



**Policy rule for application,
designation and supervision of
technical services by the
Netherlands Vehicle Authority**
*(Rijksdienst voor het Wegverkeer:
'RDW')*

Considering Section 4:83 of the Dutch General Administrative Law Act (*Algemene Wet Bestuursrecht: 'Awb'*), Section 4b of the Dutch Road Traffic Act 1994 (*Wegenverkeerswet 1994*)

Contents

1. INTRODUCTION	3
2. DEFINITIONS	3
3. APPLICATION FOR DESIGNATION	4
4. PROCESSING AND DECISION	5
5. SUPERVISION OF TECHNICAL SERVICES	6
6. RESTRICTING, SUSPENDING OR WITHDRAWING THE DESIGNATION	7
7. INFORMATION OBLIGATIONS OF TECHNICAL SERVICES	8
8. OFFICIAL LANGUAGE	9
9. COSTS, RATES AND INVOICING	9
10. SANCTIONS	10
11. ENTRY INTO FORCE AND PUBLICATION	11

1. INTRODUCTION

This policy rule is based on Section 4:81 of the Dutch General Administrative Law Act. The policy rule serves to provide insight into the way the RDW handles its legal powers and duties with regard to designating, assessing and supervising Technical Services.

The powers with regard to designating, assessing and supervising Technical Services arise from national legislation such as for instance Section 4b of the Dutch Road Traffic Act 1994 and the Dutch Road Transport Department Rates Regulations 2019. In addition, these powers stem from European and international type-approval legislation for which the frameworks can be found in, among others, Regulations (EU) No 167/2013; 168/2013; No. 2018/858; No. 2016/1628 and Directive No. 2007/46/EC and the UN Convention of 1958 ('58 Agreement), as well as relevant directives referred to therein; rules and regulations).

The purpose of this policy rule is to provide clarity and legal certainty to (applicant) Technical Services with a view to promoting compliance with the legal requirements by the (applicant) Technical Services and improving the effectiveness of supervision by the RDW.

2. DEFINITIONS

In this policy rule the terms below have the following meaning:

- a. Application: The application of the applicant Technical Service submitted to the RDW for being designated as a Technical Service.
- b. Applicant Technical Service: an organisation which submitted an application to be designated as a Technical Service.
- c. Designation: the decision of the RDW stipulating that the relevant Technical Service can perform inspections and tests in connection with the Regulation.
- d. Audit: a systematic, independent and documented process, which takes place at the location of the Technical Service's business premises, to test the integral operational management or the results of an organisation, or part of it, against predetermined criteria.
- e. Assessment: the assessment in connection with an Application in which the RDW verifies whether the Technical Service meets the designation requirements.
- f. Commission: The European Commission.
- g. Approval Authority: the authority designated by a Member State or party in or pursuant to legislation for the issue, any revocation or refusal of approval certificates for a vehicle or system, component or separate technical unit of a

vehicle; which authority is competent to handle the authorisation procedure for vehicle parts and equipment and which acts as a contact point for the approval authorities of other Member States; which is (are) competent to designate the Technical Service and which must ensure that the Technical Service fulfils its obligations. The RDW has been designated as the Approval Authority of the Netherlands.

- h. Travel Expenses: The travel expenses referred to in Article 5, paragraph one, of the Dutch Road Transport Department Rates Regulation.
- i. RDW: The Netherlands Vehicle Authority which has been designated as the Approval Authority of the Netherlands.
- j. Technical Service: an organisation or authority designated by the Approval Authority to conduct tests as a testing laboratory or as a conformity assessment body to conduct assessments and other tests or inspections.
- k. Supervision: periodically performing supervisory actions including by means of on-site Audit(s) and document assessment of a Technical Service.
- l. Regulation: legislation referred to below:
 1. Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles;
 2. Regulation (EU) 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles;
 3. Regulation (EU) 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two or three-wheel vehicles and quadricycles;
 4. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements with regard to emission limit values for gaseous and particulate pollutants and type-approval for internal combustion engines installed in non-road mobile machinery; and
 5. the '58 Agreement: Agreement concerning the adoption of harmonised United Nations technical regulations for wheeled vehicles and equipment and parts which can be mounted and/or used thereon, and the conditions for mutual recognition of approvals granted under those United Nations regulations.

3. APPLICATION FOR DESIGNATION

1. The Applicant Technical Service that wishes to be designated as a Technical Service submits its formal Application by means of an "application form for technical service designation" determined by the RDW. The information and supporting documents requested in the form must also be submitted.

2. If an accreditation is required on account of the Application, the Applicant Technical Service will provide the substantive accreditation reports and findings in addition to the accreditation statement.
3. If a Technical Service other than the Applicant Technical Service submits the Application, the Applicant Technical Service must provide the authorized representative with a power of attorney. In that case the power of attorney form in the annex to the Application must be used.
4. Further information and questions in relation to the Application can be sent to cop@rdw.nl. The RDW aims to respond to this within two weeks.

4. PROCESSING AND DECISION

1. After receipt of the application form and the additional supporting documents requested in it, RDW will check whether the information provided by the Applicant Technical Service is sufficient to process the Application. If that is not the case the Applicant is given a further period within which the information must be provided. After the period has lapsed unused, or the information requested has not been fully provided, the RDW may opt not to process the Application.
2. If the Application is complete and the basic conditions of the Application are met, an Assessment can be scheduled, which the RDW can partially outsource to another competent authority or whereby the RDW can call in the assistance of technical experts from other competent authorities.
3. In the Assessment, the (Applicant) Technical Service must demonstrate that it fully complies with the requirements of the applicable approval legislation. In doing so, it must demonstrate that it has valid accreditation under Regulations 2018/858, 167/2013 and 168/2013, 2016/1628 or has a valid assessment under the 1958 UN Convention according to the EN ISO/IEC 17020 and/or EN ISO/IEC 17025 for scope to which the Designation would apply.^{1 2}

¹ In connection with Designations in connection with the '58 Agreement the Technical Service does not have to be accredited per se but it should meet the specified standards (Schedule 2, part 1 Art. 1.4)

² With regard to the Technical Services which were already designated before 4 July 2018 in the context of Regulation (EU) 2018/858, the principles set out in Article 4 paragraph 3 included in transitional law under Article 89, will only apply from 5 July 2022 onwards. For the Technical Services which have submitted or are going to submit their Application subsequently, these principles will apply with immediate effect. For Technical Services in the context of Regulations (EU) 167/2013, 168/2013, 2016/1268 and the '58 Agreement which have already been designated by the RDW, the principles set out in Article 4 paragraph 3 will be applicable from 5 July 2022 onwards. For new (Applications of) Technical Services in the context of Regulations (EU) 167/2013, 168/2013 and 2016/168 the principles will be applied with immediate effect.

4. In addition to the legal criteria referred to in the fourth paragraph for the assessment of a(n) (Applicant) Technical Service and the granting of a Designation, the RDW applies the criterion that the Applicant Technical Service at the time of the Application is distinctive, compared to the existing Technical Services designated by RDW, on the following points;
 - a. Expertise with regard to products or services which the Technical Services already designated do not yet provide or insufficiently provide;
 - b. The innovative nature of these products or services.
5. After the Assessment the RDW takes a decision on the granting, renewal or amendment of a Designation. The indicative processing times of the Application can be viewed on the website of RDW.
6. An Application from a Technical Service established in a country for which at that time a negative travel advice from the Dutch Ministry of Foreign Affairs applies, can be refused because in those cases it is expected that it will not be possible to carry out supervision, or to carry it out to a lesser extent, in accordance with the regulations in the business premises of the Applicant Technical Service.

5. SUPERVISION OF TECHNICAL SERVICES

1. The RDW is obliged to carry out Supervision of the designated Technical Services in order to guarantee conformity with applicable legislation and regulations, unless these services are monitored by accreditation bodies. As a rule, the RDW adheres to the frequency that arises from the applicable legislation. This does not affect the fact that the RDW can use its legal authority to perform an Audit and/or document assessment at another time.
2. Audits in the business premises of the designated Technical Service are carried out by inspectors of the RDW.
3. The RDW determines the Audit date unilaterally and informs the Technical Service of it via the e-mail address of the Technical Service known to the RDW.
4. The Technical Service must confirm receipt of the aforementioned e-mail as soon as possible but at the latest within two weeks, after which the RDW can make all preparations, including booking the trip and accommodation.
5. The Audit (date) can be moved at the request of the Technical Service and only with the consent of the RDW. In that case the Technical Service will be charged for the travel expenses already incurred as referred to in Article 17 of the Dutch Road Transport Department Rate Regulations.

6. If an Audit cannot be performed due to the actions of the Technical Service or due to a circumstance that must be attributed to the Technical Service, all costs already incurred by RDW will be charged. This does not apply if the RDW cancels the Audit due to circumstances which will be at its own expense.
7. The Technical Service must cooperate with the performance of the Audit and in connection with an Audit respond immediately to reasonable requests by the RDW.
8. The Technical Service must ensure that the persons performing the Audit can perform their work under safe conditions during the Audit in accordance with the Framework Directive 89/391/EEC on the safety and health of workers.
9. If a location of a Technical Service is located in a country/area to which a negative travel advice from the Dutch Ministry of Foreign Affairs applies, the Technical Service must, at the request of the RDW, come up with an action plan within a reasonable period set by the RDW that will (nevertheless) guarantee the safety of the RDW employee(s).
10. An audit report is drawn up of an Audit that has been carried out and sent/handed over to the Technical Service. This includes any observations by the RDW (points for improvement) and non-conformities (deviations) that may vary in severity.
11. In principle, the Technical Service is given the opportunity to take corrective measures within a certain period of time after the audit report has been drawn up in order to remedy the observed non-conformities. Whether this takes place and the period within which this is done is determined by the RDW and depends on the seriousness of the shortcoming.
12. Within the period referred to in the previous point, the Technical Service must inform the RDW in detail about the measures taken.
13. If the Audit has been completed with a positive result, the RDW will issue a digital confirmation (by e-mail) to the Technical Service.
14. Within two months after the completion of the Audit the RDW will report on its supervisory activities to the Commission and other Member States.

6. RESTRICTING, SUSPENDING OR WITHDRAWING THE DESIGNATION

1. If the RDW has established or heard that a Technical Service no longer complies with the applicable statutory regulations or the additional conditions imposed by the RDW, the Designation by the RDW can be restricted,

suspended or withdrawn, depending on the seriousness of the non-compliance with these regulations.

2. The RDW will notify the Commission and the type-approval authorities of the other Member States of any restriction, suspension or withdrawal of a Designation.
3. If the RDW has doubts about the competence of a Technical Service and/or the whether a technical service still complies with the regulations, it will inform the Committee. If the Committee subsequently establishes that a Technical Service does not meet or no longer meets the requirements for Designation, the Committee can request the RDW to take restrictive measures that may include restricting, suspending or withdrawing the Designation.
4. If the bankruptcy of a Technical Service has been applied for and this has resulted in it definitively ceasing its activities, it must inform the RDW as soon as possible. In that case the RDW will withdraw all Designations and will inform the other Member States and the Committee.
5. If a location of the Technical Service is no longer accessible due to a negative travel advice from the Ministry of Foreign Affairs, the Designation can be restricted, suspended or withdrawn because the RDW can no longer supervise it.
6. A violation that gives rise to the restriction, suspension or withdrawal of one Designation may also lead to the restriction, suspension or withdrawal of (an) other Designation(s) granted to the same Technical Service.

7. INFORMATION OBLIGATIONS OF TECHNICAL SERVICES

1. Technical Services must inform RDW of any changes, in particular with regard to their personnel, business premises, accreditation(s), subsidiaries or subcontractors, which may have consequences for compliance with the applicable legal regulations or for their ability to perform the conformity assessments with regard to the vehicles, systems, components and separate technical units for which they have been designated.
2. The Technical Service is responsible for keeping the (contact) details provided to the RDW up to date. Any changes in the (contact)details must be reported immediately by the Technical Service to the RDW via the e-mail address cop@rdw.nl.
3. The form referred to above (see 3.1) must be used to report changes which the Technical Service must report to the RDW in accordance with the applicable legislations. If, in the opinion of the RDW, the change gives rise to

a revision or broadening of the scope of the designation as a Technical Service, the Technical Service must apply for this using the application form available on the RDW website.

8. OFFICIAL LANGUAGE

1. Verbal and written communication between the Vehicle Regulations & Admission (VRT) division of the RDW and the Technical Service takes place in Dutch or in English.
2. This policy rule is formulated in the Dutch language and translated by the RDW into the English language. In the event of any differences between the Dutch text of the policy rule and the English text, the Dutch version of the policy rule will prevail.
3. During the application procedure and the investigation in the context of the Assessment or Supervision, the representative of the Technical Service must have sufficient command of the English language at a technical content level. If this is not the case, the Technical Service must engage an interpreter or a representative of the Technical Service who has sufficient command of the language in the opinion of the RDW.
4. Contrary to the first paragraph of this Article, Dutch is always the official language during the objection and appeal procedures against a decision by the RDW. In these procedures the Technical Service must provide a Dutch speaking interpreter/representative.
5. The Technical Service appoints a contact person for communication with the RDW who is the point of contact and also for passing on relevant changes.

9. COSTS, RATES AND INVOICING

1. The costs of handling the Assessment, handling changes, and conducting the Supervision will be charged in accordance with the Road Transport Department Rates Regulations.
2. The technical hourly rate is applied to the Assessment, the Audit in the context of Monitoring, including the preparation and finalisation, as well as the assessment of the Corrective Measures following an Audit.
3. When an Application is withdrawn or put aside, all costs incurred up to that point will be charged.
4. The full invoice numbers, debtor numbers, etc. must be stated on payments.

5. As a rule, the RDW applies a payment term of 30 days, unless stated otherwise on the respective invoices.

10. SANCTIONS

1. Undesirable behaviour/shortcomings of Technical Services must always be appropriately sanctioned, so that they are corrected and prompted to change. Sanctions are sometimes necessary to correct behaviour and to remedy shortcomings and to send a broad signal that something is not tolerated. When imposing a punishment, among other things the following will have to be taken into account: The seriousness of the behaviour/shortcoming, the context of the case, whether there is a recurrence/recidivism. In the decision to impose a sanction, the RDW will give the reasons for the penalty. This Article only contains the most important principles with regard to remedial and disciplinary sanctions.
2. The following violations by Technical Services may, depending on the seriousness, lead to the withdrawal of the Designation:
 - a. making false statements or providing false information;
 - b. refusing access to information;
 - c. forging test results for type-approvals or market surveillance; and
 - d. withholding information or technical specifications that could lead to recalling of vehicles, systems, components and separate technical units, or to the refusal or withdrawal of an EU type-approval certificate.
3. The following violations by Technical Services may, depending on the seriousness, give rise to restriction, suspension of the Designation, possibly followed by withdrawal of the Designation:
 - a. a refusal to cooperate fully with an Audit/monitoring activities of the RDW;
 - b. non-compliance with the requirements for the Designation;
 - c. not or not within due time fulfilling the payment obligations imposed by the RDW;
 - d. not performing corrective measures within due time;
 - e. not passing on changes or reporting information within due time as referred to in Article 8;
 - f. not confirming the Audit within due time; and
 - g. not or insufficiently cooperating with the performance of the Audit.
4. The measures referred to in paragraphs 2 and 3 of this Article regarding the end of validity of the Designation in the form of suspension and withdrawal are in principle remedial sanctions with the aim of putting an end to the violation and restoring order. The withdrawal is nevertheless the most severe sanction and in principle applies for an indefinite period of time. The suspension, on the other hand, has a temporary duration that is related to the seriousness and nature of the violation, with the maximum duration being

determined by the RDW. The RDW must immediately inform the Commission and the other type-approval authorities of the other Member States of any suspension or withdrawal of a Designation.

5. In addition to the remedial sanctions referred to in paragraphs 2 and 3 of this Article, the RDW may impose an Order subject to a penalty on the Technical Service. This is only possible in the cases referred to in Sections 25, 27, 29, subsection three, and Section 30, subsection three, respectively, of the Dutch Road Traffic Act 1994. The purpose of the Order subject to penalty is to receive the requested information as soon as possible and thus end the violation. In the case of an Order subject to a penalty, an amount is forfeited per time unit. Just like the suspension and withdrawal this is a remedial sanction, and therefore not a penalty. The amount of the penalty payment is determined by the RDW in the sanction decision.
6. In addition to the remedial sanctions mentioned, it is also possible to impose punitive sanctions on the Technical Service in the form of an administrative fine, whether or not following the remedial sanctions referred to above. This is only possible in the cases referred to in Sections 25, 27 and 29, subsection three, Section 30, subsection three, respectively, of the Dutch Road Traffic Act 1994. With regard to the administrative fine, the RDW observes the maximum amounts specified in Section 174b of the Dutch Road Traffic Act 1994 and determines the amount of the fine in the sanction decision.

11. ENTRY INTO FORCE AND PUBLICATION

1. This policy rule takes effect on 1 January 2021 and may be changed periodically.
2. Publication of this policy rule takes place by sending it to Technical Services and by publication on the website of the RDW.