



**VINÇOTTE nv**

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# GENERAL REGULATIONS

**VINÇOTTE nv**

Vilvoorde – Belgium

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## Type Approval Activities

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## 1. **SCOPE**

The current General Regulations define the rules and requirements applicable for VINÇOTTE nv as notified body, i.e. Technical Service Category B, C and D, to Type Approval activities within the scope according the Framework Regulations :

- ✓ (EU) 2018/858 (repealing 2007/46/EC): "on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ". Category M, N and O;
- ✓ (EU) 167/2013 (repealing 2003/37/EC): "on the approval and market surveillance of agricultural and forestry vehicles". Category L ;
- ✓ (EU) 168/2013 (repealing 2002/24/EC): "on the approval and market surveillance of two- or three-wheel vehicles and quadricycles"; Category T, R and S;

VINÇOTTE nv follows the requirements of the International Standards ISO/IEC 17020:2012 "Conformity assessment - Requirements for the operation of various types of bodies performing inspection"

The general term "Type Approval" will be used below.

## 2. **DEFINITIONS**

The definition of the terms used in the current document is determined in ISO 9000:2015 - "Quality Management Systems" – and ISO/IEC 17020:2012 "Conformity assessment - Requirements for the operation of various types of bodies performing inspection".

Furthermore, the following definitions apply:

- ✓ Applicant: Organisation seeking the Type Approval, certification and registration of the certificate relating to the scope of VINÇOTTE nv as Technical Service Category B, C and D.
- ✓ Organisation: under the current Regulations, the term "Organisation" is used to designate an Organisation as defined in the ISO 9000:2015 standard (section 3.3.1: group of people and facilities with an arrangement of responsibilities, authorities and relationships).
- ✓ Certified/Registered Organisation: Organisation of which the management system has been verified and who has received a Statement of Compliance or COP-attestation issued by the Competent Authority.

## 3. **OUTSOURCING**

In most cases VINÇOTTE nv shall itself perform the inspections that it contracts to undertake. Nevertheless, in order to meet local particularities, VINÇOTTE nv has acquired strategic Partnerships that are competent to perform the activities in question and, where applicable, complies with the relevant requirements stipulated in these General Regulations Type Approval Activities.

These partnerships are identified by the authorisation letter issued by VINÇOTTE nv that authorize the partner to operate in specific territories and can act on Vincotte's behalf in all manners relating to :

- ✓ Type approval supervision according to EC and EU Regulations, UN Regulations
- ✓ Overall assistance in the complete approval procedure
- ✓ Applicable document preparation and requests for approval
- ✓ Preparation of optimized testing schemes
- ✓ Planning and organization of testing schemes with accredited test institutes
- ✓ Verification, witnessing and approval of executed tests
- ✓ Assistance in the interpretation of Regulations and national automotive standards
- ✓ CoP audits and Initial assessments

The certificates finally issued will have the :

- ✓ e6/E6 mark, issued by MOW, regional Type Approval Authority in FLANDERS, or SPW regional Type Approval Authority in Wallonia, BELGIUM.  
**or**
- ✓ e5/E5 mark, issued by the Swedish Transport Agency, Type Approval Authority of SWEDEN

#### **4. REGULATORY ACTS – INSPECTION/AUDIT SCHEMES**

The inspection/audit process applied is based upon a demonstrated compliance with the requirements of the Regulatory Acts listed in the framework Regulations referred to in section 1 “Scope”.

#### **5. GENERAL RULES**

- 5.1. The current General Regulations are the only ones VINÇOTTE nv applies for the Type Approval and the registration of the related certificates that comply with the Regulatory Acts referred to in section 3.
- 5.2. Any Organisation seeking certification and registration of the certificate relating to Type Approval by VINÇOTTE nv must abide by the General Regulations in force at the time the contract is concluded. Likewise, when the conformity assessment is carried out within a regulatory framework, any applicable regulatory requirements are in force in compliance with the calendar set by the law.
- 5.3. When the General Regulations are revised, the Organisations concerned may choose either to adopt the revised version or the one already applicable to them. This option is available until the extension or new approval is requested. An exception to this is when the General Regulations have to be adapted as a result of a change to the accreditation rules.
- 5.4. The requirements of the current General Regulations supersede the corresponding requirements of the VINÇOTTE nv GENERAL TERMS AND CONDITIONS OF SALE.
- 5.5. The specific conditions defined in the contracts may neither alter nor modify the requirements of the current General Regulations.
- 5.6. Provided lead times are merely indicative and may be subject to changes, temporary interruptions or delays caused directly or indirectly by pandemic or associated government measures. VINÇOTTE nv will promptly inform the customer in writing about such delay or temporary interruption of the execution of the order. Under no circumstances does this entitle the customer to any compensation or termination of the agreement.

#### **6. INSPECTION/AUDIT REPORT CHARACTERISTICS**

##### **6.1. Scope**

The scope of Type Approval activities includes:

- ✓ supervision of tests required for approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, referred to as “Type Approval”, carried out by a notified body known as a Technical Service Category B.
- ✓ assessment of the manufacturer’s procedures for controlling conformity of production (i.e. quality management system) referred to as “Initial Assessment”, carried out by a notified body known as a Technical Service Category C.
- ✓ supervision of tests and/or inspections in the framework of the surveillance of conformity of production, referred to as “COP”, carried out by a notified body known as a Technical Service Category D.

##### **6.2. Period of validity**

The VINÇOTTE nv reports are valid for a unlimited period of time on the inspected/audited vehicle, systems, components or separate technical units. Any change or adoption made to the product implicate new inspections/audits or reports.

EU Type Approval certificates issued by the Competent Authority based on VINÇOTTE nv inspection reports follow the validity requirements set out in the framework Regulations referred to in section 1 “Scope”.

COP-attestations issued by the Competent Authority based on VINÇOTTE nv audit reports follow the validity requirements set out in the instructions published by this Authority.

## **7. INSPECTION/AUDIT APPLICATION**

- 7.1. Any Organisation interested in Type Approval may apply to VINÇOTTE nv.
- 7.2. As soon as the Organization's intention is known, VINÇOTTE nv will review the application and submit the Organization with a quotation together with an order form, the general conditions and the current General Regulations.
- 7.3. Where an Initial Assessment or COP is requested, VINÇOTTE nv will supply the Organisation with a Questionnaire. The interested Organisation should complete the questionnaire and return it to VINÇOTTE nv together with appropriate documentation.
- 7.4. As soon as the necessary information has been collected and reviewed, the Applicant and VINÇOTTE nv will agree on the inspection/audit conditions, which are finalized in a quotation.

These conditions must, where applicable, define:

- ✓ the applicable Inspection/Audit scheme (see section 3),
- ✓ the Applicant's entity/entities concerned,
- ✓ the activity/activities, product(s) or service(s) concerned and,
- ✓ the audit-time based on the guidelines and the applicable audit scheme.

At the Applicant's request, the audit process may include a pre-inspection of the vehicle/component/separate technical unit or a pre-audit of the management system that is to be assessed.

- 7.5. Ordering proceeds with the filling in and the signing of the applicable order forms by the Applicant. These forms are part of the VINÇOTTE nv quotation.

The relevant order forms must be returned to VINÇOTTE nv, if necessary attached to a standard order. The provisions of the purchase order cannot contradict the requirements of the VINÇOTTE nv order forms, these current General Regulations or the requirements of the inspection/audit scheme.

The conditions of the offer, including the time of inspection/audit, may be reviewed during the scheme, based on information received from the Organisation and the inspector's/auditor's findings.

## **8. INSPECTION/AUDIT PROCESS**

### **8.1 Registration**

VINÇOTTE nv acknowledges all orders received.

Before reviewing the documentation, VINÇOTTE nv communicates the inspectors'/auditors' names who will conduct the inspection/audit services to the Applicant. The Applicant will be informed beforehand of any change in the assignment.

The Applicant may refuse the participation of an auditor, providing such refusal is made in writing (including justification) and not less than four weeks before the beginning of the inspection/audit process. If the Applicant is unable to accept any of the inspectors/auditors proposed by VINÇOTTE nv, the inspection/audit order is considered to be null and void. VINÇOTTE nv will inform the Applicant of this decision in writing.

### **8.2 Inspection/Audit**

During the Inspection/Audit the appointed inspector/auditor verifies that the vehicle/component/STU or Quality Management System are in compliance with the Regulatory Acts referred to in section 3.

For this purpose, the required documented technical information of the vehicle/component/STU and/or Quality Management System is examined.

The Inspection/audit process starts with an opening meeting. During this meeting, the participants introduce themselves and the details of the evaluation program are defined.

The audit ends with a closing meeting. During the closing meeting, the auditor will present his conclusions.

### 8.3 Corrective Action Requests (audit only)

In the event that the requirements with the Regulatory Acts referred to in section 3 have not been met by the applicant, he will be requested to take appropriate corrective measures before asking a new assessment. The non-conformities are classified as major or minor according to the following criteria:

#### 8.3.1 Major non-conformity:

- ✓ Incomplete or unsuitable procedures to comply with the requirements
- ✓ Lack of a required component in the Quality Management System
- ✓ When only a part of the required component is missing, and when the missing part has a critical influence on the delivered product and had negative consequences in the past.
- ✓ Intentional non-compliance with regulatory requirements.
- ✓ Non-compliance with regulatory requirements, which can lead to a safety risk
- ✓ Accumulation of minor non-conformities which leads to no confidence in the system's efficiency.
- ✓ Too long period to solve the corrective action requests, in such a way that the capability of the organization to handle them can be in doubt.

#### 8.3.2 Minor non-conformity:

Any individual non conformity which does not impair the operability of the Quality Management System or the ability to comply with the regulatory requirements, so far as not mentioned as a major non-conformity.

- ✓ Incomplete documentation or implementation of an applicable criterion (Regulatory Act) on the condition that the missing documentation or incomplete implementation is not essential for the Quality Management System or for the product.
- ✓ Lack of evidence to demonstrate the compliance with a requirement (Regulatory Act) as long as it doesn't harm the confidence in the implementation.

#### 8.3.3 Answers on Corrective Action Request

Within two weeks of the audit, the Organisation provides answers to the Corrective Action Requests along with an action plan. The auditor checks if the proposed actions are suitable for correcting the non-conformities found and their causes.

If the auditor is not able to verify the implementation of corrections and corrective actions of any major nonconformity within 6 months after the audit day, another audit has to be conducted prior to recommending certification.

### 8.4 Inspection/Audit report

Following the audit, the inspector/auditors prepare a confidential report.

This report includes a brief description of the Applicant, a description of the vehicle/component/STU or services covered by the management system, and the Corrective Action Requests for all non-conformities found (audit report only).

### 8.5 Certification

#### 8.5.1 Inspection

The Type Approval package containing the technical information and the inspection report is review by the competent authority, who decides to grant the Type Approval certificate.

#### 8.5.2 Audit

The audit report is reviewed by the Competent Authority, who decides to grant the COP attestation and its validity period

## **9. CERTIFICATE WITHDRAWAL**

VINÇOTTE nv shall take all necessary measures and report any non-compliance, fraud or misinformation by the organisation as described in the framework Regulations referred to in section 4, to the Competent Authority with possible consequence a withdrawal of the certificate or COP attestation.

These are but are not limited to:

- ✓ an organization violates the General Regulations and the relevant contractual requirements, uses the Certificate or Logo in a misleading way, or uses them in a manner contrary to the General Conditions,
- ✓ the result of surveillances audits does not justify the maintenance of the certificate and logo or the surveillance audits may not take place for reasons not related to VINÇOTTE nv but to the organization,
- ✓ an organization declares bankrupt,
- ✓ an organization does not pay the fee and any expenses of VINÇOTTE nv or its partners within the agreed period,
- ✓ an organization requests removal of the certificate for reasons not related to VINÇOTTE nv but concerning the organisation,
- ✓ the organisation certified management system has persistently or seriously failed to meet certification requirements, including requirements for the effectiveness of the management system,
- ✓ the certified organisation does not allow surveillance or recertification audits to be conducted at the required frequencies,
- ✓ the certified organisation has voluntarily requested a withdrawal

## **10. CONFIDENTIALITY**

All information about the applicants and the Certified/Registered Organisations is treated as confidential and measures are taken to restrict access to the Type Approval files.

VINÇOTTE nv commits to not disclosing any confidential information about the applicant or Certified/Registered Organisations nor any information collected during the inspection/audit, except for the data directly related to the Type Approval certificate or COP attestation

However, VINÇOTTE nv may disclose parts or all of the inspection/audit files to the accreditation or notification bodies and to auditors of other certification bodies with which a mutual recognition agreement of certificates is sought or is in effect.

Where appropriate, the Organisations accept the presence of representatives of the accreditation or notification bodies, or auditors in training.

## **11. IMPARTIALITY**

It is VINÇOTTE nv's policy to conduct all Type Approval activities impartially and that all personnel is free from any external pressure of any nature.

Therefore:

- ✓ VINÇOTTE nv ensures that Type Approval activities are executed in an objective manner without any prejudice,
- ✓ VINÇOTTE nv identifies actual and potential conflicts of interest and actively manages them so that objectivity is guaranteed. If impartiality cannot be guaranteed, VINÇOTTE nv will refuse the assignment,
- ✓ VINÇOTTE nv ensures that its personnel is independent with regard to any other organisation or person with an interest in the result of Type Approval activities,
- ✓ VINÇOTTE nv is aware of the responsibility and liability associated with Type Approval activities, the decisions taken and the reports delivered.

To ensure inspector/auditor impartiality, an inspector auditor cannot be assigned to and participate in the inspection/audit process if there has been any relationship of any kind (consulting, internal audit services, in-house training, employment, financial, personal, first or second degree family) between an audit team member and the applicant within the last 2 years.

VINÇOTTE nv has also installed a Committee for Impartiality. This committee's objectives are:

- ✓ Supervise the Type Approval policy with respect to impartiality,
- ✓ Ensure the Inspection/audit schemes are impartial, transparent and objective,
- ✓ Issue opinions and recommendations through examining Type Approval files,
- ✓ Conduct a review of the impartiality of the inspection, audit and of the financial independence. For that reason, the Committee members have access to all the necessary information,
- ✓ Take any steps deemed necessary, such as notifying the accreditation bodies when its recommendations are not acted upon,
- ✓ Discuss and approve:
  - certification, validation and verification rules,
  - template contractual documents,
  - the Management System Manual,
  - the qualification criteria for auditors and technical experts.

Committee members are appointed by specific bodies representing a variety of sectors for which VINÇOTTE nv has obtained accreditation.

## **12. LANGUAGES**

VINÇOTTE nv normally operates in English. The report will be issued in English only. Audits may be conducted in any other language by mutual agreement. Subject to above, the language(s) to be used during the audit will be defined by the Applicant at the time of contract acceptance. If the chosen language for the report is not the language mentioned above, a translation will be provided in one of them (bilingual report) – and extra fee is applicable.

## **13. TYPE APPROVAL ACTIVITIES FEES**

The inspection/audit fees are fixed by VINÇOTTE nv and are defined in lump sums and a set of daily and hourly rates.

The audit fees are defined on the basis of the model chosen such that the auditing times depend in particular on the size of the Organisation, her complexity, ... Account can be taken of any existing certification or previous review of the management system by VINÇOTTE nv.

## **14. LOSS OF ACCREDITATION**

VINÇOTTE nv is overseen by one or more accreditation bodies and takes all the necessary measure to maintain the accreditations that have been awarded. Should VINÇOTTE nv lose all or part of an accreditation for a reference standard (for a specific sector, for example), all the relevant contractual obligations with the applicants are immediately terminated and dissolved.

## **15. APPLICABLE LAW & DISPUTES**

The current general regulations are governed by Belgian law.

Subsequent to an attempt to reach an amicable settlement, any dispute about the validity, interpretation and implementation of the regulation shall be judged by the Brussels first court of instance.

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