



Rules of the BOSEC mark Administrative and legal clauses

The guarantee of the conformity of the Products, the Systems, the Installations and Services in the domain of Fire and Intrusion Prevention

For more information about the present Rules:

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These rules are edited in French, Dutch and English.
For the official implementation of the rules only the original French version is taken into account in order to avoid interpretations due to translation.

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The rules are property of ANPI whose members represent all actors involved in the market of fire and intrusion prevention:

- Group nr 1: the insurance companies and their professional organization (Assuralia);*
- Group nr 2: the authorities;*
- Group nr 3: the professional organizations representing the certification bodies or bodies being capable of becoming a certification body;*
- Group nr 4: the organizations representing the users that are not represented in Group nr 1;*
- Group nr 5: organizations of standardization, training, research, inspection and laboratories.*

*The present **Rules of the BOSEC-mark** determine the administrative and legal stipulations that lead to the BOSEC Certification and to the attribution of the use of the BOSEC-mark. It is completed by the **BOSEC Products Rules** and the **BOSEC Services rules**, with, per Product or Service type, the modalities that have to be fulfilled in order to obtain the certification.*



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Definitions

The following definitions will be referred to with a capital letter every time the text of the ANPI-rules makes use of them.

Note: the terms that are explicitly defined by a paragraph in the ANPI-rules are not mentioned underneath but are written in italics in the text of the rules.

Active protection	Fire prevention measures making use of manual or/and automatic detection systems, extinguishing systems or smoke evacuation systems.
Applicant	The manufacturer, importer, wholesaler, engineering office, installer ... that submitted a request for certification of Products, Systems or Services
Auditor	Person carrying out an administrative and/or technical control in the framework of the procedure of certification delivery or surveillance. This person mainly validates the presence of the necessary documents, understands the contents of it, and establishes the correlation with the audited environment. This person has to be familiar with the concerned technique in order to have the necessary judgement and discernment for his observations.
Basic study	Phase before the detailed study. The basic study consists in: - The list of referentials and their possible deviations; - The general structure of the system and its working principles; - Determination of the zones and surveillance level of each zone; - The risk analysis if requested in a referential. When the mission is assigned by call for tender the basic study can also contain all the necessary elements to evaluate the quotations in an equivalent way (the implantation plans of the components and the type of components, the number of components, the identification of the different requested control systems, ...).
BOSEC Declaration	(or Declaration to respect the criteria of the BOSEC rules) Document delivered by the Specialized Enterprise declaring that the Installation complies with the technical prescriptions as well as the administrative prescriptions of the BOSEC rules.
BOSEC Expert	Every natural person having a BOSEC Attestation as an expert.
Certificate holder	Applicant having obtained the right to use the BOSEC mark.
Certification audit	Administrative and/or technical control act in the framework of the procedure of certification delivery or surveillance.
Certification file	File that has to be submitted in order to obtain the certification. The contents of this request are fixed by the Technical Certification rules.
Distributor	Natural person or legal body that is responsible for placing the Products or Systems on the market.
Enterprise	Every natural person or legal body carrying out a permanent or temporary activity of services of design, installation, maintenance or reparation of Installations.
Executant	Qualified personnel that has been trained in order to guarantee the realization, the maintenance and repair of fire resistant sealings and to control partial works carried out by subcontractors
Fire safety audit	Administrative and/or technical control act in the framework of the procedure of certification delivery or the follow-up procedure (surveillance) of the fire safety Attestation



Inspection organism	Organization accredited in the domains at issue that has to verify that the technical criteria imposed by the ANPI referential are correctly respected for a certain Installation.
Inspector	Person carrying out technical controls in the framework of conformity inspections of Installations.
Installation	Unit of interconnected, associated and or integrated Products in a building in order to protect it against fire.
Manufacturer	The manufacturer of a Product or a System.
Passive protection	Fire prevention measures linked to the architectural concept of a building (compartments, fire resistant sealings).
Prevention	Prevention of fires in order to reduce the risk for fire or to reduce their consequences
Prevention organization	Organization implemented by the operator of a building in order to support the active and passive Protection measures.
Product	A component with a final functionality or intended to be integrated in a System.
Service	All actions that have the objective to realize an Installation, the design, the maintenance and repairs.
Specialized enterprise	Enterprise specialized in the framework of the BOSEC mark for one of more domains.
System	Assemblies of Products that are mutually compatible and that can work together.



1. Domain of application

The rules, hereafter called "Rules of the BOSEC mark – Administrative and Legal clauses", specify the general rules of the supervision and organization of the BOSEC mark.

The BOSEC mark is intended to guarantee the quality level of the Installations, the Products, the Systems and the related Services in the framework of the prevention of fire. It covers the following domains:

- Passive protection;
- Active protection;
- Organization of prevention.

The BOSEC-mark limits itself to the Prevention of fire and/or theft in the field of performance of the Products (components and systems), the Installations and to the quality of the related Services, every other legislation excluded (environment, social, etc.)

This document determines:

- the conditions for the use of the mark;
- the determination of the technical reference documents;
- the mission of the different bodies involved in the delivery of the BOSEC mark;
- the conditions for the attribution and the use of the mark;
- the protection of the mark in case of disputes.

The certification modalities are mentioned in the documents "Certification rules for Products of the BOSEC mark" and the "Certification rules Services of the BOSEC mark".

The BOSEC mark is unanimously recognized in its domain of application as the Belgian quality reference by the insurers, the industry, the users and the intervention services.

2. Legal framework of the BOSEC mark

The mark has been registered under the number 0839850 in the classes 1, 6, 9, 13, 19, 24, 27, 37, 41, 42 and 45.

The mark and the descriptive markings that have to be indicated are mentioned in the Annexes 1 and 2.

3 Use of the BOSEC mark

The legal prescriptions concern the safety aspects of Products, Systems and related Services. The mark "BOSEC" wants to provide an added value by guaranteeing the consumer that the desired performance level will be reached. The certification possibilities are divided for the different 'actors' that are involved in the realization of an installation, namely:

- the Manufacturers, the Distributors of Products and Systems,
- the Specialized Enterprises (Installers).

Every abuse can be freely mentioned to the Chairman of the Mark Committee of the Division Certification from ANPI. Upon request, this can also be treated confidentially.

3.1. Use of the BOSEC mark for certified Products and Systems

Every use of the mark is forbidden if ANPI has not given its authorization to use the mark or if it is withdrawn, suspended or resolved in accordance with this arrangement.

The mark, together with the inscriptions mentioned in annex 1 and 2, has to be applied on every Product and System, including Products that compose the system.

Applying the BOSEC-mark does not prevent the same Products and Systems of having applied other collective or individual marks, as far as there is no risk for ambiguity.



The BOSEC mark may be applied by the Holder of the Certificate onto stationery, a commercial document and other editions, in any kind of media and types of supports, according to the following criteria:

- The use of the BOSEC mark in a product catalogue and in technical documentation concerning certified Products and Systems requires that the mark is completed with all the inscriptions that were also applied on the Products and Systems (see "Full inscription" in annex 1)
- The use of the BOSEC mark on stationery and in the general documentation of the Holder of the Certificate requires that the mark is completed with the references of ANPI and the reference of the Holder of the Certificate (see annex 2)

In case one and the same Product or System would be certified in the name of several Holders of a Certificate and if one of them is also the manufacturer of the Product or System, it is sufficient to apply only the label with the license number of the Manufacturer Holder of the Certificate. This means in no way that the Holder making use of it is no longer responsible.

During the entire validity period of the right to use the mark, the user of the mark commits himself to bring the certified Products on the market in the way that it is described in the user manual and not bringing any other Product on the market by using the same referrals than those of the certified Product.

The right to use the BOSEC mark ends with the expiry date of the validity period of the certificate for this Product or System, either at the initiative of the holder of the certification, either as a result of a decision by the certification body. From that moment the logo may no longer be applied to the new productions of this Product or System. All references to it in the documentation have also been removed if the right to use the mark is withdrawn as a result of a sanction.

The application or the use of the BOSEC mark does not discharge the Holder of the Certificate from his responsibilities.

3.2. Use of the BOSEC mark for Services

The BOSEC mark can be applied on stationery, in a commercial document and in other editions, in any kind of media and types of supports, as long as those editions refer in a plain and unambiguous way to the certified Enterprise. The use of the BOSEC mark requires that the mark is completed with the indication that it concerns a certified Enterprise and is provided with an identification number attributed by the certification body, as described in annex 2.

The BOSEC mark may not be used by Enterprises that are still going through the procedure to obtain the certificate. The right to use the mark ends with the expiry date of the validity period of the certificate for this Product or System, either at the initiative of the holder of the certification, either as a result of a decision by the certification body. From that moment the mark may no longer be used, in whatever way, by the Specialized Enterprise.

A Specialized Enterprise is not compelled to always realize installations in accordance with the BOSEC mark. When a Specialized enterprise carries out an installation in accordance with the BOSEC mark, it is listed (in a register). Only in this case a BOSEC declaration of conformity can be delivered by the Specialized Enterprise under the conditions of the 'Certification rules Services' of the Rules of the BOSEC mark.

3.3 Use of the BOSEC mark in the framework of training/information sessions

There is no certification of instructors or persons providing information in the framework of the BOSEC mark. The BOSEC mark may be referred to in the framework of the training session as long as there is no confusion possible between the BOSEC mark that only concerns Products, Systems and Enterprises and the quality of the instructor.

Terms such as for instance "BOSEC instructor" are too ambiguous and could make believe that it is an attributed title and may therefore not be used.



4 The basic reference specifications for the attribution of the BOSEC mark

The authorization to use the BOSEC mark is the result of a positive and documented evaluation realized by the Division Certification from ANPI that applies the modalities that were fixed in the actual Rules for the mark and in the certification rules for Products and those for Services.

The BOSEC mark only covers the Products, Systems or Enterprises for the prescriptions that are stipulated in the reference documents of the mark. In any case the BOSEC mark only has a meaning when all normative and legal documents concerning the use or application of the Product, System or Enterprise are respected.

Within the framework of the international agreements accepted by the Management Committee of the BOSEC mark, foreign or supranational normative documents (i.e.) EN) can be used as a base for the attribution of the BOSEC mark according to the criteria agreed upon by the different concerned parties at the condition that these normative documents are at least equivalent to those that normally have to be applied for the attribution of the mark.

5 Certification bodies

5.1. General principles

5.1.1 Writing and updating the rules

The Rules of the mark are written and updated by *The Management Committee of the BOSEC mark*. This Committee decides case per case, what the application date of a new version is and whether a transition period is necessary.

5.1.2 Certification process

The Division Certification of ANPI/

- evaluates and deliberates the delivery of the certificates and the use of the mark in accordance with the rules that are prescribed by the Management Committee of the BOSEC mark;
- delivers the certificates;
- ensures the surveillance controls.

Note: in case of a negative evaluation advice, a second advice (review) by (an) expert(s) is requested.

5.1.3 Guarantee of conformity with ISO/IEC 17065

The *Advice and Appeal Committee for the Certification Activities (CARC)* defined in the articles of association from ANPI guarantees the conformity of the certification scheme with regards to the legal and normative prescriptions. More particularly, it will see to it that every abuse against a free competitive market will be avoided.

5.2 Role of each body

5.2.1 Management Committee of the BOSEC mark (CGMB)

A *Management Committee of the BOSEC mark (TCT5 BOSEC)* is created inside the Division Certification of ANPI in order to:

- write the rules of the BOSEC mark;
- ensure the updates of the rules;
- see to the correct promotion of the BOSEC mark;
- see to the market surveillance;
- see to the correct use of the BOSEC mark.



The CGMB commits itself to carry out evaluation schemes of conformity judgment so that:

- the Certificate holders of Product(s) and/or Systems have a means to demonstrate, with a sufficient level of confidence, the conformity of their Products and/or Systems with the correspondent technical documents and certification rules,
- the Enterprises can demonstrate, with a sufficient level of confidence, the conformity of their organisation and their knowhow and their Installations with the correspondent prescriptions and certification rules.

Depending of the needs, particularly to write technical rules, the CGMB can create ad hoc Working groups to help them to take decisions. It can invoke the help of experts. Preferably, it invokes the help of experts listed in the statutory Technical Committees from ANPI, but this is not mandatory.

5.2.2. Technical working group

The technical working groups are created and dissolved, according to the needs, by the Management Committee that also fixes the competences and missions of the groups. Those groups formulate non-mandatory advices. That can, for instance, be:

- the updates of the rules;
- the proposal of technical notes to the management committee
- the integration in the rules of international, European, bi- or multi-national agreements applicable to the certification schemes;
- the proposal of actions and budgets for specific actions;
- technical advice in the framework of complaint treatment;
- etc.

In order to meet the requirements of ISO/IEC 17065 the experts will be selected according to the subject scope based upon their profile of competences.

5.2.3. Division Certification of ANPI

The Division Certification of ANPI ensures the certification acts. The system organization of this division is accredited by BELAC according to the criteria of the ISO/IEC 17065 concerning the institutions proceeding to the certification of Products, Systems and Enterprises. This division:

- a) receives and treats the request files,
- b) guarantees the correct follow-up of the request files,
- c) does the evaluation, the review and takes the certification decision for the request or renewal files,
- d) delivers the certificates that are signed by the Certification Manager when all criteria for certification foreseen in the rules are met,
- e) ensures through audits the correct follow-up of the inspections and the surveillance of the certified Products, Systems and Services,
- f) ensures the correct follow-up of the renewal of the certificates.

5.2.4. The Advice and Appeal Committee for the Certification Activities (CARC)

The Advice and Appeal Committee for the Certification Activities (CARC) is defined in the articles of association of ANPI. It guarantees the Board of ANPI, and all other bodies that the certification rules are correctly observed, particularly concerning free trade, independence and integrity of the certification. It is also the place for the ultimate appeal if an applicant finds that his appeal to the Management Committee of the mark has not been treated according to the rules.

6. Appeal against certification decisions

Requests for appeal against certification decisions are addressed to the Quality Manager of ANPI (complaints@anpi.be). They are treated in the Technical Certification Committee concerning the domain. This Committee:

- will evaluate the suitability of the certification prescriptions in function of the submitted item;
- will verify the integrity of the treatment of the file;
- will, in case they decide the appeal is founded, propose a solution.

If the applicant of the appeal finds that the rules were not applied impartially by the Management Committee of the BOSEC mark, he can, at his own charges, introduce an ultimate appeal at the Advice and Appeal Committee for the Certification Activities from ANPI.



7. Publications

The Division Certification of ANPI has the mission to deliver the users lists of the mark to every person or body, private as well as public.

Each publicity of the user of the mark regarding a certified Product, System or Service mentions the BOSEC mark.

The user of the mark keeps all publicity documents mentioning the BOSEC mark at the disposal of interested parties.

Only a complete reproduction of the certificates is allowed.

8. Transfers

The certification cannot be transferred. In case of modification of the legal statute of the certificate holder, the rights of this holder are stopped by right.

The Division Certification of ANPI has to examine the request of the Enterprise that ensures the entire or partial continuation of the concerned installation or maintenance activity.

In case of a merge with another company the use of the certification can be transferred as long as:

1. the user of the mark and the other Enterprise sign an agreement that:
 - a. stipulates the new name of the Enterprise;
 - b. declares that the activities of the user of the mark were taken over by the new Enterprise;
 - c. stipulates the contractual links between the user of the mark and the Enterprise.
2. the new Enterprise signs a certification agreement with the Division Certification of ANPI. This agreement destroys the initial agreement signed between the user of the mark and the Division Certification of ANPI.

9. Withdrawal of the certification

The authorization to use the mark can be withdrawn by the Division Certification of ANPI in the following cases:

- a) at the explicit request from the user of the mark;
- b) in case of non-payment of the certification services;
- c) as the result of a sanction;
- d) if the certification activities in the domain are stopped;
- e) if a prohibition is declared by a public authority to put it on the market.

For the Products, Systems and/or Enterprises that are recognized as being not in conformity or from which the certificates or conformity certificates expire or became invalid the user of the mark is compelled to remove the mark from his Products and Systems and to no longer use the references and logos of those documents.

The decisions of retreat of the right to use the certificate are announced to the Certificate holder by means of a registered letter (except for case a).

10. Protection of the mark – Appeal - Sanctions – Arbitration

In case of violations of the dispositions of the present rules, related prescriptions or agreements noticed by CGMB, CGMB is empowered to impose sanctions about the use of the mark and/or institute legal proceedings to protect the interests of the mark.



10.1 Protection of the mark

ANPI has the authority and commits itself, in the framework of the applicable legislation, to start every legal action it thinks expedient to protect the mark against every form of abuse or things that could harm it. Those actions take place through CGMB.

10.2. Sanctions in case of illegal use of the BOSEC mark

The sanctions are imposed by the Division Certification from ANPI who informs the CGMB.

The following sanctions can be pronounced:

- The registered warning letter containing the corrective actions the CGMB decided upon;
- The temporary withdrawal of the right to use the mark awaiting the corrective actions;
- The definitive withdrawal of the right to use the mark;
- Fines (the amount of the fine can be 10 times as high as the concerned certification(s), raised with the procedure costs committed by ANPI).

The sanctions are announced by means of a registered letter.

After having been informed about the sanctions, the Certificate holder has 10 days to dispute those sanctions at the CGMB. In case the CGMB judges the dispute admissible, he or his representative will be summoned by registered letter. In the absence of the interested parties, the CGMB will pronounce the sanctions.

The definitive withdrawals of the use of the mark are made public on the website www.BOSEC.be and on the website of the former holder of the mark. A judgement of court will be published, at the expense of the offender, in A4-size in at least two sector related professional journals.

In case of withdrawal of the authorization to use the mark the user still has to fulfil all his obligations towards ANPI on the date of withdrawal. He may not claim, even not partially, a refund of the use and the management that were already paid or still have to be paid.

10.3. Appeal against sanctions

The user of the mark has one month after having received the notification of the sanction, to go into appeal against the sanction. This will be submitted to the CARC.

The appeal the user of the mark can lodge against the sanction suspends the execution of the sanction.

10.4. Arbitration

When all possibilities of appeal stipulated in those rules are exhausted, the dispute will be settled at the courts of Nivelles.



11. Complementary dispositions

11.1. Responsibilities

The right to use the BOSEC mark is no guarantee from ANPI and does not discharge the user of the mark from his responsibilities.

The user of the mark contributes, with all possible means within his power, to the control of the mark, by pointing out every fact that could endanger the correct use of it to the Division Certification of ANPI.

When the decision to end one or more certification domains is taken, the Division Certification of ANPI commits itself to follow up the certificates until their expiry date. After this period the Division Certification of ANPI cannot be held responsible in any case. The mark may still be used (i.e. in case it is resumed) according to the rules that have been established at that moment.

11.2. Confidentiality

All Members of the different bodies involved in the certification (CGMA, CARC, ANPI) are submitted to article 458 of the Belgian Penal Code.

11.3. Setting of prices

ANPI publishes annual tariffs applicable in the different domains covered by the BOSEC mark. The general sales conditions of ANPI are part of the present rules.

Annex 1: BOSEC mark of conformity for Products and Systems

The conformity mark has to be applied in the form of a print or in the form of a label. It has to be indelible and to be presented in the form of the following label:



Type of character:

- YYY = FD (Fire Detection) , EX (Extinguishing), HSE (Heat and Smoke Exhaust), VAS (Voice Alarm Systems): Times New Roman – bold
- BOSEC : Eurostile Extended – bold
- [nnnn] is the license number of the user of the mark*: Times New Roman – bold

Size:

- The proportions as in the above mentioned example have to be maintained (no deforming). There is no minimum size and the characters always have to be legible and have to be identifiable with the naked eye.

*in case that the same component is certified under several users of the mark, and if one of them is the Manufacturer of the component, it is sufficient to only apply the label containing the license number of the Manufacturer. Important: this means in no way that the other Holders are not responsible.

Annex 2: BOSEC mark of conformity for services

The conformity mark has to meet the following criteria:



B - nnnn - FD
B - nnnn - EX - H
B - nnnn - EX - G
B - nnnn - HSE - N
B - nnnn - HSE - M
B - nnnn - PP - RF
B - nnnn - VAS

- [nnnn] is the license number of the user of the mark:
- FD: Fire detection
- EX-H: Extinguishing - Hydraulic systems
- EX-G: Extinguishing - Gas systems
- HSE-N: Heat and Smoke Exhaust - Natural ventilation
- HSE-M: Heat and Smoke Exhaust - Mechanical ventilation
- PP-RF: Passive - Protection- Sealing of openings
- VAS: Voice Alarm Systems

- The dimensions can be adapted in function of the used media support.
- The mark will be in the registered colors or as black characters on a white background.
- The mark may only be applied to Products or Systems installed by the Enterprise.

* * * * *