



# Technical Support Group Designation of a Technical Service Procedure

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# Technical Service Designation - Procedure

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## 1. Introduction

The purpose of this document is to set out the high-level procedure to be followed for the designation of Technical Services. It is to be read in conjunction with TSG-02 Designation of a Technical Services – requirements of the framework Directive 2007/46 and TSG-04 Technical Service Application Invitation Procedure.

## 2. Roles and Responsibilities

### 2.1. The Reviewing Officer

The Reviewing Officer is responsible for:

- receiving and reviewing applications,
- making a recommendation to the Decision Officer at each stage,
- managing the designation process, and



- liaising with the applicant.

At each stage of the process a recommendation to the Decision Officer will be made only after the applicant has been given reasonable time to correct any discrepancies or non-compliances found and to offer supplementary evidence, if appropriate, to support their application.

The Reviewing Officer will normally be the VCA Technical Support Group Manager.

## 2.2. The Decision Officer

The Decision Officer is responsible for:

- deciding whether to accept or reject the application based on the recommendations of the Reviewing Officer at each stage, and
- for the final signing of the contract between VCA and the Technical Service if appropriate.

The Decision Officer will normally be the Head of Technical & Quality Support, who is a member of the VCA Management Board.

## 2.3. The Appeals Officer

The Appeals Officer is responsible for receiving and reviewing appeals against the decisions of the Decisions Officer.

The Appeals Officer will normally be the VCA Chief Executive.

## 3. Legislation

The EU road vehicles framework Directive 2007/46/EC sets out the criteria that Member States are legally obliged to implement on the minimum standards, auditing, and designation of Technical Services within the European Union.

These provisions are given legal effect in the UK through Regulation 41 of The Road Vehicles (Approval) Regulations 2009. This requires compliance with Articles 41 to 43 of 2007/46/EC when designating Technical Services.

VCA applies these rules to designations under Article 14 of the 2002/24/EC for 2/3 wheeled vehicles, Article 21 of 2003/37/EC for agricultural tractors, and to designations under the 1958 UNECE Agreement in accordance with UNECE WP29 document ECE/TRANS/WP.29/1059 of 9 May 2007.

## 4. VCA Policy

### 4.1. Period of Designation

The designation will be for a period of 3 years (subject to satisfactory interim surveillance audits and satisfactory performance as a Technical Service) or until such time as the Technical Service requests an amendment to the scope of the designation or withdraws from the agreement.

### 4.2. Fees

Fees will be charged for all work undertaken by VCA in accepting, processing, and managing an application. The application fee must be paid prior to starting work on an application, and all fees will be invoiced and payable in advance of the final contract stage.

### 4.3. Timescales

VCA will aim to:

- acknowledge all applications within 5 working days of receipt;
- complete the application review stage within 20 working days of receipt of application documentation;

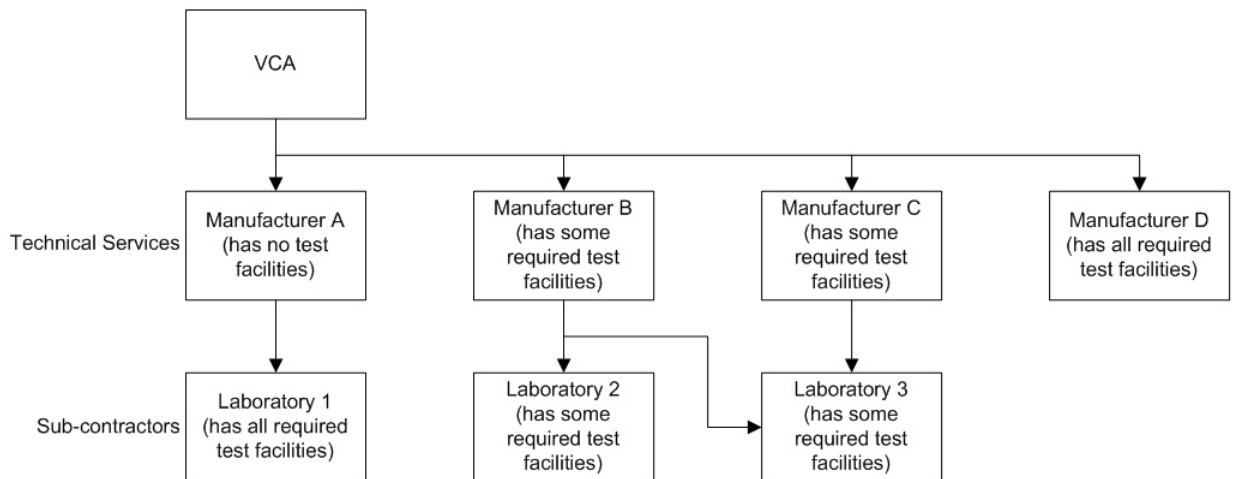
- complete the decision stage within 20 working days of completing the test witnessing stage.

The above will apply when the application is complete on receipt and all criteria are met. Additional time will be required to deal with omissions or failings on the part of the applicant.

#### 4.4. Designation of a Manufacturer

In accordance with Article 41(6) of 2007/46/EC a manufacturer or subcontracting party may be designated as a technical service. It is a VCA policy not to appoint any Laboratory of a third country (one which is not in the EU) without a documented sub-contract relationship with one or more manufacturers.

The following figure represents some options for the relationships necessary for manufacturers to achieve designation.



## 5. Documentation

Applications must be submitted by applicants on standard VCA forms (see TSA1).

Electronic versions of forms will be accepted.

Reviews and decisions will be recorded by VCA on form TSG-05.

## 6. Process

### 6.1. Application review (Stage 1)

A job number must be set up in SharpOwl (in accordance with VCA Finance process) for each application to keep track of time and expenditure incurred.

The application will be reviewed on paper. An administrative review will be carried out to confirm the completeness of the application and that the correct fees have been paid.

This will be followed by a management review to confirm that qualification criteria have been met. These include:

- compliance with an application invitation (see TSG-04); or
- evidence of a market need for the applicants designation; and
- evidence of a good financial history and credit rating; and
- evidence of good repute; and
- evidence of being established as a company within the EU.



If the review is positive then the application moves to the technical audit stage. If it is negative then the application is rejected.

The first two criteria are alternatives i.e. an applicant can apply on the basis of a market need even if there is not an invitation to apply from VCA. The last three criteria apply to all applicants, except that the requirement to be established in the EU does not apply to manufacturers applying under 2007/46/EC Article 41.6, in accordance with Article 41.8.

Note that evidence of a market need must be factual not speculative – i.e. actual requests from customers to act as a Technical Service would be sufficient, but a business case that assumes a level of customer demand would not be sufficient. Normally the applicant should supply evidence in writing from at least 3 customers requesting that the applicant become a VCA Technical Service or committing to bring work to the applicant if they become a VCA Technical Service. Less than 3 customers may be acceptable if the volume of work committed is high (for example if a global vehicle manufacturer will give the applicant many tests on many subjects), at the discretion of the Head of TQS.

The Head of TQS Branch will notify the VCA Management Board of the result of each Stage 1 review.

## **6.2. Technical Audit (Stage 2)**

VCA auditors will visit the test facility of the applicant in order to assess compliance with technical criteria. These include:

- appropriate skills, specific technical knowledge, and proven experience of the applicable Directives and Regulations;
- appropriate test facilities for the subjects requested; and
- management systems compliant with ISO17025 and/or 17020.

If the result of the technical audit is positive then the application moves to the test witnessing stage. If it is negative then the application is rejected.

## **6.3. Test Witnessing (Stage 3)**

VCA will witness at least 5 tests at the applicant's site, conducted on different types of product. The number of witnessed tests may be increased if the application covers multiple subjects at the discretion of the Reviewing Officer. Under the observation of the Reviewing Officer or his deputy, the applicant will be expected to:

- conduct the worst case assessment,
- check the manufacturer's product information documents,
- supervise or conduct the tests, and
- compile the technical report.

If the witness tests results are satisfactory then the application moves to the Decision stage. If it is not satisfactory then the application is rejected.

## **6.4. Decision (Stage 4)**

The Decision Officer will decide whether designation will be given based on the recommendations of the Reviewing Officer.

It is important to note that it is intended that the Reviewing Officer will enter into dialogue with the applicant so that all relevant facts are known, and that the applicant will be given reasonable time to correct any failings that are discovered during the process, before a recommendation is made to the Decision Officer.

If the decision is positive then the application moves to the contract stage. If it is negative then the application is rejected.



## 6.5. Contract (Stage 5)

Designation will be completed only when the applicant accepts the terms and conditions set out in the master Agreement and Terms and Conditions of Business (see Annex ???). The Agreement will cover the following:

- legal basis
- obligations of Technical Service
- obligations of Approval Authority
- fees
- service standards
- quality control
- surveillance audits
- period of designation
- termination

Signing of the Agreement will be by the VCA Chief Executive for and on behalf of the Secretary of State and by a Director for and on behalf of the applicant company.

## 7. Notification to EC Commission/UNECE Secretariat

When all of the above stages have been completed successfully and the Agreement has been signed by both the VCA, as an agency of DfT, and the applicant then VCA will notify the EC Commission and/or the UNECE Secretariat that the applicant has been designated as a Technical Service.

## 8. Appeals

If the application is rejected at any stage then the applicant will be informed of the reason for rejection, the name of the Appeals Officer, and the appeals process. If the applicant wishes to appeal then they will be required to submit justification for their appeal in writing to the Appeals Officer, setting out why they believe that the rejection was not appropriate.

The Appeals Officer will examine the evidence to assess whether:

- the designation process has been followed correctly;
- the decision made by the Decision Officer was appropriate.

The Appeals Officer will notify the applicant of his/her decision in writing.

If the applicant does not accept the decision of the Appeals Officer then they may request that the case be referred to the Department for Transport's Independent Complaints Assessor (ICA). The ICA will investigate and make recommendations to VCA. VCA will implement the ICA recommendations in all but exceptional circumstances, and will explain any decision to not implement ICA recommendations.

(Note – the decision to reject an application may be made at an early stage of the process so a successful appeal will restart the process, but may lead to a further decision to reject if later criteria are not met. If that is the case, a further appeal may be made).