



RULES OF PROCEDURE

for Conformity Assessment
Procedures in Accordance
with EC Directives

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1 PURPOSE

These Rules of Procedure serve the performance of conformity assessment procedures (proof of conformity procedures) according to EC directives, for which DVGW CERT GmbH has been named as the Notified Body:

- EC Gas Appliances Directive (GAD)¹
- EC Boiler Efficiency Directive (BED)²,
- EC Pressure Equipment Directive (PED)³.

The aim of carrying out conformity assessment procedures in accordance with EC directives is to create the necessary requirements for proper CE marking of the products concerned. It must be noted that the CE marking indicates the conformity with all applicable EC directives. In addition to the directives listed above, this includes: the EC Low Voltage Directive⁴, the EC EMC Directive⁵, the EC Machinery Directive⁶ as well as the EC Directive regarding the use of equipment in potentially explosive atmospheres⁷.

2 SCOPE

These Rules of Procedure regulate the relationship between the manufacturer (see 3.11) and DVGW CERT GmbH⁸ with regard to the performance of conformity assessment procedures in accordance with:

- EC Gas Appliances Directive (GAD),
 - EC Boiler Efficiency Directive (BED),
 - EC Pressure Equipment Directive (PED).
- (for source information refer to section 1)

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The appropriate provisions of the respective EC Directive apply, supplemented and specified by these Rules of Procedure.

For the certification of quality management systems (quality assurance systems) the relevant Rules of Procedure of DVGW CERT GmbH apply (analogously), insofar as the respective EC directives and these Rules of Procedure do not stipulate otherwise.

¹ Directive 90/396/EEC of the Council dated 29 June 1990 for the approximation of the laws of member states relating to appliances burning gaseous fuels (EC Official Document L 196 26.07.1990, last changed in L 220 30.08.1993; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990L0396:EN:HTML>), see also DVGW Certification Information No. 4

² Directive 92/42/EEC of the Council dated 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (EC Official Document L 167 22.06.1992, last changed in L 220 30.08.1993; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0042:EN:HTML>), see also DVGW Certification Information No. 4

³ Directive 97/23/EC of the European Parliament and the Council dated 29 May 1997 on the approximation of the laws of member states concerning pressure equipment (EC Official Document L 181 09.07.1997, rectified in L 265 27.09.1997; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0023:EN:HTML>), see also DVGW Certification Information No. 7

⁴ Directive 73/23/EEC of the Council dated 19 February 1973 on the harmonisation of the laws of member states relating to electrical equipment designed for use within certain voltage limits (EC Official Document L 77 26.03.1973, last changed in L 220 30.08.1993; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31973L0023:EN:HTML>)

⁵ Directive 89/336/EEC of the Council dated 3 May 1989 on the approximation of laws of member states relating to electromagnetic compatibility (EC Official Document L 139 23.05.1989, last changed in L 126 12.05.1992 and L 220 30.08.1993, see <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31989L0336:EN:HTML>)

⁶ Directive 98/37/EC of the European Parliament and the Council dated 22 June 1998 and 17 May 2006 on the approximation of the laws of member states relating to machinery (EC Official Document L 207 23.07.1998; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0037:EN:HTML>, http://ec.europa.eu/enterprise/mechan_equipment/machinery/revdir.htm)

⁷ Directive 94/9/EC of the European Parliament and the Council dated 23 March 1994 on the approximation of the laws of member states concerning equipment and protective systems intended for use in potentially explosive atmospheres (EC Official Document L 100 19.04.1994; see <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31994L0009:EN:HTML>)

⁸ DVGW CERT GmbH is the Notified Body. The functions of the Notified Body are performed by DVGW CERT GmbH, which is a wholly-owned subsidiary of the DVGW head office.

3 ABBREVIATIONS AND DEFINITIONS

3.1 Abbreviations

The following abbreviations apply:

- CE for Communauté Européenne (fr., European Community, see CE-marking),
- GAD for Gas Appliances Directive (CE Gas Appliances Directive),
- BED for Boiler Efficiency Directive (CE Boiler Efficiency Directive),
- PED for Pressure Equipment Directive (EC Pressure Equipment Directive),
- GAD-AC for Gas Appliances Directive Advisory Committee⁹,
- NB-GA for Notified Bodies Gas Appliances,
- BED-AC for Boiler Efficiency Directive Advisory Committee⁹,
- WGP for Working Group Pressure⁹,
- CABF PED for Conformity Assessment Bodies Forum Pressure Equipment⁹,
- ZEK for Zentraler Erfahrungsaustauschkreis (Main Experience Exchange Group¹⁰,
- ZEK-EK 6 for Experience Exchange Group 6 (Pressure Equipment) in the ZEK¹⁰,
- ZEK-EK 7 for Experience Exchange Group 7 (Fuel Appliances) in the ZEK¹⁰.

3.2 Deviation

Deviation implies a failure to fulfil requirements in accordance with the relevant EC directive and/or the test specifications consulted supplementary.

3.3 File Number

The file number which DVGW CERT GmbH awards upon receiving an application forms the reference for the

subsequent written communication or other exchange of data between the manufacturer, the testing laboratory, and DVGW CERT GmbH.

3.4 Notified Body

The Notified Body is an officially accredited third-party organisation according to the relevant EC directive, which the manufacturer must consult for the conformity assessment.

3.5 Certificate

With the exception of the registration certificates, for the purpose of these Rules of Procedure certificates are certificates issued by DVGW CERT GmbH regarding the successful completion of conformity assessments. Apart from the EC type-examination certificates, this includes the EC design-examination certificates or EC unit verifications (the latter are referred to as conformity certificates in the EC directives), certifications regarding the performance of other conformity assessments, e.g. of quality assurance systems or of products in the context of production surveillance.

3.6 Authorised Representative

The authorised representative is a natural or legal person designated by the manufacturer, resident in a EU member state, who represents the manufacturer within the scope of the power of attorney.

3.7 CE Marking

The CE marking of a product indicates its conformity with all relevant EC directives. Where appropriate, a number identifying the agency which is consulted for the EC unit verification and/or the production surveillance may be added to the CE marking. DVGW CERT GmbH has the ID number „0085“.

⁹ A body which is headed or supported by the designated authority within the European Commission.

¹⁰ A body which is headed or supported by the Central Body for Safety of the Federal States (ZLS).

3.8 Supplementary Test

Supplementary testing is a part testing which seeks to establish whether, after a modification of the product or the quality assurance system or the test specifications concerned, the applicable requirements are still met.

3.9 Results Sheet

The results sheet is a part of the test report in which the test results are displayed in a summary manner (target/actual comparison).

3.10 Production Facility

The production facility is a location where the actual production (or assembly) of a product takes place. Its identification is essential for the surveillance of the production process.

3.11 Manufacturer

The manufacturer, as the later holder of the certificates (or registration certificates) as issued according to these Rules of Procedure, is the relevant contracting partner for DVGW CERT GmbH in all matters pertaining to the procedures as applied for under these Rules of Procedure. He is therefore the bearer of all rights and obligations for the purposes of these Rules of Procedure. Among others, the manufacturer is obliged to use all certificates properly (including possible distributor's certificates) and to ensure their return in case of a withdrawal. He is also obliged, if necessary, to carry out all measures regarding the surveillance of production at his own expense.

3.12 Modification

Modifications by the manufacturer result in corresponding modifications of existing (registration) certificates. In view of the corresponding fees, a distinction is made between alteration, extension and re-issue. Combining existing certificates into one, insofar as this is possible, will be treated as an alteration.

3.12.1 Alteration

An alteration is such a modification of the data of an existing (registration) certificate, that the conformity of a product or of a quality assurance system to the requirements of the relevant EC directive(s), or of the test specifications supplemented for their specification, at least to the extent of the modification, has to be established through a new conformity assessment procedure.

3.12.2 Extension

An extension is such a modification of the data underlying an existing (registration) certificate that additional product types (e.g. nominal width), model variations (e.g. supplies), models, distributors or production facilities have to be considered, and that to the extent of the modification further conformity assessments may become necessary.

3.12.3 Re-issue

A re-issue is a modification of such data of an existing (registration) certificate which can have no impact on the composition of the product concerned, as for example regards models (trademarks) or company data. The assumption of a certification by another manufacturer, e.g. by virtue of a company take-over, is no re-issue for the purposes of these Rules of Procedure, but will instead be treated as a new issue.

3.13 Verification

Verification implies a testing which can be requested by a third party if justified suspicions of a deviation exists with reference to a product registered with DVGW CERT GmbH (not to be confused with the audit of a quality assurance system).

3.14 Product Identification Number (PIN)

The product identification number (PIN) is an essential component of (registration) certificates of DVGW CERT GmbH. It is awarded exclusively for the manufacturer's product concerned or for a respective series and is specially reserved for the marking of a product. However,

it should not be confused with the CE marking. The product identification number, together with the file number, forms a reference for the exchange of data and is composed in the following manner: „CE” + the DVGW CERT GmbH ID number (0085) + double letters as indication of the year + a four-digit continuous number, e.g. CE-0085AB1234.

3.15 Production Surveillance

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With the exception of the EC unit verification, the surveillance of production is the most important instrument for a lasting guarantee on the conformity of the product with the requirements of the relevant EC directive(s). The ID number of the Notified Body which is consulted during this stage, is placed next to the CE marking where appropriate. The following modules of the PED and BED, as well as the following sections of the GAD, are part of the surveillance of the production or contain elements which refer to it:

- A1 (PED), C (BED), C1 (PED), App. II No. 2.3 (GAD),
- D (BED, PED), D1 (PED), App. II No. 3.4 (GAD),
- E (BED, PED), E1 (PED), App. II No. 4.4 (GAD),
- F (PED), App. II No. 5.3/5.4 (GAD),
- H (PED), H1 (PED).

3.16 Test Specifications

The test specifications for the purposes of these Rules of Procedure are:

- the relevant EC directive(s) with its/their respective requirements,
- harmonised European standards within the meaning of the relevant EC directive(s),
- other DIN-, EN- or IEC/ISO standards or DVGW Codes of Practice,
- draft standards, preliminary standards and drafts of DVGW Codes of Practice,
- resolutions and guidelines of the relevant bodies (GAD-AC/NB-GA, BED-AC, CABF PED, ZEK/ZEK-EK 6/7 et al.),
- (preliminary) DVGW test specifications,

Harmonised European standards within the meaning of the relevant EC directive(s) form sufficient test specifications insofar as they encompass the entire product. Otherwise reference will be made, after the manufacturer has been duly consulted, to the particular requirements of the relevant EC directive(s) in connection with specifying test specifications which DVGW CERT GmbH had released before the time of the testing.

3.17 Testing Laboratory

For the purposes of these Rules of Procedure, the testing laboratory is a third authority accredited in accordance with the relevant EC directive, which performs tests within the scope of its accreditation and which submits a test report in case of a successful test as the basis for the issue of a certification by DVGW CERT GmbH (see also section 4 DVGW testing laboratories).

3.18 Registration Certificate

A registration certificate is not based upon a test (EC type examination, EC design examination or EC unit verification), but only confirms that the product concerned is registered with DVGW CERT GmbH under a product identification number. It particularly serves as a confirmation in case of a Module A1 PED being applied.

3.19 Part Testing

Part testing is a test which applies only to a part of a product or quality assurance system.

3.20 Renewal

Renewal implies a re-issue of an existing certificate with an extended validity and a retention of the product identification number.

3.21 Distributor

For the purposes of these Rules of Procedure, the distributor is a natural or legal person who distributes a manufacturer's products with his approval on the

basis of the manufacturer's (registration) certificate and product identification number, and who is legally independent from the manufacturer. A person, legally independent from the manufacturer, who distributes the manufacturer's products with the manufacturer's approval, but on the basis of that person's own (registration) certificate and product identification number, is not a distributor for the purposes of these Rules of Procedure, but is deemed to be a manufacturer himself.

3.22 Examination of Drawings

An examination of drawings is a supplementary testing on the exclusive basis of updated documented material.

3.23 Certificate

(see Certificate/Registration Certificate)

4 DVGW TESTING LABORATORIES

DVGW CERT GmbH co-operates with select testing laboratories, referred to as DVGW testing laboratories, in the area of product-related tests and the evaluation of quality assurance systems, in particular with respect to their product-related characteristics. The type and extent of the co-operation between DVGW testing laboratory and DVGW CERT GmbH is laid down in a separate admission procedure.

In case that nothing to the contrary has been contractually agreed upon by the DVGW testing laboratory and DVGW CERT GmbH, the DVGW testing laboratory shall not make any offers, declarations or give information on behalf of DVGW CERT GmbH. In particular, it shall not issue any certificates (test certificates and the like) on behalf of DVGW CERT GmbH.

5 APPLICATION

5.1 General

The manufacturer signs or authorises in another, equally valid manner the application for the performance of conformity assessment procedures as well as for modifications, extensions, combinations, re-issues or renewals regarding conformity assessment procedures or certifications which have arisen from those, as the case may be. The application specifies the testing laboratory which has been appointed or which is desired.

No new application for a conformity assessment procedure may be filed for a product which has already been rejected by an agency (and which has not been modified).

The production facility (facilities) must be specified if the application (also) relates to the phase of production surveillance. The production surveillance must take into consideration, in particular in the case of low production depths, e.g. final assembly, the working procedures outside the final assembly facility as well.

The application can refer to a single product as well as to a series of products (product types) within which the individual types may only vary in size, power or model types. Several models (trademarks) and distributors of a product can be taken into consideration (see also 8.1).

New customers must submit a registration of business and if applicable, a commercial register excerpt or in the case of foreign customers, a respective foreign equivalent along with the application.

Upon the communication of the file number, the application is accepted by DVGW CERT GmbH and the conformity assessment procedure in accordance with the relevant EC directive is initiated. The file number forms the reference for the subsequent written communication and any other exchange of data.

5.2 Assumption of a Manufacturer's Product by a Third Party

The manufacturer can include in his application distributors for consideration in the respective (registration) certificates.

If a company integrates a product of another manufacturer under its own name into its production or sales series, it can also apply for performance of conformity assessment procedures. It also assumes the rights and obligations of a manufacturer in accordance with the relevant EC directive and these Rules of Procedure.

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5.3 Alteration, Extension and Re-issue

The manufacturer informs DVGW CERT GmbH of all modifications of products registered with that agency, irrespective of whether DVGW CERT GmbH holds the sole or a shared responsibility for the production surveillance. DVGW CERT GmbH determines the necessity of an additional conformity assessment procedure, which may be conducted as a supplementary or part testing or as an examination of drawings.

Product-related tests will, as a rule, be performed by the testing laboratory which already had performed the original test.

Where applicable, DVGW CERT GmbH will effect the respective alteration, extension or re-issue of the (registration) certificate.

5.4 Renewal

The EC type-examination certificates according to GAD and BED are valid indefinitely. The period of validity of the EC type-examination certifications according to PED is restricted to ten years. It can be renewed under the conditions specified under 5.3 upon submitting an application to the effect.

6 TESTS/AUDITS

6.1 General

Before the file number is awarded by DVGW CERT GmbH, no tests are performed by the testing laboratory in order to clarify contentious issues in due course of time, e.g. those pertaining to the scope of applicability of the respective EC directive, to the scope of admission of the testing laboratory or to the use of test specifications and existing test reports.

6.2 Product-related Tests

As a rule, the manufacturer and testing laboratory co-operate within the framework of a independent contractual relationship.

DVGW CERT GmbH decides in consultation with the manufacturer and the testing laboratory as to how far tests are performed in the manufacturer's or other facilities and to what extent is the testing laboratory to be involved in their performance.

6.3 Audits of Quality Assurance Systems

The quality assurance systems are rated by auditors or experts who are commissioned by DVGW CERT GmbH.

Product-related tests may become necessary for a test of effectiveness of a quality assurance system. Section 6.2 applies accordingly.

Quality management systems already in existence are taken into consideration in the audit of the quality assurance system by DVGW CERT GmbH.

Likewise, the audit of the quality assurance system in accordance with the relevant EC directive will be extended by the corresponding audit in accordance with ISO 9001, if this is applied for.

6.4 Test-/Audit-Reports

The testing laboratory and/or the person commissioned with an audit produces a comprehensive report on the results of the test (test/audit report) and makes it available to DVGW CERT GmbH.

In case of product-related tests, the test report contains a results sheet (target/actual comparison). Where appropriate, this is in an electronic form in accordance with the specifications of DVGW CERT GmbH, and must also include a short description of the product with all models (trademarks), types, model variations and technical data (see also 8.1).

Added to the test/audit report are those documents which the manufacturer must submit according to the relevant EC directive and the other test specifications for the performance of conformity assessment procedures.

The type-examination report must not be older than six months.

6.5 Deviations

Deviations can immediately relate to the product or to a possible quality assurance system. A deviation relating to the quality assurance system indicates that a deviation relating to the product also cannot be ruled out.

The testing laboratory or the person commissioned with an audit issues a written notification of any deviation to DVGW CERT GmbH. In the case of deviations which are detected in connection with product-related tests, no test report is necessary and a results sheet alone suffices. Where applicable, DVGW CERT GmbH informs the manufacturer thereafter that it refuses to issue the respective certificate for the specific product or quality assurance system.

The manufacturer and/or the distributor does not apply the CE marking, the Id number „0085“ or the product identification number, insofar as one has already been awarded, to the products concerned and does not put these into circulation either (see sections 14 and 15).

7 PRODUCTION SURVEILLANCE

7.1 General

Depending on the selected procedure and as per the requirement, audits of the quality assurance system, tests of products as well as unannounced visits for respective tests/audits must take place. Section 6 applies to all tests/audits and to possibly detected deviations accordingly.

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In case the manufacturer consults DVGW CERT GmbH for the surveillance of production of various products or in accordance with various EC directives, or in case the procedure of production surveillance entails several measures (like Module H1 PED), these measures should, if possible, be carried out in a co-ordinated manner. The frequency and the extent of the measures depends on the provisions of the EC directives and the test specifications.

Interruptions of the production process do not, as a rule, reduce the frequency of measures for the production surveillance. If a measure cannot be taken due to a prolonged interruption of the production process within the scheduled time frame, the manufacturer informs DVGW CERT GmbH and, where applicable, the testing laboratory, of the interruption and the scheduled resumption of production.

The time intervals between two measures for the surveillance of production do not exceed the time-limits which are specified hereafter by more than three months, e.g. annual measures do not lie more than 15 months apart.

7.2 Supplements to Individual Procedures

7.2.1 Conformity to Type/Surveillance of Final Inspection according to App. II No. 2.3 GAD, Module C BED, Module A1/C1 PED

The first inspection is carried out three months at the latest after DVGW CERT GmbH has given the respective order, but not before the beginning of production. The date of the order is the deemed beginning of the surveillance. Thereafter, one inspection is carried out annually.

7.2.2 Quality Assurance according to App. II No. 3.4/4.4 GAD, Module D/E BED

An audit of the quality assurance system is carried out at least once every two years.

7.2.3 Quality Assurance according to Module D/D1/E/E1/H/H1 PED14

At least one audit is carried out once every 18 months and a complete reassessment is made once every three years.

7.3 Eliminating Deviations

As long as deviations exist, the CE mark, the ID number „0085“ and the product identification number are not applied to the products concerned and these are not put into circulation.

The manufacturer takes all necessary measures, as specified by DVGW CERT GmbH, to remove all deviations without delay. The manufacturer provides evidence to the effect that the causes of the deviations have been removed, e.g. by submitting a new test report within three months from the time of the communication informing of the existence of deviations.

After a maximum period of three more months, the manufacturer provides evidence to the effect that the deviations of all products concerned have been removed or that the respective measures have been taken.

Among these measures may be:

- a recall of all products already in circulation,
- a comprehensive elimination of defects in all products concerned,
- a comprehensive clarification to all users concerned alerting them to the potential hazards and to the possibilities of controlling them.

Where applicable, DVGW CERT GmbH issues new certificates with respective impositions or limitations which are valid from the date of issue.

If the manufacturer does not provide the aforementioned proof within the respective time-limits (which can be extended in certain justified cases by DVGW CERT GmbH), DVGW CERT GmbH assumes that the conformity with the requirements of the relevant EC directive is permanently violated (see sections 7.4, 8.2, 14 and 15).

7.4 Termination of Production Surveillance

Production surveillance on the part of DVGW CERT GmbH can be terminated by both sides upon the end of the calendar year by giving a written notice of six weeks.

DVGW CERT GmbH can terminate the production surveillance without notice with immediate effect, if

- the conformity of the supervised products with the requirements of the relevant EC directive is permanently violated,
- deviations have not been removed within the time limit,
- modifications of the product or the quality assurance system were made without authorisation,
- the implementation of measures for the surveillance of production was not made possible,
- the CE marking or the product identification number has been misused,

- the manufacturer does not fulfil his financial obligations towards the testing laboratory and/or DVGW CERT GmbH.

DVGW CERT GmbH reserves the right to proceed in like manner in case of other violations of conditions agreed upon with the testing laboratory and/or DVGW CERT GmbH. Apart from this, DVGW CERT GmbH may refuse to process further applications by the manufacturer in the aforesaid cases.

After the termination of production surveillance, the products concerned may no longer be marked with the CE mark in connection with the ID number „0085“ and may not be put into circulation (see sections 14 and 15).

7.5 Verification

If DVGW CERT GmbH doubts the conformity of the products which have been put into circulation with the requirements of the relevant EC directive, in particular, in the case of a complaint by a third party which DVGW CERT GmbH deems adequately concrete, it may initiate a verification. The decision as to whether a verification is to be initiated cannot be appealed by either the applicant or the company concerned.

The verification is carried out by a DVGW testing laboratory upon commission from DVGW CERT GmbH. The DVGW testing laboratory shall have the test objects taken by its agent from the manufacturer's or distributor's warehouse. Verification shall always be carried out as a type examination. The test specifications underlying the certification are consulted. However, if the complaint refers to only a few isolated stipulations in the test specifications considered for type examination, then at the discretion of DVGW CERT GmbH verification can also be performed as part testing. The DVGW testing laboratory informs DVGW CERT GmbH of the results of the verification. DVGW CERT GmbH passes on the result of the verification to the manufacturer so as to allow him to take necessary and immediate initiatives. The DVGW testing laboratory maintains secrecy about

the results of the verification towards third parties. The right of DVGW CERT GmbH to inform the public about a termination of production surveillance (section 7.4) or a withdrawal of the product identification number (section 9) remains unaffected by this.

The result and the consequences of the verification are communicated to the applicant for the verification within one month, calculated from the receipt of the test report by DVGW CERT GmbH. However, the applicant is not entitled to receive a test report or excerpts thereof.

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If the complaint is confirmed, the manufacturer of the product concerned bears all the costs of the verification, including, where applicable, the costs for the acquisition and transport of the testing objects. Sections 6.5, 7.3 and 9 apply accordingly. Otherwise, the costs are borne by the applicant for the verification.

8 CERTIFICATES

8.1 Issue of Certificates

DVGW CERT GmbH evaluates the test/audit reports and in case of a positive result, issues the respective certificate. In the case of Module A1 PED, a registration certificate is issued upon the commissioning of the surveillance procedure. Registration certificates are otherwise issued only upon specific request.

A certificate contains the essential characteristics of the product and/or the quality assurance system, the relevant EC directive, the test specifications consulted as well as possible remarks (e.g. special information on the use). No mention of production facilities is included in the EC type-examination certificates, the EC unit verification certificates or in registration certificates.

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 always issued under the manufacturer's name who thereby becomes the holder of the certificate. In addition, at the request of the manufacturer, the distributors (see 3.21) and/or their models (trademarks) can be mentioned, with a separate certificate sheet being issued for each distributor and/or model, based on the same product identification number but without mentioning the manufacturer.

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A product (product series) can comprise several types and model types. Types are distinguishable from each other through size and are otherwise identical with regard to their construction characteristics. Model types refer to variable equipment features (e.g. accessories).

As a rule, the following indicators are used for type classification:

- gas appliances: nominal thermal load (or other load sizes),
- automatic gas burner control systems: type
- boilers, filters and other reservoirs: volume,
- pipes/pipe fittings, fittings, valves, regulators, safety devices: nominal size (or analogue diameter),
- rotary displacement/diaphragm gas meter: meter size
- Meters (tubular): nominal size.

A product can be put into circulation under different models (trademarks) and/or by different distributors. Not all types and/or model variations necessarily have to be grouped with every model and/or every distributor.

8.2 Period of Validity of Certificates

The period of validity of certificates is based on the underlying data being up-to-date (see 5.3) and in conformity with the relevant EC directive. The EC type-examination certificate is restricted to a validity period of ten years in the case of the PED.

For certificates regarding quality assurance systems, the frequency of renewed assessments or other audits is essential if DVGW CERT GmbH does not undertake renewed assessments.

As a rule, new or revised test specifications do not affect the validity of existing certificates. New or revised test specifications, where appropriate, also before the expiry of the validity of existing certificates, are consulted:

- at the request of the manufacturer,
- in case of modifications, extensions and renewals,
- if required by law,
- at the recommendation of relevant bodies (GAD-AC/NB-GA, BED-AC, WGP/NBF-PED, ZEK/ZEK-EK 6/7 and the like.).

The certificates expire

- upon return by the manufacturer, e.g. in case of termination of production,
- upon expiry of the period of validity.

After the expiry of a certificate, the manufacturer and/or distributor, may no longer attach the CE mark, the ID number „0085“ or the product identification number to the products and must refrain from putting these products into circulation (see sections 14 and 15). The manufacturer and/or distributor, refrain(s) from using the expired certificates and product identification numbers for purposes of advertisement and the like.

The manufacturer informs DVGW CERT GmbH of the termination of production and/or of the distribution of the products concerned within the EU and/or the European Economic Area.

9 MARKING OF PRODUCTS

The provisions of the relevant EC directives and the test specifications employed apply. Furthermore, DVGW CERT GmbH recommends the use of the product identification number which is awarded by it. The number can be withdrawn by DVGW CERT GmbH if

- conformity of the circulated products with the relevant EC directive is permanently violated,
- unauthorised modifications of the product were undertaken,
- the CE marking or the product identification number has been misused,
- the manufacturer does not fulfil his financial obligations towards the testing laboratory and/or DVGW CERT GmbH.

10 REGISTRATION

DVGW CERT GmbH archives, electronically and/or in paper format, all data accruing from the date of the issue of the file number onwards, including the application documents. Research into these data is possible upon request and on the condition of a legitimate interest with the help of the file number and/or the product identification number. The obligations regarding archiving on the part of the manufacturer remain unaffected.

11 EXPENSES AND FEES

Issues, alterations, extensions, combinations, re-issues and renewals of certificates are invoiced in accordance with the prevailing Schedule of Fees of DVGW CERT GmbH which is in force at the time of the receipt of the

application. Upon request a concrete offer can be made. With the filing of the application 50% of the expected fees may be charged as advance payment. A right to a refund is excluded if the test or audit has already commenced and the procedure is not concluded with a positive result.

The annual total sums levied by DVGW CERT GmbH in connection with the surveillance of production are based on the Schedule of Fees and certificates as in force on January 1st of the respective calendar year.

For all other purposes, the manufacturer bears the costs of the entire procedure insofar as nothing to the contrary has been agreed upon in writing.

12 DISSEMINATION OF INFORMATION TO THIRD PARTIES

DVGW CERT GmbH publishes all products which possess a valid (registration) certificate issued by DVGW CERT GmbH and the production of which is duly supervised by it in a certification register, at least once a year in book format, CD-rom format or on the homepage of DVGW CERT GmbH (www.dvgw-cert.com).

DVGW CERT GmbH publishes the expiry of certificates, e.g. in relevant technical journals such as „ENERGIE WASSER PRAXIS“, „gwf-Gas/Erdgas“, „sbz“ or „Flüssiggas“ and/or on the homepage of DVGW CERT GmbH.

The extent of the published data is confined to the content of the respective certificate.

DVGW CERT GmbH treats all other data, in particular application documents and test results, strictly

confidential. Information is passed on strictly within the limits of the law, or otherwise, only with the consent of the manufacturer.

13 MARKET SURVEILLANCE

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DVGW CERT GmbH informs the authorities responsible for market surveillance in accordance with the relevant EC directive(s) about all products registered with it, which are put into circulation despite the respective notice issued to the manufacturer by DVGW CERT GmbH, e.g. about a deviation or the wrongful use of the CE mark, the product identification number or the certificate.

14 OBJECTION PROCEDURE

The manufacturer may, within two weeks of the receipt of the respective communication (date, postal stamp), file an objection against the decision by DVGW CERT GmbH. The objection must be substantiated in writing. It does not have a suspensive effect.

A grievance committee (section 15) takes a decision on the complaint within three months at the latest. The manufacturer (complainant) has the right to be heard by the Grievance Committee.

15 GRIEVANCE COMMITTEE

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

Grievance Committee takes decisions as an arbitration tribunal. §1042 ZPO (German Civil Procedure Code) applies accordingly.

The Grievance Committee is composed of:

- the chairman of the Advisory Board of DVGW CERT GmbH,
- a member of the relevant DVGW Committee and/or Working Committee of the Standards Committee on Gas Technology, who is independent of any manufacturer's interests,
- two members of the relevant DVGW Committee and/or Working Committee of Standards Committee on Gas Technology, nominated by the manufacturer's side but independent of the complainant,
- the head of the testing laboratory which is responsible for the testing and/or the person in charge of conducting the test,
- the head of DVGW CERT GmbH.

The person responsible and in charge at DVGW CERT GmbH shall be in attendance to draw up the minutes and have no vote. The Committee is chaired by the head of DVGW CERT GmbH.

The company which has filed the objection is to be summoned by giving no less than one week's notice. The company concerned can appear with the assistance of an advocate who is admitted to a German bar. The hearing can be conducted without the presence of the company in the event that the company does not make use of its right to be present. The hearing is conducted in a closed court.

The Grievance Committee takes decisions by a majority of votes of all members. In case of a tie, the vote of the head of DVGW CERT GmbH shall be the deciding vote. The decision of the Grievance Committee shall be final. It is to be passed down in written format and must be signed by the members of the Grievance Committee. The majority of signatures of all members of the Grievance Committee suffices if the reason for any missing signature is stated.

The decision of the Grievance Committee must be substantiated unless the company which raised the objection has waived the right to a substantiation. The decision by the Grievance Committee must state the date on which it was taken. One version of this decision, signed by the members of the Grievance Committee, shall be sent to DVGW CERT GmbH and to the company which filed the objection respectively.

The decision of the Grievance Committee has the same effect on DVGW CERT GmbH, and the company which filed the objection as a court judgement that cannot be appealed against. The complaints procedure is concluded with the decision of the Grievance Committee. For the rectification, interpretation and amendment of the decision of the Grievance Committee, the provisions of § 1058 ZPO apply.

In the event of a dismissal of the objection, the costs for the procedure are borne by the manufacturer. Legal action is ruled out for proceedings according to these Rules of Procedure. This shall be expressly acknowledged by the applicant by his signature on the application form for certification.

16 EXCLUSION OF LIABILITY

The DVGW and DVGW CERT GmbH are - except in case of criminal intent and gross negligence - not liable for damages incurred by the applicant/certificate holder and/or third parties arising out of the issue or non-issue or the extension or modification of certificates, the withdrawal of the product identification number or the termination of the production surveillance, as well as for damages arising from erroneous or incorrect information

contained in these certificates. This also applies to damages to property and indirect damages, e.g. processing costs or dues 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 the sole responsibility for the use of these certificates. Insofar as claims are raised by third parties in connection with a certification having been awarded and/or a certification, the CE marking or a product identification number having been wrongfully used, the manufacturer who makes use of the certification indemnifies DVGW CERT GmbH against any liability.

The DVGW and DVGW CERT GmbH are without exception not liable to the applicant/certificate holder and/or third parties for damages arising in consequence of modifications in certified products not brought to the attention of DVGW CERT GmbH and entered for verification. In the event of a dispute on whether a modification of a product was made before or after the issue of the certification, the burden of proof lies with the certificate holder and/or applicant.

The DVGW and DVGW CERT GmbH are not liable for defects and errors in tests and test reports which for which the DVGW testing laboratories are responsible. A contractual relationship with regard to the conduct of such tests comes into existence exclusively between the respective applicant/certificate holder and the testing laboratory selected by him.

17 PLACE OF JURISDICTION

The place of jurisdiction for points of controversy and liability claims against the DVGW e.V. and/or DVGW CERT GmbH is Bonn, Germany.

18 QUALITY MANAGEMENT MANUAL OF DVGW CERT GMBH

DVGW CERT GmbH maintains a quality management manual concerning all the procedures which it conducts.

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19 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 DVGW CERT GmbH for conformity assessment in accordance with EC directives.