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REGOLAMENTO PER LA CERTIFICAZIONE VOLONTARIA NON NOTIFICATA (PROCEDURA DI RILASCIO E ISTRUZIONI)
REGULATION FOR VOLUNTARY CERTIFICATION NOT NOTIFIED (ISSUANCE PROCEDURE AND INSTRUCTIONS)

| RUOLI ROLES | Funzione aziendale (business functions) | Data – MM/DD/YYYY (date - MM/DD/YYYY) |
|--|--|--|
| Autore (Author) | Technical Director 17065 | 28/06/2023 |
| Ufficio Commerciale Reviewer (Reviewer) | Commercial manager | 28/06/2023 |
| Approvatore (Approver) | Sole Director | 28/06/2023 |

The approval flow refers to the approval of the following documents which form an integral part of these Regulations. The same are prepared by ECM and sent to the Applicant at the same time as the offers for the service are sent.


| | Approved Documents | Reference |
|---|--------------------|---|
| ◆ | RGVOL01 | THIS REGULATION |
| ◆ | RGVOL01-HYDB | REVISION HISTORY |
| ◆ | QAT10_M02 | Acceptance of the Voluntary Certification Regulations, rules for the use of certificates and voluntary certificates |

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|---|---|--|
|  | Machinery Certification Body Srl Notified Body N°1282 Training institution No. 6737 | Inspection Body ISO/IEC 17020 - PRD N° 436E Test Laboratory ISO/IEC 17025 - PRD N° 1515L ISO/IEC 17065 Certification and Inspection Body - PRD N°118B Signatory of EA, IAF and ILAC Mutual Recognition Agreements |
| | Via Ca' Bella, 243 – Loc. Castello di Serravalle – 40053 Valsamoggia (BO) – Italy - 051.6705141 - 051.6705156 - ecm@entecerma.it www.entecerma.it | |

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1 PURPOSE AND SCOPE

1.1 Generality

These Regulations, approved by the Top Management of Ente Certificazione Macchine Srl (hereinafter ECM), establishes the "Non-Notified Procedure" hereinafter referred to as "Voluntary Certification", and which is applied by ECM for the voluntary certification of products and production processes. This procedure provides information and instructions on:

- the meaning of this voluntary certification;
- the terms and conditions for producers to ask ECM to issue voluntary certification;
- the ECM process for issuing this voluntary certification;
- how to be such voluntary certification.

Important Notes:

- The ECM company specifies that this is a "NOT NOTIFIED" activity;
- The manufacturer, under his sole responsibility, will be able to CE mark his products only if he deems it appropriate. ECM will have no responsibility for this step.

ECM undertakes to carry out only and exclusively activities for the issue of voluntary certificates in compliance with the note of the "European Commission of 14 September 2022 Ref. Ares (2022) 6342894" and the communication received from the "Ministry of Economic Development General Directorate for the Market, competition, consumer protection" and the "Technical Regulations Div. VII – Notified Bodies and Notification Authority accreditation systems - NANDO Contact Point for Italy".

Issuance of the Voluntary Certificate procedure is applied and performed by a "Department of the ECM Company" which **DOES NOT INVOLVE** the personnel of the Notified Body; this procedure is applied using employees or freelancers (excluding those used by the Notified Body for mandatory certification tasks).

The use of the "Voluntary Certification or Voluntary Attestation" is strictly connected to the terms set forth in these Regulations. The "Voluntary Certification" cannot be used before carefully reading these regulations.

These Regulations can be downloaded from the WEB Site – Ente Certificazione Macchine Srl

| | WEBSITE | TO RESEARCH |
|---|---------------------------------------|---|
|  | Home ECM (www.entecerma.it) | MACHINERY CERTIFICATION BODY SRL Customer Service > Official Documents > Regulations |

1.2 Revision history

Revision history describes 'Revision List, Approval Date, Reason for Revision'.

The revised document can be sent to interested parties.

The document indicating the revision history and the list of persons to whom it was sent is (RGVOL01-HYDB)".


2 APPLICABILITY

This Regulation applies exclusively to the activities performed by ECM, in relation to the "Non-Notified Voluntary Certification Procedure". This "Voluntary Certification" can be issued by ECM to all types of customers located in the "European or non-European Economic Area" without any discrimination, subject to exclusions imposed by competent authorities.

For the release of the "Voluntary Certification" ECM carries out its own assessment of the documentation provided by the customer, at its sole discretion. Furthermore, this activity does not fall under consultancy.

3 DEFINITIONS

| Definition | Full definition |
|------------|-----------------|
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|-------------------------|---|
| VOLUNTARY CERTIFICATION | <p>It is the official expression of the results of the evaluation of the submitted documentation aimed at demonstrating compliance with the requirements of specifically identified standards/regulations [hereinafter "CC"].</p> <p>It is issued on a voluntary basis, essentially on the basis of the request of the customer, acting in the interest of an end user;</p> |
| CERTIFICATION HOLDER | organization that has requested and obtained the release of voluntary certification by ECM. |
| COMPLAINT | form of dissatisfaction, both verbal and written, on the services provided by ECM. |
| APPEAL (OR APPEAL) | formal deed, in the name of the subject, having specific causes, against the decisions taken or the evaluation expressed by ECM. |

4 WHAT IS THE VOLUNTARY CME CERTIFICATION

- (p.01) The Company undertakes to carry out only and exclusively activities for the issue of voluntary certificates in compliance with the note of the European Commission of 14 September 2022 ref. Ares (2022) 6342894 and the communication received from the Ministry of Economic Development General Directorate for the market, competition, consumer protection and technical regulations Div. VII - Notified Bodies and accreditation systems Notification Authority - NANDO Contact Point for Italy.
- (p.02) The Customer undertakes to provide ECM with appropriate technical documentation to be analysed, subject to verification against standards and/or directives and/or regulations [hereinafter referred to as "Technical Documentation"], in order to enable the Company to perform its services correctly and in any case to the best of its ability.
- (p.03) The Company's activity will consist of a verification of the Technical Documentation made available by the Customer and immediately returned as it contains sensitive data at the end of the activity carried out, where in the event of a positive outcome of the verification, the Company will issue a voluntary certification [hereinafter "CC"]. always in compliance with the note of the European Commission of 14 September 2022 Ref. Ares (2022) 6342894.

With regard to the CC, it is expressly agreed between the Parties that:


- (p.03.01) The CC is the output of the requirements assessment carried out by EMC Company and is issued on a voluntary basis, essentially on the basis of the request of the customer, who acts in the interest of an end-user;
- (p.03.02) The CC does not represent a certification process, but only a documentary verification carried out on a voluntary basis of the technical documentation **received**.
- (p.03.03) The CC cannot be used to export and/or enter products within the European Community as it is not a CE Certificate of Conformity nor does it replace the CE Declaration of Conformity, the latter being certificates that the Company does not offer, with the consequence that the manufacturer holding the CC issued by the Company remains solely responsible for any obtaining of regular CE certification, not being in any way exempt from carrying out all the activities necessary to place his product on this market, if necessary by contacting a Notified Body.
- (p.03.04) The "Voluntary Certification Regulation Acceptance (QAT10_M02)" form must be completed, signed and stamped by the "Purchaser" and returned together with the order form to ECM.

These assessments are voluntary and are not performed by ECM as a Notified Body, but as an independent party. Furthermore, this activity does not fall under consultancy.

For these reasons, the output of this documentation check is a reliable opinion of ECM as an independent party, which is reported by ECM itself in writing within a document called "Voluntary Certificate" that ECM issues.

5 PURPOSE OF THE CERTIFICATION/VOLUNTARY CERTIFICATE

The purpose of Voluntary Certification is to demonstrate (with the level of confidence associated with independent third party verification) that it meets ECM standards or specifications. This aim is achieved through an evaluation of the technical documentation, carried out before the release of the voluntary certification.

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6 CONDITIONS FOR USE OF CERTIFICATION/VOLUNTARY CERTIFICATE

Voluntary Certification:

- It has NO legal standing, unless used between private companies with specific agreements between them;
- It is NOT required by law (it is voluntary) and is intended for use between the manufacturer and the manufacturer's customer;
- The documents issued by ECM cannot be reproduced, in whole or in part, in such a way as to induce the consumer to consider the final product compliant with any applicable mandatory regulation. The documents issued by ECM can only be mentioned in the same words used by ECM and in complete form, including the date of issue;
- It is NOT an authorization by ECM to apply CE certification to a product;
- It DOES NOT originate from customs requirements or to demonstrate to the authorities the conformity of the products to the requirements for the CE marking;
- It CANNOT be used to demonstrate product compliance to the Authorities;
- CANNOT be used during Government inspections;
- It may only be used for purposes authorized by law.

Note that some Directives/Regulations require the use of Notified Bodies: the "Voluntary Certificate" is NOT associated with any Notified Bodies activity nor is it mandatory to meet the legal requirements.

On the contrary, it declares ECM's opinion according to which the manufacturer, under his own responsibility, can apply the CE Certification on the product if it complies with the applicable directives under his own and total responsibility.

Voluntary certificates are NOT issued by ECM as a Notified Body.

The "Certificate issued by ECM as Notified Body" is associated with a completely different purpose than that of the "Voluntary Certificate".

The "Voluntary Certificate" has nothing to do with the certificates issued by ECM as Notified Body. Do not confuse these two types of certificates: if in doubt, contact ECM.

The holder of the "Voluntary Certificate" CANNOT use the "Voluntary Certificate" outside the purposes listed above without official authorization from ECM to do so.

In case of doubts about the use of the "Voluntary Certificate", do not use them and contact ECM: info@entecerma.it

7 FEATURES AND DESIGN OF THE VOLUNTARY CERTIFICATION

The format of the "Voluntary Certification" most commonly used is a "Rectangle with Rounded Edges", with the "CME Circle" inside. It is shown in "Figure 1" below. The colour used for all shapes is blue, the scales grey and the background is white.

The "Voluntary Certification" cannot be modified in form, color or content. Its dimensions can be modified, but maintaining the same proportions as in the example of "Figure 1".

In particular, the size of the "Voluntary Certification" logo, if shown next to the "CE Certification or the Logo of the Holder of the Voluntary Certification" must not be larger than these two.

ECM can issue different types of certificates in the voluntary field, corresponding to the different templates included in the list of certificates and marks (Master List/Voluntary Certificate Models and "QAT10_Master" Markings).




Figura 1

8 CRITERIA FOR REQUESTING ECM THE RELEASE OF VOLUNTARY CERTIFICATION AND THE PROCESS FOR OBTAINING IT

Voluntary certificates are issued by ECM upon request and on a voluntary basis.

They are issued with reference to a documentary analysis and subject to verification by an ECM employee; they are released only if, according to the opinion of an ECM technical expert, the documentation complies with the requirements that ECM has established internally.

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The process of voluntary certification by ECM consists of the following steps:

1. Request by the Client feasibility issue of voluntary certificate;
2. Acceptance by ECM and preparation of the economic offer where required;
3. Acceptance by the Principal of the offer and dispatch of the order to ECM where required;
4. Verification of documentation by an ECM technician;
5. Once the documentation has been verified by a Technical Expert and a positive assessment has been made, a draft of the voluntary certificate will be prepared and sent to the Services Department for approval.
6. The person designated within the organisation as the ECM Services Directorate will sign and issue the voluntary certificate as the person responsible for approving and issuing the voluntary certificate.

9 RESPONSIBILITIES AND RIGHTS

9.1 Specific obligations to be paid by the Client

9.1.1 Holder of the Voluntary Certification

The owner of the voluntary Certification is solely responsible for its use.

The customer as concessionaire of the voluntary certificate remains solely responsible for its use and its dissemination throughout the market. Any violation or incorrect use of the same will be attributable solely to the concessionaire.

9.1.2 Using the Certification

The certificate holder must use the Certification in accordance with the rules set out in the chapter "Conditions for the Use of the Certification/Voluntary Certificate" of these Rules;

- in general, they must behave and act in compliance with the rules set out in these Regulations;
- must provide ECM with all the technical documentation, in Italian or English, necessary to start the process of issuing the voluntary Certification according to the instructions given in the chapter "Criteria For ECM Criteria For Requesting ECM The Release Of Voluntary Certification And The Process For Obtaining It". of this Regulation;
- may not allow others to use the Voluntary Certification on behalf of the holder;
- may not associate the Voluntary Certificate with any slogan of the Certificate holder;
- may never combine the Voluntary Certificate with any other logo or certification which could change its meaning or be misunderstood by the end user of the Certificate;
- must ensure that all prospective end-users of commercial, advertising and promotional material referencing the Voluntary Certification do not misunderstand the scope of the Voluntary Certification itself, thinking that it applies to products or activities outside the actual scope of the Voluntary Certification ;
- may not use the Voluntary Certificate in a way that damages ECM's reputation and compromises the trust of all possible interested parties;
- must be available for any additional verification requests by ECM.

The holder of the voluntary certificate can (rights):


- use the Voluntary Certificate under the conditions and according to the rules mentioned in this document. This right is no longer valid after the expiration date of the certificate;
- use the Voluntary Certificate for internal use (within the Voluntary Certification Holder's company) or externally for voluntary demonstration purposes.

9.2 Responsibilities And Rights Of ECM

9.2.1 Confidential Information and Intellectual Property

The Parties are aware that during the execution of this agreement they may come into possession of professional secrets and/or confidential commercial information, for which it is specifically meant:

- **Professional Secret** : means any information, including, but not limited to, technical or non-technical data, a formula, model, program, plan, device, method, technique, design, process, financial data, financial plans, product plans, or a list of actual or potential customers or suppliers;

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- **Confidential Commercial Information** : means any non-public information of a sensitive or personal competitive nature, other than trade secrets, acquired by the Client in connection with the performance of services for the Company, including (without limitation) oral and written information regarding the financial positions of the Company and results of operations (revenues, margins, assets, net income, etc.), annual and long-term business plans, marketing plans and methods, accounting invoices, oral or written customer information and personnel information.

9.2.2 Commitment to Confidentiality

(p.01) The Parties undertake to maintain strict confidentiality and not to use or disclose, except in accordance with written instructions, if any, any Professional Secrets or Confidential Business Information obtained in the performance of this Agreement, for so long as the relevant data and/or information may be considered secret or confidential

(p.02) The Customer, in particular, shall maintain the utmost confidentiality and undertake, except to the extent necessary to perform its duties, not to use or disclose any commercial information expressly qualified as confidential, or reasonably to be considered as such according to the canon of good faith commensurate with the expert operators in the sector, concerning the Company during the term of this agreement and for a period of five (5) years following the expiry of the voluntary certification.

(p.03) The Parties may only disclose Professional Secrets or Confidential Business Information of which they are aware in response to a request from the Judicial Authority or other Public Authorities, at the outcome of legal proceedings requiring the disclosing party to do so, provided that the request to disclose Professional Secrets or Confidential Business Information in this manner allows time for the Company and/or the Client to seek adequate protection.

(p.04) In the event that the Client violates or threatens to violate the provisions of this chapter, the Company will be entitled to a fair compensation that takes into account all damages directly and indirectly suffered for the disclosure and/or use of confidential information pursuant to the this agreement.

(p.05) The commitments referred to in this p. 03 are taken by the Parties for themselves and for their employees, who will have to guarantee the utmost confidentiality of all the information acquired during their activity, safeguarding all the property rights of the Parties.

9.3 Responsibility of ECM

(p.01) In no way shall ECM be held liable for any defects and/or non-conformities in the product and/or inaccuracies in the documentation used by the Voluntary Certificate Holder.

(p.02) The CC and, in general, the activity carried out by the Company, will be bound by the request formulated by the Customer, by the information provided by the same and by the Technical Documentation, so that in no way can the Company receive objections regarding the object of the verification and insights completed.

(p.03) Initiate, as deemed appropriate, an investigation of any complaints or warnings from the market, according to the instructions in the chapter "Complaints, Appeals (CLAIMS) AND PROTESTS" of these Rules and, if deemed necessary, withdraw the voluntary certificate;

(p.04) In the event that ECM detects or is informed of the presence of a false Certification on the market, it publishes the document on its website ("false certificates" section) and decides whether or not to report it to the judicial authorities.

ECM is NOT responsible for any "CE Certification" of the product indicated on the voluntary certificate.


9.4 Express Termination Clause

This regulation shall be deemed terminated by law pursuant to " art. 1456 of the Italian Civil Code ", in the event of written communication with which the Company expresses its intention to make use of this clause, in the following cases:

- violation by the Customer of the payment terms referred to in the payments chapter;
- violation by the Customer of the confidentiality obligations referred to in the chapter " Responsibilities And Rights Of E CM";
- violation by the Customer of one or more provisions of this regulation;

9.5 Payments Clause

The Management of ECM can also order the suspension of the voluntary certification in the event that the payment of the fees due to ECM is delayed by more than 60 days with respect to the date set by the contractual conditions (payment date indicated on the invoice), despite the reminder sent by ECM at the end of the 45th day of delay. Without prejudice to any deferred payment agreements, which must be authorized by ECM Management.

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10 ARCHIVING OF TECHNICAL DOCUMENTATION

ECM is NOT responsible for archiving the Manufacturer's technical documentation.

In general, the Manufacturer's documentation is NOT archived either in paper form or in its ECM database after the issue of the Certificate / Voluntary Certification.

It is the responsibility of the Manufacturer to keep the documents available to the Authorities.

11 VALIDITY AND RENEWAL OF THE CERTIFICATE VOLUNTARY

The validity of the Voluntary Certificate is specified directly in the Voluntary Certificate document. It is always associated with a duration of five (5) years. If, during the period of validity of the Voluntary Certification, the Manufacturer makes changes to the product to which the Voluntary Certificate refers, the Voluntary Certificate itself is no longer valid immediately.

When the expiry date is reached, the holder of the Voluntary Certificate can choose to keep it or not:

- the customer who decides not to renew the use of the voluntary certificate is required to remove any reference to the latter from any type of material to which it has been applied;
- to extend the period of validity of the Voluntary Certification for another 5 years, ECM must start a new evaluation procedure, applying the procedure described in the chapter "Criteria Requesting Criteria For Requesting ECM The Release Of Voluntary Certification And The Process For Obtaining It".

12 WAIVER

At any time, the holder of the voluntary Certificate can ask to renounce it, by means of a written request, which he sends to ECM by email.

13 WITHDRAWAL (SUSPENSION) OF CERTIFICATES AND OF THE AUTHORIZATION TO USE THE VOLUNTARY CERTIFICATION

Voluntary certificates are withdrawn, suspended automatically and without notice in the cases described below:

- if there is evidence that the verified documentation no longer complies with the requirements of the reference ECM;
- if there is evidence that the product has changed since the issuance of the Voluntary Certificate;
- in case of lack of communication to ECM by the Manufacturer of changes in the name of the Holder of the voluntary Certificate or change of its headquarters;
- if there is evidence that the holder of the Voluntary Certificate is not applying this Regulation;
- in the event of changes to the requirements of the relevant Directives / Regulations (taking into account the times allowed by the Directives / Regulations themselves to comply with the new requirements);
- in the event of notification by the Product Detection Authorities of any non-compliance with the essential requirements of the reference Directives / Regulations.


14 COMPLAINTS, APPEALS (APPEALS) AND PROTESTS

14.1 COMPLAINTS

ECM takes into account and handles when it deems necessary the written and verbal complaints of all parties with an interest.

ECM does not take into account any anonymous complaints, even if written.

The Director of Services and his staff carry out an initial analysis of the complaint, to understand whether it is founded or not.

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14.2 APPEALS (APPEALS)

Claims against decisions or documents issued by ECM must be submitted in writing by ordinary mail, fax or certified e-mail no later than 15 days after receipt of the act against which the party concerned intends to appeal. No later than 5 working days after receipt of the request, ECM confirms that it will follow it up and, if requested in writing, keeps the sender informed.

All claims are recorded by ECM in a register.

If the appeal relates to administrative-economic aspects, it is ECM's Management and Sales functions that verify the customer's claim. The acceptance or rejection of the request is communicated to the sender by ECM's legal representative by certified mail, no later than 60 days after receipt.

If, on the other hand, the appeal is relevant to the Voluntary Certification process, the CME Services Director submits the verification of the Voluntary Certification documentation to a technician/team that was not involved in the initial procedures leading to the issue of the Voluntary Certification itself. The results are then assessed by the person responsible for Voluntary Certification itself (see "Criteria for Requesting Voluntary Certification from ECM and the Process for Obtaining Voluntary Certification"). No later than 90 days after receipt of the appeal, the ECM legal representative informs the sender of the result of the assessment and, therefore, of the acceptance or rejection of the appeal.

15 DISPUTE GOVERNING LAW, JURISDICTION AND JURISDICTION

(p.01) This agreement is governed and interpreted in accordance with the laws of the "Italian Republic".

(p.02) Any dispute deriving from the execution and/or interpretation of this agreement will be submitted to the jurisdiction of the Italian Judge, where in this regard the parties identify the Court of Bologna as having exclusive jurisdiction to hear the dispute.

16 PRIVACY

All documents, letters, communications, etc. relating to the activities for the management of voluntary Certification on products belonging to the Manufacturer are considered private. Access to their consultation is allowed only to those who are involved in the procedure for issuing certificates and voluntary certification specifically on that product.

(p.01) Although natural persons are not involved in this Regulation, the Parties declare in any case to share and respect the principles established on the subject of personal data processing by Regulation (EU) 2016/679 ("General Data Protection Regulation").

(p.02) In the event of processing of personal data of natural persons, for any reason in execution of this Regulation, the Parties hereby undertake to strictly comply with the principles and precepts of the aforementioned Regulation, with reference to any other personal data, including those of third parties, collected, stored, communicated, disseminated or otherwise treated in fulfillment or as a consequence of this contract, guaranteeing in particular the scrupulous observance of the provisions concerning security, consent and information relating to the interested party.

17 ACCEPTANCE CLAUSE

The "Acceptance of Rules on Voluntary Certificate (QAT10_M02)" form must be completed, signed and stamped by the "Purchaser" and returned together with the order form to ECM.

18 ECM DOCUMENT LIST

18.1 Referred to in these Regulations

- *Revision history (RGVOL01-HY)*
- *Note from the European Commission of 14 September 2022 Ref. Ares (2022) 6342894 (RGVOL01-A2)*
- *List of Masters / Volunteer Certified Models and Markings (QAT10_Master)*
- *Acceptance of Voluntary Certification Regulations, rules for the use of certificates and voluntary certificates (QAT10_M02)*