



Special Terms and Conditions for EC Type Examinations

The Swedish Machinery Testing Institute AB (SMP)

SMP Svensk Maskinprovning AB (SMP)

Notified Body: NB0404

0. Introduction

These terms and conditions apply to the services carried out by SMP in its capacity as a Notified Body. SMP's General Terms and Conditions apply in addition to these terms and conditions. Where the General Terms and Conditions run contrary to these Special Terms and Conditions, these Special Terms and Conditions apply.

EC type examinations are carried out in accordance with directives and product-specific certification rules, which state standards, criteria and testing methods. The content of individual product-specific rules may contain deviations from these Special Terms and Conditions for EC type examinations. The general rules for EC type examinations may be revised in the future.

1. Application

Application for EC type examination shall be made in writing (letter or email).

2. Labelling

The holder of an EC type examination certificate is required to mark the products covered by the EC type examination certificate with CE mark.

3. EC type examination

EC type examinations are performed in accordance with the Program stated in the agreement. This Program can be sent upon request.

The manufacturer/customer may not engage more than one Notified Body for type examination of the same product.

Technical documentation shall be attached to the order, unless otherwise agreed.

The manufacturer/customer shall provide one or more samples of the product to be examined.

The manufacturer/customer shall give access to SMP's personnel when so required by SMP. This also includes any observers reviewing SMP's work. An EC type examination certificate is issued when it is assessed that the product, manufacturing, in-house control and other aspects meet relevant requirements.

The EC type examination certificate may not be transferred without SMP's prior consent. The period of validity of the EC type examination certificate is stated in the certificate and is normally five years. Both the certificate holder and SMP shall store a copy of the EC type examination certificate for a period of 15 years from the date when the certificate was issued, along with the technical manufacturing documentation and all other relevant documents. During the period of validity of the EC type examination certificate the certificate holder shall:

- register and investigate all known complaints concerning the application of the certificate, and
- register and take appropriate measures regarding the complaints and possible deficiencies that may affect the product's conformity to the requirements for approval. This information shall be made available to SMP upon request.

4. Responsibility

It is the responsibility of EC type examination certificate holders to make sure that the certified products meet the underlying requirements of the certificate. In order to retain the certificate, the certificate holder is also required to adapt the product to any new or changed EC directives or standards. SMP is required to inform the customer of major changes which may affect the validity of the certificate.

Misuse of CE labelling or EC type examination certificates may lead to legal action.

The EC type examination certificate holder shall immediately inform SMP of all changes that may impact the conformity of the product or the EC type examination certificate, such as:

- changes in company ownership and other legal, commercial, or organizational changes,
- organizational and management changes (e.g., key people),
- changes in the product or manufacturing methods,
- major changes in the quality management system.

5. Recall of EC type examination certificate

SMP may, definitively or temporarily, recall the EC type examination certificate if:

- the product no longer meets the set requirements
- an error in the EC type examination certificate is revealed
- the product is not suitable for its purpose or can cause damage or inconvenience
- changes in laws, regulations and the like have occurred,
- a relevant authority or a collaborative body of the notified body requests SMP to do so,
- the certificate holder has used the EC type examination certificate for or in connection with products which do not meet the requirements of or which are not covered by the EC type examination certificate,
- fees are not paid within the prescribed time, or if the EC type examination certificate holder goes bankrupt, is liquidated or has transferred his business,
- the certificate holder has violated the conditions of the EC type examination certificate.

If the EC type examination certificate is recalled, the certificate holder is required to immediately terminate all references to the EC type examination certificate in its advertising and other commercial activities for the product in question.

If the EC type examination certificate is recalled due to unlawful CE labelling of products which do not meet the requirements of the EC type examination certificate, the EC type examination certificate holder shall pay all costs associated with replacing the substandard products with products that meet the requirements of the EC type examination certificate, if so required by SMP.

6. Changes in products

The EC type examination certificate holder shall inform SMP before changes are made in the product or the production process. SMP will then decide if the changes give rise to a renewed assessment.

7. Confidentiality

SMP keeps a register of the EC type examination certificate holders, the EC type examination certificates and the duration of these certificates. This information may be published, for example on SMP's website. SMP may issue copies of or publish EC type examination certificates. SMP is also entitled to publish decisions to withdraw EC type examination certificates and misuse of EC type examination certificates. Other information is protected as by confidential. However, as a Notified Body, SMP is sometimes required to disclose confidential information regarding EC type examination certificates to other Notified Bodies and relevant authorities.

8. Fees and payment

Fees are charged as agreed and shall be paid by the EC type examination certificate holder. Costs for the work related to the withdrawal of the EC type examination certificate shall be paid by the EC type examination certificate holder. Fees for other examinations are charged to the EC type examination certificate holder only if the requirements of the EC type examination rule in question are not met. The application fee is normally not repaid if an assignment is cancelled or when the EC type examination certificate cannot be issued. For assignments, estimated to not be completed within a month of the acceptance date, SMP is entitled to invoice accrued costs as they arise.

9. Complaints

Complaints shall be made in writing.

Minor complaints, such as small adjustments to a certificate (spelling mistakes etc), are rectified immediately and confirmed in writing.

Other complaints are confirmed in writing, with details of how the matter is to be handled. If the complaint is made against another EC type examination certificate holder, this certificate holder will be informed that a complaint has been received and asked to submit comments. The certificate holder is informed of the decision in writing. This decision may be appealed and is then handled as an appeal.

10. Appeals

Appeals are complaints from a customer regarding the content or implications of a decision made by SMP as a Notified Body. Appeals shall always be made in writing. Appeals are confirmed in writing, with details of how the matter is to be handled.

After investigation, the matter is taken up by the Certification Board. The decision of the Certification Board, which cannot be appealed against, is documented in a separate protocol.