



**THE OPERATIONAL RULES OF THE „TRANSYLVANIA
AUTHENTICA” TRADEMARK CERTIFICATION SYSTEM
PRODUCT/SERVICE CERTIFICATION GUIDELINES**

2ND EDITION

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Approved by:

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1. INTRODUCTION

The Environmental Partnership Foundation set the goal to attract the consumers' attention to the traditional, high-quality, natural and at the same time ecological Transylvanian products and services, by means of collective marketing. At present, the program is financially supported by S.C. Apemin Tușnad S.A.

In order to achieve this goal there was elaborated, introduced and implemented the system of certification for awarding the right to use the „Transylvania Authentica” trademark.

According to the certification system a product or service can be considered of „Transylvania Authentica” quality if it respects the national and European laws and the standards expressed in the present Operational Rules.

Further condition of awarding the right to use the „Transylvania Authentica” trademark is that the product/service respects the basic and specific eligibility standards emitted by the Environmental Partnership Foundation.

The certification process and the request of the right to use the trademark can be initiated at the Environmental Partnership Foundation only by legal entities registered in Transylvania or by small producers who possess a producer's license.



2. PRESENTATION OF THE ENVIRONMENTAL PARTNERSHIP FOUNDATION

Legal name of the certifying entity:

Fundația pentru Parteneriat

The Romanian Environmental Partnership Foundation was established as an independent foundation in 1998 and is a member of the Environmental Partnership (EP). The EP supports community based environmental improvement projects in 6 CEE countries. The activities of the foundation are developed based on the principles of sustainable development. The programs of the foundation are designed and implemented to fit within the framework of sustainable development. The programs target and include almost all the stakeholders of society: communities, local authorities, NGOs, business sector, media etc.

For further information about the foundation please consult the following website: www.repf.ro .

The Environmental Partnership Foundation launches the Transylvania Authentica program in 2008 and it promotes the trademark through various marketing tools in order to increase the consumers' demands on these items. The right to use the Transylvania Authentica trademark is awarded initially in the following four sectors:

- **Food&Drink:** food or drink products, which are characteristic Transylvanian and which are produced in environmentally friendly conditions.
- **Arts&Crafts:** hand made, unique, characteristic Transylvanian, traditional products, which are produced in environmentally friendly conditions.
- **Accommodation/Meal:** commercial activities through which the service provider offers accommodation and meal in characteristic Transylvanian and



environmentally friendly conditions, in order to promote the local natural and cultural milieu.

- **Experiences:** services, which by means of recreation and entertaining programs or tours promote the local natural and cultural milieu. (Ex. apiary, bird watching, hiking, horse riding tours, traditional programs etc.)

3. PRESENTATION OF THE FUNDER PARTNER

Legal name of the funder:

S.C. Apemin Tuşnad S.A.

Apemin Tusnad was founded in 1999 through the division of Perla Harghitei SA. The privately owned company has soon become a well known player on the Romanian mineral water market.

For further information about the company please consult the following website:
www.tusnad.com.

4. QUALITY POLICY

In order to keep the qualification and certification on a permanently high professional level, we define the operation of the Transylvania Authentica product certification system in these Operational Rules.

These Operational Rules have been approved together with the Independency and Privacy Policy by the management of the Environmental Partnership Foundation, and their adoption was ordered for all collaborators and subcontractors with



statutory character, who participate at the product certification.

5. INDEPENDENCY AND PRIVACY POLICY

The Environmental Partnership Foundation assures full independence and impartiality in the process of the Transylvania Authentica product and service certification system (hereinafter: TA) by means of the followings:

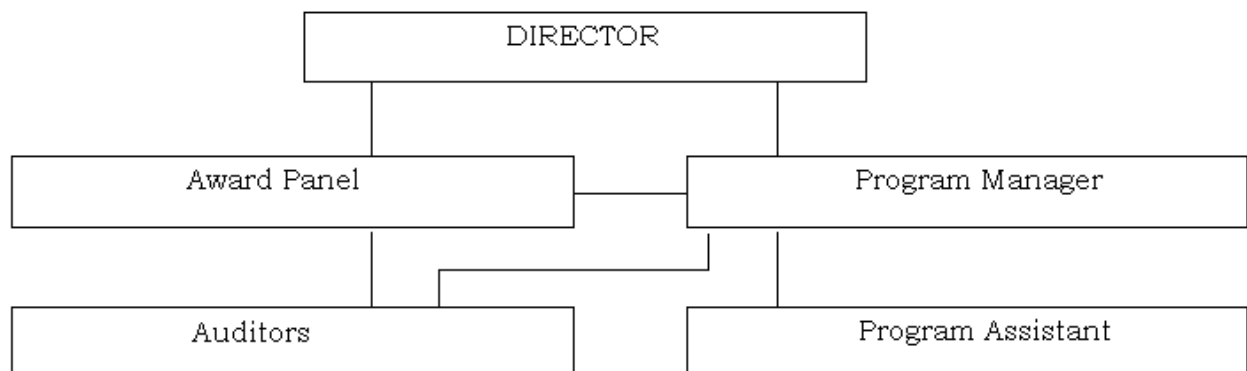
- the product and service certification activity and the administration connected with it is not discriminative, the applicants are not prevented from the possibility to take advantage of it.
- the product and service certification activity is accessible for all applicants, as far as his / her application for product certification falls under the field of activity of the product certification operated by the Environmental Partnership Foundation.
- the product and service certification activity refers only to the products handed in for the obtaining of the "Transylvania Authentica" trademark.
- in the course of the product and service certification activity the responsibility of the Environmental Partnership Foundation refers only to the granting, maintaining and suspension of the product certification.
- during the procedure of product and service certification, the criteria of evaluation of the products and services that take part at the certification are included in predefined prescriptions (*Basic and detailed specific standards*). These documents are formulated by professionally competent, impartial panels and persons, who dispose of the necessary qualification.
- the documented organizational structure of the Environmental Partnership Foundation, respectively the assignment of recognized specialists assures the



confidence towards the product certification, and it also assures that the certification is decided by people, who do not participate at the evaluation.

- the Manager of the Environmental Partnership Foundation, respectively the collaborators, specialists who participate at the product certification, do not dispose of any interests that would influence the results of the certification process. In the product certification process cannot take part any persons, who were in any condition of dependence with the mandatory in the preceding two years.
- the activities of the Environmental Partnership Foundation do not influence the confidential character, the objectiveness and impartiality of the certifications. The organization does not effectuate any consultative assistance and it does not offer any services that could endanger the confidentiality, objectiveness and impartiality of the product certification process. But as part of the service provided for the client the collaborators and specialists of the product certification organization can offer explanations, attitudes linked to the observations about product certification, they can interpret the general and detailed specific standards and they can also offer other information.

6. THE ORGANIZATIONAL STRUCTURE OF THE TRANSYLVANIA AUTHENTICA PROGRAM





In the Transylvania Authentica product and service certification process the main actors are as follows:

- auditors, who perform the local inspections
- the Award Panel, which based upon the auditors' report formulates an opinion if the applicant product or service is eligible to use the trade mark or not
- the program manager
- and the program assistant.

The final decision of awarding the right to use the TA trade mark belongs to the director of the Environmental Partnership Foundation.

7. THE ORGANS OF THE CERTIFICATION SYSTEM, RESPONSIBILITIES AND COMPETENCIES

7.1. The team and the subcontractors of the Transylvania Authentica program

In the TA certification process may take part only professionally competent people and organizations, who match the rules and conditions of the independency and privacy policy of the program.

All the collaborators are up-to-date with the regulations of the assignments they are in charge of.

The competences and responsibilities of the collaborators of the TA certification process are defined and described in the present Operational Rules.

The impartiality of the certification process is assured by the Environmental



Partnership Foundation by separating the administration, evaluation and decision-maker functions.

7.2. Auditors

The auditors who carry out the product and service certification are external specialists (subcontractors) or qualified permanent collaborators, so that they can assure the highest possible professional competence. The involvement of the auditors into the process of product certification is regulated by the following chapters of the Operating Rules.

7.3. The responsible persons and organs of the Certification System

7.3.1. Director

The Director exercises the rights of proprietor regarding the constitution and operation of the TA product and service certification system (hereinafter: system).

Within this scope the Director is charged with:

- the assurance of the economic conditions necessary for the operation of the system,
- the examination of the financial matters linked to the certification procedures for the purpose of the examination of independence,
- the assignment of the persons and organizations involved in the operation of the certification procedures and the constitution of the necessary organs,



- the assignment of panels and persons, having tasks according to need,
- the approval and modification of the Operational Rules,
- the definition of the quality policy of the system,
- the periodical examination of the fulfillment of the policy,
- the definition of the Privacy Policy,
- the issue of the TA conformity certification and of the trademark right of common,
- participation at the management of appeals, legal remedies, reclamations, complaints according to those regulated in the Operational Rules.

7.3.2. TA Program Manager

The Program Manager is a full-time staff member of the Environmental Partnership Foundation, charged with the coordination of the operative tasks connected with the trademark.

The TA Program Manager is charged with:

- the organization and carrying out of the marketing and communicational programs which are specified by the management of the Environmental Partnership Foundation supporting the wide range presentation of the product certification system.
- the further development of the Transylvania Authentica conception on the basis of the already existing data and case studies,
- the definition of the operational policy connected with the product certification,
- the building up of a database-system, which enables the measuring and tracing of the development of the program
- the drawing up of the specific criteria respectively of other basic documents



with the help of the Award Panel, consultants, specialists,

- the organization of the meetings of the Award Panel or of other meetings
- the free flow of information,
- the instruction of the small businesses, small producers, which obtained the Transylvania Authentica trademark right of common, about other development possibilities.
- the control of the activity respectively the drawing up of periodical reports,
- The Program Manager is in one person the Manager responsible for the control of products and services.

The other tasks of the TA Program Manager are stipulated by the internal rules of the Environmental Partnership Foundation.

7.3.3. TA Program Assistant

The Program Assistant is a full-time staff member of the Environmental Partnership Foundation, charged with carrying out the operational tasks concerning the trademark.

The TA Program Assistant is charged with:

- the execution of the administrative activities connected with the reception and recording of applications
- the execution of organizational activities connected with the certification procedure,
- the drawing up of minutes at the meetings of the Award Panel and the sending of these to all participants,
- the entering of the modifications in the documents which are necessary for the certification activity,
- the organization of the control of certification.



The other tasks of TA Program Assistant are stipulated by the internal rules of the Environmental Partnership Foundation.

7.3.4. Award Panel

The members of the Award Panel are chosen from among the partners interested in the TA product and service certification, carried out by the Environmental Partnership Foundation, or they can be specialists from relevant fields for the program, and they are invited to join the Award Panel by the Director. The definition of the proportion of different interest groups and the selection of the members is done in such way, that balance is assured and no interest group becomes dominant.

The founding of the Award Panel is the task of the Director.

If in the meantime one of the Award Panel members cancels the membership, the task of the Director is to invite another member that represents the interest group/field referred to.

The invited members of the Award Panel must make a written *declaration*, which includes the acceptance of the invitation, the acceptance of the operational order and the privacy declaration.

The Program Assistant keeps on record and looks after the list of the members of the Award Panel.

Regular meetings

The Panel has at least one meeting yearly. The Director is responsible for the



organizing the meetings. The Program Manager is in charge with the organization of the meetings, the checking of dates and the notification of the members.

The permanent subjects of the regular meetings are the followings:

- the definition of the product certification policy of the Environmental Partnership Foundation, respectively the examination and actualization of it, if it is required,
- the examination of the fulfillment of the policy on the basis of the report of the TA Program Manager, report that touches upon the results of the internal audits, respectively the eventual reclamations and appeals,
- the examination of the activity of the product control on the basis of the reports of the auditors,
- if required the passing of other resolutions, the constitution of other panels, the definition of tasks and responsibilities,
- the examination of the realization of earlier resolutions, tasks.

The Order of Voting

All members of the Award Panel are entitled to one single vote. The Award Panel has a quorum, if in the given meeting there are present at least half plus one of the members.

The voting is open. For the passing of a valid resolution the simple majority of votes are required. The result of the voting will be registered in the *minutes* drawn up of the meeting of the Panel.

The TA Program Assistant must take written *minutes*, which include the place and date of the meeting, the names of the participants, the presented and approved agenda items, the summary of the examined topics, the resolutions, respectively the data of the voting referring to the resolutions. The TA Program



Assistant sends the drawn up minutes to all participants.

The TA Program Assistant supports the work of the Award Panel.

In order to assure professional competence and objectiveness, the Award Panel is recommended to be formed from specialists of the following fields:

- an expert in food quality management systems
- an expert in ecologic- tourist quality management systems
- a specialist of environment protection
- an ethnographer
- an economist
- a specialist for regional development.

The Award Panel is charged with:

- the approval of documents and vouchers regarding the certification inspection,
- the definition of the necessity of certification audits,
- the definition and evaluation of the professional activity of the auditors,
- the assessment of the possibility of granting the TA trademark.

7.3.5. Auditors

In order to preserve the professional prestige of the TA trademark, the Environmental Partnership Foundation carries out the inspections, examinations respectively the eventually necessary audits in the course of the product certification procedure through its own staff members or by involving subcontractors - specialists recognized in their field or qualified permanent collaborators (auditors).



The procedure concerning the selection and assignment of the auditors is included in the Operational Rules.

These Operational Rules include the professional expectations concerning the execution of the expert's activities carried out by different subcontracts.

The list of Auditors is open and accessible at the TA Program Manager.

The professional activity of the auditors is under the direct supervision of the Program Manager.

The Environmental Partnership Foundation concludes an *agreement* or *contract* with the experts involved in the product certification, which contains the details of the assumed activity, the measures concerning it, including confidential management and the management of incompatibility.

The TA Program Assistant registers the expert into the *Register of Experts*. The *Curriculum Vitae* of the experts must be filed next to the register.

The Environmental Partnership Foundation, in its capacity of according the right to third parties to use the TA trademark, assumes full responsibility for every professional activity, moreover it assures, and that the assigned auditor has got the necessary training regarding the assumed activities.

7.3.6. The selection and the granting of the experts

In the course of the selection of the experts (auditors) it has to be taken into consideration that he/ she should be the recognized representative (organization)



of the respective field and he/ she should fulfill the conditions stipulated in the Operational Rules.

The selected and invited member or auditor must present his / her curriculum vitae respectively his / her *independence and privacy declaration*. The Director, after examining these, decides about the aptness of the expert. If the expert is suitable for the execution of the activity, the *agreement* or *contract* will be concluded.

8. THE MANAGEMENT OF THE DOCUMENTATION OF THE PRODUCT CERTIFICATION SYSTEM

The Environmental Partnership Foundation regulates the documents applied in its product and service certifications system and the arising data.

The organization keeps a register about all documents regarding product certification, which includes the valid state of edition of the documents at the given moment.

8.1. Operational Rules (Product and service certification manual)

The basic documentation of the product and service certification activity is included in the Operational Rules, which show up-to-date the product and service certification activity of the certifying organization.

Should any change take place in the product and service certification system, this will be immediately registered in the Operational Rules.



The Operational Rules and their modifications are approved by the Director by signing the Operational Rules. The modifications will be as a matter of fact entered into the publications drawn up about the product certification activity, as far as it is of concern for them.

There is one *original copy* of the Operational Rules, followed up regularly at the Environmental Partnership Foundation, to be found at the TA Program Assistant. In case of any modifications of the Operational Rules, the TA Program Assistant is in charge of registering the modifications.

Related to the changes which might occur during the certification activity, the affected parties must be notified (for example: collaborating external organizations, trademark users, etc.) The product certifications must be carried out on basis of the valid documents. In case of certifications in process the assessment should be performed according to the Operational Rules that were valid when the process was started.

The TA Program Assistant must keep one copy of the invalid variant of the changed document, which he marks with a red-cross line for the sake of the unambiguous marking. The duration of archiving of the documents and records is 5 years, unless the relevant law does not stipulate otherwise.

8.2. General and detailed specific standards

The standards of the product and service certification procedure are included in the *General and detailed specific* standards. The elaboration and actualization of the standards is carried out by external experts or by a professionally competent



person or organization assigned by the Director.

The Award Panel examines and adopts the standards in terms of their professional content. The final acceptance of the standards is the responsibility of the Director.

The standards are kept on record by the TA Program Assistant in electronic or printed format and they are accessible for every interested person, respectively they are handed over to the applicants.

8.3. Standards of use of the certification mark (trademark)

The rules concerning the use of the trademark (Visual Identity Guidelines, license agreement) are drawn up by the TA Program Manager and they are approved by the Director. The rules include unambiguously, where and in which form the Transylvania Authentica trademark may be used.

8.4. Documents under informational obligation

The Environmental Partnership Foundation makes the following documents accessible for everybody:

- Operational Rules
- General and Detailed Specific Standards
- general information about the fees connected with the certification
- Standards regarding the use of the trademark (Visual Identity Guidelines, license agreement)
- Reference list (the list of the producers which use the trademark, respectively the list of the products)



8.5. The administration of the records

The storage of the records connected with the product and service certification is effectuated in an orderly way, so that the possibility for retrieval can be assured and that the damage can be eliminated.

The modification of the records should clearly indicate the person who executed the changes, the date and time of execution.

Some of the records are formalized. The samples of the forms are to be found on computer. The updating of the samples of the forms is the task of the TA Program Manager.

8.6. Archiving of records

The records are collected and archived by the TA Program Assistant

8.7. Privacy and independence

In conformity with point 4 of the present Operational Rules, the experts sign the *Privacy and Independence declaration* before starting their work, in which they assume that they do not make any declarations about the applicants and products in an identifiable way, respectively, that they keep the trade secrets. The signed *Privacy and independence declarations* are recorded by the TA Program Assistant.



9. PRODUCT AND SERVICE CERTIFICATION

9.1. The aim of the product and service certification

The aim of the TA product conformity certification:

- to use the environmental and the cultural heritage as a capital for small businesses,
- to develop and implement a quality mark certification system,
- to help small producers to find market possibilities,
- to strengthen the relations between producers,
- to support the development of small businesses and to reward the sustainable business practices,
- to guideline the consumer's habits,
- to promote the local, high-quality products and services,
- to promote the strengthening and preservation of the local identity.

9.2. The condition for participation at the application

For the TA conformity certification and for gaining the rights to use the trademark are eligible only those small producers / contractors, who:

- have trading and producer's certificate registered in Transylvania,
- own the propriety rights connected with the applied products,
- offer a characteristic local product or service,
- bear direct responsibility for the conditions, quality of the manufacturing of the product,
- observes the legal conditions connected with manufacturing and



distribution of the product,

- claim, that the product or service offered to application meets the General and detailed specific standards,
- simultaneously with the handing in of the application assumes voluntarily the fulfilling and observing of the Operational Rules.

For gaining the certification and the trademark right of common it is possible to apply voluntarily, by accepting the prescriptions of the Operational Rules.

9.3. Starting the certification procedure

The applicant initiates the issue of the certification and the granting of the license to use the TA trademark by handing in the Application Form. The Application Form can be downloaded from the www.transylvania-authentica.ro website, or it can be requested from the staff of the Transylvania Authentica Program.

The Application Form and its annexes must be sent in two copies to the Environmental Partnership Foundation. In case of the absence of the stipulated annexes of the Application Form, the Program Manager may suspend the institution of the procedure or he/ she can turn it down.

At the handing in of the application the TA Program Assistant provides the application with an individual registration number and he/she checks up, whether there has been presented all necessary annexes to the application.

If he / she notices any deficiency, he / she calls the attention of the applicant to the possibility of the supplementation, who – if he/she wants to use the



opportunity – can hand in the missing documents.

If the Application Form is complete, the TA Program Assistant sends a copy provided with a registration number to the applicant for his/her own record.

Before starting the certification process the TA program assistant will send to the applicant, together with a copy of the registered Application Form, the Internal Evaluation Checklist, which is meant to evaluate if the applicant product or service complies with the eligibility standards of the program.

This internal evaluation makes the certification process shorter and helps the applicant to prepare to the real local inspection, as it gives an exact feedback about the deficiencies which have to be eliminated in order to gain the right to use the Transylvania Authentica trade mark.

The internal evaluation is performed by the applicant himself with help of the guide of the document, provided by the TA staff.

The certification process of the applicant product/service will be started only after the applicant has sent back the completed Internal Evaluation Checklist to the TA office, the Environmental Partnership Foundation has checked it and found the product/service eligible for certification.

9.4. The preparation of the certification inspection

If the Application Form is complete, the TA Program Manager notifies the specific expert (auditor) about the handing in of the application.



9.5. Certification inspection

The certification inspection consists of two parts:

- the supervision of the manufacturing of the applying product/service from the point of view of quality certification (through local audit),
- filling out the general and specific eligibility inspection checklist.

For the sake of the certification inspection the applicant is obliged to:

- make the local audit possible and to support the activity of the auditor.

9.5.1. Local audit

The Program Assistant checks the date of the audit with the applicant, who is going to be audited.

The auditor presents the purpose of the visit on the spot in the framework of an opening meeting, involving the demanded fields into the supervision. Then the audit takes place.

The aim of the audit is to ascertain, whether the applicant product or service disposes of the conditions listed in the basic and specific standard system, which assure long-term quality.

In course of the local audit, the auditor examines in connection with the applied product:

- the conformity of the production from a qualitative point of view,
- the traditional character of the product / service,
- environmentally friendly product / service and its environmentally friendly production process,



- management of energy, water and waste,
- other specific criteria.

The auditor draws up an *audit report* about the inspection, in which he/she has to set every essential condition and non-conformity from the point of view of the certification procedure. The auditor must record separately a non-conformity report about the non-conformities; respectively his/ her report must include also the recommendations which promote the conformity of the product / service.

The auditor hands over the audit report and its annexes to the Program Manager. The Program Manager sends the report drawn up by the auditor to the applicant in order to notify him / her and to give him/her the chance to express his/her opinion. For this the applicant has one week to his/her disposal. In so far as the applicant does not answer to the sent report in term of one week, the Program Manager considers the document accepted and sends it via e-mail or CD to the Award Panel.

9.5.2. The Assessment of reports

The Award Panel takes into consideration:

- the conclusions, which can be drawn on basis of the evaluation of documents
- the results of the local audit
- on basis of the photo of the product handed in for the inspection, its aesthetic aspect and its packaging

The members of the Award Panel set their opinion in the *Assessment Report*, and then they hand it over to the TA Program Manager. In the assessment the Award Panel passes a proposal for the Director concerning the issue of the certificate



and the granting of right to use the trademark.

In case when as a result of the inspection the product does not meet the required standards, this must be justified by the members of the Award Panel in the Assessment Report. The TA Program Manager sends the Assessment Report to the Director and then to the applicant, too.

If the Award Panel finds a corrigible deficiency, it can decide about conditioning the certification, or about the suspension of the procedure.

The applicant must take measures for all revealed deficiencies in course of the inspection, in order to meet all product certification standards.

In so far as the Applicant can prove, that he/ she has put an end to the deficiencies recorded in the Assessment Report, and that he/ she has notified the Program Manager about it, the Program Manager announces the auditors, that they can continue the started inspection. The Award Panel records the result of the new inspection as an annex of the audit report.

9.5.3. Decision about granting the right to use the trademark

The last granting of the TA certificate and TA trademark right is the task of the Director of the Environmental Partnership Foundation.

For the decision about the certification, he / she takes into consideration:

- the documents handed in by the applicants,
- the results and recommendation of the inspection of the Award Panel,
- other information, which could influence the decision.

The Director, in conformity with the results of the decision about the certification:



- approves awarding the certificate and the trademark right,
- or turns down awarding of the certificate and the trademark right.

The final decision about awarding the certification and the trademark right of common is recorded by the Director in the proper article of the Assessment Report.

10. AWARDING THE CERTIFICATE AND THE TA TRADEMARK RIGHT OF COMMON

The TA Program Manager notifies the applicant about winning the right to use the TA trademark and calls upon the applicant to conclude the License Agreement. Simultaneously he/she sends the Visual Identity Guidelines of the trademark. The trademark can be used only in possession of the valid License Agreement, in the way and for the purpose stipulated in the Visual Identity Guidelines.

The trademark can only be indicated on the product or on the service, if it passed successfully through every step of the certification process.

10.1. Appeal against the rejection of the application

The applicant can file a written appeal against the rejection of the issue of the certification within 15 days from receiving the decision. The appeal should be addressed to the Award Panel and sent to the Environmental Partnership Foundation. In the appeal the arguments against the negative decision must be exposed in detail.



The task of the TA Program Assistant is to record the appeal in *The register of complaints and appeals*.

On basis of the arguments and documentations presented in the appeal, the Award Panel:

- orders the granting of the certification and the right to use the TA trademark,
- or rejects the granting of the certification and the right to use the TA trademark,
- or stipulates the execution of further examinations.

11. THE USE OF THE TRADEMARK

11.1. The duration of the right to use the trademark

The right to use the trademark and the awarding of the certificate is granted for a fixed period, namely 3 years. After the expiry of this period, the right to use the trademark has to be prolongedated by handing in another application.

11.2. Managing of non-conform products

The enterprise/business that gained the trademark must bring about regulations that assure that they do not put into circulation by any chance, with the trademark logo, a product that does not have the required quality. This regulation must touch upon the identification, evaluation, separation and the measures that refer to the further handling of the non-conform product.



11.3. Rectifying and preventive measures

The enterprise/business that has gained the trademark must carry out a rectifying and preventive activity for the real or eventual non-conformity of the product/service that has won the trademark. The preventive activity must touch upon the management of the client's observations and complaints.

It is the obligation of the enterprise/business that has won the trademark, to present immediately in written form any non-conformity regarding the product/the service to the organization which carries out the certification.

11.4. Change on the product that has gained the trademark

As far as the enterprise/business, that has won the trademark plans any qualitative changes of the product or service, it is obliged to report this previously in written form to the Environmental Partnership Foundation, annexing a product sample. The report will be examined by the Award Panel. If the planned change departs from the previously approved qualitative characteristics of the product in a high degree, the Award Panel can subject to conditions the maintaining of the certificate and the bearing of the trademark, or it can stipulate the carrying out of a new, eventually simplified procedure. In case of a smaller change on the product the Program Manager together with the Director can decide about the acknowledgement of the modified product/service.

11.5. The extinguishment of the trademark right of common

The trademark right of common extinguishes, if

- the period set in the certification expires,



- the trademark winning enterprise/business renounces of the right to use the trademark out of whatever reason,
- the certifier withdraws the certification and the trademark right of common because of the violation of the Operational Rules.

11.6. The violation of the trademark right of common, unauthorized use of the trademark

The trademark winning enterprise violates the trademark right of common if

- it uses the trademark without a valid certification,
- does not put into circulation the product provided with the trademark with the required quality,
- it made changes in the composition, qualitative characteristics of the trademark gaining product without previous notification of the Environmental Partnership Foundation and its approval,
- it does not fulfill the obligations stipulated for the trademark user in the Operational Rules,
- it puts into circulation and keeps in circulation products provided with trademark against the restrictive and suspending decision concerning the use of the trademark of the certification decision maker,
- it indicates the trademark on the product/service after the expiry date set in the License Agreement.

In case of unauthorized use of the "Transylvania Authentica" trademark, the Environmental Partnership Foundation proceeds according to those codified in the current law (84/1998) concerning trademarks.



11.7. Prolongation of the trademark use of common

In the course of the renewing application the applicant must hand in

- the Application Form,
- the copy of the entrepreneur's certificate and of the producer's license.

The Award Panel can simplify the certification procedure of the renewal agreement on the basis of the former inspection of the product/service.

12. THE INSPECTION OF THE USE OF THE TRADEMARK

In order to keep the consumers' recognition of the trademark and to protect its value it must be assured, that in course of its production and distribution the certified product conforms continuously to the TA standards.

The observation of this is examined in the framework of the regular and ad hoc inspections.

12.1. Monitoring inspection

The enterprise that gained the right to use the trademark must constantly be ready for the inspection of the product/service that gained the trademark and to assure the possibility of the reviewing inspection. It has to keep in evidence the result of the examinations, to present them on demand of the Environmental Partnership Foundation, as well as to the appointed auditor, and to make available the documentation of the measures, that incidentally became necessary.

The auditor carries out the inspection of the product taking into consideration the basic and specific standards. The auditor puts down the results in an



examination report, which will be sent to the Environmental Partnership Foundation.

12.2. The evaluation of the inspection

In case there were no deficiencies observed during the inspection, the TA Program Manager puts down in a *Register of Inspection*, that "the use of the trademark, on the basis of the inspection held on (date), is in accordance with the prescriptions, there is no need for any measures."

The TA Program Manager informs the Award Panel about the result of the inspection.

In case there were deficiencies observed during the inspection, the TA Program Manager transmits the results of the examination to the producer (trademark user) and to the Award Panel. The Award Panel evaluates the results, if it is necessary it checks them up with the producer, asks the carrying out of other control examinations, or views the premises at the producer.

The producer also may pass a remark on the result of the examination that contains non-conformity, which could be taken into consideration by the Award Panel.

In case, during the inspections, the quality of the product does not meet the requirements, on basis of the proposal of the Award Panel, the director

- demands the producer to eliminate the deficiencies,
- or suspends the trademark right of common until the elimination of the defaults, but for maximum 6 months,
- or decides about the annulment of the trademark right of common.



12.3. Ad hoc inspection

In case of a customer complaint regarding the non-conform quality of the product /service that bares the trademark, the Award Panel may order the immediate inspection of that product. The Award Panel may examine the terms of quality insurance and producing circumstances connected to the product /service.

The evaluation of the result of the ad hoc inspection takes place according to those written in the monitoring regular inspection.

13. ADMINISTRATION OF THE COMPLAINTS

The complaints arrived from the customers, and other third parties will be registered by the TA Program Assistant and in case of a professional exception, they will be transmitted to the Program Manager, who must send them to the Award Panel. In case the customer declares his complaint over the phone, the data (name, availability) of the caller and the short description of the complaint shall be recorded. Each unsettled question and complaint must be solved in the shortest time possible.

The Program Assistant has to record the data of the complaint in the *Register of complaint and appeal*, after that the Program Manager has to organize the investigation of the complaint. The result of the investigation shall be recorded in an *investigation note*, which contains the exact description of the complaint, the result of the investigation and the proposal for the settlement of the complaint. In case the complaint affects the Award Panel personally, the carrying out of those above will become the duty of the Director.



The record made about the investigation shall be given to the Director, who, on the basis of the proposal, takes a decision about the method of the settlement of the complaint or about its refusal, and writes his decision on the record. On the basis of the decision, the settlement of the complaint is the duty of the TA Program Manager.

In case the customer does not accept the offered possibility of settlement, the further settlement of the complaint will be the duty of the TA Program Manager. After the close of the complaint, the TA Program Assistant actualizes the Register of complaint and appeal.

In each case when the settlement of the complaint was not settled comfortably for both parties, the complaint has to be submitted to the Award Panel, which makes decision about necessity of a further possible investigation, as well as about the statement of the cogency of the complaint.

The data, records drawn up during the closed complaint or the investigation of the appeal are registered by the TA Program Assistant.

14. ADMINISTRATION

14.1. The register of the trademark users

The registration of the customers (trademark users) is done in a separate data base. The data base contains the data of the customer, as well as each important data that is connected to the audit, to the examination of the product, to the certification and reviews. The refreshing and actualization of the data base is the duty of the Program Assistant.



14.2. Administration after the registration

After the issue of the certification, the certificate will be sent to the enterprise/business that has gained the right to use the trademark, together with a covering letter, the Visual Identity Guidelines and the License Agreement.

15. THE COSTS OF THE CERTIFICATION PROCESS AND OF THE TRADEMARK RIGHT OF COMMON

The Applicants will have to pay a fee of 100 Euros/sector (or its equivalent according to the currency exchange rate of the National Bank of Romania), which consists of the right to use the Transylvania Authentica trademark for the first three years.

16. THE OBLIGATIONS OF THE ENVIRONMENTAL PARTNERSHIP FOUNDATION

The Environmental Partnership Foundation assures, through the observation of the Operational Rules, the continuous function of the certification procedure.

It promotes the trademark in order to create and preserve its market and recognition.

For the sake of this:

- it advertises the certification system and the trademark in shows, press, media,
- it promotes in media the products that gained the right to use the trademark, draws up information materials, and spreads them expansively,
- it informs the media about the definitive withdrawal of the trademark right of common,



- it carries out a marketing communication activity, in order to report the trademark to the consumers.

17. THE OBLIGATIONS OF THE ENTERPRISE/BUSINESS THAT GAINED THE TRADEMARK RIGHT OF COMMON FOR A CERTAIN PRODUCT/SERVICE

The product certification issued by the Environmental Partnership Foundation does not reduce the responsibility of the producer for the production of a product with appropriate quality.

The enterprise that gained the trademark right of common, for the sake of the promotion of the trademark and the preservation of its professional authenticity, undertakes to

- place on the product, which accords to the requirements, the logo of the trademark at a distinctly visible place and in the proper size
- keep continuously the quality of the product and its production circumstances at least on the level presented during the inspection
- observe the Operational Rules and to satisfy all the obligations
- indicate, enhance the fact of the bearing of the trademark during its PR and advertising activity
- take part, as far as possible, in the actions of popularization of the trademark, organized by the Environmental Partnership Foundation
- put photos of the product and /or product at the disposal of the Environmental Partnership Foundation.