

SPLOŠNI POGOJI POSLOVANJA | GENERAL TERMS AND CONDITIONS

DODATEK ZA CERTIFIKACIJO PROIZVODOV | SUPPLEMENT FOR PRODUCT CERTIFICATION

UVODNE DOLOČBE | INTRODUCTORY PROVISIONS

Dodatek k Splošnim pogojem poslovanja veljajo na področju certifikacijskega organa družbe LOTRIČ Meroslovje d.o.o. (v nadaljevanju družba LOTRIČ ali certifikacijski organ), kjer je udeležena druga stranka (v nadaljevanju naročnik / vloženik / imetnik certifikata / stranka). Naročnik je v postopku certifikacije proizvajalec ali njegov pooblaščen zastopnik.

Dodatek velja skupaj s Splošnimi pogoji poslovanja. Splošni pogoji poslovanja veljajo v vsakem pravno poslovnem razmerju med stranko in družbo LOTRIČ, razen, ko je neuporaba le-teh izrecno pisno dogovorjena v pogodbi.

Splošni pogoji poslovanja in Dodatek za certifikacijo proizvodov so objavljeni na spletni strani družbe LOTRIČ www.lotric.si, prav tako se v fizični obliki hranijo na sedežu družbe Selca 163, SI-4227 Selca, Slovenija.

Naročnik je na splošne pogoje in dodatek opozorjen z besedilom same pogodbe. S tem se šteje, da so naročniku splošni pogoji poslovanja znani, s sklenitvijo pogodbe naročnik izjavlja, da je splošne pogoje poslovanja prebral in se z njimi v celoti seznanil. Nepoznavanje le-teh ne more biti razlog neobstoja pravno poslovnega razmerja, predmeta reklamacije in/ali garancijskega popravila.

The supplement to the General Terms and Conditions shall apply in the certification body of company LOTRIČ Metrology Ltd. (hereinafter the company LOTRIČ or certification body), where the other party is involved (hereinafter the sponsor / applicant / certificate holder / customer). The customer in the certification procedure is the manufacturer or its authorised representative.

Supplement apply together with the General Terms and Conditions. The General Terms and Conditions apply in any legal business relationship between the customer and the company LOTRIČ, except when their non-use is explicitly agreed in writing in the contract.

The General Terms and Conditions and its Supplement are published on the company LOTRIČ website www.lotric.si/en, and are available at the company's headquarters: Selca 163, SI-4227 Selca, Slovenia.

The customer is reminded of The General Terms and Conditions and supplement by the text of the contract itself. This is considered that The General Terms and Conditions are known to the customer, by concluding the contract the customer declares that he has read The General Terms and Conditions and is fully acquainted with them. Ignorance of these cannot be the reason for the non-existence of a legal business relationship, the subject of a complaint and/or warranty repair.

I. PODROČJE VELJAVNOSTI | AREA of VALIDITY

Splošni pogoji poslovanja in ta dodatek k Splošnim pogojem poslovanja se nanašajo na certificiranje proizvodov ter z njimi povezanih nadzorov procesov na podlagi certifikacijske sheme, ki jo izbere naročnik.

Certifikacijske sheme temeljijo na:

- harmonizirani zakonodaji EU z moduli ugotavljanja skladnosti,
 - harmonizirani nacionalni in/ali regionalni zakonodaji,
 - standardih,
 - priporočilih,
 - drugih nadrejenih dokumentih,
 - lastno razviti shemi,
- kar je razvidno iz sheme same.

The General Terms and Conditions and this Supplement to the General Terms and Conditions apply to the certification of products and related process assessment under certification scheme selected by the customer.

The certification schemes are based on:

- harmonised EU legislation with conformity assessment modules,
 - harmonised national and/or regional legislation,
 - standards,
 - recommendations,
 - other superior documentation,
 - self-developed scheme,
- as can be seen from the scheme itself.*

Ugotavljanje skladnosti proizvodov certifikacijski organ izvaja na podlagi domneve o skladnosti, ki temelji na harmoniziranih standardov in/ali normativnih dokumentov, katerih seznam je objavljen v certifikacijski shemi ali z neposrednim ugotavljanjem skladnosti z nadrejenim dokumentom objavljenim v certifikacijski shemi.

Certifikacijsko razmerje med certifikacijskim organom in naročnikom je urejeno tudi s potrjeno vlogo, pogodbo ali drugim aktom med obema stranema.

The certification body carries out the conformity assessment of the products based on the presumption of conformity which relies on harmonised standards and/or normative documents, the list of which is published within the certification scheme or by directly verifying compliance with a superior document published within the certification scheme.

The certification relationship between the certification body and the customer, shall also be governed by the approved application, contract or other instrument between both parties.

II. CERTIFIKACIJSKI POSTOPEK | CERTIFICATION PROCESS

Certifikacijsko razmerje med certifikacijskim organom in naročnikom nastane s potrditvijo naročnikove vloge s strani certifikacijskega organa in je veljavno do preteka veljavnosti z njim povezanega certifikata. Za obnovitev veljavnosti certifikata mora naročnik pred iztekom njegove veljavnosti certifikacijskemu organu predložiti novo vlogo. Certifikacijsko razmerje se predčasno prekine, če certifikacijski organ prekliče certifikat ali če za prekinitev zaprosi naročnik. Certifikacijsko razmerje se predčasno prekine tudi, če je bila začetna podelitev certifikata zavrnjena.

Certifikacijski organ med veljavnostjo certifikacijskega razmerja izvede vrednotenje in certifikacijski postopek ter nadzorne dejavnosti, ki jih predvideva izbrana certifikacijska shema in/ali modul ugotavljanja skladnosti, z namenom preveriti izpolnjevanje zahtev za certifikacijo.

Pogoji in postopki za podelitev, vzdrževanje, spremembo obsega, preklic certifikata ali zavrnitev certifikacije so določeni v izbrani certifikacijski shemi in so povezane z nalogami naročnika.

The certification relationship between the certification body and the customer is established by the certification body's acceptance of the customer's application and is valid until the expiry of the associated certificate. To renew the validity of a certificate, the customer shall submit a new application to the certification body before the expiry of the validity of the certificate. The certification relationship shall be terminated early if the certification body withdraws the certificate or if the customer requests termination. The certification relationship shall also be terminated early if initial issuance of the certificate has been rejected.

During the validity of the certification relationship, the certification body carries out the evaluation and certification process and the assessment activities foreseen by the selected certification scheme and/or conformity assessment module to verify compliance with the requirements for certification.

The conditions and procedures for granting, maintaining, changing the scope, withdrawing or refusing certification are set out in the selected certification scheme and are related to the tasks of the customer.

III. OBVEZNOSTI CERTIFIKACIJSKEGA ORGANA in NAROČNIKA | *The OBLIGATIONS of the CERTIFICATION BODY and the CUSTOMER*

Obveznosti so opisane v ustrezni certifikacijski shemi, objavljeni na spletni strani certifikacijskega organa, ter vnesene v pogodbo med naročnikom in certifikacijskim organom.

Naročnik, se zaveže izpolnjevati na proizvod vezane zahteve, navedene v izbrani certifikacijski shemi, kar še posebej pomeni:

- da naročnik stalno izpolnjuje vse zahteve za certifikacijo, vključno z uvajanjem ustreznih

The obligations are described in the relevant certifications scheme, published on the certification body's website, and entered the contract between the contracting authority and the certification body.

The customer undertakes to comply with the product-specific requirements set out in the selected certification scheme, which means in particular:

- *that the customer permanently complies with all certification requirements, including*

- sprememb, če mu jih certifikacijski organ sporoči,
- če se certifikacija nanaša na proizvodnjo v teku, certificirani proizvod še naprej izpolnjuje ustrezne zahteve,
 - naročnik uredi vse potrebno za:
 - izvedbo vrednotenja in nadzora (če je potreben), vključno z možnostjo pregleda dokumentacije in zapisov ter dostopom do ustrezne opreme, lokacij, in osebja proizvajalca,
 - dokumentiranje in ukrepanje glede pritožb,
 - naročnik nemudoma obvesti certifikacijski organ o spremembah, ki bi lahko vplivale na njegovo sposobnost izpolnjevanja zahtev za certifikacijo.
- making appropriate changes if notified by the certification body,*
- *if the certification relates to a production in progress, the certified product continues to meet the relevant requirements,*
 - *the customer arranges everything for:*
 - *carrying out evaluation and assessment (if necessary), including the possibility of inspecting documentation and records and having access to relevant equipment, sites, and personnel of the manufacturer,*
 - *documenting and acting on complaints,*
 - *the customer immediately informs the certification body of any changes that may affect its ability to meet the requirements for certification.*

IV. PRITOŽBE in PRIZIVI | COMPLAINTS and APPEALS

Naročnik se lahko pritoži zaradi neustreznega dela ali vloži priziv na odločitev certifikacijskega organa v skladu s Splošnimi pogoji poslovanja.

Ob prejemu pritožbe ali priziva mora odgovorna oseba certifikacijskega organa preveriti, ali se nanaša na aktivnosti certificiranja, za katere je odgovoren. V primeru, da se, mora pritožbo ali priziv obravnavati ter potrditi prejem pritožbe ali priziva in kadar je le mogoče tudi obvestiti o izidu in koncu pritožbenega postopka. V primeru neupravičene pritožbe ali priziva se pripravi pisni odgovor z ustrezno utemeljitvijo.

The customer may complain about inadequate work or appeal the decision of the certification body in accordance with the General Terms and Conditions.

On receipt of a complaint or appeal, the responsible person of the certification body shall verify, that it relates to the certification activities for which bears responsibility. If it is, it shall deal with the complaint or appeal and acknowledge receipt of the complaint or appeal and, where possible, inform of the outcome and conclusion of the complaint procedure. In case of an unjustified complaint or appeal, a written reply shall be prepared, therefore giving the adequate reason.

V. PRITOŽBE na PROIZVOD | PRODUCT based COMPLAINTS

Naročnik ima vzpostavljen sistem vodenja pritožb in vodi evidenco vseh pritožb, s katerimi se seznanjajo in se nanašajo na skladnost z zahtevami za certifikacijo proizvoda ter te zapise posreduje certifikacijskemu organu, kadar to zahteva. Vse pritožbe in morebitne ugotovljene pomanjkljivosti proizvoda je treba obravnavati, analizirati, sprejeti ustrezne ukrepe in jih dokumentirati.

Naročnik bo omogočil in dovolil vključevanje certifikacijskega organa v reševanje pritožb vezanih na proizvod.

Naročnik bo kakršnokoli pritožbo, s katero se seznanjajo in se nanaša na postopke, certifikate ali drugo delo, ki ga je opravil certifikacijski organ, nemudoma posredoval oziroma bo omogočil in

The customer shall have a complaints management system in place and shall keep a record of all complaints brought of its attention relating to compliance with the requirements for certification of the product and shall provide these records to the certification body when requested to do so. All complaints and any identified deficiencies of the product shall be addressed, analysed, acted upon and documented.

The Customer shall facilitate and allow the involvement of the certification body in the resolution of complaints related to the product.

The customer shall promptly forward any complaint of which it becomes aware concerning the procedures, certificates or other work carried out by the certification body or shall allow and permit the

dovolil aktivno vključevanje certifikacijskega organa v reševanje teh pritožb.

active involvement of the certification body in the resolution of such complaints.

VI. OBJAVA CERTIFIKATOV | PUBLICATION of CERTIFICATES

Certifikati in priloge izdani v postopkih ugotavljanja skladnosti so na zahtevo dostopni vsej zainteresirani javnosti, pri čemer mora certifikacijski organ predhodno pridobiti dovoljenje naročnika.

Certificates and annexes issued in conformity assessment procedures shall be made available to all interested parties of the public on request, subject to prior authorisation by the customer.

Na zahtevo, so vsem zakonsko upravičenim na voljo priloge in ostale informacije o postopkih ugotavljanja skladnosti, brez dodatnega dovoljenja naročnika, s tem da se naročnika o tem obvesti, razen kadar je to s strani zakonsko upravičene organizacije certifikacijskemu organu prepovedano.

Upon request, all conformity assessment procedure documentation shall be made available to all legally entitled organisations, without further authorisation from the customer, thus by informing the customer, except where the certification body is prohibited from doing so by the legally entitled organisation.

VII. UPORABA CERTIFIKATA o SKLADNOSTI | USE of the CERTIFICATE of COMFORMITY

Nove ali spremenjene zahteve | New or amended requirements

Če certifikacijski organ uvede nove in/ali spremenjene zahteve, ki vplivajo na naročnika, te spremembe sporoči vsem naročnikom.

If certification body introduces new or modified requirements that affects the customer, it shall communicate these changes to all customers.

Naročnik mora svoj proizvod ali proces uskladiti z novimi zahtevami. Certifikacijski organ preveri uvedbo sprememb pri proizvajalcu.

The customer shall bring its product or process into compliance with the new requirements. The certification body shall verify the changes with the manufacturer.

Veljavnost certifikata | Validity of the certificate

Izdani certifikat se lahko uporabi samo v obsegu veljavnosti certifikacije, le za tiste proizvode, ki so vključeni v proces certificiranja in na način, ki ne bo škodoval ugledu družbe LOTRIČ oziroma ogrozil zaupanja javnosti.

The certificate issued may be used only within the scope of the certification, only for those products that are included in the certification process and in a manner that will not damage the reputation of LOTRIČ or undermine public confidence.

Naročnik se zavezuje, da ne bo zlorabil izdanega certifikata oziroma odobrene uporabe oznake CE in/ali drugih oznak ali morebitnih dodatnih oznak in da bo preprečila podajanje zavajajočih ali napačnih informacij o certifikaciji.

The customer undertakes not to misuse the certificate issued or the authorised use of the CE marking and/or any other or additional markings and to prevent misleading or false information being given about certification.

Javna objava certifikata | Public publication of the certificate

Naročnik ima pravico javno objavljati, da je za svoje proizvode dobil podeljen certifikat. Pri tem se mora jasno omejiti le na tiste proizvode, na katere se izdani certifikati nanašajo.

The customer has the right to publicly announce that he has received a certificate for their products. In doing so, it shall clearly limit itself to those products to which the certificates issued relate.

Certifikacijski organ občasno izvaja nadzor nad javnimi objavami naročnika tako, da spremlja:

The certification body periodically control the public announcements of the customer by monitoring:

- informacije v tisku,
- kataloge in spletne strani naročnika,
- sejemske informacije.

- information in the press,
- catalogues and websites of the customer,
- trade fair information.

V primeru nepravilne uporabe certifikatov ali sklica na certifikacijski organ se uvede ustrezne ukrepe.

In case of incorrect use of certificates or reference to the certification body, appropriate measures shall be taken.

Prekinitev veljavnosti, krčenje obsega, začasni odvzem, preklic certifikata |
Suspension, reduction in scope, withdrawal, revocation of the certificate

Na predlog certifikacijskega strokovnjaka vodja certifikacijskega organa sklepa o nadaljevanju uporabe certifikata. Vodja certifikacijskega organa lahko sprejme takojšna odločitev ali da naročniku ustrezen rok, v katerem mora izvesti določene ustrezne ukrepe.

On a proposal of the certification expert, the head of the certification body decides on the continued use of the certificate. The head of the certification body may take an immediate decision or give the customer a reasonable deadline within which to take certain appropriate measures.

Če je neskladnost z zahtevami za certifikacijo utemeljena, bodisi kot rezultat nadzora ali kako drugače ugotovljena, jo certifikacijski organ preuči in se odloči za ustrezen ukrep:

If non-compliance with the certification requirements is justified, either as a result of assessment or otherwise established, the certification body shall examine it and decide on an appropriate measure:

- nadaljevanje certifikacije pod dodatnimi pogoji (npr. poostren nadzor),
- krčenje obsega certifikacije, s tem da se odstranijo neskladne izvedbe proizvoda,
- začasni odvzem certifikata, dokler naročnik ne izvede korektivnih ukrepov,
- preklic certifikata.

- continuation of certification to additional conditions (e.g., increased supervision),
- reduction of the scope of certification by removing non-compliant versions of the product,
- suspension of the certificate until the contracting authority has taken corrective action,
- revocation of the certificate.

Če je veljavnost certifikata prekinjena (na zahtevo naročnika), certifikat začasno odvzet ali trajno preklican, certifikacijski organ izvede vse potrebne spremembe na formalnih certifikacijskih dokumentih, javnih informacijah, pooblastilih za uporabo znakov itd., da se zagotovi, da nobena oznaka ne bo nakazovala, da je proizvod še naprej certificiran.

If the validity of the certificate is terminated (at the request of the customer), the certificate is suspended temporarily or revoked permanently, the certification body carries out all necessary changes to formal certification documents, public information, authorizations for the use of marks, etc., to ensure that no mark indicates that the product continues to be certified.

Če je obseg certifikacije skrčen, certifikacijski organ ukrepa tako, kot določa certifikacijska shema, in izvede vse potrebne spremembe v formalnih certifikacijskih dokumentih, javnih informacijah, pooblastilih za uporabo znakov itd., da se zagotovi, da bo skrčeni obseg certifikacije jasno sporočen naročniku ter jasno opredeljen v certifikacijski dokumentaciji in javnih informacijah.

If the scope of certification is reduced, the certification body shall act as specified in the certification scheme and carries out all necessary changes to the formal certification documents, public information, authorisation for the use of marks, etc., to ensure that the reduced scope of certification is clearly communicated to the customer and clearly identified in the certification documents and public information.

Če je certifikat začasno odvzet, certifikacijski organ določi eno ali več oseb, da oblikujejo in sporočijo naročniku ukrepe, potrebne za prenehanje začasnega odvzema in ponovno vzpostavitev certifikacije za proizvod v skladu s certifikacijsko shemo.

If the certificate is suspended, the certification body shall designate one or more persons to devise and communicate to the customer the measures necessary to terminate the suspension and re-establish certification of the product in accordance with the certification scheme.

Naročnik ob prekinitvi veljavnosti, krčenju obsega (za krčeni obseg), začasnega odvzema, preklica certifikata ali po izteku veljavnosti certifikata ne

Upon termination, reduction in scope (for a reduced scope), suspension, revocation or expiry of the certificate, the customer may no

sme več uporabljati certifikata oziroma oznake CE in/ali morebitnih drugih ali dodatnih oznak.

longer use the certificate or the CE marking and/or any other or additional markings.

Ponovna vzpostavitev certifikata | *Re-establishing certificate*

Če se certifikacija po začasnem odvzemu ponovno vzpostavi, certifikacijski organ izvede vse potrebne spremembe v formalnih certifikacijskih dokumentih, javnih informacijah, pooblastilih za uporabo znakov itd., da se zagotovi, da obstajajo vse ustrezne oznake, ki nakazujejo, da je proizvod še naprej certificiran.

If certification is re-established after suspension, the certification body carries out all necessary changes to the formal certification documents, public information, authorisation for the use of marks, etc., to ensure that all relevant markings are in place to indicate that the product continues to be certified.

Če je odločitev za krčenje obsega certifikacije pogoj za njeno ponovno vzpostavitev, certifikacijski organ izvede vse potrebne spremembe v formalnih certifikacijskih dokumentih, javnih informacijah, pooblastilih za uporabo znakov itd., da se zagotovi, da je skrčeni obseg certifikacije jasno sporočen stranki ter jasno opredeljen v certifikacijski dokumentaciji in javnih informacijah.

If the decision to reduce the scope of certification is a condition for its re-establishment, the certification body carries out all necessary changes to the formal certification documents, public information, authorisation to use marks, etc., to ensure that the reduced scope of certification is clearly communicated to the customer and clearly defined in the certification documents and public information.

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prokuristka | procurator

