



RULES OF PROCEDURE

for the DVGW Certification of
Products

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1 PURPOSE

These Rules of Procedure define the national procedures of DVGW CERT GmbH for the certification and production surveillance of products.

The products certified and monitored are in conformity with the national statutory rules and regulations, the requirements of DIN standards and the DVGW Standards and Codes of Practice as well as common market practice. This means they have the required safety, fitness for use, functionality, quality, hygiene and environmental compatibility.

2 SCOPE

The scope of these Rules of Procedure includes certification procedures for products, components and materials in accordance with the current certification lists of DVGW CERT GmbH for the non-regulated area that are published on the website of DVGW CERT GmbH (<http://www.dvgw-cert.com/>).

The test and surveillance specifications for a particular type of product are specified in the product type lists of DVGW CERT GmbH. The product type lists have been adapted to developments in European standards, DIN standards and the DVGW Standards and Codes of Practice as well as current findings from practice and research. The lists can be found on the website of DVGW CERT GmbH or ordered from DVGW CERT GmbH.

3 CERTIFICATIONS AND CERTIFICATION MARKS

The certifications performed and certification marks (for images see Appendix I) granted on the basis of these Rules of Procedure are:

DIN-DVGW Product Certification Mark

The DIN-DVGW product certification mark is issued upon application if the products meet the requirements of the DVGW rules and/or the DIN standards that are defined as DVGW test specifications for the product in question.

DVGW Product Certification Mark

The DVGW product certification mark is issued upon application if the products meet the requirements of the DVGW rules specified for the product in question.

GS Mark

For technical equipment and consumer products as defined by the Equipment and Product Safety Act (GPSG), DVGW CERT GmbH issues the GS mark together with the DIN-DVGW or DVGW certification mark. The GS mark may only be used together with the DVGW logo (see Appendix I).

DVGW Quality Marks

In addition to the European CE mark, the DVGW quality mark is granted on application for products which conform to the quality requirements of the DVGW rules relevant for the product.

4 DEFINITIONS

4.1 Deviation

Failure to fulfil one of the requirements specified in the test and certification specifications.

4.2 Applicant

An applicant is a natural or legal entity who, in his own name or on behalf of another, files an application for certification, surveillance, renewal, modification, extension or verification to DVGW CERT GmbH.

4.3 Audit

An audit as defined by these Rules of Procedure is the independent assessment of the products, components, manufacturing processes and quality assurance measures at a company's production site in order to determine whether or not the requirements defined in the test and certification specifications are fulfilled.

4.4 Auditor

An auditor is a person who is qualified and trained to conduct audits. An auditor as defined by these Rules of Procedure must be approved by DVGW CERT GmbH with respect to his activities and fields of activity.

4.5 Type Testing

Type testing means a test which serves to establish a product's conformity with the applicable test specifications for the purpose of certification based on a type which is representative of serial production.

4.6 Supplementary Testing

Supplementary testing is carried out to test a type's conformity with applicable test specifications

- a) if the certified type has been changed or amended with regard to features that are relevant to certification (see section 4.28) or
- b) if the test specifications have been changed.

4.7 Production Surveillance

Regular production surveillance, which is also called third-party surveillance, serves to confirm that the products that were placed on the market conform to the certified type or the applicable test specifications. It can be carried out as control testing or as part of a quality management system which has been approved for product surveillance.

4.8 Manufacturer

A manufacturer as defined by these Rules of Procedure and in accordance with § 4 of the Product Liability Act, is anyone who produces a final product, raw material or a product component and places it on the market. A manufacturer also is anyone who declares to be the manufacturer by attaching his name, brand or any other distinguishing mark. Further, a manufacturer means anyone who, within the scope of his business occupation, introduces a product into the EU for the purpose of sale, rental, hire-purchase or any other form of distribution for economic purposes (generally the importer).

4.9 Control Inspector

A control inspector is an employee of a DVGW testing laboratory who is qualified and trained to conduct control tests (see section 4.10) and who was nominated especially for these activities by a testing laboratory that is recognised by DVGW CERT GmbH .

4.10 Control Testing

Control testing means tests carried out at regular intervals to verify that the product that was placed on the market conforms with the certified type or the applicable test specifications.

4.11 Product Audit

A product audit as defined by these Rules of Procedure is a special audit (see section 4.3) which serves to approve or monitor an approved quality management system in order to determine whether or not the system is suitable for production surveillance. Product audits concern special product-specific aspects.

4.12 Product Auditor

A product auditor is an auditor qualified and trained to conduct product and production surveillances (see section 4.4) and who must be approved by DVGW CERT GmbH especially for these activities.

4.13 Product Inspector

A product inspector is an employee of a testing laboratory recognised by DVGW CERT GmbH who is qualified and trained to conduct type and product tests (see sections 4.5 and 4.14).

4.14 Product Testing

In contrast to type testing, product testing is applicable to products which are manufactured as one-off jobs or small batch jobs. Product tests examine each manufactured product for conformity with the requirements of the applicable test specifications.

4.15 Producer

A producer within the meaning of these Rules of Procedure is the operator of a production site for products.

4.16 QM System

A QM (quality management) system, among other things, covers the organisational structures, responsibilities, procedures and processes, e.g. according to DIN EN ISO 9001, that are intended to establish and maintain a quality-enabled organisation which can meet the requirements and objectives to achieve quality.

4.17 Registration Number

When a certification is entered into the list of certifications, it is given a unique registration number. With the help of the certification lists of DVGW CERT GmbH, the registration number can be used to trace back the certification at any time.

4.18 Registration

Registration relates to the entry of certification data into a list of certifications. In this way, all DVGW certifications are registered.

4.19 Part Testing

Part testing is defined as a product test which is limited to the testing of particular aspects of a test specification.

4.20 Type Testing

see section 4.5

4.21 Distributor

Distributor as defined by these Rules of Procedure means a company which, in agreement with the certificate holder, puts the products on the market on its own responsibility within the meaning of the Product Liability Act. The certificate holder can also be a distributor.

4.22 Renewal Testing

Renewal testing can become necessary to renew existing certifications.

4.23 Document Review

An document review serves to check whether the product underlying conformity assessment differs from the type tested product with regard to design or material features.

4.24 Certificate Holder

The certificate holder (as a rule the manufacturer) is the contractual partner relevant for the Certification Body in all matters of the certification procedure applied for. He is fully authorised to dispose of the certificates issued and assumes all rights and duties within the meaning of these Rules of Procedure.

4.25 Certification

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Certification within the meaning of these Rules of Procedure involves conformity assessment of a product by DVGW CERT GmbH on the basis of test reports issued by testing laboratories recognised by DVGW CERT GmbH. For this purpose, the products to be certified are tested in a precisely predetermined and verifiable procedure for their conformity with the test specifications defined in section 7.1.

4.26 Certification List

A list documenting all certifications carried out by DVGW CERT GmbH and the former DVGW Certification Body is maintained both in electronic form and as physical files at DVGW CERT GmbH in order to be able to provide information on certification-related data at any time.

4.27 Certification Mark

A certification mark as defined by these Rules of Procedure is a registered, legally protected trademark of DVGW e.V. or DVGW CERT GmbH, which can be used to mark products certified by DVGW CERT GmbH. The DIN-DVGW and DVGW certification marks as well as the GS mark and the DVGW quality mark are certification marks within the meaning of this rule. Certification marks may only be used for appropriately certified products and only as published by DVGW CERT GmbH (see Appendix I). The use and consequences of misuse of certification marks are stipulated in Appendix II.

4.28 Features Relevant for Certification

Features relevant for certification as defined by these Rules of Procedure are product features that are significant in the context of certification based on the applicable test specifications.

5 TESTING LABORATORIES

DVGW CERT GmbH utilises testing laboratories recognised by it to carry out type tests, product tests and control tests. Testing laboratories must meet the following minimum prerequisites:

- a) The testing laboratory must be fully accredited in accordance with DIN EN ISO/IEC 17025 by a recognised accreditation body that has signed the MLA regulations, for the scope of tests it provides or wants to provide to DVGW CERT GmbH.
- b) Additionally, the testing laboratory must be expressly recognised by DVGW CERT GmbH for the scope of tests it provides or wants to provide to DVGW CERT GmbH.

The recognised testing laboratories are issued a certificate including appendices stating the scope of recognition and the personnel employed for tests. For this purpose, the testing laboratory shall inform DVGW CERT GmbH of the names of all product and control inspectors (see section 4.13, 4.9) which it employs for the tests carried out on behalf of DVGW CERT GmbH. Recognition of the testing laboratory is bound to its director and his deputy. The procedure for recognising DVGW testing laboratories is described in the QM Manual of DVGW CERT GmbH.

DVGW CERT GmbH can ask product auditors from recognised testing laboratories to certify or monitor certified quality management systems, provided that they have been recognised by DVGW CERT GmbH especially for these activities.

The relationship between the certificate holder or manufacturer on the one hand and the recognised testing laboratory on the other is regulated by a type test and/or control test contract, which must be negotiated directly by both parties. This contract must authorise the recognised testing laboratory to make the results of tests available to DVGW CERT GmbH in the form of test reports. Furthermore, the manufacturer and the recognised testing laboratory shall ensure that any inspection deadlines set by DVGW CERT GmbH are met.

Recognition by DVGW CERT GmbH does not entitle the testing laboratory to make any offers or statements or supply information on behalf of DVGW CERT GmbH.

DVGW CERT GmbH maintains a list of laboratories recognised by it, specifying the scope of recognition for each laboratory. This list is made available on the Internet or upon 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 are binding.

6 CERTIFICATION PROCEDURE

6.1 General

Applications for certification, renewal and surveillance as well as modification notifications must be made to DVGW CERT GmbH on prescribed printed or electronic application forms. As a rule, receipt of the certification application shall be confirmed vis-à-vis the applicant in writing within 14 days of receiving the application. After receiving the application, DVGW CERT GmbH shall check whether the application is valid and complete and to which procedure it is to be assigned. The application is not valid and shall be refused in writing by DVGW CERT GmbH within 4 weeks of receipt

if no applicable test specifications or recognised and testing laboratories exist for the product. The certification procedure commences upon receipt of a valid application. Valid applications are processed according to the sequence of receipt at DVGW CERT GmbH. DVGW CERT GmbH issues a file number for every valid application and sends a confirmation of the application to the applicant no later than 4 weeks after receipt of the application, specifying the certification procedures and test specifications applicable for the product and the recognised testing laboratories. **The Rules of procedure, test specifications, laboratory recognitions and lists of fees valid at the time of receipt of the application shall be applicable to the certification procedure in question.**

The (future) certificate holder undertakes not to have tests conducted by any testing laboratory which was in any way involved in the development or construction of the product or any consulting function with regard to the product. The (future) 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. Only the statement „DVGW certification applied for“ may be used as long as the procedure has not been completed. Joint product surveillance during the production phase is possible for products which also fall within the scope of a EC directive.

For products differing from each other with regard to features relevant for certification separate applications for certification must be filed. Essential features that are relevant for certification are qualities substantially affecting the product's safety, hygiene, operation or handling. Different trademarks, models and types which vary only in size/capacity, in formal or, for purposes of certification, irrelevant features can be combined in a single application for certification and later, in a single certificate, provided that they belong to a single production series and are of the same product type. If need be, combining models and types to production series may be requested at DVGW CERT GmbH.

If an applicant places on the market in his own name a product of another certificate holder with the latter's agreement, he must apply for a certificate with a separate registration number for the models distributed by him or he must be entered into the holder's original certificate as an additional distributor (see section 9.1).

Information regarding the status of certification procedures provided by DVGW CERT GmbH are only binding if they are made in writing.

Only the issuance or withdrawal of a certificate or the refusal of an application or certification are considered legally binding decisions of DVGW CERT GmbH.

6.2 Application Documents

The following documents shall be submitted to DVGW CERT GmbH (for exceptions see section 6.1):

Before type/product testing:

- a) The application must be completed on the prescribed printed or electronic form. It must be fully completed by the applicant-certificate holder and bear his legally valid signature or be otherwise legally validated. The testing laboratory recognised by DVGW CERT GmbH and the type of production surveillance may be specified in the application. Unless stated otherwise by the manufacturer, DVGW CERT GmbH determines which testing laboratory is utilised.
- b) For new clients only: A copy of industrial registration and, provided an entry has been made, a copy of the entry in the commercial register. Non-German clients must produce appropriate evidence of the business enterprise of the certificate holder.

After type/product testing:

- c) The relevant original test report(s).

All documents required for conformity assessment must be made available to DVGW CERT GmbH. Any applicable test and material certificates must be valid

throughout the full term of the certificates. Proof of validity must be provided with all new, modification, renewal and extension applications as well as in connection with regular surveillance procedures.

All information regarding certification applications that is available at DVGW CERT GmbH shall be treated as confidential vis-à-vis third parties.

Application documents may be requested from DVGW CERT GmbH or downloaded from its Internet pages.

7 TYPE/PRODUCT TESTING

Type and/or product testing must always be carried out by a testing laboratory recognised by DVGW CERT GmbH or by the testing laboratory of another organisation which has concluded a contractual agreement with DVGW CERT GmbH regarding the mutual recognition of the test results.

7.1 Test Specifications

Test specifications which are used for type, product, modification, renewal and control tests, for documents reviews, and for product audits must be published and generally accessible to the professional and trade public before their application (see also DVGW Code of Practice GW 100). This means that the following documents can be used:

- National legal regulations;
- DIN-(EN-) standards and pre-standards insofar as they are included in the DVGW Standards and Codes of Practice;

- DIN-(EN-) standards and pre-standards which are not incorporated in the DVGW Standards and Codes of Practice but which have been defined as test specifications by way of a published resolution of the responsible DVGW technical committees;
- DVGW Codes of Practice;
- DVGW test specifications (VPs);
- DIN-(EN-) draft standards, and draft versions of DVGW Codes of Practice and DVGW test specifications if they have been defined as test specifications by way of a published resolution of the responsible DVGW technical committees.

On its website, DVGW CERT GmbH maintains a list of all test specifications that are applicable to its certification procedures, including information regarding the product types to which the test specifications apply. This list is made available on the Internet or upon 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 are binding.

7.2 Sampling for Production Surveillance

The assigned control inspector or product auditor takes the samples from the manufacturer or distributor. The number of types or samples for production surveillance must be agreed between the testing laboratory and DVGW CERT GmbH if it is not specified in applicable test specifications. The testing laboratory commissioned by DVGW CERT GmbH may take the types or samples from the manufacturer or distributor without prior notice.

7.3 Test Report

Certification is based on the test report of a recognised testing laboratory or a testing laboratory of an organisation, with which DVGW CERT GmbH has entered into an agreement for the mutual recognition of test results. The test report must specify the current status of the product and the underlying test

specifications and it must comply with the requirements of DIN EN ISO/IEC 17025. It must contain information regarding all applicable certification or surveillance requirements and it must not contain judgmental statements. Test certificates are not acceptable for certification purposes. The test report must be submitted to DVGW CERT GmbH by the testing laboratory in the original or in any other verifiable form. Test results gained prior to the application for certification are accepted if the respective testing laboratory was already recognised for the underlying test procedure by DVGW CERT GmbH and if the product and the test specifications did not change until certification.

Unless further items are required by the test specifications, the test reports at least must be accompanied by the following documents:

- A photo or other image of the type or product;
- Sectional drawings to an appropriate scale showing details of the design and function;
- Unambiguous information regarding materials that are relevant for certification (e.g. material composition, material codes, standardised names, formulas, results of material analyses etc.);
- Information material: all instructions for use, operation and installation

Additionally a technical results data sheet (nominal/actual comparison of test results) must always be submitted directly by the testing laboratory. DVGW CERT GmbH may define requirements in this context.

A test report on the type test is not required if significant deviations from the test specifications have been found or compliance with basic requirements with respect to safety, operation or hygiene cannot be demonstrated so that certification is excluded. However, in this case the testing laboratory is required to inform DVGW CERT GmbH in writing accordingly (e.g. results data sheet).

8 SURVEILLANCE PROCEDURE

8.1 General

To confirm the manufactured products' conformity with the certified type, production surveillance at regular intervals is required. Furthermore, in substantiated cases of doubt (e.g. in case of sufficient concrete complaints by third parties or by the certification body itself), DVGW CERT GmbH may initiate verification.

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By applying for certification of his products by DVGW CERT GmbH, the manufacturer or distributor undertakes to have the inspection of his certified products carried out at the time due and at his own expense.

For the surveillance of his products the manufacturer or distributor may choose one of the following procedures, provided that the applied test specifications do not explicitly require a special inspection procedure:

- Control Testing;
- QM system according to DIN EN ISO 9001 including recognition and surveillance of product-specific requirements by DVGW CERT GmbH;
- Product-specific manufacturer QM system including recognition and surveillance of product-specific requirements by DVGW CERT GmbH.

Following the conclusion of the surveillance measures, the appointed DVGW control inspector or product auditor (see sections 4.9 and 4.12) submits the result of the surveillance in a control test or product audit report as specified by DVGW CERT GmbH. This report must include at least the following:

- Test measures carried out;
- Product changes;
- Any changes in the manufacturing process that impact product features;
- Deviations compared to the test specifications defined by DVGW CERT GmbH.

The surveillance deadlines required by DVGW CERT GmbH must be observed. Any deviation requires the consent of DVGW CERT GmbH.

8.2 Control Testing

8.2.1 Control Test Procedure

In accordance with the provisions of the respective test specifications, but at least once every 2 years, DVGW CERT GmbH asks a DVGW testing laboratory to dispatch a recognised control inspector to a manufacturer or his distributors in order to take a random sample of the certified products' current production, and to check on the basis of current test reports and test specifications whether the manufacturer's or distributor's product which is placed on the market still meets the requirements underlying certification. The manufacturer undertakes to commission the surveillance body indicated by DVGW CERT GmbH for the control test (usually the testing laboratory that carried out the type testing) in order to secure that control testing is carried out within the time limit set by DVGW CERT GmbH.

If need be, tests of individual testing characteristics can be carried out on site with the factory's own testing equipment if so decided by the inspector, provided that the relevant requirements of DIN EN ISO/IEC 17025 are met.

If a product deviates from the current test specifications and the test equipment available at the works is not suitable for carrying out the inspection, the selected products, marked and sealed, shall be forwarded to a DVGW testing laboratory. As a rule, testing is carried out by the same testing laboratory which carried out the type test. The costs of the above test and transport are to be borne by the manufacturer or distributor.

8.2.2 Special Cases

In the case of consignment production, application may be made in exceptional cases to postpone control testing. In such cases the manufacturer shall immediately inform DVGW CERT GmbH once production has been

resumed and products are available. Control testing must then take place within the next 4 months' time.

8.3 QM System According to DIN EN ISO 9001

The manufacturer maintains a quality management system based on and certified according to the DIN EN ISO 9001 standard (QM systems), with DVGW CERT GmbH requiring recognition and regular surveillance (auditing) of the product-specific elements. Thus, as far as the test results of type testing are concerned, all product-specific requirements are given particular attention and must be documented as an integral part of the QM system.

The recognition and surveillance audits must be performed by DVGW CERT GmbH. Usually, the DVGW auditors are product auditors of the DVGW testing laboratories. When conducting the initial and repeat recognition audits, a DVGW product auditor takes into account the product-related gas/water-specific requirements of the QM system. He may take samples for testing in a testing laboratory recognised by DVGW CERT GmbH. Product-specific surveillance audits are conducted at least every 2 years, unless otherwise specified.

At the manufacturer's request, DVGW CERT GmbH as an accredited quality management certifier may simultaneously certify and carry out the surveillance of the QM system in accordance with the above-named standards.

8.4 Product-specific Manufacturer QM System

A product-specific manufacturer QM system, recognised and audited in the same way as described in section 8.3 by DVGW CERT GmbH, may also be used for surveillance. The measures of this manufacturer-specific quality management system essentially relate to meeting the product-specific requirements. The manufacturer-specific quality management system, however, does not entirely correspond to the requirements of DIN EN ISO

9001. Controlling the fulfillment of quality requirements and effectiveness of the quality assurance measures is generally carried out at least every 2 years as part of the repeat surveillance audits by product auditors commissioned by DVGW CERT GmbH.

8.5 Surveillance by a Third Party

In case surveillance is carried out by a third-party organisation with whom DVGW CERT GmbH has concluded a mutual recognition agreement, the results of this inspection shall be recognised if they correspond to the requirements of the relevant DIN or DVGW test specifications with respect to the extent of inspection and if they are written in German or English.

In this case the control test or product audit reports sent by DVGW CERT GmbH are to be completed properly by the inspecting organisation and returned to DVGW CERT GmbH.

8.6 Verification

Anyone may file an application for verification with DVGW CERT GmbH if there is substantiated doubt that a product provided with the DIN-DVGW product certification mark or the DVGW product certification mark, GS mark or DVGW quality mark corresponds to the appropriate and applicable test specifications. The application for institution of a verification procedure must be substantiated in detail and in writing. DVGW CERT GmbH may initiate verification without an application by a third party if there is substantiated doubt that a product provided with the DIN-DVGW product certification mark or the DVGW product certification mark, GS mark or DVGW quality mark corresponds to the appropriate and applicable test specifications.

8.6.1 Performance

Verification shall be performed on behalf of DVGW CERT GmbH by a testing laboratory recognised by DVGW CERT GmbH. The testing laboratory shall have the test objects taken by its agent from the manufacturer's or distributor's warehouse. As a rule, verification shall be carried out as a type or product test. However, if the

complaint refers to only a few isolated stipulations in the test specifications considered for type testing, then at the discretion of DVGW CERT GmbH verification can also be performed as part testing. DVGW CERT GmbH shall immediately be informed of the result of verification by the testing laboratory in order to be able to take any immediate action required. The testing laboratory shall not disclose the results of verification to any third party.

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The applicant and the certificate holder will be informed about the results and the consequences of the verification and/or the subsequent improvement test no later than 4 weeks after receipt of all test reports by DVGW CERT GmbH. The certificate holder may require to inspect the test report if the verification has shown that the product does not comply with the relevant and applicable test specifications. If the verification has shown that the product complies with the relevant and applicable test specifications, the applicant is entitled to inspect the test report provided that the product is freely available on the market.

8.6.2 Costs

The costs of the verification procedure include the fees of testing laboratory recognised by DVGW CERT GmbH, the expenses for selecting and obtaining the test object and its transportation costs, as well as the costs of the verification procedure of DVGW CERT GmbH. The applicant is required to make a down payment equivalent to the (expected) costs of the verification procedure. If the verification procedure is concluded and its results cannot be legally challenged, and if, according to the verification, the complaints are justified, the certificate holder is required to reimburse the applicant the costs for the verification procedure paid according to sentence 2. Otherwise the applicant shall bear the costs.

8.7 Treatment of Defects

Should defects be found in the certified product in the course of the surveillance or verification procedure, the following obligations shall be applicable.

8.7.1 Defects Relating to Safety, Hygiene or Operation

In the case of major defects directly or indirectly affecting the product's safety, hygiene or operation, the manufacturer has the opportunity to prove to DVGW CERT GmbH within 3 months that his product conforms to the test specifications used for type testing and/or the latest modification test. This may be done by means of a test report from a testing laboratory recognised by DVGW CERT GmbH for the particular kind of product. In this case the manufacturer must ensure that the products shall not be marked with certification marks or the registration number until they are proven to be free from defects.

Should the establishment of proof be possible only by means of extensive subsequent improvement implying that the faulty product placed on the market does indeed have major safety- or hygiene-related or operational defects, or if the manufacturer fails to observe the set time-limit, or if no proof can be established that the product is indeed defect-free, the certificate as well as the authorisation to use the certification marks and registration number will without further time-limits be withdrawn.

In this case the manufacturer must undertake to make indistinguishable the certification marks and registration numbers on all products not yet placed on the market and on the respective printed material or to draw sufficient attention to the invalidity of certification. He must further undertake to provide DVGW CERT GmbH with proof of this within a span of 3 months.

The manufacturer shall indemnify DVGW CERT GmbH against all third party claims resulting from the unlawful use of certification marks and registration numbers especially for products with safety- or hygiene-related or operational defects.

In the event that a product has been established as defect-free, if necessary by adopting minor subsequent improvement measures, as also in the event of immediate removal of major defects in all products

already placed on the market, the certification and registration number shall remain valid. If need be, DVGW CERT GmbH may impose conditions and restrictions in the certificate itself. These shall take effect from the date on which they were asserted.

The recognised testing laboratories undertake to conduct the necessary verification without delay and to inform DVGW CERT GmbH of the results in writing directly after the examinations have been concluded.

8.7.2 Defects not Related to Safety or Hygiene

In case of defects not affecting the product's safety, hygienic or operational performance, fitness for use, or efficiency, the manufacturer shall give evidence to DVGW CERT GmbH within a period of 3 months by submitting a report issued by a recognised testing laboratory that the defects in the faulty product have been eliminated. If the manufacturer fails to meet this obligation, the certificate, and along with it the authorisation to use the certification marks, shall be withdrawn.

The testing laboratories recognised by DVGW CERT GmbH shall undertake to conduct the verification without delay and to inform DVGW CERT GmbH of the results in writing.

9 CERTIFICATE AND CERTIFICATION MARKS

Certification and/or alteration of a certification and the issuing of a certificate follow after the application procedure has been properly completed, the necessary test report(s) on type testing, product testing, modification testing, supplementary testing, renewal testing or on a document review is/are available, and the conformity assessment based on the documents has been favourable.

9.1 Certificate

The authorisation to carry the certification marks is granted by issuing an appropriate certificate.

Different models or trademarks as well as different distributors of the same production series with the corresponding types and varieties may either obtain an individual certificate with a separate registration number or be combined in one single certificate (see section 6.1). In the latter case a separate certificate sheet (supplementary sheet) also showing the different type designations, is drawn up for each combination of model and distributor. All certificate sheets form a part of one complete certificate indicating the same holder and the same registration number and may be issued and invoiced as one unit only. The certificate holder is indicated on the first page, the respective distributors or models on the supplementary pages.

Separate certificates/supplementary sheets (model/distributor combinations) must be issued for appliances from the same production series which differ from each other in significant functional, equipment and operational details such as equipment parts, materials, temperature resistance etc.

A certificate is issued in the name of one holder (manufacturer or distributor) only. However, at the certificate holder's request, several additional combinations of model and distributor may be listed on separate supplementary sheets with the same registration number (see above). As a rule, a registration number can be assigned to only one certificate holder.

Following successful conformity assessment by DVGW CERT GmbH, the latter

- handles the entry of the certification data in a certification list;
- allocates the applicant a registration number and by issuing a certificate entitles him to carry the relevant certification mark; and
- stores the documents accompanying the application for at least 15 years.

DVGW CERT GmbH publishes all the products it has certified in its regular certification lists and on its Internet pages. The certification lists are published at least once a year.

9.2 Period of Validity of the Certificate

Depending on the test specifications the certificate is limited in time.

The period of validity of the certificate is as follows for testing in accordance with

■ DIN (EN) standards	5 years
■ DVGW Codes of Practice	5 years
■ DVGW test specifications (VP)	3 years
■ Preliminary standards, draft standards and draft work sheets	3 years
■ Draft test specifications (VP)	2 years

Supplementary tests carried out during this period do not extend the certificate's validity.

The authorisation to carry the mark starts on the date of issue of the certificate. The period of validity of the certificate comes into effect from the date of issue of the last type test report required for the certification.

If a renewal is necessary, an application for the same must be filed at least 3 months before expiry of the period of validity. An extension of the certification can be granted without renewed testing if:

- the product has not changed as compared to the type last certified,
- production processes of the certified product are continued unchanged after the certificate's period of validity has expired, and
- there has been no change in the test specifications on which certification was based.

Favourable inspection results are sufficient as a basis for renewing the certificate, provided that a regular surveillance has been conducted by a recognised testing laboratory and the relevant testing laboratory has not recorded any deviations in the last control test or product audit report. In all other cases a new renewal test is required. As a rule, a new type test is required after 15 years.

If a draft standard or draft Code of Practice or a test specification is replaced by a final standard or Code of Practice, the certificate granted on the basis of the draft can be extended on application to a period of 5 years, provided that a testing laboratory recognised by DVGW CERT GmbH has confirmed that the product also meets the requirements of the final standard or Code of Practice.

The authorisation to bear a certification mark and the corresponding registration number are tied to the validity of the certification. Unlimited renewals of the latter can be granted in the event of uninterrupted validity of the certification.

9.3 Expiry of the Certificate

The certificate becomes invalid

- a) after the expiry of the period of validity if no renewal has been requested,
- b) if a notice of termination of certification or surveillance has been issued by the manufacturer,
- c) if DVGW CERT GmbH has withdrawn the certificate (see section. 9.4).

A certification or surveillance may be terminated by the certificate holder with a notice period of 3 months becoming effective by the end of the year.

Upon expiry of the certificate the manufacturer may put his stock on the market during a period of 12 months, unless the certificate has been withdrawn or certification or surveillance has been terminated (items b) and c) above).

The certificate holder undertakes to make advertisements or any other statements regarding certification in its course of business only based on valid certificates and to refrain from making any statements or advertisements based on invalid, expired, suspended or withdrawn certificates.

9.4 Withdrawal of the Certificate

The certificate is withdrawn by DVGW CERT GmbH if

- a) the manufacturer does not carry out surveillance in time as specified in section 8,
- b) a certification mark or registration number is misused by the holder,
- c) requirements resulting from these Rules of Procedure are not fulfilled,
- d) the manufacturer fails, either in full or part, to meet the requirements stipulated by DVGW CERT GmbH,
- e) the prerequisites for granting the certificate no longer exist.

If misuse is in question, the DVGW CERT GmbH alone shall decide. In this regard no third party has the right of objection.

If a certificate is withdrawn, DVGW CERT GmbH shall inform the certificate holder in writing per registered post including a recorded delivery slip. The registration number in the certification list of DVGW CERT GmbH shall be cancelled. The original of the certificate must be returned.

The withdrawal or termination of the certificate is also announced in the trade journal „Energie-Wasser-Praxis“ and on the Internet pages of DVGW CERT GmbH.

If a product is cancelled from the certification list, the certificate holder/manufacturer may no longer mark the product with the registration number or a certification mark after receipt of the registered letter informing him of the withdrawal of the certificate and the cancellation of the corresponding registration number. Products of that type which are kept on stock and already carry a certification mark or registration number may no longer

be placed on the market with this mark. The certificate holder undertakes to provide evidence, on demand, to DVGW CERT GmbH that he has made all possible and reasonable arrangements to prevent further circulation of the product with DVGW marking. DVGW CERT GmbH reserves the right to inform third parties of the certificate's withdrawal.

9.5 Suspension of Certification

In certain cases, a certification may be suspended temporarily instead of being withdrawn. The reasons which can lead to suspending a certification are identical to those leading to a withdrawal (see section 9.4). In contrast to a withdrawal, suspension means that withdrawal of the certificate, deletion of the registration number and the corresponding announcements in the trade press are suspended temporarily. After making its final decision, DVGW CERT GmbH informs the certificate holder/manufacturer in writing whether suspension is lifted (if applicable, under certain conditions) or whether the certificate is withdrawn permanently.

Once a certificate holder/manufacturer has been informed that certification has been suspended, he may no longer mark the product with the registration number or a certification mark. Products of that type which are kept on stock and already carry a certification mark or registration number may no longer be placed on the market with this mark. The certificate holder undertakes to provide evidence, on demand, to DVGW CERT GmbH that he has made all possible and reasonable arrangements to prevent further circulation of the product with DVGW marking. DVGW CERT GmbH reserves the right to inform third parties of the certificate's withdrawal.

9.6 Measures Related to a Modification of Certified Products

Once DVGW CERT GmbH has issued a certificate, its holder agrees to notify DVGW CERT GmbH of any and all changes to the certified product or production method which impact product features that are relevant

for certification and of any change of the company's name or address. If the certificate holder fails to fulfil this obligation, he shall no longer be entitled to use the affected certification marks. DVGW CERT GmbH may initiate testing as a partial test, supplementary test or document review. If possible, such a test or review should be carried out by the same testing laboratory which carried out the type test or product test.

A new application for certification or modification must be filed within 3 months if:

- a) the components or materials are changed which affect the product's safety, hygiene, operation or capacity,
- b) changes are made to the product's construction or production method insofar as this may impact the product's safety, hygiene, operation or capacity,
- c) the manufacturer's or distributor's name or address changes.

The replacement of components, parts or materials that are equivalent or similar in terms of operation and safety does not require a new overall assessment of the product if:

- a) such components or parts have already been tested at the time of type testing and are included in the certificate,
- b) the components or parts were subsequently recorded by DVGW CERT GmbH by way of testing, approval or certification
- c) the replacement is defined by the test specification.

9.7 Measures Related to a Modification of Test Specifications

Should any standard, Code of Practice or test specification change during the certificate's period of validity, a supplementary certification and, if applicable, a supplementary test with respect to the new requirements must be requested within a period of 3 months after the new requirements took effect (publication in the trade press), and a positive supplementary test report

must be submitted to DVGW CERT GmbH within 12 months, unless the test specification provides for different transition periods. If not, the certificate shall be withdrawn.

9.8 Marking

After a certificate has been issued, the manufacturer or distributor must mark his certified products and pertinent documents with the registration number issued for the product in question. Manufacturers and distributors may use either the full (13-digit) registration number or a shorter version (final 6 digits), and in each case place the letters „DVGW“ or „DIN-DVGW“ (as applicable) in front of the number. If there is not enough space to affix the registration number, marking may also be carried out by affixing the letters DVGW. In the latter case, the assigned registration number shall be carried in the documents. The phrase „DVGW-certified“ may also be used. In contrast, marking with the phrase „DVGW-tested“ is not permitted. Manufacturers may additionally use the DIN-DVGW or DVGW certification mark, GS mark or DVGW quality mark in compliance with the applicable list of DVGW certification marks (Appendix I). The mark is normally affixed to the product and packaging.

Certification marks may only be used as specified by DVGW CERT GmbH and for the certified products, models and types. The use of certification marks is regulated by the "Licence rules for the use of DVGW certification marks" (Appendix II).

9.9 Complaints Directed at the Certificate Holder

The manufacturer is obligated to keep appropriate records of all complaints directed at him with regard to a product's conformity to the requirements of the respective standard and to make such records available to DVGW CERT GmbH upon request. The manufacturer is further obligated to take appropriate measures in connection with such complaints and defects identified at products or services that have a negative impact on compliance with the certification requirements,

document such measures and make the documentation available to DVGW CERT GmbH upon request.

10 FEES

DVGW CERT GmbH charges fees for certification, registration, surveillance and issuing certificates. Initial issue, extension, renewal, modification, surveillance and reissue of certifications and/or certificates shall be subject to charges according to the Schedule of Fees applicable on the date of receipt of application. Calculation of the annual registration fee shall be based on the fees and certification information applicable on January 1st of the year in question. With the filing of the application 50 % of the expected fees may be charged as advance payment. No claim for repayment shall be admitted if the procedure has not come to a favourable conclusion but testing has already begun.

Unless otherwise expressly agreed in writing, the applicant shall bear all costs of the whole procedure.

11 COMPLAINT AND OBJECTION PROCEDURE

To deal with complaints and objections against its decisions DVGW CERT GmbH has established an objection procedure and a Grievance Committee.

11.1 Objection Procedure

The certificate holder has the right to object to the suspension or withdrawal of a certificate within 14 days. Further parties do not have any right of objection. The objection must be substantiated in writing and

DVGW CERT GmbH must be informed by means of a registered letter. The Grievance Committee shall decide about the objection in accordance with the provisions of paragraph 11.2. The objection does not have the effect of deferring the non-use of the certification marks. Withdrawal of the certificate together with the corresponding announcements shall nevertheless be suspended until the Grievance Committee has made its decision.

Both the manufacturer of a defective product and, in the case of a verification, the applicant have the right to object to the result of an inspection or verification test as well as the subsequent improvement test within 14 days of the date of delivery of the test result. Further parties do not have any right of objection. The objection must be substantiated in writing within a further 14 days and DVGW CERT GmbH must be informed by means of a registered letter. The Grievance Committee shall decide about the objection in accordance with the provisions of paragraph 11.2.

In the case of objection to the result of an inspection or verification test, the objection does not mean an extension of the 3-month time-limit in the event of a negative test result specified in sections 8.7.1 and 8.7.2. Should the Grievance Committee, following a previous positive test-result, come to a negative assessment in the course of its deliberations, then the 3-month time-limit of the paragraphs 8.7.1 and 8.7.2 shall begin from the date of announcement of the decision.

All dates refer to the date of the postmark.

In the event of objection to the subsequent improvement test, the objection does not have the effect of deferring the non-use of the certification marks. Withdrawal will nevertheless be suspended until the Grievance Committee has made its decision.

11.2 Grievance Committee

The Grievance Committee shall decide on objections and complaints relating to decisions of DVGW CERT GmbH within a period of no more than 3 months. This shall be expressly acknowledged by the applicant by his signature on the application form for certification.

The Grievance Committee is composed of:

- the chairman of the DVGW technical committee responsible for the product in question,
- one member of the responsible technical committee of the DVGW, or the responsible DIN working committee of NA Gastechnik (NAGas) or NA Wasserwesen (NAW), all of whom shall be independent of any manufacturer's interests),
- a representative of the complainant,
- the head of the testing laboratory recognised by DVGW CERT GmbH which is responsible for the testing or the person in charge of conducting the test,
- the head of the certification body of DVGW CERT GmbH,
- a representative of the certificate holder if the complainant is not the certificate holder.

The responsible expert from DVGW CERT GmbH who is in charge of the certification procedure shall be in attendance to draw up the minutes and have no vote. The representatives of the complainant and the certificate holder, if applicable, shall have no vote. The Committee is chaired by the head of DVGW CERT GmbH. In case of a tie, the vote of the head of the certification body shall be the deciding vote.

12 EXCLUSION OF LIABILITY

Other than in cases of criminal intent and gross negligence, DVGW CERT GmbH shall not be liable for damages incurred by any third party or competitor arising from the award or refusal of award, or withdrawal or alteration of certificates or confirmation, as well as for damages arising out of mistaken or erroneous information in these certificates. This also applies to damages to property and indirect damages, e.g. processing costs or fees arising from disputes over competition or trademark rights. The data in these certificates is based on data provided by the respective manufacturer and applicant who bear sole responsibility for the use of these certificates.

DVGW CERT GmbH shall in no case be liable for damages arising in consequence of modifications to certified products not brought to the knowledge of the Certification Body and entered for verification. In the event of a dispute on whether an alteration or modification of the product was made before or after certification, the burden of proof lies with the certificate holder and/or applicant.

The activities of DVGW CERT GmbH are restricted to checking whether the products for which certification is sought meet the requirements of the test specifications applicable according to the DVGW expert committees. DVGW CERT GmbH shall not be liable for the contents and legality of the test specifications used.

DVGW CERT GmbH shall furthermore not be liable for defects and errors in tests and test reports for which the test laboratories are responsible. A contractual relationship with regard to the conduct of tests comes into being exclusively between the respective applicant/certificate holder and the testing laboratory charged with conducting the tests.

13 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. Invalid or incomplete provisions of the Rules of Procedure shall be replaced by provisions which come closest to the economic intention of such invalid or incomplete provisions as intended by the contracting parties.

14 PLACE OF JURISDICTION

The place of jurisdiction for all points of controversy, claims including liability claims against DVGW CERT GmbH shall be Bonn, Germany.

15 QUALITY MANAGEMENT MANUAL OF DVGW CERT GMBH

The Quality Management Manual of DVGW CERT GmbH covers all procedures and rules applicable to product certification.

16 COMING INTO FORCE

These Rules of Procedure come into force as of 01.08.2007. They replace all preceding Rules of Procedure and procedural regulations of the previous DVGW Certification Body for the national certification of products in the non-regulated area.

APPENDIX I

DVGW CERTIFICATION MARKS

DIN-DVGW product

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



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DVGW product

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



DVGW product 0085

The „DVGW product 0085“ certification mark may be used in addition to the CE marking if DVGW CERT GmbH has issued the type examination certificate and conducts surveillance during the production stage.



DVGW GS mark

For technical equipment as defined by the Equipment and Product Safety Act (GPSG), the GS mark can be used together with the (DIN-)DVGW certification mark if a valid (DIN-)DVGW type examination certificate exists and if DVGW CERT GmbH has granted the right to use the GS mark. The GS mark may only be used together with the DVGW logo.



DVGW quality

The „DVGW quality“ certification 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.



APPENDIX II

LICENCE RULES FOR THE USE OF DVGW CERTIFICATION MARKS

Scope

Within the scope of certification of products, companies, quality management systems and experts, DVGW CERT GmbH also offers its customers the facility to document the certification successfully conducted by means of appropriate certification marks. These marks may be acquired either in the form of stickers, stamps or as reprographic copies on film or in data medium. For all media forms DVGW CERT GmbH confers upon the person acquiring these marks the right of use, revocable at any time, which however is not a proprietary right. Only the certification clients of DVGW CERT GmbH are authorised to acquire the stickers, stamps or reprographic copies, provided that they have completed a successful certification of their products, companies, quality management systems or of experts engaged in their companies or of themselves as experts, and the validity of such a certification has been confirmed by repeated verification. Use is restricted to products, companies, quality management systems, and experts covered by certification and surveillance.

Right of Use

The person acquiring the stickers, stamps or reprographic copies receives from DVGW CERT GmbH merely the right of use, not a proprietary right. The right of use is granted within the scope of these Licence Rules. It can at any time be revoked by DVGW CERT GmbH upon expiry of the period of validity or upon misuse. In this event, all existing stickers, stamps or reprographic copies must be returned without delay to DVGW CERT GmbH. The marks of every form remain the property of DVGW CERT GmbH.

The right of use may not be transferred to any other product, company or expert. In particular, no sticker, stamp or reprographic copy or copies thereof may in any way be passed on to a third party. Nor may these be used for uncertified products, company divisions, subsidiary companies, quality management systems or other persons. Similarly, reprint or alteration of the stickers or reprographic copies in any form is not allowed. If necessary, proof of authorisation to the use of the certification marks must be produced as part of the ordering procedure by means of appropriate certificates or in any other form required by DVGW CERT GmbH.

Declaration of Agreement

For the purpose of ordering the certification marks the person acquiring the DVGW certification marks must expressly acknowledge these Licence Rules with his signature.

Any violation of the Licence Rules is liable to compensation and may entail further legal consequences.