



1. OBJECTIVE AND SCOPE OF APPLICATION

A.C.&E. srl, hereafter referred to as A.C.&E., offers testing and certification services to support the conformity of machinery and industrial plants.

A.C.&E. wishes to offer its expertise, consistent performance and impartiality as a certification body for customers producing equipment/machinery according to the ATEX Directive 2014/34/EU. A.C.&E. guarantees the quality of the results provided and the reliability of the service provided in compliance with the criteria of impartiality, professional ethics, efficiency and effectiveness, as the certification of products also involves the end customers who use the certified products, governmental authorities and non-governmental organisations.

The company A.C.&E. has decided to adopt a Management System as per ISO/IEC 17065:2012 and the additional requirements prescribed by ENAC Accreditation Body specified to implement a certification scheme for products, equipment/machines, which according to ATEX Directive 2014/34/EU for areas with risk of explosion due to the presence of:

- combustibles powders;
- flammable or potentially explosive gases.

and complying with one or more of the standards listed in Annex 1 "ATEX Standards".

2. REFERENCE DOCUMENTS

This agreement is subject to the following regulations/directives:

- Directive 2014/34/EU of the European Parliament and of the Council dated 26 February 2014 on the harmonisation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres.
- UNE-EN ISO/IEC 17065 (latest edition) - Conformity assessment - Requirements for bodies certifying products, processes and services.
- UNE-EN ISO/IEC 17025 (latest edition) - General requirements for the competence of testing and calibration laboratories.
- UNE-EN ISO/IEC 17020:2012. Conformity assessment - Requirements for the operation of different types of inspecting bodies.
- Regulation (EC) No 765/2008 of the European Parliament and the Council dated 9 July 2008 "setting out the requirements for accreditation and market surveillance related to marketing of products and derogating Regulation (EEC) No 339/93", published in the Official Journal of the European Union on 13 August 2008 (L 218/30 EN).
- IAF MD 5:2015 - IAF mandatory document for the duration of QMS and EMS audits.
- Applicable EN standards (reference "ANNEX 1 Standards").

3. OVERVIEW

3.1. Applicability

This document applies to complaints and appeals related to the certification process for all products, or the production thereof, that fall within the scope of the Directive, namely:

- protective equipment and systems intended for use in potentially explosive atmospheres;



- safety, control and regulating devices intended for use outside potentially explosive atmospheres but which are necessary for or contribute to the safe functioning of protective equipment and systems related to explosion hazards;
- components intended to be incorporated into the protective equipment and systems referred to in point a) of the Directive.

The Directive shall not apply to:

- medical devices intended to be used in a medical facilities;
- equipment and protective systems where the explosion hazard is due solely to the presence of explosive substances or unstable chemicals;
- equipment intended for use in domestic and non-commercial environments where potentially explosive atmospheres are very rarely created, and only as a consequence of an accidental gas leak;
- personal protective equipment regulated by Council Directive 89/686/EEC, dated 21 December 1989, on the approximation of the laws of the Member States related to personal protective equipment (1);
- marine vessels and mobile offshore units, as well as equipment used on board of such vessels or units;
- means of transport, i.e. vehicles and their trailers intended solely for the carriage of passengers by air, road, rail or water, and means of transport, if designed for the carriage of goods by air, public roads, rail or water; vehicles intended for use in a potentially explosive atmosphere are not excluded from the scope of this Directive;
- products referred to in Article 346, paragraph 1, point b) of the Treaty on the Functioning of the European Union.

3.2. Impartiality

A.C.& E. has organised and structured the specific functions/responsibilities and activities in such a way as to ensure impartiality and absence of conflicts of interest between certification activities and other activities carried out within the company, especially regarding the handling of appeals and complaints. In fact, all internal and external staff involved in certification activities, including the staff of the safeguarding impartiality committee, have signed a code of ethics and a letter of appointment specifying their role. Staff, who are personally involved in appeals and complaints, cannot carry out the processing, root cause analysis and, if necessary, corrective action of the appeal and complaint.

All staff working on certification activities at A.C.& E., from the offer, document management, audit, review to the issuing of the certification, are employees or have a regular employment contract, whose remuneration is linked to national contractual forms and does not depend on the number of certifications issued.

In addition, A.C.& E. carries out its activities avoiding and preventing conflicts of interest, maintaining a position without being subject to the particular interests of third parties, and of any kind, which may interfere in any way with the outcome of its services. Staff members are aware that they are required to inform management of potential conflicts of interest that may arise.

The Management has drawn up an analysis of the risks of compromising its impartiality; the assessment, and their eventual identification, is carried out on an ongoing basis - and in any case at least once a year on the occasion of the Management Review - also involving the staff, encouraging them to report any suspicious or dangerous situation of which they have direct knowledge.



In the case of impartiality risks also identified as a result of the actions of other external individuals, bodies or organisations, A.C.& E. takes appropriate action to manage the potential impact on its performance, either by eliminating the source of the risk, or minimising it, or by controlling the risk itself, and keeps records of how the risk was addressed: if, for example, a risk of impartiality was identified for staff relations, it could be managed by reassigning staff to another position.

The Management is committed to transmitting the principle of impartiality to all staff working in the company, and requires its application: everyone is asked to sign the Code of Ethics and the Assignment Letter.

It is reiterated that A.C.& E. and its internal or external staff should not:

- be the designer, manufacturer, installer, distributor or maintenance-service provider of the certified product;
- offer or provide consultancy services to the clients (see 3.2);
- offer or provide internal audits to the clients.

This does not exclude the following:

the possibility of exchanging information (e.g. explanations of results or clarifications of requirements) between A.C.& E. and the clients.

Personnel who have provided consultancy services for a particular product should not be used to review or make a certification decision for that product for a period of less than three years. The organisational structure of A.C.& E s.r.l. excludes the risk of conflict and/or interference between A.C.& E s.r.l. and the certification activity of A.C.& E., by applying the same methods, i.e. by signing the code of ethics, letters of appointment and meetings.

Furthermore, the activities of A.C.&E. are not marketed or offered as being related to the activities of a consultancy organisation.

3.3. Confidentiality and public domain information

A.C.& E. guarantees the confidentiality of the information obtained during the development of its activities, complying with the provisions of current legislation on privacy (Organic Law 7/2021 - RGPD). The guarantee of confidentiality of the information is included as a contractual clause in the certification agreement, in which A.C.& E. indicates to the client what information is intended to be made public.

Regarding the protection of confidential information, A.C.& E. has defined the following security measures necessary to eliminate or reduce any data protection risks.

An A.C.&E. computer system administrator has been designated to assign to each designated person one or more authorisation credentials consisting of:

an identification code of the designated person

a code word (password) known only to the person in charge

The IT network has an authorisation system that allows access and processes data, depending on the authorisation profile of the accessing person.

To ensure data integrity against the risks of destruction, damage or loss of data by external intrusion or viruses, the System Administrator has established the software protections to be adopted. Updates to the software or hardware systems used to achieve an acceptable level of security are performed automatically from servers connected to the Internet.

Each user must behave in such a way as to reduce the risk of attack on the company's computer system by viruses or any other aggressive software, and must check that the installed software is working properly and is regularly updated.

The system administrator has given specific instructions for saving, restoring and possibly deleting and/or destroying data.



Data restoration is periodically checked every six months by the system administrator using the appropriate form, and this is evidenced during the management review.

Documents with relevant content, i.e. documents to be considered confidential, are not sent by e-mail or fax unless authorised in writing by the client. Documents are sent by ZIPPED FILE UPLOAD WITH PASSWORD (see instructions for use).

Files and paper documents containing personal data, and in particular sensitive or judicial data, entrusted to processors for the performance of their tasks, shall be controlled and kept by the processors until they are returned, in such a way that they cannot be accessed by unauthorised persons, and shall be returned at the end of the operations entrusted to them.

Documents containing sensitive and judicial data are stored in premises that are always managed by company staff.

A.C.& E. will disclose to the customer, or to the individual parties concerned, the information it is legally obliged to provide, or the use of confidential information if it has been contractually authorised to do so, unless it is prohibited by law from disclosing it.

If information about the client is obtained from other sources, this information is kept confidential between the client and A.C.& E., which in any case maintains the confidentiality of the source and may not disclose it to the client, unless otherwise agreed with the person who provided the information.

3.4. Records

Records are kept for 13 years to demonstrate that all requirements of the certification process have been effectively met. The information transmission system set up by A.C.&E. guarantees the preservation of confidentiality.

3.5. Complaints and appeals

A.C.&E. considers and processes complaints and appeals for non-compliance.

The Technical Department, within 8 days of receiving the complaint or receiving the appeal by post (atex@ac-e.com), informs the customer that it is dealing with the complaint and the appeal. The Technical Department collects all relevant data, and carries out the treatment, root cause analysis and possible corrective actions, as it is aware of the certification process, but never intervenes in the evaluation and certification decision. In the event of being directly involved in a complaint, it shall be handled by the Sole Administrator.

At the end of the assessment of the complaint or appeal, A.C.&E. informs the complainant in writing of the outcome and conclusion of the complaint or appeal process. If corrective actions are taken to resolve the complaint or appeal, A.C.&E. will implement them.

3.5 Dispute management and jurisdictional court

In case of dispute, it is agreed that the court of Alicante shall have jurisdiction.