprehensibly, if the PA undertakes activities directly or through agreements with other entities or persons.

10.9. DETERMINATION OF THE DURATION OF AUDITS – CALCULATION OF AUDIT DAYS

The duration of audits is established using the revisions in force of the relevant IAF documents, applying, however, a particular access key to the template. The environmental complexity of a PA is tied to different elements of criticality which, in declining order of importance, can be summarized thus:

- management complexity (number and importance of the competences of the organization, activities managed directly, complexity and relevance of outsourced activities etc.), e.g. organizations with employees directly undertaking road maintenance activities or the management of plants, and organizations undertaking major construction or road works, involving high management complexity;
- environmental criticality: in terms of the characteristics, the status and the pressure existing on the territory or area, such as the number of existing activities; e.g. organizations with competences in the territory which are classified as being of national interest as per title 5

of part 4 of Law Decree 152/06 and subsequent modifications, organizations having competence for protected areas, such as parks, and organizations with companies with a high accident risk in their area and which also have significant environmental criticality;

- number of inhabitants;
- limits to the relevant area.

These elements determine the variable complexity from “low” – suitable for, for example, organizations which have divested some of their competences and which administer territories which do not present great complexities – to “high”, suitable for local administrations which control, either directly or through controlled companies, the activities related to the main environmental factors in a complex territory or area, such as waste disposal, water cycles and so on.

In all cases the number of audit days cannot be less than the number necessary for the implementation of the “low” classification.

For local government administrations it is necessary to implement, at least, the classification “medium”, given the context of management complexity.

The complexity factor will then have to be crossed with the number of workers – employees, collaborators and so on, of the PA in order to determine the exact number of audit days necessary for certification activities. Each CB shall establish documented internal regulations permitting the discrimination of the PAs with numerous environmental complexities.