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# CHAPTER 1 : CERTIFICATION PROCEDURE

## DOCUMENTATION

TECHNIGAS supplies to the manufacturer/authorized representative making a request to that effect, the following documents regarding the course and the contents of the certification procedure:

* the applicable legislation;
* the present regulations;
* the applicable procedures:

TGP-08 as regards module B,

TGP-09 and TGP-10 as regards module C,

TGP-11 as regards module D,

TGP-13 as regards module G;

* the list of the standards in force or of the prescriptive documents;
* the list of the laboratories recognised by it;

including, as the case may be:

* a draft of a certification agreement;
* forms for preparing the technical file.

## CERTIFICATION AGREEMENT

The manufacturer/authorized representative wishing to have a certain product certified, must first enter into a certification agreement with TECHNIGAS.

In it, he undertakes, among other things:

* to comply with the TECHNIGAS regulations in force;
* to accept all inspections deemed necessary by TECHNIGAS in that respect;
* to strictly fulfil his other obligations vis-à-vis TECHNIGAS;
* to take all measures to ensure conformity of the products with a certified product type;

## CERTIFICATION REQUEST

The manufacturer/authorized representative submits to TECHNIGAS a separate certification request per type product group.

The certification request contains at least the following details:

* his name and address, as well as the identity of the persons authorized to commit him;
* his company form, if any, inscription in the trade register and VAT number;
* the name and details of the natural person who will ensure the concrete contacts with TECHNIGAS;
* a declaration in which he undertakes to immediately report to TECHNIGAS any planned alterations to the products concerned; if the applicant is no manufacturer/agent, he will issue this declaration emanating from the manufacturer/authorized representative
* a technical file;
* as the case may be, a copy of the NBN-EN-ISO 9001 certificate of the manufacturer/authorized representative or the manufacturer/agent.

## NON-DISCRIMINATORY CONDITIONS

The policies and procedures under which Technigas operates, and the administration of them, is non-discriminatory. Procedures are not used to impede or inhibit access by applicants, other than as provided for the International Standard NBN EN ISO/IEC 17065.

Technigas makes its services accessible to all applicants whose activities fall within the scope of its operations.

Access to the certification process is not conditional upon the size of the client or membership of any association or group, nor is certification conditional upon the number of certifications already issued. There are not undue financial or other conditions.

Technigas confines its requirements, evaluation, review, decision and surveillance to those matters specifically related to the scope of certification.

# CHAPTER 2 : LIMITATIONS OR RESTRICTIONS RELATING TO THE USAGE OF THE EC MARK and the notified bodies’ identification number

### The EC mark of conformity with the requirements of directives 2009/142/EC and 92/42/EEC as well as with the other provisions regarding the granting of the EC mark must be affixed to the appliances concerned in a visible, easily legible and indelible manner.

### A granted EC marking may be affixed only to the appliances for which the certification applies. The ‘CE’ mark

* may only be affixed to the product after completion of all applicable conformity procedures (ref. 2009/142/EC chapter 2 article 8 and 92/42/EEC article 7) ;
* has to satisfy the requirements of directive 2009/142/EC annex III points 1 and 3.

### A TECHNIGAS PIN code, starting with TECHNIGAS’ identification number ‘0461’, may only be stated on a product’s data plate as the manufacturer disposes of the valid corresponding TECHNIGAS EC type-examination certificate (ref. 2009/142/EC annex II §1 or §6 and/or 92/42/EEC annex III).

### The ‘CE’ mark may only be followed by TECHNIGAS’ identification number ‘0461’ mark if the manufacturer disposes of the valid corresponding TECHNIGAS surveillance contract (ref. 2009/142/EC annex II §3 or §4 and/or 92/42/EEC annex IV module C or module D).

It is prohibited to affix to the products concerned another mark, sign or indication whose significance or design might be confused with that of the EC mark.

The pertinent documents must be kept by the manufacturer or his authorized representative for a period of minimum 10 years from the cessation of production of the appliance concerned.

Any established misuse of TECHNIGAS’ identification number will be communicated to TECHNIGAS’ Management Committee of the EC marking who will examine the file and decide on the appropriate action to be taken. If the Committee concludes it concerns deliberate misuse it will submit the file to court. In that case, only the courts of Brussels shall have legal jurisdiction.

# CHAPTER 3 : ALTERATIONS

## 3.1. ALTERATIONS TO A CERTIFICATE

If the manufacturer/agent wishes to restrict, enlarge or alter the certified product group, he will provide prior written notification to TECHNIGAS and will demonstrate that the altered or additional products also conform.

As soon as he has demonstrated this, or as soon as the restriction on production has been communicated, TECHNIGAS will update the certification.

In the event of definitive cessation of production, the manufacturer/agent notifies TECHNIGAS by registered mail.

## 3.2. ALTERATIONS TO THE APPLICABLE STANDARDS AND TO THE APPLICABLE LEGISLATION AND REGULATIONS

As soon as TECHNIGAS becomes aware of any alteration to the technical product specifications or to the standardization, legislation or regulations related to the certified product group, it will immediately notify the manufacturer/agent, thereby stating the period he has at his disposal to adapt to the altered regulations.

# CHAPTER 4 : PRESENCE OF ACCREDITATION BODIES DURING THE EC-TYPE EXAMINATION AND EC SURVEILLANCE OF TYPE CONFORMITY

By returning the order form (TGP-08-11), the manufacturer/authorized representative also accepts that an accreditation body may be present during the EC-type examination of his appliance.

By returning the agreement regarding EC supervision (TGP-09-05, TGP-10-05, TGP-11-05, TGP-12-05), the manufacturer/authorized representative also accepts that an accreditation body may be present during the EC supervision of the conformity with this type.

It goes without saying that this accreditation body is bound by the applicable rules of integrity and confidentiality.

# CHAPTER 5 : RENUNCIATION OF CERTIFICATION

A manufacturer/authorized representative can at any time renounce, definitively, wholly or partly, his certification relating to the EC marking of one or more of his products. This renunciation becomes effective only after confirmation of its application by the Management Committee of the EC marking of TECHNIGAS.

The request for renunciation must be directed by registered mail to TECHNIGAS, describing:

* the conditions that warrant a partial or whole renunciation;
* the identification of the products concerned and the references of the EC marking concerned;
* the commitment from the manufacturer/authorized representative to consider the renunciation effective from the date of mailing of the renunciation request;
* the terms provided by the manufacturer/authorized representative for companies for whom the renunciation has consequences.

The Management Committee of the EC marking of TECHNIGAS confirms the decision of renunciation and communicates it to the other certified designated recognized bodies as well as to the competent Belgian authorities concerned.

In the event of a decision of partial renunciation, this will have the following consequences:

* TECHNIGAS eliminates from the list of certified manufacturers/authorized representatives that portion of the field of application of the certification granted to the manufacturer/authorized representative, for which the partial renunciation was requested;
* TECHNIGAS adjusts the field of application of the certification certificate of the manufacturer/agent;
* this decision, however, has no effect on the supervision programme, nor on the term of validity of the certification;
* this decision does not relieve the manufacturer/authorized representative of his other obligations vis-à-vis TECHNIGAS for the remaining portion of the field of application.

Following a partial renunciation, the manufacturer/agent must apply for an extension for the restoration of the field of application of his certification; the extension procedure is then applied.

In the event of a decision of whole renunciation, it has the following consequences:

* requires that the certification certificate be returned to TECHNIGAS;
* drops the manufacturer/agent from the list of certified manufacturers/authorized representatives.

Following a whole renunciation, the manufacturer/agent must submit a new certification request to restore it.

# CHAPTER 6 : COMPLAINTS REGISTER

6.1. The manufacturer/authorized representative keeps a complaints register, which provides a brief and chronological overview of the complaints he receives with regard to certified products, stating the origin of the complaint, its contents, as well as how it was acted upon.

6.2. The manufacturer/authorized representative attaches to the complaints register any additional documents as part of the handling of the complaints, such as correspondence, service notes, shipments,…

# CHAPTER 7 : SANCTIONS

* 1. TECHNIGAS is authorized to issue written warnings or reprimands, to impose sanctions and to take all measures deemed necessary upon detecting a violation of, fault in or misuse of:
* the technical product specifications;
* regulatory provisions;
* EC-type examination or declarations of type conformity;
* EC marking on appliances which are not in conformity;
* the instructions of TECHNIGAS and its bodies or deputies.
  1. TECHNIGAS can direct a written warning to the manufacturer/authorized representative who fails to meet his obligations.
  2. When TECHNIGAS detects significant or repeated non-conformity in relation to the statutory or regulatory provisions or the technical product specifications, it will direct a reprimand to the manufacturer/authorized representative.

This aims to call the attention of the manufacturer/authorized representative to the non-conformity that can give rise to a sanction.

The reprimand is notified in writing to the manufacturer/authorized representative, and is signed by the chairman of the Board of TECHNIGAS, and carries comments, if necessary.

The manufacturer/authorized representative must justify the non-conformity and restore all non-conformity. He must propose the necessary corrective measures so as to avoid the continued existence of violation or fault or the repeat thereof. TECHNIGAS determines, in association with the manufacturer/authorized representative, whether the proposed measures suffice, or need to be adjusted.

If non-conformity is insufficiently justified or if the violation or fault continues to exist or is repeated, TECHNIGAS can impose a sanction.

* 1. A sanction can relate to a product, a part or the whole of a product group.
  2. Besides warnings and reprimands, the following sanctions can be distinguished according to the gravity of the violation or fault:
* in cases of non-conformity of products:

the suspension of the certification, which also entails that the manufacturer/authorized representative may not use it for publicity purposes; the suspension lasts for as long as the applicant has not proved that conformity of the product has been restored; if the suspension of a certificate lasts longer than 3 years, it is automatically converted into the withdrawal of the certification.

* in all cases:
* the withdrawal of the certification;
* the breaking of the certification agreement, which entails the withdrawal of all certificates issued;
* as the case may be, a fixed penalty amount to be paid to TECHNIGAS.
  1. The issuing of a sanction causes the reimbursement of TECHNIGAS of all services rendered as part of the certification concerned to fall due, to be increased by 5 percent in the event of suspension or withdrawal.
  2. TECHNIGAS has the right to judge, with every violation or fault, the desirability of a sanction. It determines autonomously the level and, as the case may be, the duration of the sanction and any accompanying measures.

In so doing, TECHNIGAS shall take into consideration regulatory provisions, the findings on the occasion of inspections, the reprimands already notified and sanctions defined, as well as other relevant elements of the file.

* 1. An imposed sanction can be increased by TECHNIGAS in the event of:
  + ignoring an obligation stemming from a sanction;
  + the finding, during the term of a sanction, that during this period the same violation, fault or non-action occurs as the one that prompted the sanction;
  + the finding, within 12 months following a suspension or withdrawal, of a new violation, fault or non-action that can lead to a sanction.

# CHAPTER 8 : SUSPENSION OF CERTIFICATION

## 8.1. GENERAL

When certain conditions of the certification are no longer fulfilled, TECHNIGAS can accept from the manufacturer/authorized representative an application for suspension of the certification. This suspension can be whole or partial.

By suspension is understood here: the temporary prohibition imposed upon the manufacturer/authorized representative to refer to the certification, for all new production of the products concerned. This means that the manufacturer/authorized representative may continue to put on the market until the end of the suspension period the products already manufactured at the time of notification of the suspension.

Suspension always take place on a voluntary basis (in other words, at the request of the manufacturer/authorized representative); it can be whole or partial, and applies principally to cases where the manufacturer/authorized representative believes not being capable of meeting the certification conditions for the product concerned due to exceptional circumstances, but whereby a return to normalcy is reasonably to be expected after a certain period of time.

The decision of TECHNIGAS to suspend certification of a product of a manufacturer/authorized representative

* can lead to an additional supervision procedure;
* does not relieve the manufacturer/authorized representative of his other obligations in relation to certification, nor of his obligations stemming from the certification of other products manufactured and/or put on the market by him;
* is communicated by TECHNIGAS to the other certified designated recognised bodies as well as to the competent Belgian authorities concerned.

In the list ‘certification’, the wording “suspension on a voluntary basis” is included for the products concerned of the relevant manufacturer/authorized representative.

## 8.2. TERMS OF EXECUTION WITH RESPECT TO SUSPENSION.

8.2.1 Suspension on the direct initiative of the certified manufacturer/authorized representative.

A certified manufacturer/authorized representative can at any time and on his own initiative request to TECHNIGAS the suspension of his certification. This request can relate to the whole as well as to a portion of the field of application of the certification.

The suspension request from the certified manufacturer/authorized representative must be directed by registered mail to TECHNIGAS and must include the following information in order to be admissible:

* the circumstances that warrant the request;
* the nature and the programme of corrective measures that will be taken by the manufacturer/agent to ensure the restoration and maintenance of the certification conditions;
* the presumed term of suspension (normally not more than 6 months);
* the commitment from the manufacturer/agent to apply the measures associated with the suspension from the date of mailing the request for suspension.

The Management Committee of the EC marking of Technigas passes, after examination of the records presented, a substantiated judgment on the justification of the granting of a suspension.

To this end, the Management Committee of the EC marking of TECHNIGAS can:

* either request additional information from the applicant;
* or advise favourably as to the granting of the suspension. In such case, the Management Committee of the EC marking of TECHNIGAS lays down the conditions for lifting the suspension and the possible need for an on-site visit which precedes the restoration of the status of certified manufacturer/agent of the products concerned;
* or take note of the suspension request, yet conclude that the specific conditions for suspension have not been fulfilled and, consequently, issue advice to the effect of a whole or partial withdrawal of the certification; in such case, the terms pertaining to withdrawal shall apply.

The manufacturer/authorized representative is notified of the decision or the advice of the Management Committee of the EC marking as well as of the decision, if any, of the Board of TECHNIGAS and of the terms for lodging an appeal.

8.2.2 Suspension at the request of the manufacturer/authorized representative on the proposal of the Management Committee of the EC marking of TECHNIGAS.

When, based on an audit or as part of the examination of a complaint, the Management Committee of the EC marking of TECHNIGAS concludes that the certification conditions for (a) certain product(s) are no longer fulfilled, the Management Committee of the EC marking of TECHNIGAS can suggest to the manufacturer/authorized representative, for that product, whole or partial suspension at his own request, for a period that corresponds to the time required for executing the necessary corrective measures. Normally, this period of time shall be no more than 6 months.

In urgent cases, the Chairman of the Management Committee of the EC marking of TECHNIGAS takes the necessary initiatives and reports as soon as possible to the Management Committee of the EC marking.

The decision of the Management Committee of the EC marking of TECHNIGAS is notified by registered mail to the manufacturer/authorized representative within 5 working days.

In the event that the manufacturer/authorized representative rejects the proposed suspension, the Management Committee of the EC marking of TECHNIGAS advises the Board of TECHNIGAS to decide upon a whole or partial withdrawal of the certification.

The procedure for this withdrawal is similar to the procedure of chapter 7.2.

8.2.3. Terms for lifting a suspension.

From the moment the manufacturer/authorized representative believes that the causes which were at the heart of the suspension have been lifted definitively, he directs to TECHNIGAS a request for lifting the suspension, accompanied by the appropriate elements to support the request.

Technigas appoints an audit team which is charged with the examination of this document and/or an on-site visit to ascertain whether fulfilment of the certification conditions has been restored. In case of a suspension on proposal of the Management Committee of the EC marking of TECHNIGAS, the lifting of this suspension is normally associated with an on-site visit by a representative of TECHNIGAS to confirm the implementation of the corrective measures by the manufacturer/authorized representative.

The audit team communicates its report within 50 working days to the Management Committee of the EC marking of TECHNIGAS.

When the Management Committee of the EC marking of TECHNIGAS, relying on the examination of the report of the audit team, decides to lift the suspension:

* this decision is communicated within 10 working days to the manufacturer/authorized representative, along with a review of the supervision programme. The manufacturer/authorized representative may mention his status of certified manufacturer/authorized representative and refer to or communicate the EC marking on the products concerned only after receipt of the letter regarding the lifting of suspension;
* the lifting of the suspension is communicated to the other certified designated recognised bodies as well as to the competent Belgian authorities concerned.
* the wording ‘voluntary suspension’ is dropped from the list of certified manufacturers/authorized representatives which is kept by TECHNIGAS.

In the event of negative advice from the Management Committee of the EC marking of TECHNIGAS, the Management Committee of the EC marking of TECHNIGAS directs a substantiated request to the Board of TECHNIGAS for withdrawal of the certification.

For this, the terms laid down in chapter 7.2. shall apply.

# CHAPTER 9 : WITHDRAWAL OF THE CERTIFICATION

## 9.1. GENERAL

9.1.1. In the event of improper use or when the certification conditions are no longer fulfilled, TECHNIGAS withdraws the accreditation wholly or partly, temporarily or definitively, based on a substantiated advice emanating from the Management Committee of the EC marking of TECHNIGAS.

9.1.2. Certification conditions as set forth under 7.1.1 shall be understood to mean

* fulfilment at all times of all certification criteria;
* following up of the supervision programme as stated at the time of granting the accreditation as well as of the actual execution, within the prescribed periods, of the corrective measures resulting from the remarks formulated, in particular on occasion of the assessment visits;
* payment of the fees due as part of the certification procedures.

## 9.2. WITHDRAWAL.

9.2.1. The term ‘withdrawal’.

Withdrawal is understood to mean the temporary or definitive ban imposed upon the manufacturer/authorized representative to refer to the status of a certified manufacturer/authorized representative and to communicate or affix certificates or to refer to the status of certified manufacturer/authorized representative.

Withdrawal of a certification is applied in case of grave or repeated non-compliance with the certification conditions.

The withdrawal is:

* whole, if the non-compliance with the certification criteria relates to the quality system which guarantees all of the activities which are covered by the certification;
* partial, if a certain area of the soundness and continuity of the product quality of the manufacturer/authorized representative is targeted.

9.2.2. Terms of execution of application of a withdrawal.

When, after assessment, on the occasion of the expiring of a period of suspension, it appears that the certification conditions are not fulfilled or in the case of a rejection by the manufacturer/agent of a suspension that was suggested by the Management Committee of the EC marking of TECHNIGAS, the Management Committee of the EC marking of TECHNIGAS directs a substantiated advice as to the withdrawal of the accreditation to the Board of TECHNIGAS, which decides within a period of 30 working days.

The decision of the Board of TECHNIGAS is communicated to

* the manufacturer/authorized representative concerned, along with the terms for lodging an appeal, by registered mail;
* the other certified designated recognised bodies as well as to the competent Belgian authorities concerned.

The decision to withdraw becomes effective after a period of 15 working days, commencing on the date of notification of the decision to the manufacturer/authorized representative, or, if an appeal is lodged, after judgment has been passed on this appeal.

The decision of partial withdrawal:

* drops from the list of certified manufacturers/authorized representatives the portion of the field of application of the certification granted to the manufacturer/authorized representative to which the partial withdrawal relates;
* requires an adjustment by TECHNIGAS of the field of application on the certificate of the manufacturer/authorized representative;
* has no effect on the supervision programme, nor on the term of validity of the certification;
* does not relieve the manufacturer/authorized representative of his obligations vis-à-vis TECHNIGAS for the remaining portion from the field of application;
* results in the manufacturer/authorized representative being required to provide the necessary information regarding the certified products that are involved in the partial withdrawal and regarding the companies involved.

For restoring the field of application, after a partial withdrawal, the manufacturer/authorized representative must request an extension and the extension procedure is initiated.

The decision of a whole withdrawal:

* entails the returning to TECHNIGAS of the certificate;
* drops the manufacturer/agent from the list of certified manufacturers/authorized representatives;
* obligates the manufacturer/authorized representative to provide information in regard to the certified products involved in the whole withdrawal and in regard to the companies involved.

For restoring his certification after a whole withdrawal, the manufacturer/authorized representative must submit a new accreditation request in order to be re-accredited.

# CHAPTER 10 : HEARING

Manufacturers /authorized representatives, who disagree with a decision of or sanctioning by TECHNIGAS, have the right to be heard by the body that has made the decision.

The request to be heard is submitted in writing and is directed to the Management Committee of the EC marking of TECHNIGAS.

The latter puts the request to be heard on the agenda of the next scheduled meeting of the body in question. The period between the receipt of the request to be heard and the session of the body in question which will hear the manufacturer/authorized representative will be maximum 3 months.

The request to be heard and the ensuing procedure do not suspend the decisions and sanctions of the body of TECHNIGAS concerned.

# CHAPTER 11 : JURIDICAL APPEALS AND COMPLAINTS

11.1. Within TECHNIGAS, a Board of Appeal exists with the task of receiving and taking note of :

* any juridical appeal in the event of a certification of a manufacturer/authorized representative, being wholly or partly, temporarily or definitively, rejected or withdrawn ;
* any juridical complaint emanating from any manufacturer/authorized representative whatsoever, from a competent authority or from a third party about the execution of the accreditation procedures or the operation of TECHNIGAS ;
* any established misuse of TECHNIGAS’ identification number by a third party.

11.2. The Board of Appeal consists of a jurist appointed by the Management Committee of the EC marking of TECHNIGAS.

* 1. The appeal must be substantiated and be lodged by registered post with the Board of Appeal of TECHNIGAS within a period of 15 working days, commencing on the date of notification of the decision concerned.

In the event of partial, temporary or definitive withdrawal, the alteration concerned must be affixed only after the period for the appeal has expired or, if an appeal was lodged, after judgment has been passed on this appeal. The manufacturer/authorized representative concerned must not act contrary to the decision notified and must adhere to the guidelines of the Management Committee of the EC marking of TECHNIGAS.

The complaints must be substantiated and be filed with the Board of Appeal of TECHNIGAS by registered post.

11.4. The Board of Appeal of TECHNIGAS will hear the applicant or his representative and, as the case may be, the members of the Management Committee of the EC marking of TECHNIGAS, within a period of 30 working days, commencing on the date the appeal or the complaint is declared admissible by the Board of Appeal.

The Board of Appeal requests the Management Committee of the EC marking of TECHNIGAS to hand over all records it deems useful for handling the file. It can seek the advice of experts.

The Board of Appeal passes judgment by making a substantiated decision, within a period of 60 working days from receipt of the appeal or of the complaint. It notifies the parties involved of its decision by means of a letter sent by registered post, within 10 days of its decision.

11.5. The appeal does not suspend the decisions and sanctions against which an appeal has been lodged.

11.6. Upon termination of the current procedure, the party concerned can decide to submit the file to the court. In that case, only the courts of Brussels shall have legal jurisdiction.

11.7. The parties can also agree to submit the file to arbitration rather than to a court. For this, they must hammer out an agreement.

# CHAPTER 12 : APPEALS and COMPLAINTS

12.1. Within TECHNIGAS, an instruction for appeals and complaints is available (see ALI-02 feedback of customers). This instruction describes the modalities for receiving and taking note of:

* any appeal of a manufacturer/authorized representative in the event of a certification,
* any complaint emanating from any manufacturer/authorized representative whatsoever, from a competent authority or from a third party about the execution of the accreditation procedures or the operation of TECHNIGAS.

12.2. The instruction for appeals and complaints (see ALI-02 feedback of customers) is available for any manufacturer/authorized representative or any competent authority.

# CHAPTER 13 : CONFIDENTIALITY

Technigas is responsible, through legally enforceable commitments, for the management of all information obtained or created during the performance of certification activities. Except for information that the client makes publicly available, or when agreed between Technigas and the client (e.g. for the purpose of responding to complaints), all other information is considered proprietary information and is regarded as confidential. Technigas informs the client, in advance, of the information it intends to place in the public domain.

When Technigas is required by law or authorized by contractual arrangements to release confidential information, the client or person concerned is, unless prohibited by law, notified of the information provided.

Information about the client obtained from sources other than the client (e.g. from the complainant or from regulators) shall be treated as confidential.