

RPC Tedeco-Gizeh
De heer E. Veldman
Bergweidedijk 1
7418 AB Deventer
THE NETHERLANDS

Date	Your reference	Our reference
23 November 2011	-	C-CB-201-231111rpc/co

Subject
Withdraw CE-138

Mr E. Veldman,

On 10 May 2010 RPC Tedeco-Gizeh applied to NMI for approval of its quality system for conformity assessment of Capacity Serving Measures (line measure) according conformity assessment procedure D of the Directive 2004/22/EC. An initial assessment is performed on 17 and 18 June 2010 at the premises of RPC Tedeco-Gizeh to verify compliance of the quality system with the criteria of the directive. On basis of this assessment NMI approved the quality system with Certification CE-138 on 8 July 2010.

In your letter of 20 October 2011 you request to cancel the above mentioned certification per 31 December 2011.

In reply to your request, and based on the audit results of the surveillance on 26 May 2011 the **board decided to continue the certification CE-138 until 31 December 2011. After this date NMI cancel the certification CE-138 of RPC Tedeco-Gizeh.** According Annex D item 7 of the directive, NMI shall inform its authorities and ask them to inform the Member States of the EU about its decision.

As result of this decision it is not allowed for RPC Tedeco-Gizeh to place instruments on the market with reference 0122 to the CE marking after 31 December 2011. To appeal against this decision I refer to the enclosed appeal procedure.

NMI Certin B.V.

C. Oosterman
Head Certification Board



Article 1 DEFINITIONS

- 1.1 Decision: A decision within the meaning of the General Administrative Law Act.
- 1.2 Interested party: Those whose interests are directly concerned by a decision taken by NMI Certin B.V.
- 1.3 Petitioner: the person submitting the notice of appeal.
- 1.4 Notice of Appeal: A notice of appeal within the meaning of the General Administrative Law Act.

Article 2 SUBMISSION OF A NOTICE OF APPEAL

- 2.1 An appeal against a decision may be submitted by an interested party to the manager of NMI Certin B.V.
- 2.2 No objections may be lodged against decisions concerning the enactment or entering into effect of policy rules or other decisions of a general nature.
- 2.3 The lodging of an appeal takes place through the submission of a well-reasoned notice of appeal.
- 2.4 If the interested party wishes to request that an appeal be lodged directly before a court, the request to this end must be made in the notice of appeal.
- 2.5 The notice of appeal must be signed and contain at least: a. the name and address of the petitioner; b. the date; c. a description of the decision against which the objection or appeal is being submitted; d. the reasons for the objection or appeal.
- 2.6 The notice of appeal must be submitted within six weeks following the day on which the decision was announced.

Article 3 RIGHT TO A HEARING

- 3.1 The interested parties will be given the opportunity to be heard no later than four weeks following the receipt of the notice of appeal. The petitioner will be informed thereof.
- 3.2 The date and time of the sitting will in any case be confirmed to the petitioner in writing.
- 3.3 If, following the appointment and confirmation of the sitting as referred to in the third paragraph, there is a change to the time of the hearing, this will be announced as soon as possible in writing, stating the reasons for said change and mentioning the new date and time of the hearing.
- 3.4 The right to a hearing will be relinquished if: a. the notice of appeal is clearly inadmissible; b. the notice of appeal is clearly unfounded; c. the interested parties have declared that they do not wish to make use of the right to be heard; or, d. the objection is fully yielded to and the interests of other interested parties are not damaged.

Article 4 INFORMATION

- 4.1 Interested parties may submit further documents or items of evidence up to ten days prior to the hearing.
- 4.2 NMI Certin B.V. will deposit the notice of appeal, including all documents relating to the case, for inspection by the interested parties at its offices in Dordrecht for at least one week prior to the hearing.

Article 5 THE HEARING

- 5.1 The hearing commission will consist of three members. At least two of the three members will not have been involved in the taking of the initial decision against which the appeal was submitted.
- 5.2 The composition of the hearing commission will be made known to the interested parties in the written notification as referred to in article 3, paragraph 2, as well as, if applicable, the written notification as referred to in article 3, paragraph 3.
- 5.3 A report will be drawn up of the hearing. The report will in each case contain: a. the names of those present at the hearing, stating in what capacity; b. a short report of what was said on both sides; and c. a brief statement of what else occurred during the hearing.
- 5.4 The hearing commission may obtain advice or information from experts and, where necessary, invite such experts to the hearing. The potential costs which follow from this are payable by NMI Certin B.V.
- 5.5 Witnesses and experts involved by the interested parties may be heard following a request to that effect from the interested parties. The potential costs which follow from this are payable by interested parties in question.
- 5.6 An authorised representative at the hearing must submit a notice of authorisation signed by an interested party, unless he has been registered as the lawyer or solicitor or appears alongside the interested party.
- 5.7 The hearing is public, unless there are special reasons for this not to be the case.

Article 6 RULING

- 6.1 The manager of NMI Certin B.V. will make a ruling within six weeks following the receipt of the notice of appeal.
- 6.2 The manager of NMI Certin B.V. may adjourn the ruling by up to four weeks. The interested parties will be informed of any such adjournment in writing.
- 6.3 The ruling will be made known to the petitioner in writing and will be accompanied by a detailed account of the reasons for the ruling.

Article 7 APPEAL

- 7.1 An appeal against the ruling may be submitted to the Trade and Industry Appeals Tribunal.

Article 8 GENERAL ADMINISTRATIVE LAW ACT

- 8.1 For the rest and in cases for which these regulations do not provide, the provisions of the General Administrative Law Act are applicable.

Article 9 ENTRY INTO FORCE AND OFFICIAL TITLE

- 9.1 The official name of these regulations is the "NMI Certin B.V. Appeals Procedure Regulations" and the regulations enter into force on the first day following their publication.