# AGREEMENT ON CONTROL OF THE CONFORMITY OF PRODUCTION

## Parties to the agreement

Finnish Transport and Communications Agency (hereinafter the 'Approval Authority')

PL 320, FI-00059 TRAFICOM

and

[company] (hereinafter the 'Type Approval Applicant')

[Business ID]

[address]

When both parties are referred to at the same time, the term 'Parties to the Agreement' shall be used.

## Contact information

Both Parties to the Agreement appoint one or more persons responsible, whose task it is to monitor and oversee fulfilment of the agreement and communicate matters related to the fulfilment of the agreement. The persons responsible are not entitled to amend the agreement.

The persons responsible referred to in the agreement are listed in Appendix 1 to the agreement.

## Background and purpose of the agreement

According to Section 67 of the Vehicles Act (82/2021), before type approval is granted the Type Approval Applicant must conclude an agreement on production conformance control measures.

The purpose of this agreement is that, before and after granting the type approval, the Approval Authority may ensure that the Type Approval Applicant has sufficient measures in place in order to guarantee effective control of the conformity of the production.

As the possessor of type approval, the Type Approval Applicant is obligated to ensure the conformity of the vehicle, system, component, separate technical unit, part or equipment with the requirements of the regulations relevant to the type approval.

The authority of the party controlling the conformity of the production is defined in Section 68 of the Act on the Amendment of the Vehicles Act.

In addition to what the Parties to the Agreement agree in this agreement, the agreement between the parties shall follow currently valid Finnish legislation.

## Subject of the agreement

In accordance with Section 3 of the Government Decree on the Vehicles (162/2021) this agreement concerns the implementation of the conformity control of production: the control measures; the notification procedures and time limits concerning observations made, defects noticed, and changes taking place during the control; the criteria applied in the assessment of the Type Approval Applicant's operations; the time intervals between assessments, inspections and tests included in the control; the recording of the results of tests and calculations and the notification of the Approval Authority thereof; and the availability of the document attachments related to the conformity control.

## Production conformity control measures

## Arrangements applied by the Type Approval Applicant concerning the conformity of production

The Type Approval Applicant must have a documented quality management system conforming to the EN ISO 9001 standard, or a corresponding harmonised standard that includes the requirements of the authorities.

The Type Approval Applicant must ensure that they follow their own quality management system in order to guarantee the continuing conformity of the type-approved products.

## 5.2 Production conformity control performed by the Approval Authority

The Approval Authority controls the Type Approval Applicant's production of all vehicles, systems, components, separate technical units, parts or equipments for which the Approval Authority has granted type approval.

The measures applied by the Approval Authority in production conformity control are the initial assessment and the verification of the control measures, or regular checks.

The Approval Authority's control measures include the assessment of the documents related to the Type Approval Applicant's quality management system and the assessment of the functioning of the quality management system.

The Type Approval Applicant must, without delay, deliver the documents related to the quality management system requested by the Approval Authority.

When determining the scope of the initial assessment to be performed, the Approval Authority shall take into consideration the Type Approval Applicant's quality certificate granted by an accredited certification body that is in accordance with the EN ISO 9001 standard or a corresponding harmonised standard covering the manufacture of the product to be approved. The control measures related to the certificate will also be taken into consideration during the regular checks.

The Type Approval Applicant must notify the Approval Authority of all changes to the certificate's validity or scope of application.

## Time interval of the assessments, inspections and tests included in the control

The Type Approval Applicant must ensure that the tests and inspections required in the Decree on which the approval is based are carried out in accordance with the cycle specified in the Decree.

The Approval Authority must approve the initial assessment before granting type approval.

The time interval of the regular checks of production conformity performed by the Approval Authority shall be at least twelve months, unless the Parties to the Agreement separately agree otherwise.

Furthermore, in accordance with Section 68 of the Vehicles Act, the Approval Authority is entitled, whenever it deems necessary, to check the production conformity related arrangements applied by the Type Approval Applicant.

## Notification procedures and time limits concerning the notification of observations made, defects noticed and changes taking place during the control

The Type Approval Applicant must, without delay, notify the Approval Authority of any observations made, defects noticed and changes taking place that may affect the conformity of a type-approved product.

The Type Approval Applicant must take all necessary measures to restore the conformity of production as quickly as possible.

Within the time limit set by the Approval Authority, the Type Approval Applicant must take corrective measures with regard to observations made and defects identified during the control performed by the Approval Authority.

## Recording of the results of tests and calculations and the notification of the Approval Authority thereof

In recording the results of tests and calculations, the Type Approval Applicant must follow the requirements of the standard specified in Section 5.1. The results must be kept for a minimum of five years.

The Type Approval Applicant must, without delay, notify the Approval Authority of any observations made on the results of test and calculations that indicate that the conformity of a type-approved product could be compromised.

## Availability of the document attachments related to the conformity control

The Type Approval Applicant must, without delay, deliver the documents related to the quality management system requested by the Approval Authority.

The documents related to the quality management system must be available during control visits by the Approval Authority.

## Costs of the conformity control

Conformity control is carried out at the cost of the Type Approval Applicant. The amounts of the fees are based on the Act on Criteria for Charges Payable to the State (150/1992) and the Decree issued by the Ministry of Transport and Communications concerning the Finnish Transport and Communications Agency's commercial services.

## Compensation for damages

In accordance with the Tort Liability Act (412/1974), both Parties to the Agreement shall be responsible for damages they have caused to the other Party to the Agreement or to a third party.

## Amendments to the agreement

The person responsible of the other Party to the Agreement must be notified in writing immediately of any changes to the information in Appendix 1, at which time the Appendix 1 to the agreement shall also be updated.

Any other amendments to the agreement require an amendment agreement signed by both parties.

## Transfer of the agreement

The Approval Authority is entitled freely to transfer its rights and obligations related to the agreement to another unit of the central government, if the performance of the State's tasks or reorganisations so require. Any other transfer of the agreement is allowed only through a transfer agreement signed by the Parties to the Agreement.

## Annulment of the agreement

A Party to the Agreement is entitled to annul the agreement in full or in part, effective immediately, by a written notice, if the other Party to the Agreement is in essential breach of its agreement obligations and does not correct its negligence within thirty (30) days of a written notification. An essential breach of an agreement obligation refers to actions in breach of one or more of Sections 5, 6, 7, 8 and 9 of the agreement.

The Approval Authority can annul the agreement by a written notice, effective immediately, if the Type Approval Applicant becomes permanently unable to perform its operations (e.g. discontinuation of operations).

If the agreement is annulled and the Type Approval Applicant does not conclude a new agreement with the Approval Authority or other control body allowed by the legislation, the Approval Authority may cancel the type approvals it has granted to the Type Approval Applicant on the basis of Section 68 of the Vehicles Act.

## Validity period and termination of the agreement

This agreement enters into force when both Parties to the Agreement have signed it. This agreement repeals any previously concluded agreement between the Parties to Agreement concerning production conformity control.

The agreement shall remain valid for a maximum of five (5) years from the date of signing; however, at most up to December 31 of the fifth year.

The Approval Authority may terminate the agreement if type approval is not granted, or if the Type Approval Applicant announces that the production of the type-approved product has been discontinued. The Type Approval Applicant may terminate the agreement if it has concluded an agreement referred to in Section 67 of the Vehicles Act with a control body other than the Approval Authority. The new agreement must be delivered to the Approval Authority in connection with the termination. When the Approval Authority or Type Approval Applicant terminates the agreement, the period of notice is one (1) month. The period of notice is counted from the last day of the calendar month during which the agreement was terminated. The termination notice must be delivered in writing.

If the validity of the agreement ends, or if it is terminated and the Type Approval Applicant does not conclude a new agreement with the Approval Authority or other control body allowed by the legislation, the Approval Authority may withdraw the type approvals it has granted to the Type Approval Applicant on the basis of Section 68 of the Vehicles Act.

This agreement has been made in two (2) identical copies, one (1) for each Party to the Agreement.

In Helsinki \_\_\_\_/\_\_\_\_20\_\_\_ place day/month 20year

Finnish Transport and

Communications Agency Type Approval Applicant

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 name in block letters and position

## Appendices

1. Appendix 1 information of type-approval applicant