

REVISION HISTORY

Rev.	Date	Description	Written by	Approval
00	2021-09-15	New issuing	QM	AM-2021-01
01	2022-09-05	Acknowledging UKAS remarks (§ 1, 2, 3, 4, 7.2, 7.3, 7.6, 8, 9, 9.3, 9.3.1, 9.6, 9.8, 9.9, 9.12, 11.2, 11.3, 12.1, 12.2, 13, 17, 19, 20, 21)	QM	AM-2022-02
02	2023-08-23	New chapter 16 (CE-UKCA Certificate transfer)	HoD	AM-2023-02

TABLE OF CONTENTS

1	SCOPE	3
2	PURPOSE	3
3	REFERENCES DOCUMENTS	3
4	DEFINITIONS	3
5	PRINCIPLES OF IMPARTIALITY AND TRANSPARENCY	4
6	LIABILITY	4
7	APPLICANT COMMITMENTS	4
7.1	GENERAL	4
7.2	TEST AREA.....	5
7.3	TECHNICAL DOCUMENTATION	5
7.4	EQUIPMENT TYPE	5
7.5	CHECKS DURING PRODUCTION	5
7.6	DECLARATION OF CONFORMITY	5
7.7	COMPLIANCE WITH THE REGULATIONS AND THE CONTRACTUAL RELATIONSHIP	5
8	BODY'S COMMITMENTS	6
9	CERTIFICATION PROCESS	6
9.1	ACCESS TO CONFORMITY ASSESSMENT SERVICES - REQUEST FOR QUOTATION	6
9.2	REVIEW OF THE REQUEST AND SUBMISSION OF THE OFFER	6
9.3	ACCEPTANCE OF THE OFFER, SENDING OF THE APPLICATION AND OF THE TECHNICAL DOCUMENTATION	7
9.3.1	<i>Data necessary for completing the application and contents of the technical documentation</i>	7
9.4	REVIEW OF THE ORDER, OF THE CONTENTS OF THE APPLICATION AND START OF THE CERTIFICATION PROCESS.....	8
9.5	CHECKING THE TECHNICAL DOCUMENTATION	8
9.5.1	<i>Outcome of the document verification and communication of the findings</i>	8
9.6	FUNCTIONAL EVALUATION.....	8
9.7	ADDITIONAL CHECKS	9
9.8	REVIEW AND DECISION ON CERTIFICATION	9
9.9	NEGATIVE RESULT OF THE CONFORMITY ASSESSMENT.....	9
9.10	LIST OF CERTIFICATIONS.....	9
9.11	RETENTION OF DOCUMENTATION	10
9.12	PRODUCTION SURVEILLANCE - PROCEDURE REFERRED TO IN SCHEDULE 9	10
10	VALIDITY AND RENEWAL OF CERTIFICATION AND CONTRACT	10
10.1	EVALUATION PROCEDURE REFERRED TO IN SCHEDULE 9.....	10
10.2	EVALUATION PROCEDURE REFERRED TO IN SCHEDULE 10.....	10

11	WAIVER, SUSPENSION AND REVOCATION OF CERTIFICATION	10
11.1	WAIVER.....	10
11.2	SUSPENSION.....	11
11.2.1	<i>Effects of the Suspension</i>	<i>11</i>
11.3	REVOCATION	11
12	COMPLAINTS AND APPEALS	12
12.1	COMPLAINTS	12
12.2	APPEALS	12
13	LITIGATION	13
14	CONFIDENTIALITY	13
15	TRANSFER OF REGISTRATION	13
16	CE – UKCA TRANSFER.....	13
16.1	TRANSFER OF A CE CERTIFICATE ISSUED BY ECO CERTIFICAZIONI S.P.A.	13
16.2	TRANSFER OF A CE CERTIFICATE ISSUED BY ANOTHER EUROPEAN NOTIFIED CERTIFICATION BODY	14
17	SAFEGUARD CLAUSES OF THE CERTIFICATIONS ISSUED	14
18	MODIFICATION OF CERTIFIED EQUIPMENT.....	14
19	EXTENSION/REDUCTION OF CERTIFICATION	14
20	CHANGES TO CERTIFICATION REQUIREMENTS.....	14
21	AMENDMENTS TO THIS REGULATION.....	15
22	ECONOMIC CONDITIONS	15
22.1	VARIATIONS IN THE OFFER, IN THE PRICE LIST AND RIGHT OF WITHDRAWAL	15
22.1.1	<i>Variation of the Offer.....</i>	<i>15</i>
22.1.2	<i>Change in the Price list</i>	<i>15</i>
22.1.3	<i>Withdrawal and notice</i>	<i>15</i>
23	ADVERTISING AND USE OF CERTIFICATION	15

1 SCOPE

This Regulation sets out the general procedures adopted by ECO Certifications UK Ltd. (ECO) to perform confirm the evaluation of the equipment intended to be used outdoor, according to the provision of the noise emission in the environment by equipment for use outdoors Regulations 2001, Statutory Instrument 2001 No. 1701, as amended, which the Manufacturer or its Authorised Representative (Applicant) show follow to obtain and maintain the easy product certification.

ECO make available the updated version of this Regulation in its own website www.ecocertifications.co.uk, in its own headquarter and can provide a digital copy by email.

Modification and update to this regulation are handled by issuing of further revisions, where the parts of the text which have been modified are highlighted with a vertical bar in the right side. This regulation is an integral part of legal agreement undersigned by ECO and the applicant. ECO applies always the last issued revision and it's an applicant duty to verify its content after the issuing any update which will be published in ECO website and its duty to comply. ECO Will inform all the involved clients when a new revision is available.

This Regulation is bilingual, therefore for any argument or interpretation the Italian version prevails.

2 PURPOSE

This regulation will be applied by ECO to all the activities for conformity evaluation of machinery / equipment listed in Schedule 1 (regulation 3) of the 2001 Regulations as amended. The evaluation set out in the first point the article will be carried out according to the following prescription:

- Schedule 9: "internal control of production with assessment of technical documentation and periodical checking"
- Schedule 10 "unit verification"

This Regulation describes duties and liabilities upon ECO and the Applicant which intend to forward and application for conformity evaluation.

3 REFERENCES DOCUMENTS

To the legal agreement between ECO and the Applicant, the requirements set out in the following documents apply:

- the noise emission in the environment by equipment for use outdoors Regulations 2001, Statutory Instrument 2001 No. 1701, as amended;
- ISO/IEC 17065:2012 "Requirements for bodies certifying products, processes and services";
- ISO/IEC 17000:2020 "Conformity assessment - Vocabulary and general principles";
- IAF – EA Guidelines;
- General Regulations, Technical Regulations and provisions of the Accreditation Body (UKAS), in the schemes and sectors covered by accreditation.

The identification of mandatory standards and / or laws applicable to the product is the responsibility of the Applicant, who can refer to the standards and technical specifications issued by international standards committees such as BS, EN, ISO, IEC, CEN/CENELEC. The designated standards referable to the 2001 Regulations as amended, published and periodically updated are available at the following internet address: <https://www.gov.uk/guidance/designated-standards>, if any.

ECO will check out if the Applicant has defined and implemented a method to update and to comply with such laws and standards.

4 DEFINITIONS

For the purpose of this Regulation the following definition applies:

Manufacturer: any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark;

Authorised representative: any natural or legal person established within the Community who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks set out by the Regulations 2001 (ref. Blue Guide)

Mark: graphic makeup (Logo), which identifies a Company;

Certification Body (CB): Body authorised to issue conformity attestation;

Inspector (ISP): personnel who carry out conformity evaluation activities;

Verification: activity carried out by the Body due to ascertain that the Applicant has complied with the specific requirements related to processes, products and activities in general aimed to obtain the Certificate of Conformity;

Remark: objective confirmation of an event or condition that highlights an NC or allows the expression of an Observation or a Comment;

Non-conformity (NC): failure by the Applicant to satisfy a requirement, referred to by a Noise Emission Regulations 2001, by a standard or by a law in force, applicable to the area considered, which invalidates the value of the certificate of conformity in terms of effective and credible assurance of the product;

Observation (Oss): failure by the Applicant to satisfy a requirement, which, although indicative of inappropriate behaviour, is not such as to compromise the value of the certificate of conformity;

Comment: A finding that cannot be configured as the non-fulfilment of a requirement by the Applicant, but is aimed at preventing this situation from occurring, as it is potentially achievable. It can also be aimed at providing useful information to improve the performance of the Applicant;

Liability: burden assumed or resulting from the conduct of a process, from the execution of a job, or from the management of an assignment (or task) entrusted and to be performed with due commitment;

Complaint: manifestation of dissatisfaction, both verbal and written, by entitled entities (direct clients, indirect customers, Public Authorities, UKAS), relating to the services provided by the Body and, in general, to its jobs;

Appeal: formal appeal, by Subjects with specific cause, against decisions made or assessments expressed, or certifications issued (generally rejected) by the Body.

The terminology and definitions used in the documentation to support the performance of the activities necessary for issuing the UKCA certificate of conformity, comply with the contents of the documents listed in chap. 3.

5 PRINCIPLES OF IMPARTIALITY AND TRANSPARENCY

ECO grants equally to all entities, public or private, to access the Certification services, without making any distinction on the basis of the Company size, membership of any organization or association, or the number of certificates obtained for its products. The only exception is made for companies subject to legal restrictions, which prevent them from marketing products subject to Certification of conformity.

In order to ensure maximum correctness and transparency in carrying out the verification and certification activities of the equipment, ECO specifies, also through the signing of appropriate codes of conduct, that its managerial and technical staff are not subject to undue internal or external pressure, commercial, financial or other nature, which may adversely affect the work performed.

The personnel involved in the verification activities aimed at issuing the Certificate of conformity are not involved in activities that could undermine the confidence in their independence, impartiality and professional integrity. Furthermore, the Body does not carry out design activities either directly or in consultancy form, it does not market products and / or systems subject to audits or Certification, nor does it provide technical assistance services to the organizations, subject to the verifications or certifications, for sectors covered by the accreditation, nor does it carry out other activities that could compromise trust in its work.

6 LIABILITY

This regulation details the mutual responsibilities and commitments that the Applicant and ECO are required to comply with in order to allow the proper performance of the individual phases envisaged by the Certification process, according to the methods and timelines described in the following paragraphs and in the contractual documents signed by the parties.

ECO states that some phases of the activity (e.g. tests and measurements) could be carried out by third parties (such as laboratories or other notified or accredited subjects, however qualified by ECO). The assignment of these activities is always subject to the approval of the Applicant, upon written communication countersigned for acceptance. The final responsibility for the activity rests exclusively with ECO.

7 APPLICANT COMMITMENTS

7.1 General

The Applicant undertakes to provide maximum cooperation to the ECO representatives during all stages of the Certification process described in chap. 9. Arranges any permits and authorizations to allow access to the areas involved in carrying out the verification activities, whether they are internal or external to the company being examined. It allows on-site access or the supply of copies of all documents that ECO deems useful to examine for the purpose of granting the required certificate of conformity.

Furthermore, the Applicant, before submitting the application for Certification to ECO, is responsible for preparing at least the following in compliance with the requirements set by the Noise Emission Regulations 2001. All the documentation provided by the Applicant to support the verification activities must be prepared in English.

7.2 Test area

The Applicant must prepare a suitable test area according to the requirements set by the reference standards and the 2001 Regulations as amended. If the "internal production control procedure with evaluation of technical documentation and periodic checks" as per Schedule 9 is applied, the test area must also be made available during periodic checks, in case the ECO deems it necessary to having to repeat tests and measurements, as indicated in paragraph 6 of the schedule itself.

7.3 Technical documentation

In compliance with the requirements of the 2011 Regulations as amended, the Applicant must prepare the technical documentation referred to in Schedule 9, point 3 or Schedule 10, point 2 including instructions for using the equipment.

7.4 Equipment type

The Applicant must prepare a representative type¹ of the machine object of the certification application, built according to what is prescribed in the technical documentation, to allow ECO to carry out any checks, measurements and tests deemed necessary for the purpose of verifying compliance with the requirements of the Noise Emission Regulations 2001. It must also issue or procure the necessary authorizations or permits to allow ECO representatives to access the place where the machine is located.

7.5 Checks during production

The Applicant must provide evidence of having set up a production control process to verify the maintenance of the conformity of the equipment with the technical documentation and the requirements of the Noise Emission Regulations 2001.

The control process must ensure the availability of information regarding the following aspects:

- correct and complete marking of the machine or equipment in accordance with the provisions of 16 (1) (a);
- drafting of the declaration of conformity in accordance with the provisions of 7(2)(d);
- technical means applied and results of the evaluation of the uncertainties due to the variability in production and their relationship with the guaranteed sound power level.

Also, the Applicant shall provide:

- documented management of complaints received in relation to the type of machine and the related corrective actions taken;
- the documented update of the mandatory standards or laws applicable to the product and the identification of new requirements relating to it;
- the documented updating of the technical documentation, relating to changes or variations made to the type of machine with reference to the provisions of the Noise Emission Regulations 2001.

7.6 Declaration of conformity

In compliance with the requirements set out in Schedule 5 of the 2001 Regulations as amended, the Applicant must prepare the declaration of conformity of the machine/equipment subject of the application. Any information relating to data referable to the outcome of the Certification Process must be reported in the draft, until the positive conclusion of the process.

This declaration must be kept by the manufacturer for a period of ten years from the date on which the product was placed on the GB market. A copy of this declaration must be made available to the enforcing authority within 28 days of placing the product on the GB market by e-mailing it to: noisedeclarations@beis.gov.uk.

7.7 Compliance with the regulations and the contractual relationship

The Applicant undertakes to comply with every point of this regulation and to honour any further commitment arising from the signing of the contractual documents required by the Certification process. Furthermore, it undertakes to guarantee the following:

- provide support to ECO representatives, making their personnel responsible for the activities involved in the conformity assessment activities available, during working hours and for the entire period involved in the certification process;
- facilitate the carrying out of evaluation activities, within the times and in the manner agreed in the official communications;
- facilitate the access of ECO representatives to all areas involved in assessments, to registrations (changes to technical documentation, solution of complaints, etc.), to personnel involved in design and manufacturing, etc.;

¹ In the case of the "unit verification" procedure referred to in Schedule 10, it will coincide with the product subject to the certification application

- facilitate the resolution of NCs that emerged during the Certification process, allowing ECO to verify their resolution, through evidence of the corrective actions taken;
- not to market the machines subject to certification until the successful conclusion of the procedure;
- promptly notify ECO of any changes made to the machine subject to the required conformity assessment or to the manufacturing process;
- update the Body on the new production sites, in relation to the machine being evaluated;
- fulfil payments in the manner and within the times defined in the signed contractual documents;
- not omit or fail to communicate to ECO any information relevant to the Certification process or to the machine subject to the required conformity assessment;
- use and advertise the Certification exclusively within the limits for which it was granted, avoiding discrediting the Body;
- allow the required verifications to be carried out, also communicated with minimum notice, to the staff appointed by ECO, even if supported by UKAS staff or the relevant bodies;
- allow ECO to carry out additional checks motivated by serious reports relating to certified equipment, also alongside the personnel of the competent Authorities or UKAS. These checks can be performed without notice or with a minimum notice of 5 working days, the refusal involves the revocation of the Certification. It is not allowed to object to the proposed inspectors.

8 BODY'S COMMITMENTS

ECO undertakes to make the necessary resources available, to plan and carry out the conformity assessment activities in accordance with the requirements of the 2001 Regulations as amended . It also undertakes to make available the resources necessary to carry out any additional checks and all the activities required for the purpose of monitoring and maintaining the Certification granted.

ECO also guarantees adequate insurance coverage in relation to the risks that the Applicant could derive from the conduct of the conformity assessment activities referred to in these Regulations.

ECO cannot be held responsible for any non-compliance that may occur due to objectively unforeseeable circumstances, prior to the assumption of the assignment given to it by the Applicant for the assessment of the conformity of the equipment.

Equally ECO will not be held responsible for failure to comply with the agreed deadlines should they be attributable to delays on the part of the Applicant, or for the occurrence of NC attributable to his work.

9 CERTIFICATION PROCESS

The Certification process conducted by ECO involves carrying out the phases described in the following paragraphs. The process takes place according to the provisions of the 2001 Regulations as amended, to the designed standards referred to in the regulations itself and to the mandatory laws on the matter. Each phase is conducted according to internal procedures and regulations prepared by ECO, which can be consulted by the Applicant at the Headquarters of the Body, limited to the relevant sector.

9.1 Access to conformity assessment services - Request for quotation

To access the conformity assessment services offered by ECO, the Applicant submits an offer request using the form on the ECO website, to allow the Body to issue a dedicated offer, according to the conformity assessment procedure chosen.

The request can be signed by the legal representative of the Applicant, or by an appropriately authorized person².

If the Applicant is the manufacturer's representative, ECO reserves the right to request the same to prove the assignment of the mandate.

The same information can be provided by e-mail or by telephone to the Technical Secretariat, which will fill in the form and send it together with the offer to confirm the data entered.

9.2 Review of the request and submission of the offer

Upon receipt of the request, ECO checks that it has been correctly filled in with all the required information. If the documentation is devoid of some data or attachments, ECO will request them in writing.

Following the review carried out, ECO sends the Applicant an offer for the requested activities. The offer contains:

- the reference to the request sent to ECO,
- indication of the conformity assessment procedure that will be adopted in accordance with the request,

² As indicated by the Regulation, the signature of the Legal Representative certifies its legal validity.

- the need to send all the technical documentation that the Applicant must provide to the Body together with the Application to allow the certification process to start,
- the economic quantification for conformity assessment services in accordance with the relative tariff,
- compliance with the contents of this regulation,
- exclusions,
- the contractual clauses,
- safety information.

Together with the offer, the Applicant is provided with the application form to be returned completed in its entirety if he/her accepts the Offer. The same model can be found on the Body's website.

9.3 Acceptance of the Offer, sending of the Application and of the technical documentation

Acceptance of the Offer constitutes an Order and Contract for the required conformity assessment activities.

By accepting the Body's offer, the Applicant also agrees to:

- to provide the application form completed in its entirety and accompanied by the declaration of the Legal Representative that the application has not been forwarded to another Approved Body;
- provide all the technical documentation necessary for conformity assessment according to the indicated procedure;
- to consider this regulation an integral part of the contractual relationship signed with the Body respecting it for the entire duration of the certification process;
- to accept all the clauses referred to in the bid and offer documents, including clauses identified as unfair.

The technical documentation must be provided to ECO upon acceptance of the Offer. As long as all the technical documentation required by the required conformity assessment procedure, the Area Manager will not proceed with the definition of the certification process.

9.3.1 Data necessary for completing the application and contents of the technical documentation

The Applicant must fill in the application form, providing the data required by the Body, useful for identifying the type of machine referred to in regulation 4. and the surrounding information for issuing the economic offer:

- The details of the Applicant (company name, address and legal status, etc.);
- The personal details of the Agent if existing (company name, address and legal status, etc.);
- The name and contact details of the person in charge of maintaining relations with ECO;
- The description of the machine object of the application (commercial name, type, brand, series, category as defined in Schedule 4 of the 2001 Regulations as amended and listed in Schedule 1 regulation 3. Of the same, etc.).

Depending on the chosen conformity assessment procedure (Schedule 9 or Schedule 10), the technical documentation prepared by the applicant must allow the assessment of the conformity of the machinery and equipment with the requirements of the 2001 Regulations as amended and contain at least what is indicated in the offer document and listed in follow:

- name and address of the manufacturer or his authorized representative established within the Community;
- general description of the equipment, brand, commercial name, type, series and identification numbers, reference to the 2001 Regulations as amended ;
- technical data necessary for the purpose of identifying the machine or equipment and defining the sound emission, including, where appropriate, schematic drawings and other descriptions or explanations necessary for their understanding;
- technical report on noise measurements conducted on the equipment according to the requirements of the Noise Emission Regulations 2001 (only for the procedure referred to in Schedule 9);
- applied technical tools and results of the assessment of uncertainties due to variability in production and their relationship with the guaranteed sound power level (only for the procedure referred to in Schedule 9);
- the list of control and test means used in the manufacturer's plant in order to ensure the conformity of the machine with the technical documentation submitted and with the requirements of the 2001 Regulations as amended (only for the procedure referred to in Schedule 9);
- The Manual of use and maintenance;
- the indication of the position of the UKCA marking on the machine, the indications of the character used, of all additional markings, symbols, numbers and pictograms used;
- copy of the Declaration drawn up in compliance with Schedule 5 Regulation 7(2)(d) of the 2001 Regulations as amended (draft).

The manufacturer, or his authorized representative established in the United Kingdom, may instruct another person to keep the technical documentation. In this case, it must include the name and address of that person in the declaration of conformity.

Copy of the complete declaration of conformity with the reference to ECO as notified body, the number of the issued certificate and the reference to the measured and guaranteed acoustic power values must be forwarded to the ECO technical secretariat at the end of the certification procedure.

9.4 Review of the Order, of the contents of the Application and start of the Certification Process

ECO reviews the acceptance of the offer (order) to verify that no changes have been made and that each field has been filled in as required. If deficiencies or inaccuracies are found, the necessary additions and clarifications will be required before starting the certification process.

Subsequently, the administrative examination of the Application and the declaration of the legal representative sent by the applicant is carried out together with the acceptance of the offer, to verify that all the technical documentation to be provided is attached. If deficiencies or inaccuracies are found, the necessary additions and clarifications will be required before starting the certification process.

The person in charge of ECO opens a new file and agrees with the applicant the date for conducting the activities in the field, subsequently communicating the name of the Inspector, who will carry out the activity.

The Applicant may object to the name indicated within 2 working days, giving the reasons in writing. If the reasons are found to be well-founded, ECO will proceed to a new assignment, reporting the new names to the Applicant.

9.5 Checking the Technical Documentation

The first phase of the procedure consists in verifying the conformity of the documentation produced by the Applicant.

The inspector appointed by ECO verifies the completeness of the technical documentation drawn up by the Applicant based on the lists given in the previous paragraphs. The assessment can be performed at the headquarters of the Body or at the place where the machine is available on which the subsequent functional check will be performed. The evaluation is aimed at finding the adequacy of the contents necessary to demonstrate compliance with the requirements set by the Noise Emission Regulations 2001 by the Applicant. The technical documentation must also show the application of harmonized standards, or alternatively the indication of the assessments, calculations, tests and anything else performed to demonstrate compliance with the requirements of the Noise Emission Regulations 2001.

9.5.1 Outcome of the document verification and communication of the findings

If at the end of the document verification non-conformities (NC), Observations and / or Comments emerge, ECO will indicate the resolution of the same, as a requirement for access to the next phase of the Certification Process, which provides for the functional verification of the machine. The list is communicated in writing.

Following the communication, the Applicant may choose to adapt their documentation or to waive the continuation of the certification course. In the latter case, the waiver must be communicated to ECO by registered letter with return receipt or by certified email to info@ecocertifications.co.uk.

The waiver involves the closure of the Certification Process and the debit of the amounts relating to the activities carried out.

If the Applicant decides to continue with the Certification, he can proceed to adapt his documentation and make any changes to the machine, resolving the findings and notifying ECO within the period of time indicated, in any case not exceeding six (6) months⁵, under penalty of the negative outcome of the Certification Process. The objective evidence of the required adjustments is assessed by ECO during the functional verification or by carrying out an additional verification.

ECO has the obligation to inform the competent authority for market surveillance and other notified bodies of any refusal.

If the number of NCs and their extension do not allow the normal continuation of the process, ECO will inform the Applicant of the need to perform a new Document Check following the resolution of the findings. The expected amounts referred to in the offer items will be charged again at the new Verification.

If the documental verification is carried out at the applicant's headquarters, the inspector may proceed to conduct the functional verification following the documental evaluation, only if no findings have emerged on the same or in the event that the relevance of any NCs that have emerged does not prevent the conducting the tests and measures necessary to determine the noise emission values of the machine / equipment or the verification of the correct implementation of the same in compliance with the standard requirements. Otherwise, what previously described applies.

9.6 Functional Evaluation

The conformity assessment of the machine is carried out at the site(s) indicated by the Applicant in the Request form.

The inspector appointed by ECO agrees with the Applicant the date of execution of the tests and measures necessary to verify compliance with the data indicated in the manual and in the technical documentation of the machine. Checks the suitability of the test area prepared and conducts the test activity.

The inspector transcribes the results of the tests in the documentation presenting the results and records the necessary evidence required by the checklists and minutes of the minutes. Finally, he will hand over everything to the Head of the sector for the necessary review.

Should any Reliefs emerge, such as NC, Observations and/or Comments, ECO will indicate their resolution, as a requirement for issuing the Certificate of Conformity, within a maximum period of six (6) months.

Functional verification is mandatory in the case of conformity assessment according to the procedure set out in Schedule 10 (verification of the single specimen), while in the case of conformity assessment according to the procedure set out in Schedule 9 (internal production control with evaluation of the technical documentation and periodic checks), the Applicant can submit to the Body all the documentation certifying the tests performed at an external ISO/IEC 17025 accredited laboratory for the test required by the 2001 Regulations as amended and by the reference Standard, or alternatively conducted with its own qualified personnel with suitable instrumentation calibrated in an accredited calibration laboratory, on a suitable test area.

In the latter case, the competence of the staff, the suitability of the instrumentation, calibration and test area must be previously assessed with a positive result by ECO.

9.7 Additional Checks

On all occasions in which the need arises to verify the Applicant's compliance with the requirements set both during the Certification process and after the granting of the Certificate, ECO reserves the right to perform additional checks. These checks are usually carried out at the Applicant's headquarters or offices and are communicated and motivated by ECO informs in writing. The costs for carrying out the additional verification activities are intended to be borne by the Applicant and are calculated according to the amounts described in the economic offer.

9.8 Review and decision on certification

Upon successful conclusion of all the assessments and obligations envisaged, ECO reviews the contents of the file and decides on the Certification.

In the event of a positive decision, ECO sends the Applicant:

- Technical Report for the procedure referred to in Schedule 9
- A Certificate of conformity for the procedure referred to in Schedule 10

The shipment of the original document takes place only after payment of the residual amounts agreed for the verification activity performed.

The Applicant may use the Certificate received only for the purposes provided for by the 2001 Regulations as amended and with reference to the type of machine for which it was issued by ECO, by entering the necessary data on the declaration of conformity that will be attached to the machine and for all the obligations required by the placing it on the market.

The Certificate authorizes the Applicant to affix the UKCA marking, according to the requirements of the 2001 Regulations as amended , exclusively on the machines for which it was issued.

9.9 Negative result of the conformity assessment

If the Applicant does not comply within the pre-established deadlines with the resolution of the Remarks that emerged from the document's evaluation or from the functional verification, ECO will not be able to proceed with the certification resolution. ECO will inform the Applicant of the negative conclusion of the Certification process by e-mail to the e-mail address provided in the application indicating the reasons for the decision, proceeding with the communications required by the Noise Emission Regulations 2001 and charging the costs for the activities carried out. The Applicant may submit a new application for Certification or submit a justified appeal according to the procedures set out in chap. 12. The communication is forwarded to the relevant National Authority.

9.10 List of Certifications

ECO prepares and keeps updated a list of the certifications issued. This list, showing the Applicant's company name, the identification of the certified product, the number of the certificate or certificate issued, with its date of issue and expiration, and other information useful for keeping the validity status of the same under control.

The certificates issued are published on the ECO website, for which the Market Surveillance Authority has access credentials for consultation.

Furthermore, if applicable, ECO communicates to UKAS the data of the certified Organizations in compliance with what is described in the Regulation applied.

9.11 Retention of Documentation

The Applicant undertakes to keep a copy of the documentation relating to the certified machine (s), for a period of ten (10) years following the date of manufacture of the last unit produced.

9.12 Production surveillance - procedure referred to in Schedule 9

Production surveillance can be carried out according to one of the two procedures defined by the 2001 Regulations as amended depending on the client's request. Regardless of the procedure agreed with the Body, ECO will carry out at least one annual check at the Applicant's office (s).

The frequency of checks is defined in relation to the number of machines subject to certification and the outcome of previous checks, in order to ensure the review of all certified machines over a three-year period⁶.

The frequency is generally defined in 12 months with a periodicity of 12, 24 and 36 months. ECO reserves the right to increase the frequency of checks, for example on a six-monthly basis, in the event that the inspection results show unsatisfactory results or significant variations in the measured acoustic power value.

During the surveillance of production according to procedure 1 of Schedule 9, ECO:

- performs periodic checks to verify that the machine or equipment produced is in compliance with the technical documentation and the requirements of the 2001 Regulations as amended, examining in particular:
 - the correct application of the marking, the affixing of any other indication indicated in the technical documentation, as well as the correctness of the UKCA declaration of conformity drawn up by the Applicant in accordance with Schedule 5 regulation 7 (2)(d) of the 2001 Regulations as amended ,
 - the results of the tests and checks carried out by the Applicant during production, verifying in particular the technical tools used and the results of the evaluation of the uncertainties due to the variability in production for the determination of the guaranteed sound power level. The Body reserves the right to carry out noise tests on specimens taken from the production / warehouse to verify the correctness of the data provided by the manufacturer or his authorized representative.

During the production surveillance according to procedure 2 of Schedule 9, ECO performs noise tests at random intervals on a representative sample of the machine production to verify the maintenance of the requirements of the 2001 Regulations as amended, the correct application of the marking, the affixing of any other indication indicated in the technical documentation, as well as the correctness of the declaration of conformity drawn up by the Applicant.

At the end of the verification activity, ECO issues the applicant a report on the outcome of the surveillance.

If during the surveillance, NC emerges with respect to the requirements set by the 2001 Regulations as amended, ECO will notify the Applicant in writing of the need to make the appropriate corrective actions, proceeding to suspend the Certificate until the verification of the resolution of the findings. If the Applicant does not comply with ECO, he must proceed to inform the competent authorities and revoke the Certificate issued.

Compliance with the findings is verified by conducting additional checks to be carried out by the Applicant.

10 VALIDITY AND RENEWAL OF CERTIFICATION AND CONTRACT

The contracts signed between ECO and the Applicant have a duration equal to the validity of the Certification. The Applicant has the right to withdraw from the contract according to the procedures referred to in par. 21.1.

10.1 Evaluation procedure referred to in Schedule 9

The contract is valid for three years and is periodically renewed for the same time period. During this period, ECO performs periodic checks as described to verify the maintenance of the certification.

10.2 Evaluation procedure referred to in Schedule 10

The contract is valid for the time necessary to conduct the assessment activity and achieve the resolution regarding the certification with a positive or negative outcome.

11 WAIVER, SUSPENSION AND REVOCATION OF CERTIFICATION

11.1 Waiver

The Applicant can renounce the Certification at any time and for any reason, as follows:

- Waiver during the process

- Waiver of Certification obtained by ECO

In the first case, the Applicant for Certification communicates the waiver to continue the Certification process, by certified email or registered letter sent to ECO and pays the amount due for the activities carried out by ECO. The Body will inform the interested parties of the negative outcome of the evaluation process.

In the second case, the Applicant must communicate the waiver by registered letter with return receipt, sent to ECO at least three (3) months before the date scheduled for the renewal of the contract. Below this deadline, the Applicant must pay the penalty indicated by ECO in par. 22 (economic conditions). The renunciation of the Certification implies the termination of its validity. The Body will inform the interested parties.

11.2 Suspension

The validity of the Certification can be suspended:

- at the request of the Applicant, giving reasons for it;
- at the sole discretion of ECO, if it deems:
 - the persistence of unresolved issues,
 - serious reports from the market,
 - improper use of the Certificate, in any case not in accordance with the provisions of the Noise Emission Regulations 2001,
 - failure to comply with the contractual obligations (including the requirements of this Regulation), the requirements of the Noise Emission Regulations 2001, the economic conditions and payment deadlines, signed with ECO.

The suspension provision is communicated to the Applicant by PEC or by registered letter with return receipt in advance by ordinary e-mail. The communication indicates the reason for the suspension and the deadlines within which the Applicant must implement the corrective actions required. The Applicant has five (5) days to communicate to ECO, the taking charge of the provision, the adaptation to the requirements of these Regulations and any other information useful to inform ECO on the methods of solving the disputed findings. The communication must be made by certified e-mail or by registered letter with return receipt in advance with ordinary e-mail.

If the Applicant does not comply with the required communications or does not remove the disputed causes for the suspension within the indicated period, generally 6 months, ECO will revoke the validity of the Certification, advertising it in the manner provided for by the 2001 Regulations as amended and by the UKAS regulations.

The suspension provision ceases when the Applicant removes the causes that generated it, giving evidence to ECO, in the ways deemed suitable by the Body.

11.2.1 Effects of the Suspension

The suspension of the Certification implies the prohibition of placing the equipment on the market, starting from the date of suspension. In the most serious cases, ECO reserves the right to ask the Applicant for the list of machines / equipment (factory numbers) produced since the previous surveillance, including those stored in the warehouses.

Following the suspension, the Applicant:

- loses the right to affix the UKCA marking and must stop using the Certificate;
- must refrain from advertising the Certification until the end of the suspension period.

The suspensions are made public by ECO in the ways provided for by the 2001 Regulations as amended and by the UKAS regulations, and are always communicated:

- the competent national Authority;
- to UKAS in the times and methods established by it (if applicable);
- any other Entities entitled in the times and methods established by them.

The expenses incurred by ECO to carry out any checks or activities caused by suspension measures are charged to the Applicant.

11.3 Revocation

The revocation measure adopted by ECO consists in the definitive withdrawal of a Certificate granted to the Applicant, with the consequent loss of validity of the Certification.

ECO notifies the revocation of the Certification following the Suspension provision, in the event that the Applicant has not complied with the provisions of this regulation. Furthermore, ECO notifies the revocation of the Certification in all cases arranged by the competent authorities or in which it finds objective evidence:

- of the fraudulent and illegitimate use of the Certification;
- serious non-compliance with these Regulations,

- the relevant and systematic non-conformity of the product manufactured or being manufactured, with respect to the technical documentation presented to ECO and/or the Essential Safety Requirements established by the 2001 Regulations as amended ;
- failure of the machine to adapt to the requirements set by the new editions of the applicable standards, both due to intrinsic deficiencies in the Applicant's structure and evident lack of will of the same;
- the adoption of significant changes made to the machine by the Applicant without the prior involvement of ECO;
- of the ascertained and repeated arrears against ECO;
- misleading use of the Certification and / or the trademark, such as to cause damage or discredit to ECO;
- the repeated impediment to carrying out the surveillance visits conducted by ECO, possibly alongside the staff of UKAS or other bodies in charge.

The revocation of the Certification, decided by the Certification Resolution Committee, is notified to the Applicant by registered letter with return receipt in advance by fax containing an indication of the reasons for the measure adopted, and has immediate effect.

ECO communicates the revocation measures adopted against the Applicant to the following Authorities:

- Competent Ministry and other Approved Bodies;
- UKAS in the times and methods established by this (if applicable);
- Any other Entities entitled in the times and methods established by them.

Following the revocation, the Applicant must:

- Stop the marketing of machines referable to the revoked Certification and stop affixing the UKCA marking;
- Return the original of the Certificate, and any copies thereof, to ECO;
- Refrain from advertising and using the revoked Certification, removing the logo and references to ECO from the documentation in use.

12 COMPLAINTS AND APPEALS

On the website www.ecocertifications.co.uk, in the Communications section, the Complaints and Appeals Management Procedure (03GP07) adopted by ECO is available for consultation.

All direct clients, customers of clients, other subjects who come into contact with ECO personnel during the performance of their activities on behalf of ECO, personnel of accreditation bodies, concessionary bodies, are entitled to lodge a complaint against ECO. market surveillance bodies and institutional bodies in general.

12.1 Complaints

The legitimated subjects can present a Complaint both in written and verbal form, provided that it is not anonymous and on condition that the verbal Complaint is followed by written communication in the forms provided for by the procedure 03GP07 Managing complaint and appeals customer satisfaction.

Upon receipt of the Complaint, the Body analyses its content and identifies the actions necessary for the management and resolution of the same, in accordance with the internal procedures adopted by the same (03GP07). As a result of the management of the Complaint, ECO always provides the complainant with a written and motivated reply, whether the Complaint is unfounded or well-founded. In the latter case, ECO proposes the resolute actions of the same by informing the complainant.

12.2 Appeals

The subjects entitled to the Appeal are only identifiable in the direct Clients (or their representatives) as the decisions taken by the Body at the end of the activities carried out hardly involve third parties.

Appeals can be submitted by registered letter with return receipt or alternatively by certified e-mail to info@ecocertifications.co.uk within 15 (fifteen) working days from the notification of the act / decision against which you appeal, giving details of the reasons of the same and the evidence necessary to support his thesis, always indicating a certified email address where to receive communications relating to the management of the Appeal.

Within 10 working days following receipt, ECO confirms by email or legal email to the communicated address the receipt and taking charge of the Appeal, simultaneously communicating all the references of whoever is managing it.

If the applicant requests it, he can receive information on the progress of the Appeal.

The presentation and the pending of the Appeal do not suspend the validity of the decisions taken by ECO.

Any costs for the review pursuant to complaints and redress will be charged to the losing party. If the decision taken as a result of the appeal does not satisfy the appellants, it can be challenged in a dispute with ECO.

13 Litigation

Any dispute which can arise between ECO and its Clients, due to interpretation, implementation, execution, validity and effectiveness of each point of this Regulation and any legal agreement signed by both parties can be treated exclusively under UK Law.

14 Confidentiality

The activities carried out by ECO cannot disregard the evaluation of data and documents that represent sensitive elements of the Company know-how and/or information subject to guarantee of the privacy of the Applicant To guarantee the necessary confidentiality on the same, ECO adopts the provisions of DPA (Data Protection Act 2018) regarding the processing of data provided by the Applicant. It also adopts measures aimed at protecting the data and information obtained during conformity assessment activities, testing and/or measurement activities and more generally during all phases involving the processes relating to the provision of the services offered.

The information is available on the ECO website and is provided upon request, the expression of consent is included in the offer. However, this part must also be signed, even the order takes place on the applicant's own document.

ECO does not disclose the above data and information, except where required or required by law⁸, by asking for consent in any case or by producing a written information to the Applicant concerned, it extends the obligation of confidentiality to all internal staff. and external parties involved in the activities referred to in this Regulation and adopts appropriate control, management and storage measures for the information conveyed on IT media.

The Applicant explicitly approves that the information and documents relating to the Certification are accessible to UKAS and to the Certification Committee for the control activities envisaged by the reference standards.

15 Transfer of registration

If the Applicant changes his/her company name or address, he/she must promptly notify, in writing by PEC or by registered letter with return receipt to ECO of the changes, by sending:

- a copy of the new Chamber of Commerce registration certificate or equivalent document,
- a copy of the notarial deed certifying the afore-mentioned variation.

Once all the necessary checks have been completed, ECO will issue a new Attestation/Certificate, cancelling the previous one. ECO reserves the right to carry out additional checks to verify the safeguarding of the requisites necessary to maintain the validity of the Certification issued. In all other cases ECO will proceed to revoke the Certification.

16 CE - UKCA Transfer

As defined by the UK Government for Reducing re-certification/re-testing costs for UKCA marking, a manufacturer or its authorised representative can apply to a UK Approved Body to transfer its CE certificate(s), if an EU-recognised CAB has completed the relevant conformity assessment activities applying to the product(s) object.³

The transfer is applicable only if the CE certificate is valid.

Once the UKCA certificate has been issued, for any scope extension/reduction, the manufacturer or its authorised representative shall apply or for an extension/reduction as described in chapter 19 or apply for the transfer of the extended/reduced CE Certificate.

16.1 Transfer of a CE Certificate issued by ECO Certificazioni S.p.A.

If the CE Certificate is issued by ECO Certificazioni S.p.A., after having signed the economic agreement, the manufacturer must send to ECO UK:

- the application and,
- the Technical File for UKCA marking.

After having received the afore-mentioned documents, the ST archives them together with a copy complete CE Certification job (reports and certificate) and sends them to the Decision Committee.

The Decision Committee evaluates the technical file and the CE Certification job and, if there are no remarks, approve the UKCA Certificate issuance.

For those certificates issued in accordance with Schedule 9, for each surveillance, ECO UK must ask to ECO Certificazioni S.p.A. a copy of the reports.

16.2 Transfer of a CE Certificate issued by another European Notified Certification Body

If the CE Certificate is issued by another European Notified Certification Body, after having signed the economic agreement, the manufacturer must send to ECO UK:

- the application,
- the Technical File for UKCA marking,
- a copy of the valid certificate,
- a copy of the assessment report of the European Notified Body.

After having received the afore-mentioned documents, the ST archives them together with a copy complete CE Certification job (reports and certificate) and sends them to the Decision Committee.

The Decision Committee evaluates the technical file and the CE Certification job and, if there are no remarks, approve the UKCA Certificate issuance.

For those certificates issued in accordance with Schedule 9, for each surveillance, the manufacturer or its authorised representative must send to ECO UK a copy of the test report of the European Notified Certification Body or plan a surveillance with an ECO UK inspector.

17 Safeguard clauses of the Certifications issued

In order to protect the certified machines, in the event that legal liabilities deriving from its operations could lead to serious consequences from the point of view of the survival of the Certification Body, ECO undertakes to sign agreements with other Certification Bodies of equal qualification to ensure the validity of the certifications issued without increasing costs for certified companies, until the natural expiry of the contracts signed with them.

This process will be started only with the written consent of the Organizations certified by ECO which, alternatively, have the right to renounce the Certification.

18 Modification of certified equipment

The Applicant is obliged to communicate in writing the changes it intends to make to the machines/equipment, to the internal control process on manufacturing, by sending to ECO all the documentation useful for their evaluation.

ECO proceeds to carry out the necessary checks, reserving the right to carry out additional checks, at the Applicant's office (s), the costs of which are intended to be borne by the same. If the changes made affect compliance with the requirements of the 2001 Regulations as amended or applicable standards, ECO would proceed to suspend the validity of the Certification until the Applicant makes the necessary adjustments.

In the event of positive evaluations that do not affect the validity of the Certification, ECO proceeds to issue a validity confirmation of the existing Certification or to issue a new one to the Applicant.

19 Extension/Reduction of Certification

This possibility applies only to equipment certified according to Schedule 9.

If the Applicant informs ECO of the intention to Extend or Reduce the scope of the Certification, the Body will evaluate the contents of the request in order to determine whether the extension or reduction can be granted.

Once the evaluation procedure to be carried out has been defined, ECO formalizes the decision to the Applicant by issuing a specific offer based on the provisions of the tariff. The verification of extensions/reductions follows the steps described in the Certification process.

In case of a reduction in the Certification, the Applicant undertakes to review all the advertising material.

20 Changes to Certification Requirements

The issue of new editions of harmonized standards, or the change in the legislative landscape relating to equipment, may change the requirements for obtaining and maintaining the Certification.

ECO undertakes to promptly notify the Applicant of the need to implement the new requirements, also informing him of the deadline for adapting to the new provisions and formalizing a detailed economic proposal for the conduct of additional checks necessary to verify the Applicant's compliance with new requirements.

If, following the verifications carried out, ECO finds that the Applicant has not adapted, it will activate the suspension procedure of the Certification referred to in par. 11.2. If the Applicant expresses an intention not to adapt to the new requirements, or refuses the proposed verification activities, ECO will order the revocation of the Certifications granted on the date of entry into force of the new provisions.

21 Amendments to this Regulation

The continuous updating of the regulatory and legislative landscape applicable to the activities conducted by ECO and involved in this regulation, may require the modification of one or more paragraphs of the same.

ECO makes the latest updated version of the Regulations available on its website, at its headquarters or sends a copy in electronic format at the request of clients.

The Applicant undertakes to adapt to the new conditions set by the Regulations. The updating of the Regulations cannot be considered just cause for withdrawal from the contract signed with ECO.

22 Economic Conditions

The economic conditions reported in the Offer drawn up by ECO for the activities referred to in this regulation, are based on the information contained in the Application sent by the Applicant and refer to the items in the PriceList⁹, defined by the Management of the Body.

The Applicant who wants to access the Certification services must accept the ECO Offer, according to the procedures set out in par. 9.3, also undertaking to comply with the payment conditions contained therein.

22.1 Variations in the offer, in the Price list and right of withdrawal

Changes to the economic conditions signed by the Applicant may be applied by ECO if it detects discrepancies between the data communicated by the Applicant when completing the Application and what is found during the subsequent verification activities provided for by the Certification Process. Or following revisions of the Price list.

22.1.1 Variation of the Offer

If conditions differing from those stated in the Application, which justify a supplement of verification activities, are found, ECO communicates to the Applicant the necessary economic additions by suspending the Certification Process until they are accepted.

To the Applicant who refuses the economic integration presented, ECO communicates the interruption of the Certification process, quantifying the amounts only for the activities already carried out.

22.1.2 Change in the Price list

The Tariff applied by ECO is periodically reviewed by the Management of the Body. In the event of changes with respect to the economic conditions signed, ECO notifies the Applicant of the new amounts applied to the verification activities, by certified e-mail or ordinary e-mail.

The Applicant has the right to refuse the new economic conditions within one (1) month from the date of communication. By refusing the new amounts, the Applicant will see the validity of the Certification expire at the natural expiry of the contract or at the first surveillance audit.

For any activities already carried out during the month envisaged for the cancellation, Eco will apply the economic conditions prior to the change in the Price list.

22.1.3 Withdrawal and notice

The Applicant may withdraw from the contract signed with ECO by giving written notice of not less than three (3) months from the expiry date of the Certification. The Applicant who communicates the withdrawal from the contract with a shorter notice recognizes the payment of a penalty equal to 20% of the amount of the contract signed to ECO.

If the Applicant fails to fulfil the economic commitments undertaken with ECO, the Body reserves the right to issue a letter of formal notice which may result in the suspension or revocation of the Certifications granted.

23 Advertising and use of certification

The Applicant can make known and advertise in the manner it deems most appropriate the obtaining of the Certification of the product, reproducing in full the Certificate or the Certificate obtained, enlarging or reducing it, in colour or black and white, provided that it remains legible and not undergoes any alteration. Solutions other than those defined in this paragraph must be authorized in writing by ECO. The Manufacturer must avoid misleading or ambiguous uses of the Certification issued by ECO and must prevent the Certification from being extended to products not covered by the certificate issued by ECO.

In case of non-compliant use of the certificate with respect to what is indicated in this paragraph, ECO reserves the right to take appropriate measures against the manufacturer, including resorting to appropriate legal actions and the revocation of the certification granted. The use of the Organism's Trademark and the UKAS Trademark, on the advertising documentation prepared by the Applicant, must be approved by ECO, in the manner indicated by the 02GR01 Regulations for use of the Trademark.