

Procedure "Requesting exemptions"

1. Reason

The MPS certification standards offer the possibility of exemptions. In special cases, MPS may grant an exemption for one or more conditions of the MPS certification standard or obligations if, in its opinion, compliance with them cannot reasonably be required. Restrictions, conditions and regulations may be attached to the exemption and the granting of the certificate, partly on the basis of this exemption.

2. Objective

A procedure for applying for an exemption at MPS and processing the exemption request.

3. Definitions

CB	Certifying Body: organisation that, on the basis of a license agreement with MPS, is authorised to carry out checks compliant with the requirements of the certification standard and has been granted the right to grant MPS-ABC certificates.
CvE	Council of Experts.
Participant	Customer participating in one or more MPS certification standards.
MPS certification standard	The MPS certification standard of MPS is a system for the certifying services, products or processes of companies operating in the agricultural sector.
Exemption	Temporary permission not to comply with one or more conditions of an MPS certification standard.

4. Exemption

During the initial implementation of an MPS certification standard or during the implementation of criteria as a result of a standard revision, a participant comes to the conclusion that one or more provisions can temporarily not be (fully) implemented due to circumstances, with the result that not all conditions of the MPS certification standard can be met.

An exemption is a temporary permission from the CEO of MPS to a participant not to comply with one or more conditions of an MPS certification standard. An exemption is granted to an individual participant in an MPS certification standard with a maximum duration of one year. The exemption applies subject to interim standard changes that relate to the condition for which exemption has been requested.

In exceptional cases, the Board of MPS can generally disable a condition of an MPS certification standard. The decision may concern all participants or a particular region where the certification standard is used. The decision of the Board for a generic exemption falls outside the scope of this procedure.

5. Method

5.1 Requesting an exemption

An individual participant can request an exemption at the GSM department of MPS.

The request for the exemption is not linked to a shortcoming that was found during an audit or assessment by a certification body. The request for an exemption never has a suspensive effect on the settlement of a shortcoming that has been established during an audit.

5.2 Assessment of the request

The request is assessed for completeness by the Standards Manager of the GSM department. If necessary, the Standards Manager can request additional information from the applicant.

The Standards Manager prepares an anonymous advice based on the (complete) request, which is submitted to the MPS CEO for a decision.

5.3 Decision

The CEO decides on the basis of the request and the advice of the Standards Manager. The CEO may decide to grant or reject an exemption request.

The decision of the CEO to grant an exemption is recorded by the GSM department and contains at least the following elements:

- the decision of the CEO;
- determination of the MPS certification standard against which exemption is granted;
- the name of the participant to whom the exemption is granted;
- the exemption period and associated conditions.

The decision of the CEO to reject an exemption is recorded by the GSM department and contains at least the following elements:

- the decision of the CEO;
- determination of the MPS certification standard against which exemption has been requested;
- the name of the participant;
- substantiation of why the exemption has been rejected.

The decision of the Board is communicated by the GSM department to the applicant and the CB concerned.

6. Objection

An applicant who does not agree with the decision of the CEO can lodge an objection against this with the CvE of MPS. A participant can submit an objection via the GSM department of MPS. The Standards Manager is responsible for submitting the objection to the CvE.

The CvE will then, as an objective body, reassess the request and decision-making of the Board. The decision-making of the CvE is binding.