

AFNOR

Association Française de Normalisation^(*)

An Association ruled by the Law dated 1st July 1901, granted the status of public common interest

With a registered head office at 11, rue Francis de Pressensé, La Plaine Saint Denis

GENERAL REGULATIONS OF THE AFNOR VALIDATION MARK

Approved by the AFNOR Managing Director on 02.03.2006

^(*) French standards Association

1. OBJECT OF THE ASSOCIATION

The French Standards Association (AFNOR), founded in 1926 and granted the status of common public interest has for purpose:

- to fulfil a general assignment of recording the needs for new standards, coordinating the standardisation operations, centralising and assessing the projects of standards, approving the projects in view of their publication, circulating the standards, promoting standardisation, training on standardisation techniques as well as on the contents of the standards, representing the French interests in non governmental regional (notably European) and international standardisation bodies,
- to harmonise the rules on which the standardisation must be based,
- to devise standards and develop certifications.

2. SCOPE OF THE MARK

The community shared mark No. 004478641 "AFNOR VALIDATION", registered on 23 May 2005 in classes 16, 35, 38, 41 and 42, copied hereunder, materialises a certification of performances of marketed assessment methods.



The purpose of this mark is to certify the compliance of the assessment performances of the methods with the related requirements described in the French, European or international standards, as well as with the requirements outlined in other reference sets under the provisions set out by specific Application Regulations.

3. OWNERSHIP OF THE AFNOR VALIDATION MARK

The AFNOR VALIDATION is the exclusive property of AFNOR in virtue of its registration on its behalf as a collective community mark with the Office of Harmonisation in the Internal Market (OHIM).

4. GENERAL ORGANISATION

AFNOR has granted to AFAQ AFNOR CERTIFICATION, a simplified joint-stock Company (RCS Bobigny B 479 076 002), an exploitation licence of the AFNOR VALIDATION mark. For the purpose of some applications, AFAQ AFNOR Certification may authorise an organisation to carry out, within the rules defined in a contract, current operations concurring to the certification.

AFAQ AFNOR Certification and the authorised Bodies comply with the requirements in relation to Certifying Bodies of national, European and international standards and, notably, have the proficiency and the means needed to ensure the good operation of the AFNOR VALIDATION mark.

AFAQ AFNOR Certification or the authorised Body may entrust organisations or individuals with the control and audit operations outlined in the Application Regulations.

AFAQ AFNOR Certification ensures that all intervening parties carry out their assignments appropriately within their respective role and prerogatives.

5. CONDITIONS OF USE

5.1 – The use of the AFNOR VALIDATION mark is only authorised under the provisions set out in the present General Regulations and in the specific Application Rules referred to in Article 6 hereunder, which the beneficiary of the right of use has undertaken to comply with.

Any beneficiary of the right of use of the mark undertakes to implement all measures whatsoever to ensure that these requirements are permanently fulfilled.

5.2 – Only the beneficiary of the right of use of the mark may use the AFNOR VALIDATION mark, under the terms set out in the decision on the right of use of the AFNOR VALIDATION mark. He therefore undertakes to affix the logo in compliance with the specific provisions outlined in the Application Rules that are relevant to him.

5.3 – The fact of benefiting from the AFNOR VALIDATION mark may under no circumstances substitute the liability of AFNOR, AFAQ AFNOR Certification or any other organisation authorised by AFAQ AFNOR Certification to the responsibility of the beneficiary.

6. SPECIFIC APPLICATION REGULATIONS

For each specific application of the AFNOR VALIDATION mark, AFAQ AFNOR Certification sets out the Regulations in relation to the present General Rules, which, for each assessment method, outline the conditions under which the AFNOR VALIDATION mark may be granted to the applicants, and used.

7. MANAGEMENT OF A SPECIFIC APPLICATION OF THE AFNOR VALIDATION MARK

7.1 The management of a specific application of the AFNOR VALIDATION mark implies carrying out operations such as:

- the set out of specific Application Rules defining the procedures that will enable the assessment and monitoring of the compliance with standards and with potential additional specifications.
- the management of the assessment commission and of its technical departments if appropriate.
- the investigation of the applications to the right of use of the AFNOR VALIDATION mark.
- the set up of the assessments outlined in the specific Application Rules, and supervision of the compliance of the appraisal methods.
- the relations with the applicants, beneficiaries of the right of use of the mark and third parties, in particular for the assessment of the appropriate use of the AFNOR VALIDATION mark.
- the decisions, sanctions and their follow-up.
- the sectorial promotion and development of the specific relevant application.

7.2 When the AFAQ AFNOR Certification or authorised Body entrusts third party organisations or individuals with the assessments or audits, their relations are governed by contracts. In such event, AFAQ AFNOR Certification or the authorised Body ensures that these organisations or individuals comply with the specifications of national, European and international standards in force.

7.3 VALIDATION COMMISSION

For each specific application, unless otherwise planned, AFAQ AFNOR Certification sets up an advisory body called "Validation Commission", sitting either within AFAQ AFNOR Certification or the authorised Organisation.

7.3.1 COMPOSITION

The Validation Commission composition is fixed in order to guarantee a balanced representation of the various parties involved, neither of them holding the absolute majority. A representative of AFAQ AFNOR Certification and a representative of AFNOR appointed by its Managing Director are members ex-officio of each Validation Commission.

The members of the Validation Commission are appointed by the Managing Director of AFAQ AFNOR Certification upon proposal of the authorised Organisations if appropriate. The duration of their mandate is outlined in the specific Application Rules. The chairman is also appointed by the Managing Director of AFAQ AFNOR Certification, in the same conditions.

A member of the Validation Commission can only be represented by a substitute appointed in the same conditions.

7.3.2 ATTRIBUTIONS

The assignment of the Validation Commission is to express its views on:

- the overall operating, development, promotion and quality policy of AFNOR VALIDATION,
- the draft of the specific Application Rules and the review of approved Application Rules,
- the decisions to be made in compliance with the specific Application Rules,
- the creation of sectorial technical units, if appropriate,
- the appeals submitted by the applicants to or beneficiaries of the right of use of the mark on recommendations issued by the technical units,
- the projects of advertising and promotion relevant to its activity,
- the selection of the assessment and audit organisations,
- the projects concerning the authorisation of organisations,
- the review and implementation of recognition agreements.

It may be referred to about any other issue in relation to the application involved.

8. RECOGNITION AGREEMENTS

AFNOR is solely entitled to sign agreements with other French or foreign organisations concerning the AFNOR VALIDATION mark, and providing for the recognition of marks.

AFAQ AFNOR Certification is solely entitled to sign agreements of mutual recognition with other French or foreign organisations over assessments, audits and inspections. AFAQ AFNOR Certification may consider associating organisations or laboratories to the signature.

9. CONFIDENTIALITY – SAFEGUARD OF DOCUMENTS

All parties involved in the AFNOR VALIDATION mark process, including the members of the Validation Commissions and Technical units are bound by professional secrecy.

In addition, they shall safeguard all documents managed by them or entrusted to their care against disclosure, physical destruction, falsification or unlawful appropriation.

10. INFORMATION ON THE BENEFICIARIES OF THE RIGHT OF USE OF THE AFNOR VALIDATION MARK, ADVERTISING AND PROMOTION

10.1 AFAQ AFNOR Certification coordinates the management of information on the beneficiaries of the right of use of the mark, and ensures their circulation is harmonised.

10.2 AFAQ AFNOR Certification is responsible for the collective promotion of the AFNOR VALIDATION mark, in France or abroad. Collective advertising and promotion of the AFNOR VALIDATION mark are defined and carried out by AFAQ AFNOR Certification and, when appropriate, in consultation with the authorised Organisations.

The joint advertising and promotion of specific applications of the AFNOR VALIDATION mark may also be implemented by AFAQ AFNOR Certification or, if such is the case, by the authorised Organisations, after agreement by AFAQ AFNOR Certification. The Validation Commissions involved are consulted on such projected actions.

The beneficiaries of the right of use may, at their own initiative and costs, carry out an advertising campaign on the application of the AFNOR VALIDATION mark with which they are involved, under the control of AFAQ AFNOR Certification.

11. SANCTIONS

Should any beneficiary of the right of use of the mark infringe the present General Regulations or specific Application Rules, the beneficiary of the right of use will be notified its infringement(s). He has a reasonable delay to inform AFAQ AFNOR Certification or, if such is the case, the authorised Organisation, of his remarks. After assessment, either of the following sanctions will be decided:

- suspension of the right of use of the AFNOR VALIDATION mark for a fixed period, together with the demand for corrective actions within a given deadline,
- withdrawal of the right of use of the AFNOR VALIDATION mark, notwithstanding potential proceedings in compliance with Article 15 hereafter.

These justified actions are notified to the beneficiary of the right of use of the mark and take effect from the date of such notification.

The suspension of the right of use of the AFNOR VALIDATION mark has the effect of depriving the beneficiary of the use of this right for a fixed period.

General rules of the AFNOR VALIDATION mark

The withdrawal of the right of use of the AFNOR VALIDATION mark cancels the right of use of such mark for the method considered.

The type of sanction selected depends on the seriousness of the identified infringement(s).

In the event of an emergency, and in particular for serious infringements linked to security obligations, AFAQ AFNOR Certification or the authorised Organisation may decide, as a protective measure, on the temporary appropriate sanctions.

In the event of light infringement, AFAQ AFNOR Certification or the authorised Organisation may issue to the beneficiary of the right of use of the mark a warning, with or without increase if the monitoring at his expense. The warning comes with a demand for corrective actions within a given deadline. The warning does not deprive the beneficiary of the right of use of the mark.

12. DISPUTE - APPEAL

The applicant to or beneficiary of the right of use of the AFNOR VALIDATION mark may challenge a decision involving him on the grounds of evidence, by contacting the AFAQ AFNOR Certification or, if such is the case, the authorised Organisation, which can submit his case to the Validation Commission involved. The applicant to or beneficiary of the right of use of the mark is informed of the outcome of his challenge.

Should the decision be confirmed, the applicant to or beneficiary of the right of use of the mark may appeal against the ruling by forwarding his demand to the AFAQ AFNOR Certification Managing Director.

Appeals must be submitted within fifteen days of the reception of the confirmation of the relevant decision. They have no suspension effect.

13. SUSPENSION OR WITHDRAWAL UPON DEMAND OF THE BENEFICIARY OF THE RIGHT OF USE OF THE MARK

Should the beneficiary of the right of use of the mark request not to benefit any more from the right of use of the AFNOR VALIDATION mark, a suspension for a fixed period or withdrawal of this right of use is decided.

14. VALIDITY OF THE RIGHT OF USE OF THE AFNOR VALIDATION MARK

The validity of the right of use of the AFNOR VALIDATION mark is automatically withdrawn in the following events:

- 1 – the standard(s) or reference set(s) to which are subject the assessment methods involved are no more applicable,
- 2 – the application of the AFNOR VALIDATION mark is cancelled under the terms outlined in Article 16 hereunder.

15. IMPROPER USE OF THE AFNOR VALIDATION MARK

In addition to the sanctions outlined in Article 11, any improper use of the AFNOR VALIDATION mark, whether by a beneficiary of the right of use or a third party, opens the right for AFNOR or AFAQ AFNOR Certification to enter, within the framework of the legislation in force, any action it deems appropriate.

Are notably considered as improper use those case where reference is made to the AFNOR VALIDATION mark over:

- the methods for which an application for validation is still under investigation, or for which the use of the AFNOR VALIDATION mark has been declined or withdrawn,
- ranges or catalogues of products of which only a number benefit from the AFNOR VALIDATION mark,
- methods other than those benefiting from the AFNOR VALIDATION mark,
- any other use of the AFNOR VALIDATION mark outside its object.

16. SUPPRESSION OF AN APPLICATION

AFAQ AFNOR Certification may, if appropriate and within the limits of the agreements signed with the authorised Organisations, the suppression of a specific application of the AFNOR VALIDATION mark. AFAQ AFNOR Certification fixes its conditions and deadlines; it informs all the parties involved.

17 – APPROVAL BY THE AFNOR MANAGING DIRECTOR

The present General Regulations were approved by the AFNOR Managing Director on 02.03.2006.