



RULES OF PROCEDURE

for the Certification of Products in the Non-harmonised Area

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**for the Certification of Products in
the Non-harmonised Area**

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DVGW CERT RULES OF PROCEDURE

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➔ 1 Purpose

These Rules of Procedure define the General Terms and Conditions for the national procedures of DVGW CERT GmbH for the

- ➔ certification,
- ➔ testing,
- ➔ surveillance and
- ➔ granting, withdrawal and suspension of certificates

for products in the non-harmonized sector of the European Union. Certification confirms compliance of types with the test specifications defined by DVGW CERT GmbH in its certification programs. The respective license terms apply to the granting of certification marks.

➔ 2 Scope

These Rules of Procedure apply to certification procedures for products, components and materials in accordance with the test specifications listed in section 4.2. The test specifications have been published on the website of DVGW CERT GmbH (<http://www.dvgw-cert.com>).

The test and surveillance specifications applicable for a particular type of product (certification programs) have been specified in the product type lists of DVGW CERT GmbH. The product type lists are continually adapted to reflect developments in European standards, DIN standards and the DVGW Standards and Codes of Practice as well as the latest findings from practice and research. The lists can also be found on the website of DVGW CERT GmbH or requested from DVGW CERT GmbH.

Based on these Rules of Procedure, the following certification marks can be granted:

➔ DIN-DVGW mark

The DIN-DVGW mark is issued upon application if the products, components and materials meet the requirements of the DIN (EN) standards applicable for the product in question as mentioned in the DVGW Standards and Codes of Practice.

➔ DVGW mark

The DVGW certification mark is issued upon application if the products, components and materials meet the requirements of the DVGW Standards and Codes of Practice applicable for the product in question.

➔ DVGW-CERT mark of conformity

The DVGW-CERT mark of conformity is issued upon application if the products meet the requirements of the certification programs of DVGW CERT GmbH applicable for the product in question.

➔ DVGW-CERT W 540 mark of conformity

The DVGW-CERT mark of conformity carrying the extra „Safe connection W 540“ label is granted upon application if the product in question complies with the applicable aspects of the Preliminary Technical Test Specification DVGW W 540 (VP). The DVGW mark of conformity carrying the extra „Safe connection W 540“ label documents that a product is generally safe for use in drinking water installations.

➔ GS mark

DVGW CERT GmbH can grant the right to use the GS mark for technical equipment and consumer products as defined by the German Equipment and Product Safety Act (ProdSG1). The GS mark may only be used together with the logo of DVGW CERT GmbH (see Annex I).

➔ DVGW quality mark

The DVGW quality mark is granted upon application in addition to the European CE mark or to the mark of conformity for products, if the quality requirements of the applicable DVGW Standards and Codes of Practice specified for the respective product are met.

➔ 3 Application procedure

3.1 General

Applications for certification, recertification and surveillance as well as notifications of modification must be addressed to DVGW CERT GmbH on printed or electronic application forms and must carry a legally binding signature or be signed electronically.

After receiving the application, DVGW CERT GmbH shall check whether the application is valid and complete and whether it is assigned to a specific procedure. The application for granting certification will be confirmed within 4 weeks and assigned a reference number – or rejected if no applicable Test Specifications or approved and/or accredited testing laboratories exist for the product.

Confirmation of the order by DVGW CERT GmbH marks the beginning of the certification procedure. In the event of ambiguities the applicant will receive an interim report after a maximum of 4 weeks.

The Rules of Procedure, test specifications, laboratory recognitions and accreditations and schedules of fees valid at the time of receipt of the application shall be applicable to the certification procedure in question.

The applicant/potential certificate holder is the contractual partner relevant for the Certification Body in all matters relating to the requested certification procedure. The certificate holder shall be fully entitled to use the issued certificates and shall assume all rights and obligations pursuant to these Rules of Procedure.

The applicant/certificate holder undertakes not to have any tests performed by a testing laboratory that was involved in the design or construction of the product range or offered any other product-related advice. Failing this, the test results shall not be used for certification. The applicant/certificate holder shall warrant that the product is free from third-party rights and that no copyrights, trademark rights, patents or industrial property rights of third parties will be violated – or that the holder of such rights agrees to the certification procedure. To that extent, the applicant/certificate holder shall indemnify DVGW CERT GmbH against any such third-party claims.

The applicant/certificate holder furthermore undertakes to refrain from making any advertising statements or other public statements regarding the results or any interim results of the testing procedure before DVGW CERT GmbH has informed him of the conclusion of the certification procedure.

Separate applications for certification must be filed for products that differ significantly in ways relevant for certification. Significant features relevant for certification include properties substantially affecting a product's safety, hygiene, function or handling. Trademarks, models and types that differ only in size/performance or formally, or in ways not relevant for certification, can be grouped together in one application for certification, and can later be covered by a single certificate if they belong to a single production series and to one and the same product type. If required, information about combining models and product types to production series can be requested from DVGW CERT GmbH.

If an applicant markets the product of another certificate holder under his own name with the latter's consent, he shall apply for a separate certificate bearing a separate registration number to cover the models marketed by him. Alternatively, his name may be added on the owner's certificate, specifying him as an additional distributor (see section 4.1).

Binding information by DVGW CERT GmbH on the status of the certification procedure must be in writing.

3.2 Application documents

The following documents shall be submitted to DVGW CERT GmbH with a new application for certification:

Before type/product testing:

- ➔ A completed and signed certification application form
- ➔ Documents that clearly and unambiguously describe the product (e.g. user and installation instructions, technical drawings)
- ➔ New clients will also be required to submit a copy of their business registration or a copy of entry in the Commercial Register; non-German applicants will be required to furnish equivalent evidence of the certificate holder's business enterprise.

After type/product testing:

- ➔ All required test reports in the original or in any other indelible and traceable format
- ➔ All supporting documents

All documents required for certification must be available to DVGW CERT GmbH. Any other applicable test or material certificates must be valid at least for another half year when the test reports are submitted. Proof of validity must be furnished with applications for new certification, modifications, recertification and extensions as well as in the course of the periodical surveillance procedures.

DVGW CERT GmbH undertakes to keep confidential vis-à-vis third parties any information related to certification applications.

All application forms, schedules of fees and charges, and Terms and Conditions can be requested from DVGW CERT GmbH or downloaded from its website.

➔ 4 Testing

4.1 Testing laboratories

The certificate holder shall commission testing laboratories for product testing purposes (type approval tests, control tests, supplementary tests) that meet the following prerequisite:

- ➔ The testing laboratory must be fully accredited pursuant to DIN EN ISO/IEC 17025 (MRA agreement) and by an EU-approved accreditation body for the scope of testing and the test procedure required for the certification.

Testing laboratories are not authorised to issue quotations, make statements or supply information on behalf of DVGW CERT GmbH. DVGW CERT GmbH accepts no liability for testing services provided by testing laboratories.

The relationship between the certificate holder/manufacturer and a testing laboratory shall be governed by a test assignment contract signed directly by the parties concerned. This contract must authorise the testing laboratory to make the results of tests available to DVGW CERT GmbH in the form of a test report.

4.2 Test specifications

The test specifications used for testing and certification must have been published prior to their use in a way that makes them generally accessible to the expert public. Depending on the certification mark, they may include:

- EU or German legal regulations
- DIN (EN) standards and the relevant pre-standards
- Standards and test specifications of other countries in or outside Europe
- DVGW Codes of Practice and Technical Test Specifications (P)
- DVGW Preliminary Technical Test Specifications (VPs)
- DVGW CERT certification programme (ZP)

DVGW CERT GmbH may decide to use draft versions of standards, DVGW Codes of Practice and Test Specifications in individual cases.

DVGW CERT GmbH maintains a list of all test specifications applicable to its certification procedures, including information on which test specification applies to which product type. The list has been published on the Internet or can be made available on request. The information contained in this list is provided without guaranteeing that it is correct and complete at the time of publication. Only the information contained in the application confirmation is binding.

4.3 Test samples/sampling

For type approval tests, the manufacturer shall submit typical test samples from near-series production to the testing laboratory commissioned to carry out the tests. If required, additional test samples may be requested for type approval tests.

The testing laboratory commissioned to carry out the tests shall take samples from the manufacturer or distributor. The testing laboratory commissioned to carry out the tests may take types or samples from the manufacturer or distributor without prior notice. If specific test specimens deviating from the product geometry (e.g. test panels) are to be used for surveillance, these shall be made available by the manufacturer for sampling in sufficient

quantities. In exceptional cases and after prior agreement with DVGW CERT GmbH, samples submitted or supplied by the manufacturer may be accepted.

4.4 Test report

Certification is based on the test report prepared by a testing laboratory in accordance with section 4.1. The test report shall reflect the current status of the product and the underlying test specifications and meet the requirements of DIN EN ISO/IEC 17025 as amended. The test report must not be older than 2 years. It shall include information on all certification and/or surveillance requirements relating to the product and shall not contain any statements regarding conformity. The test report shall be submitted to DVGW CERT GmbH.

Test results obtained prior to the submission of an application for certification will be accepted if

- The testing laboratory concerned had, at the time of testing, already been approved for the underlying test methods and test specifications by DVGW CERT GmbH or, alternatively, had already been EU-accredited pursuant to EN ISO 17025 (MRA agreement) for the test specification(s) concerned,
- The applicant or certificate holder furnishes proof that the product has not changed since it was tested, and
- The test specifications have not changed by the time of certification.

If the product concerned is identical with another product having a different trade or manufacturer name which has already been tested, the test results may be transferred in agreement with DVGW CERT GmbH.

Unless stated otherwise in the test specifications and if applicable for the product or the material, the test reports shall include at least the following documents:

- A photograph or other image of the type or product;
- Sectional drawings to an appropriate scale showing details of the design and function;
- Unambiguous information about the materials relevant for certification (e.g. material codes, standardised designations, results of material analyses etc.);
- Printed matter: operating instructions, instruction manuals and installation and/or mounting instructions, type plate.
- Data sheet showing the results (target/actual comparison of test results).

A type approval test report is not required if major deviations are found from the test specifications or if essential safety, functional or hygiene require-

ments are demonstrably not met so that certification cannot be granted in the first place. In this case, the testing laboratory shall adequately notify DVGW CERT GmbH in writing (e.g. data sheet with test results).

➔ 5 Granting, suspending and withdrawing certificates

Certification and/or a change of certification will be granted and a certificate issued if and when the application and test procedures have been carried out properly, the test report(s) on type, product, document, change, extension or recertification tests have been submitted, and the conformity assessment on the basis of the documents and test report(s) is positive. DVGW CERT GmbH will decide in good time from receipt of all necessary application documents whether or not certification will be granted.

5.1 Issuing certificates

The right to use a certification mark is granted by issuing the corresponding certificate. The GS mark will be granted only if the first manufacturing process audit carried out after certification has yielded a positive result, entitling the applicant to use the GS mark.

The certificate will be issued to the name of a single certificate holder (manufacturer or distributor) only. Different models or trademarks as well as different distributors of the same production series with the corresponding types and variants may either obtain individual certificates with separate registration numbers or be combined in one single certificate (see section 3.1). In the latter case, a separate certificate sheet (supplement), which in addition to several models and distributors may also list the various type designations, will be prepared for each model-distributor combination. All elements of the certificate (main certificate and supplements) form part of one complete certificate indicating the same holder and bearing the same registration number, and may be prepared and invoiced as one unit only. While the certificate holder's name will appear on the main certificate, the supplements will only show the names of the respective distributors or models. As a general rule, a registration number will be assigned to only one certificate holder. In case of the GS mark, no separate certificate elements will be prepared for distributors.

Separate certificates and/or supplements (model-distributor combinations) will be issued for different models of a production series and different distributors. Models are regarded as different in this context if they differ in

significant aspects of construction and manufacturing, e.g. equipment parts, material, temperature resistance etc.

Pursuant to the provisions of the Central Office for Safety Engineering (ZLS, Zentralstelle der Länder für Sicherheitstechnik), the certification procedure used to grant the GS mark prohibits the issuance of a distributor certificate (subsidiary certificate).

Following positive conformity assessment, DVGW CERT GmbH will issue the certificate and enter the certification data into a certification register. The registration number will be communicated to the certificate holder and the certificate entitling him to use the respective certification mark will be sent to him.

DVGW CERT GmbH will keep on file the certification application documents for 15 years.

DVGW CERT GmbH regularly publishes all products certified by it in its certification registers and on its website. The certification registers are published at least once a year.

5.2 Certificates' period of validity

Certificates are valid for a limited period of time, depending on the test specifications.

The validity of a certificate depends on the respective test specification, as shown below, unless the certificate expires prematurely pursuant to these Rules of Procedure: As a rule, the period of validity of certificates based on the following is as follows:

➔ EU or German legal regulations	5 years
➔ German, European or other international standards	5 years
➔ DVGW Technical Test Specification (P)	5 years
➔ DVGW Preliminary Technical Test Specification (VP)	3 years
➔ Pre-standard, draft standard or draft Technical Test Specification (P)	3 years

The period of validity of certificates issued pursuant to certification programs is specified in the respective certification programme.

Supplementary tests carried out in the meantime do not extend this period of validity. If a draft standard or Preliminary Technical Test Specifications (VP) are superseded by a final standard or Technical Test Specification (P), the granted certificate can be extended for 5 years upon application if a testing laboratory pursuant to Section 4.1 confirms that the product also

meets the requirements of the final standard or the Technical Test Specifications.

Certificate holders have the right to use the certification mark from the date of issue shown on the certificate. The expiry of the certificate depends on the date of the latest type approval test report required for certification, plus the respective term of validity indicated above.

5.3 Recertification

If the certificate holder should require recertification, he shall apply for it at least 3 months before the certification expiry date so as to obtain the right to have the procedure carried out in the specified period of time. It is the responsibility of the manufacturer to make sure that a testing laboratory pursuant to section 4.1 will be commissioned in due time to carry out all necessary test procedures so that all test reports required for recertification are available at the time of application. Incomplete documents, notably missing test reports, may result in forfeit of recertification in the specified period of time. DVGW CERT GmbH accepts no liability for recertification after the specified period of time if the test reports submitted are incomplete or submitted late.

Recertification may be carried out

- a) without carrying out a repeat type approval test if:
 - the product has not changed as compared to the type last certified,
 - the production method of the certified product continues unchanged after the expiry of the certificate,
 - there has been no change in the test specifications on which certification was based, and
 - the most recent surveillance by a testing laboratory pursuant to section 4.1 was positive and a control test report is available.
- b) only in connection with another type approval test if:
 - the most recent complete type approval test was carried more than 15 years ago
 - the product in question has not been produced during the certificate's period of validity and prior to renewal and therefore no control test report for the product in question is available.

The test report on the type approval test must be available before the certificate expires.

The right to use a certification mark and the pertinent registration number depends on the validity period of the certification, which can be extend-

ed any number of times if the validity of the certification has never been suspended.

5.4 Expiry of certificates

A certificate will expire and cease to be valid

- After its period of validity has expired,
- After the certification or surveillance procedure has been cancelled by the certificate holder,
- After withdrawal by DVGW CERT GmbH (see section 5.6).

Certificate holders may cancel certification and surveillance procedures at the end of each year, subject to 3 months' advance notice. DVGW CERT GmbH publishes a list of cancelled certificates on its website.

Stocked products bearing the certification mark or registration number of DVGW CERT GmbH may be put on the market for 12 months after the certificate has expired, unless the certificate has been withdrawn or the certification or surveillance procedures have been cancelled.

The certificate holder undertakes to refrain from making any advertising statements or other business-related statements on certification in connection with suspended or withdrawn certificates.

5.5 Suspension of certification

DVGW CERT GmbH reserves the right to temporarily suspend certification if it has objective evidence showing that significant preconditions required for using the certification mark are not met or are not fully met any more, but that the unsatisfied preconditions can be expected to be satisfied shortly.

Notably, certification can be suspended if

- the requirements of these Rules of Procedure are not met,
- the certificate holder has failed or partially failed to meet any requirements that directly or indirectly affect the safety, hygiene, quality or functionality and, if applicable, the fitness for use, performance or environmental compatibility of the product,
- the certificate holder has missed the surveillance deadline pursuant section 6 by more than 90 days or if the proof of surveillance is not available to DVGW CERT GmbH within 90 days of the surveillance deadline.

Together with the warning, DVGW CERT GmbH may require suspension of the certification. The certificate holder may comment on the charges against him within the period of time specified in the warning sent to him by DVGW CERT GmbH requesting him to restore the contractually agreed state. This deadline for comments is a preclusive period that shall apply to all

objections the certificate holder, using commercial diligence, can then lodge against the violation charges mentioned above.

Upon receipt of the written notice on the suspension of certification, certificate holders shall no longer mark the product with the registration number or with a certification mark and shall not put on the market any relevant products stocked that bear the mark until the suspension has been revoked. DVGW CERT GmbH reserves the right to inform third parties about the suspension of the certificate. DVGW CERT GmbH will publish a list of suspended certificates on its website.

The suspension of the certification will be revoked as soon as the certificate holder has demonstrated that all preconditions required to use the certification marks have been satisfied.

5.6 Withdrawal of certificates

5.6.1 Reasons for withdrawal and withdrawal procedure

DVGW CERT GmbH may withdraw certificates if

- the certificate holder has missed the surveillance deadline pursuant to section 6 by more than 365 days or the proof of surveillance is overdue by more than 365 days,
- the certificate holder misuses a certification mark or a registration number,
- the requirements of these Rules of Procedure are not met,
- the certificate holder fails to meet, partially fails to meet or fails to meet in time requirements stipulated by DVGW CERT GmbH,
- the preconditions for granting the certificate have ceased to exist (notwithstanding the special regulations of sections 5.7 and 6.6),
- the product no longer conforms to the applicable legal national requirements, e.g. due to new or amended regulations, or
- the certificate holder fails to restore, upon receipt of a written warning, the contractually agreed state within a reasonable deadline set by DVGW CERT GmbH.

DVGW CERT GmbH reserves the exclusive right to decide whether or not a certification mark or a registration number has been misused. Third parties have no right to object.

5.6.2 Legal consequences

DVGW CERT GmbH will notify the certificate holder in writing by registered letter with return receipt about the withdrawal of a certificate. The registration number will then be deleted from the certification register of DVGW CERT GmbH. The original of the certificate shall be returned. A deleted registration number may not be reissued or reassigned.

The withdrawal or cancellation of the certificate will be published on the website of DVGW CERT GmbH. After withdrawal of a certification, the certificate holder may no longer use the registration number or certification mark on the product after having received the notice by registered letter about the withdrawal of the certificate and the deletion of the respective registration number. Any stocked products of the type concerned that already bear the certification mark or a registration number may no longer be put on the market with these marks attached. The certificate holder shall, upon request, demonstrate to DVGW CERT GmbH that he has taken all possible and reasonable measures to prevent the on-going marketing of the product with a DVGW mark. DVGW CERT GmbH reserves the right to inform third parties about the withdrawal of the certificate.

The certificate holder shall indemnify DVGW CERT GmbH from all claims by third parties that may arise from the illegitimate use of the certification mark and registration numbers.

5.7 Changes to certified products

The certificate holder shall always inform DVGW CERT GmbH in due time and prior to production changes about all planned changes to the certified product or production method which may affect the properties of the product relevant for certification, as well as about any company name and address changes. Failure to do so will result in the loss of right to use the respective certification mark.

Having reviewed the change notice, DVGW CERT GmbH will decide whether or not an application for change must be filed and/or whether additional tests or assessments must be carried out in the form of partial or complementary tests or document reviews, in particular if

- the change involves components or materials or the operating system software that affect the properties of the product relevant for certification,
- the design or production method of the product is changed, provided this can affect the properties relevant for certification,
- the names or addresses of the certificate holders or of the distributors mentioned in the supplements change.

The certificate holder shall not use the certification mark on the changed products until a changed certificate has been issued or a positive decision has been taken by DVGW CERT GmbH, unless the change is only a change of the certificate holder's name or address.

In the event of a replacement of equivalent or similar component or equipment parts or materials relevant for certification, or in the event of an

operating system software update a new general assessment of the product is not necessary if

- ➔ the component or equipment parts or the operating system software are already included in the type approval test and in the certificate,
- ➔ the component or equipment parts or the operating system software were subsequently covered by a test, approval or certification procedure by DVGW CERT GmbH, or
- ➔ the replacement is covered by the test specification.

5.8 Changes to test specifications

If the test specification on which certification of a product is based changes regarding aspects relevant for safety and hygiene, an application for supplementary certification and, if applicable, supplementary testing with respect to the new requirements must be submitted. The DVGW CERT GmbH makes the decision on the relevance of changes for certification as defined in sentence 1 and provides the respective information on its website.

A supplementary test report shall be submitted to DVGW CERT GmbH within 12 months of publishing the test specification, unless other transitions periods are stipulated in the test specification. If the specified test period for test items of the test specification used exceeds 12 months, DVGW CERT GmbH shall determine the deadline to be observed for providing evidence of the supplementary test. If no evidence is provided by the deadline, DVGW CERT GmbH is authorised to withdraw the certificate. If a test specification no longer applies without being replaced by another test specification, the certificates issued based on the test specification shall be valid until they expire.

5.9 Marking

Pursuant to these Rules of Procedure, certificate holders are entitled to use the respective certification mark in conformance with the applicable list of DVGW-CERT certification marks (Annex I) after the certificate has been issued. The right to use the GS mark is predicated on positive results of the first manufacturing process audit.

The certification mark is generally affixed to the product and the product packaging.

Certification marks may only be used as permitted by DVGW CERT GmbH and only on the certified products, models and types. The „License terms for using the DVGW-CERT certification marks” (Annex II) apply.

The certificate holder shall furthermore show the registration number assigned to the product on the certified products that bear the certification

mark, and on the pertinent documents. He may use either the full registration number (13 digits) or its shorter version (the last 6 digits), always preceded by the letters „DVGW CERT”. If there is not enough space to affix the registration number, the product can also be marked without it, using only the letters „DVGW” or „DIN DVGW”. The latter applies only to DVGW or DIN DVGW marks. The pertinent registration number shall appear in the documents in this case. Alternatively, the lettering „DVGW CERT certified” may be used. Other markings using the protected „DVGW” or DVGW-CERT mark may not be used.

5.10 Complaints directed at the certificate holder

Certificate holders shall document all complaints they receive in relation to the conformity of a product with the requirements of the respective test specification and shall make this documentation available to DVGW CERT GmbH upon request. Certificate holders shall furthermore initiate and document appropriate measures to address such complaints as well as all product defects found on certified products or services that impair compliance with the certification requirements. They shall make such documentation available to DVGW CERT GmbH upon request.

➔ 6 Surveillance procedure

6.1 General

Regular surveillance taking into account the respective production sites is required to verify conformity of the manufactured products with the certified type. Moreover, in the event of reasonable doubt (e.g. in the event of enough concrete complaints lodged by third parties or by the certification body itself), DVGW CERT GmbH may request a verification audit.

When applying for certification of his products through DVGW CERT GmbH, the certificate holder undertakes to ensure to have surveillance procedures carried out for his certified products within the specified period of time and at his own cost.

Unless a certain surveillance procedure is expressly stipulated in the applicable test specification, certificate holders may choose among the following surveillance procedures for their products:

- ➔ Control testing;
- ➔ QM system according to DIN EN ISO 9001 including recognition and surveillance of product-specific requirements by DVGW CERT GmbH;

- Surveillance of the manufacturer's production quality, including the recognition and surveillance of product-specific requirements by DVGW CERT GmbH.

Upon completion of these surveillance measures, the commissioned control auditor or product auditor shall document the surveillance results on a DVGW CERT GmbH control audit and/or product audit report form, detailing at least

- the tests that were carried out,
- any product changes that may affect certification,
- any manufacturing process changes that may affect product properties, and
- deviations from the test specifications defined by DVGW CERT GmbH.

The surveillance intervals stipulated by DVGW CERT GmbH shall be observed. Any deviation requires the consent of DVGW CERT GmbH.

6.2 Control testing

6.2.1 Control testing procedure

DVGW CERT GmbH monitors deadlines and intervals and assesses the control testing results. To this end, certificate holders shall firmly specify in the certification application to DVGW CERT the testing laboratory to be commissioned to perform the control testing pursuant to Section 4.1. The testing laboratory to be commissioned to perform the control testing may only be changed at the end of a calendar year and subject to 3 months' notice to DVGW CERT GmbH. This shall not affect the cancellation period of the respective testing laboratory. Pursuant to the stipulations of the applicable test specifications but at least once every 2 years, DVGW CERT GmbH shall prompt the testing laboratory appointed and separately commissioned by the certificate holder to visit the manufacturer or his distributors in order to spot-check and test certified products from ongoing production and to test them to verify whether or not the marketed product still conforms to the applicable requirements. Taking the sample may be delegated in agreement with DVGW CERT GmbH.

6.2.2 Deadlines

The deadline for providing evidence of surveillance for new certificates is a fixed date of the calendar year. It usually corresponds to the date on which the certificate was issued. The certificate holder may combine different deadlines of different products provided that the new surveillance cycle may only be extended once by a maximum of 90 days. DVGW CERT GmbH sets deadlines on a case-by-case basis in agreement with the certificate holder and the testing laboratory concerned.

Sections 5.5 and/or 5.6 apply with regard to suspension or withdrawal if deadlines are missed.

6.2.3 Exceptional cases

If no production takes place or no test samples are available, an application for postponing the control testing may be submitted. In such cases the manufacturer shall immediately inform DVGW CERT GmbH once production has been resumed and test samples are available. Control testing must then take place within the next 4 months following resumption of production. Products for which no control testing could be carried out may only be recertified if a current, positive control test report is available. This shall not affect the stipulations in section 5.3.

6.3 QM system according to DIN EN ISO 9001

The manufacturer shall maintain a quality management system (QM system) based on and certified according to DIN EN ISO 9001, where DVGW CERT GmbH shall approve and regularly audit the product-specific elements (surveillance audits). In this context and with respect to the results of the type approval test, all product-specific requirements shall be objects of special attention.

A DVGW CERT GmbH product auditor shall take into account the product-related gas and/or water-specific requirements on the product during the audits. For this purpose, he shall have the right to take samples for testing by a DVGW CERT GmbH-registered testing laboratory. Unless stipulated otherwise, product-specific surveillance audits will be carried out at least once every two years.

In its capacity as accredited QM certifier DVGW CERT GmbH may, at the request of the certificate holder, simultaneously certify and audit the QM system against the standards mentioned above.

6.4 In-house production control system

The certificate holder may also use an in-house production control system certified and audited by DVGW CERT GmbH as described in section 6.3, whose main focus is on meeting the product-specific requirements. A DVGW CERT GmbH-commissioned product auditor shall verify compliance with the quality requirements and the efficacy of quality assurance measures at least once every two years.

6.5 Verification audit

6.5.1 General

In the event of reasonable doubts as to whether or not a product bearing a DVGW CERT GmbH certification mark complies with the applicable and lat-

est test specifications, an application may be filed with DVGW CERT GmbH to conduct a verification audit. Applications for the initiation of a verification audit procedure shall be made in writing.

6.5.2 Procedure

The verification audit shall be performed by a testing laboratory pursuant to section 4.1 on behalf DVGW CERT GmbH. The testing laboratory will send a representative to take test samples from an industrial or commercial warehouse. Verification audits shall take the form of type approval tests. If however the complaint concerns only a few individual requirements of the test specifications used in the type approval test, DVGW CERT GmbH can at its discretion perform the verification audit as a partial verification audit. The testing laboratory shall inform DVGW CERT GmbH about the verification audit results without delay so as to enable it to initiate any necessary immediate action. The testing laboratory shall treat the verification audit results confidentially vis-à-vis third parties.

The applicant and the certificate holder will be informed about the results and the consequences of the respective verification audit and/or improvement test within 4 weeks after receipt of all test reports by DVGW CERT GmbH. The applicant of the verification audit has no right to inspect the test report and/or detailed information. The certificate holder may require to inspect the test report if the verification audit has shown that the product does not comply with the applicable test specifications.

6.5.3 Costs

The costs of the verification audit procedure include the cost charged by the testing laboratory commissioned by DVGW CERT GmbH, the cost for selecting and obtaining the respective test samples, the cost of transport of the test samples and the cost of the verification audit procedure performed by DVGW CERT GmbH. The applicant shall bear the full cost of the verification audit procedure. Upon commencement of the procedure, he shall make an advance payment amounting to the total (expected) cost of the verification audit procedure.

6.6 Handling of defects

If in the course of the surveillance or verification audit procedure the certified product should turn out to be defective, the certificate holder shall first of all have the right to defend the product within 14 days after receipt of the notice on the defect. If he fails to dispel doubts about a product defect, the following obligations shall apply:

6.6.1 Serious defects

Serious product defects include all significant deviations from the test spec-

ification requirements, notably requirements directly or indirectly affecting product behavior in terms of safety, hygiene or function, but also significant deficits with respect to the required fitness for use, quality, performance or environmental compatibility.

The certificate is suspended. The provisions of section 5.5 shall apply. In the event of serious defects, the certificate holder has 3 months to furnish proof to DVGW CERT GmbH in the form of a test report prepared by a testing laboratory pursuant to section 4.1 stating that – as a result of re-work, if any – the product conforms to the test specifications used in the type approval test and/or the latest modification test. If the testing period for test items of the test specification applied has been determined to exceed 3 months, DVGW CERT GmbH shall set the deadline applicable for furnishing such proof.

The commissioned testing laboratory shall perform the necessary tests without delay and inform DVGW CERT GmbH about the test results in writing as soon as testing has been concluded.

Both the certification and the registration number shall remain valid if proof is furnished that the product is free from defects, and, if applicable, that serious defects on all products already marketed will be eliminated without delay. If need be, DVGW CERT GmbH may impose restrictions or conditions on the certificate, which shall come into force as soon as the certificate holder has received written notice on such restrictions or conditions.

If the certificate holder fails to observe the three-month deadline or fails to prove that the product is free from defects, the certificate and, consequently, the right to use the certification marks and registration numbers will be withdrawn. In addition, the provisions of the German Equipment and Product Safety Act shall apply. The certificate holder will be notified in writing about the withdrawal of the certificate one week before the withdrawal becomes effective. The provisions of section 5.6 shall apply for the withdrawal of certificates.

6.6.2 Minor defects

Minor product defects include all deviations from the test specifications that are not considered serious defects within the meaning of section 6.6.1. In the event of minor product defects, the certificate holder has a reasonable period of time – usually 3 months – to furnish proof to DVGW CERT GmbH in the form of an opinion by a testing laboratory pursuant to section 4.1 that the defects have been eliminated. If the certificate holder fails to meet this obligation, the certificate and, consequently, the right to use the certification

mark will be withdrawn. The provisions of section 5.6 on the withdrawal of certificates shall apply mutatis mutandis.

The certificate holder shall ensure that verification by the commissioned testing laboratory pursuant to section 4.1 is carried out without delay and DVGW CERT GmbH is notified of the result in writing.

➔ 7 Fees and charges

DVGW CERT GmbH charges fees for certification, registration, management of the selected surveillance procedure including analysis of the surveillance reports, recertification, extension, modification, conveyance and issuing certificates pursuant to the schedule of fees and charges applying to the respective certification procedure.

The certification fees cover the expenses DVGW CERT GmbH incurs in the course of the certification procedure and will therefore be charged irrespective of the outcome of the procedure (granting or denial of a certificate) and regardless of the certificate's period of validity. The certification fee is not based on a certificate's period of validity and therefore also applies to certificates with a period of validity shorter than the standard period of validity. DVGW CERT GmbH has the right to invoice 50% of the certification fee at the time of order conformation. Upon conclusion of the certification procedure, the final invoice will be prepared, taking into account payments already made. Prepayments made are non-refundable.

A flat registration fee is payable annually during the certificate's period of validity period to cover the running costs of surveillance, storage and publication of existing certificates. The flat registration fee becomes due at the beginning of each calendar year, payable for the first time in the year after the first issuance of the certificate; it shall be fully payable also if the certificate expires before the end of the year. The schedule of fees and charges that is applicable at the time of receipt of application shall apply to the granting, extension, recertification, modification and conveyance of certifications and/or certificates. The fees and certification data that are valid on the 1st of January of a respective year will be used for calculating the annual flat registration fee.

The fees are invoiced and payable net without deduction on receipt of invoice.

Unless otherwise expressly agreed in writing, the certificate holder shall bear the full cost of the procedure; consequently, invoices will only be made out to him. If adequate proof is furnished that the cost will be borne by a distributor, authorised agent or affiliate of the certificate holder, invoices can also be made out to any one of these. Any objection to an invoice shall be addressed in writing, stating the reasons for the objection, to DVGW CERT GmbH no later than 4 weeks after receipt of invoice. Any failure to object in due time shall be regarded as consent.

➔ 8 Objection and complaint procedure

DVGW CERT GmbH has established an objection and complaint procedure for handling objections and complaints.

8.1 Objection procedure

Certificate holders have the right to object to any decision regarding the granting, non-granting and continuation of certificates.

Objections shall be raised within 14 days after receipt of written notice of the decision on the granting, non-granting, and continuation of certificates. The objection must be substantiated in writing and DVGW CERT GmbH must be informed by means of a registered letter. The deadline for lodging an objection is explicitly stated in the notice that triggers the deadline. The date on which the registered letter was posted shall determine whether the objection was lodged in due time.

If DVGW CERT GmbH and the objector fail to reach an agreement on the matter of the objection procedure within 4 weeks after the objection was raised, the objector may request the installation of an arbitration committee by registered letter within 14 days. The arbitration committee shall rule on the objection within a period of no more than 3 months. Any costs associated with this shall be borne by the objector.

The composition and procedures of the arbitration committee have been defined in the DVGW CERT GmbH regulations.

The objection shall not suspend the decision regarding the non-use of certificates or certification marks.

8.2 Complaint procedure

DVGW CERT GmbH has established a complaint procedure. Complaints may be lodged through the complaint form provided on the homepage of DVGW CERT GmbH, or made in writing or by phone to any employee of DVGW CERT GmbH. All complaints will be immediately recorded on a dedicated form and forwarded to the executive management of DVGW CERT GmbH, who will then decide on the further processing of the complaint. The complainant will receive a confirmation of receipt within one week's time; within 4 weeks, he will receive a written reply informing him about the assessment of his complaint and the initiation of any relevant remedial action.

If the decision fails to satisfy the complainant, he may appeal to the complaints committee, which will decide on the complaint within a period of 3 months. Any costs associated with this shall be borne by the complainant.

The composition and procedures of the complaint committee have been defined in the DVGW CERT GmbH regulations.

8.3 Hierarchy of procedures

The matter in dispute can be resolved either by way of the objection procedure or by way of the complaint procedure. In case of doubt DVGW CERT GmbH shall decide on the admissible procedure. An objection may be reinterpreted into a complaint and vice versa.

➔ 9 Obligation to comply with certification programs

The applicant/potential certificate holder undertakes to comply with the requirements of the certification program from the time of submitting the application, during the entire certification process, and after the certificate has been granted until the certification has expired.

Specifically, the applicant/potential certificate holder agrees to:

1. comply with the certification requirements at all times including the implementation of any modifications communicated by the certification body;
2. make all the necessary arrangements for
 - ➔ carrying out the test and surveillance procedures including taking into account the review of documents and records, access to the corresponding equipment, site(s), department(s) and staff;
 - ➔ the examination of complaints;
 - ➔ the participation of assessors from Deutsche Akkreditierungsstelle GmbH (DAkkS) and DVGW CERT GmbH. The cost for the participation of assessors are borne by DVGW CERT GmbH.
3. not use the certification in a way that could discredit DVGW CERT GmbH and not make statements regarding certification that could be viewed as misleading or unjustified by DVGW CERT GmbH;
4. discontinue using any and all advertising material that contain references to the certification and to take all measures required by the certification program (e.g. returning certification documents) and take all other required measures (see also sections 5.4, 5.5 and 5.6) if certification is suspended, withdrawn or terminated;
5. copy the documents in their entirety as specified in the certification program if the client makes the certification documents available to third parties;
6. comply with the requirements of Annex I „The DVGW CERT GmbH Certification Marks” and Annex II „Licence Terms of DVGW CERT GmbH” if reference is made to the certification in communication media, such as, e.g. documents, brochures or advertising materials;
7. comply with all requirements that are described in the certification program and refer to the use of marks of conformity and certification-related information;
8. keep records of all complaints that become known to the clients in respect of compliance with the certification requirements and makes these records available to the certification body; and
9. take appropriate measures in respect of such complaints and any defects that affect compliance with the certification requirements;
10. document the measures taken;
11. inform the certification body without undue delay about changes that could affect his ability to comply with the certification requirements (see also section 5.7).

The certificate holder undertakes to use advertising or other business-related statements on certification only if he has a valid certificate, and not to use expired and/or suspended or withdrawn certificates for advertising purposes, and to return such certificates upon request.

➔ 10 Exclusion of liability

The activities of DVGW CERT GmbH shall be limited to examining whether or not the products for which certification is requested meet the applicable test specifications on the basis of the application documents submitted by the applicant. DVGW CERT GmbH accepts no liability for any content inaccuracies nor for the lawfulness of the test specifications used. DVGW CERT GmbH furthermore accepts no liability for any flaws and errors in test procedures and test reports, for which the testing laboratories are responsible. Contractual relations regarding the execution of the tests shall exist exclusively between the respective applicant/certificate holder and the commissioned testing laboratory.

DVGW CERT GmbH accepts no liability for damage caused to third parties or competitors as a result of the granting or non-granting or the withdrawal or amendment of certificates or attestations, or as a result of erroneous or faulty statements made in these certificates, unless there exists by way of exception a protective effect to the benefit of a third party. This also applies to financial losses and consequential damage such as, for instance, the costs of proceedings or fees arising from disputes over competition or trademark law matters.

DVGW CERT GmbH in no case accepts liability for damage caused as a result of modifications to certified products that have not been notified to the certification body and registered for verification. In case of dispute over whether the product was amended or modified before or after certification, it is incumbent on the certificate holder and/or applicant to furnish the corresponding evidence.

The extent to which DVGW CERT GmbH, on whatever legal grounds, accepts liability in conjunction with the certification of products shall be limited to intent, gross negligence and the culpable violation of contractual obligations.

Its liability for the culpable violation of significant contractual obligations and for gross negligence of its employees and vicarious agents shall be limited to typical and foreseeable damage. The liability for injuries to life, limb or health remains unaffected.

➔ 11 Severability clause

If individual provisions of these Rules of Procedure are or become invalid, this shall not affect the validity of the remaining Rules of Procedure.

➔ 12 Place of jurisdiction, applicable law

The place of jurisdiction for all legal disputes as well as liability and other claims vis-à-vis DVGW CERT GmbH is Bonn, Germany. The laws of the Federal Republic of Germany shall apply. The language of contract, communication and certification is German.

➔ 13 Coming into force

These Rules of Procedure come into force on 1 January 2017. They shall supersede all previous Rules of Procedure for the Certification of Products in Categories Without Harmonised European Standards (Non-harmonised Area).

Annex I

➔ DVGW CERT GmbH certification marks

DIN-DVGW mark

The DIN DVGW mark may be used if a valid DIN-DVGW type examination certificate exists for the product in question.



DVGW mark

The DVGW mark may be used if a valid DVGW type examination certificate exists for the product in question.



DVGW-CERT mark of conformity

The DVGW-CERT mark of conformity may be used if the products meet the requirements of the certification program of DVGW CERT GmbH applicable for the product in question.



DVGW-CERT W 540 mark of conformity

The DVGW mark of conformity with the extra „Safe connection W 540” label may be used if a valid DVGW-CERT certificate of conformity showing the extra „Safe connection W 540” label exists for the product in question.



GS mark

The GS mark together with the logo of DVGW CERT GmbH may be used if the products meet the requirements for technical equipment and consumer products as defined by the German Equipment and Product Safety Act (ProdSG) and a valid test certificate from DVGW CERT GmbH exists.



DVGW quality mark

The DVGW quality mark may be used in addition to the European CE marking for products, if compliance with the quality requirements of applicable DVGW rules has been demonstrated vis-à-vis DVGW CERT GmbH and a valid DVGW quality certificate exists.



Annex II

➔ License terms for using the DVGW-CERT certification marks

Scope

Within the context of product, company, quality management system and expert certification procedures, DVGW CERT GmbH offers its clients the facility to use the corresponding certification marks to advertise the fact that certification has been granted. These marks may be acquired in the form of stickers or stamps or, alternatively, reprographic copies on film or data carriers. DVGW CERT GmbH confers upon the purchaser the right, revocable at any time, to use the certification mark in whichever form; such right, however, is not a proprietary right. Only certification clients of DVGW CERT GmbH are entitled to acquire stickers, stamps or reprographic copies, provided they have successfully completed the certification procedure for their products, companies, quality management systems or experts employed by them or for themselves and the certification's validity has been confirmed by recurring verification audits. Use is restricted to products, companies, quality management systems and experts covered by certification and surveillance.

Right of use

DVGW CERT GmbH merely confers upon the purchaser of stickers, stamps or reprographic copies the right to use them, which is not a proprietary right. The right of use is granted within the scope of these license terms and may be revoked by DVGW CERT GmbH at any time upon expiry of validity or in case of misuse. In this event, any stickers, stamps or reprographic copies still held by the client shall be returned to DVGW CERT GmbH without undue delay. All marks of whatever form remain the sole property of DVGW CERT GmbH.

The right of use may not be transferred to any other product, company or expert. In particular, stickers, stamps or reprographic copies and copies thereof may in no way be passed on to third parties; nor may they be used on and by uncertified products, company divisions, subsidiaries, quality management systems or other persons. Likewise, reprints of or modifications to the stickers or reprographic copies are not permitted in any way. If necessary, proof of right to use the certification mark shall be provided as part of the order process, e.g. by furnishing certificates or otherwise as required by DVGW CERT GmbH.

Declaration of agreement

The purchaser of DVGW-CERT marks expressly agrees to these License Terms by signing the purchase order for certification marks.

Any violation of the License Terms is liable to compensation and may entail legal consequences.