

OPERATING POLICIES

Environmental Technology Verification

**Industrial Technology Development Institute
Department of Science and Technology**

**DOST Compound, Gen. Santos Avenue, Bicutan
Taguig, Metro Manila 1631
Philippines
Tel (02) 837-2071 local 2273/2274
Fax (02) 837-3167
<http://cptech.dost.gov.ph>**

ETV OPERATING POLICIES

Fundamental Tenets

1. ETV will accept applications from any individual or organization that owns or controls the technology or product. In addition, ETV encourages the formation of public and private sector partnerships with the entity that owns or controls the technology for the purpose of obtaining an ETV evaluation of the technology or product.
2. ETV does not endorse, approve or authorize for use any product that it evaluates. Rather, it renders the service of applying a national, consensus-based evaluation process, incorporating a cross-section of participants, which provides end users, regulators, and decision-makers with a sound and rational basis for future purchasing decisions.
3. A successful ETV evaluation will not itself guarantee that the user or regulatory community will authorize or permit the use of the specific product. Likewise, the ETV evaluation process will not relieve the applicant from all the burdens typically associated with the introduction of a new product. However, the consensus-based approach utilizing a panel of knowledgeable and experienced professionals to conduct scientifically based evaluations can minimize that burden. In appropriate cases (i.e., where the evaluation shows that the product performs as claimed or intended), an ETV evaluation can assist in the successful entry and acceptance of the product in the marketplace.
4. ETV reserves the right, at any stage, to suspend or terminate the ETV evaluation process with or without cause. In the event the applicant is responsible for the suspension or termination, the applicant will remain obligated to pay that portion of the development fee or evaluation fee, as applicable, commensurate with all costs incurred by ETV up to the effective date of the termination or suspension.
5. Since applicants voluntarily choose to contract with ETV to obtain an evaluation of their product and are wholly responsible to pay for all costs incurred in the providing of those services, the applicant is free to terminate the ETV evaluation process at any stage, without cause, provided that all contractual payment obligations to ETV are satisfied (e.g., the processing fee, development fee, evaluation fee depending on the stage at which terminated), or with cause, provided that applicant shall remain obligated to pay that portion of the fee commensurate with all costs incurred by ETV up to the effective date of termination.
6. The applicant will retain full control of the distribution of the evaluation report, subject to the applicable provisions of the ETV Policy on Publication and Release of Reports (described later in this document).

Ethical Standards

All individuals who are directly or indirectly involved in the management or operations of ETV or the ETV evaluation of technologies or products will be required to sign a statement agreeing to abide by all provisions within the ETV Governing Principles.

Intellectual Property Rights

The applicant will enjoy his existing rights to any patents, technical data, proprietary information, or other intellectual property associated with any product or technology brought to ETV for evaluation. The ETV process will not confer any such rights on ETV or any ETV program participant.

Furthermore, the applicant will retain the exclusive rights to any intellectual property related to improvements in the product developed during the course of the ETV evaluation process.

However, the rights to any intellectual property specifically related to the evaluation plan itself, including the developed evaluation criteria, evaluation methodology, test procedures, or any other element, which is the work product of the volunteer ETV Technical Panel, will not accrue to the applicant. Rather, such property will be patented or copyrighted by ETV, which will grant royalty-free, non-exclusive licences to persons or entities to use it for a valid public purpose (e.g., as the basis for a national specification, recommended testing practice, etc.).

Confidentiality

ETV will conduct itself in accordance with accepted professional standards, including routinely treating our dealings with the client (applicant) and his or her affairs as a private matter. However, as a practical matter, due to the fact that ETV operates through panels of volunteers, it is inevitable that some disclosure of the applicant's involvement with ETV may be made (even if nothing more than the fact that an application has been made). As a consequence, if there is specific information that the client wishes to remain confidential, it should be so identified on the application form as a confidential information for which the protection of this policy is requested. Notwithstanding any such identification on the application, no information will be deemed to be and treated as confidential information if, through no fault of ETV, it is already known to ETV or any of the ETV participants, or is generally available to the public. Subject to the exceptions indicated below, ETV will take precautions to ensure that this information is held in strictest confidence, including the following:

1. ETV will not disclose or release any confidential information to any individuals or organizations except to those individuals who participate as members of an ETV Technical Evaluation Panel or as a consultant or subcontractor to ETV.
2. ETV will disclose or release to members of the ETV Advisory Council and officers and employees of ITDI only that information necessary for them to fulfill their responsibilities as such.
3. ETV will require that all employees of ITDI, ETV Advisory Council, and all members of the Technical Evaluation Panels sign an agreement to comply with the ETV Governing Principles.

4. All contracts with technical consultants or organizations that assist in the conduct of ETV technical evaluations will contain specific provisions designed to ensure that all confidential information and data are held in strict confidence.
5. Disclosure may be made:
 - (a) If compelled by judicial order, subpoena or order of any governmental agency;
 - (b) To the professional advisers of ETV and the ETV participants, provided that they agree to be bound by the same confidentiality provisions with respect to disclosure to third parties and use; and
 - (c) ETV and ETV participants may use and disclose the information in defending any claim or lawsuit against them involving the applicant's product, the Test plan or the ETV Report.

Publication and Release of Evaluation Reports

While a variety of periodic report and other documents may be required to provide for proper planning, management and control of the evaluation process, the only deliverables that will be published by ETV are the final ETV Reports and a technical summary or ETE/ETV Statement of each product evaluated.

These reports will be prepared under the direction and guidance of the Technical Evaluation Panel. When the panel is satisfied that the report fulfills the objectives of the product-specific Evaluation Plan and ETV Technical Protocol, the Panel will recommend to ETV that it be released to the environmental community and the public at large.

ETV will be guided by the recommendation from the Panel, but will retain the ultimate authority, in conjunction with the applicant but subject to the exception described.