

Guidelines of the certification body for products of the Materialprüfungsamt Nordrhein-Westfalen (MPA NRW) on the certification and surveillance of products and factory production control

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Preamble

These guidelines are a component of the certification contracts with providers of certified products.

With each commissioning of the certification body for products of the Materialprüfungsamt Nordrhein-Westfalen (MPA NRW) (below: certification body) the customer accepts the current version of the guidelines of the certification body bindingly as a material component of the contract. Existing contracts are governed by the version of these guidelines that is currently in force. It can be inspected on the website at <http://www.mpanrw.de/> (click Services/Certification/Certification of products) or sent on request.

1 Certification of products in the MPA NRW

1.1 General

Among the tasks of the MPA NRW are tests and certifications of products in the area governed by statute, and in the area not governed by statute, they include certification of the factory production control of manufacturers of construction products in the area governed by European law. The MPA NRW only certifies products in areas for which it is accredited or recognised/notified.

Depending on the case, the working bases for the certification of products are:

- the guidelines, laws and regulations that are to be applied,
- the relevant technical rules,
- rules of the accrediting and recognising body,
- the administrative decisions and documents drawn up by the group of notified bodies (GNB-CPR)
- and the internal rules for the certification body.

1.2 Certification systems and programmes

Note:

In Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products (Construction Products Regulation) (CPR) the certification systems are designated respectively “assessment and verification of constancy of performance”; for reasons of better readability, this designation is not used in these guidelines.

The terms “certification” and “assessment of conformity” are used.

A certification system consists of rules, processes and a management system for implementing assessments of conformity.

A certification programme applies to specific items of the assessment of conformity to which the same stipulated requirements, rules and processes are applied.

The certification body certifies

- construction products regulated under European law in accordance with system 1+ and 1 and factory production control in accordance with system 2+
- products in accordance with the Building Code NRW (BauO NRW)
- products in accordance with the voluntary certification system.

Applicants will be provided with information on the offered certification systems and programmes that are relevant in the particular case.

The certification procedures are based on the appropriate statutory rules, the fundamental technical specifications and the instructions of the QM system for the certification body.

The rules of DIN EN 45011 “General requirements for bodies operating product certification systems” and of DIN EN ISO / IEC 17065 “Conformity assessment - Requirements for bodies certifying products, processes and services” are implemented here.

Certification of nationally regulated products is carried out in accordance with DIN 18200, “Assessment of conformity for construction products - Certification of construction products by certification body”.

2 Method of operation of the certification body for products

All providers of products have access to the services offered, insofar as the certification body has the corresponding capacity and there are no other reasons to the contrary (eg language barriers). The rules and procedures according to which the certification body works and their administrative application are non-discriminatory and are not applied in a discriminatory manner.

The certification body employs neutral, independent and qualified personnel who have wide technical knowledge and many years of experience in testing and monitoring products and their manufacture. The personnel have been obliged in writing to maintain confidentiality. Information on the contents of the certification and the results of monitoring is issued only with the customer’s consent. This does not apply, if the MPA NRW is obliged by law to provide information, or if the accrediting body demands to inspect procedural files. In such cases, this will be made known to the customer in the framework of laws governing transmitted information.

External personnel will be commissioned on the basis of a contract to carry out specific activities in the framework of the certification (tests or inspections). In this contract, external personnel are obliged to comply with the rules of the certification body and to maintain confidentiality.

3 Procedure on the certification of products

3.1 General

The certification body takes all the necessary measures for assessing the conformity of the products with the requirements of the respective product certification system.

For products regulated under European law the systems for product certification are described in Annex V of the CPR. The requirements are laid down in the harmonised technical specifications. In the area governed by European construction supervision regulations the certification procedure consists of the activities laid down in the above-mentioned codes.

The rules on which products governed by national regulations require certification are found in the Building Rules List and in the “Register of testing, surveillance and certification bodies in accordance with German federal state Building Regulations”.

The certification procedure under the German federal state Building Regulations is based on

- DIN 18200,
- the standards in the Building Rules List and the general building supervisory authority approvals (where applicable) and

- the conditions and directions of the Deutsches Institut für Bautechnik (DIBt).

The requirements for products for which the voluntary certification system applies are laid down in these valid rules. The voluntary certification procedure always comprises

- product tests,
- an initial inspection of the manufacturing plant,
- an assessment of the factory production control, and
- regular surveillance of the factory production control and of the product (audit-testing), which takes place at least once every year.

The appropriate product certification systems in accordance with Table 1 and Section 6.3 of the ISO Guide 67, “Conformity assessment – Fundamentals of product certification” can be applied. The exact stipulations regarding the certification and surveillance will be agreed with the customer before the contract is awarded and laid down in the certification and surveillance contract.

3.2 Information on the procedure

The certification body makes a current description of the certification procedures that are to be applied, including these guidelines, available to applicants, as well as all further information that may be required; in an individual case this can be done by referring to information on MPA NRW’s website.

3.3 Subcontracts

Under Art. 45 CPR, in the case of products regulated in accordance with EU law the certification body can issue subcontracts for work in connection with the certification (such as tests or inspections).

In the case of construction products regulated in accordance with national law, the certification body has to issue subcontracts for the implementation of defined tests in the framework of the issue of general building supervisory authority test certificates to testing bodies recognised for the respective construction product / the respective design with appropriate testing competence. Subcontracts for the implementation of defined tests in the framework of external surveillance are to be issued to bodies that were included in the recognition procedure for the certification body. Subcontracts for further tests may be issued to bodies that were included in the recognition procedure. The appropriate stipulations in the DIBt recognition decision, in the version currently in force, shall apply.

For the voluntary certification system the certification body may award subcontracts to bodies that are also accredited for the product and the system of conformity certification.

The consent of the customer to the award of a subcontract will be obtained in each case.

The independency of the subcontractor is checked. The subcontractor is obliged to maintain confidentiality and must submit a written declaration on this.

Responsibility for work for which a certification body awards a subcontract remains with the certification body.

The certification itself will not be awarded in the subcontract.

3.4 Application for certification

Products are certified on application. The certification body makes an application form available. Applications may also be submitted informally, but must contain the information required to carry out the certification process in accordance with the relevant certification programme in full. The application must display a legally binding signature.

The applicant must declare its agreement to satisfy the certification requirements and to make all the information available that is required for the assessment of the products that are to be certified.

3.5 Assessment

The certification body assesses the products or the applicant's factory production control on the basis of the procedural steps that were carried out with regard to the requirements of the scope stipulated in the application in accordance with all certification criteria.

In doing this, it draws where necessary on other assessment results that refer to certifications that were concluded before the application for certification was submitted and where it assumes responsibility for the results. It satisfies itself here that the body that carried out the assessment implemented the assessment activities in a way that leads to confidence in the results, and that there are records available that justify this confidence. It also satisfies itself that the body complies with all the requirements laid down in the certification programme.

The results of the assessment are documented in a report that identifies all nonconformities and is made available to the applicant.

If the result of the assessment is negative, depending on the fundamental certification procedure it is possible or not possible to implement corrective measures. If corrections are possible and if the customer expresses interest in the continuation of the certification process, the assessment report contains information on which additional necessary tests and assessments will be carried out.

If the applicant provides evidence of the necessary corrective measures within the agreed period, the certification body will repeat only the necessary parts of the assessment procedure.

3.6 Decision on the certification

The certification body is responsible and retains the sole right for its decisions with regard to the certification.

The certification body makes its decision on the certification or non-certification of a product or of the factory production control by means of all information that refers to the assessment, its review and all further relevant information. A decision cannot be made before all certification requirements are satisfied.

The certification decision will be made by a person or persons who did not participate in the assessment process.

If the certification body decides not to grant the certification it will inform the customer of this and state the reasons.

4 Certificate

The certification of products or of the factory production control is confirmed by the issue of a certificate and a letter. The certificate contains the following minimum information as identification:

- the name and address of the certification body,
- the date on which the certification was awarded. (This date may not be before the point in time at which the certification decision was concluded.),
- the name and address of the customer,
- the area of application of the certification,
- the point in time or date of expiry of the certification, if the certification expires after a fixed point in time,
- all other information required by the certification programme.

The certificate shows the signature of a person authorised to sign.

The certificate is issued only after or at the same time as

- the decision on the issue, restriction or extension of the certification's area of application,
- confirmation of compliance with the certification requirements, and
- the signing of the certification agreement.

5 MPA NRW Quality Label

Customers can apply for the use of the MPA NRW Quality Label for certified products in accordance with defined certification systems/programmes.



Information on this can be found on the MPA NRW website (<http://www.mpanrw.de/>), but can also be requested from the certification body as well.

For **products regulated by the building supervisory authority** the MPA NRW Quality Label is awarded only in such cases in which the product satisfies **additional requirements**. A special certificate is issued in such cases that may not be used for the Ü or CE marking and for drawing up the manufacturer's declaration of performance for the product.

The certification body can provide information on these additional requirements. They are laid down in the certification and surveillance contract.

6 Documentation

The certification body keeps records on the implementation of the certification procedures. It keeps all the documents made available by the customers and their files for a minimum of 10 years. If longer periods of retention are laid down in the codes on which the certification is based, these shall apply.

7 Register of certified products

The certification body keeps a register of issued valid certificates. The register is kept up-to-date and is available on request to all interested parties. It contains the following information as a minimum:

- the identification of the product,
- the standard(s) and other normative documents, according to which the conformity was certified,
- the identification of the customer,
- the certificate's identification number.

8 Validity of the certification

The period of validity of the certification is stipulated in accordance with the code on which it is based and shown on the certificate. If the code does not prescribe a period of validity, this period is 5 years, but only as long as the product, its production, the factory production control or the applicable technical specifications are not significantly changed.

If changes significantly affect the design or the specification of a product, if the standards or provisions to which the product should comply are amended, in the event of changes to owners, structure or personnel in the provider's responsible management, or given other information that leads to the conclusion that the product no longer satisfies the requirements of the certification procedure, the certification body shall stipulate whether further examinations are necessary and, where applicable, a new assessment must be carried out. If this is the case, the provider may not release any certified products that were produced after such changes until the certification body notifies it accordingly.

9 Surveillance

Regular surveillance is necessary during the certification's period of validity. This is carried out in accordance with the stipulations of the respective certification system and programme. If the code on which the certification is based does not contain any specifications regarding the frequency of surveillance, the surveillance usually takes place once every year. The details are regulated in the certification and surveillance contracts.

10 Changes that affect the certification

If new or revised specifications are introduced with the certification programme, the certification body shall ensure that all customers are informed about these changes. The certification body checks the implementation of the changes by its customers and takes the measures that are laid down through the certification programme.

The certification body takes account of other changes that can affect certification, including changes that are triggered by customers.

If the certification body is itself the originator of these changes, it stipulates the form in which the changes come into effect and the point in time at which this happens. It will inform the customers of all changes in writing without delay. The certification body satisfies itself in a suitable form that all providers carry out all adaptations that have become necessary within the stipulated and notified period of time.

11 Extension, termination, restriction, suspension or revocation of the certification

If evidence is provided of non-conformity with any certification requirement the certification body may restrict, suspend and/or revoke the certification.

Upon application by the customer the certification can be extended, terminated, restricted or suspended.

Changes can also affect use of the MPA NRW Quality Labels.

11.1 Extension of the field of application of the certification

If the customer applies for an extension of the field of application of the certification, the certification body checks the application and decides which steps are necessary for the reassessment. The applicant is provided with the necessary information and an appropriate offer.

In case of an extension or restriction of the field of application of a certification the certificate will be amended accordingly.

If this change means that the certificate is given a new certificate number, a new MPA NRW Quality Label must be issued.

11.2 Terminating the certification

Certification is terminated if the company does not wish to have the certificate renewed, the products presented in the field of application of the certification are no longer offered or the company has discontinued its business. The certification and surveillance contract also ceases to be valid with the termination of the certification.

Further reasons for the termination of a certification can arise from the codes on which the certification systems or programmes are based. The certification body will make the necessary information available in such cases.

The certificate may no longer be used once certification has been terminated. The certificate and, where applicable, the MPA NRW Quality Label may no longer be used in advertising.

11.3 Restriction of certification

The customer can apply for the restriction of the field of application of the certification. However, this can also be done if the customer has permanently failed to satisfy the certification requirements for parts of the field of application of the certification.

11.4 Suspension of certification

The certification can be suspended, for example, if the customer fails to satisfy the requirements for certification temporarily, or fails to comply with its payment obligation. The certification body stipulates the possibilities and terms for suspension of certification in dependence on the certification system.

If the certification is suspended, the certificate may not be used in this period. The certificate and, where applicable, the MPA NRW Quality Label, may no longer be used in advertising.

11.5 Revocation of certification

The certificate can be revoked, eg if evidence of agreed corrective measures is not provided within a reasonable agreed period of time. The certificate is also revoked if the surveillance contract is terminated. The certification body must give reasons in writing for the decisions to revoke the certificate. The company may file an objection. After revocation, the certificate is crossed off the “list of certificates”.

If a certificate has been revoked, it may no longer be used. The certificate and, where applicable, the MPA NRW Quality Label may no longer be used in advertising.

12 Duties and responsibility of the customer

The certification body for products requires from its customers:

- a) compliance at all times with the certification requirements, including implementation of corresponding changes, if these are notified by the certification body,
- b) that the certified product continues to comply with the product requirements, if the certification is valid for a current production,
- c) that they take all necessary measures for
 - the implementation of the assessment and surveillance, including taking account of a check of the documentation and records, access to the appropriate equipment, the location(s), the area(s) and personnel, and
 - the investigation of complaints,
- d) assertion of claims with regard to certification in conformity with the field of application of the certification,

Explanation for d):

The field of application of the certification is stipulated by the product for which the certification is granted, the applicable certification programme and the technical specification, whose fulfilment was assessed with regard to the product.

Claims with regard to the certification may be asserted exclusively within this field of application, ie with regard to implementation, the issue of the certificate on conformity with the requirements, etc.

- e) not to use the product certification in any way that could bring the certification body into discredit, and not to make any statements regarding their product certification that the certification body could consider misleading or unwarranted,
- f) that they discontinue the use of all advertising materials that contain any reference to the certification on suspension, revocation or termination of the certification and, if required by the certification programme, to return each and every certification document and to take all other necessary measures,
- g) that they copy the certification documents as a whole, or as required by the certification programme, if they are made available to others,
- h) that they conform to the requirements of the certification body, or as laid down in the certification programme, when referring to their product certification in communication media such as, for example, documents, brochures or advertising materials,
- i) that they conform to all requirements described in the product certification programme and that refer to the use of the MPA NRW Quality Label and to information with regard to the product,

- j) that they keep records of all complaints that were made known to the customer with regard to compliance with the certification requirements and make these records available to the certification body on request, and
- take suitable measures with regard to such complaints and all defects that were detected in the products and that impact compliance with the requirements for certification, and
 - document the measures taken,
- k) that they inform the certification body without delay of changes that could impair their capabilities to conform to the certification requirements.

13 Use of approvals, certificates, conformity marks and the MPA NRW Quality Label

In the area regulated by statute providers of certified products are obliged to handle approvals, certificates and conformity marks (eg CE or Ü marks) as laid down in the underlying codes. The certification body for products will make the appropriate information available.

Providers of certified products may refer to their product certification in communications media (such as documents, brochures or advertising material) and reproduce the certificates and the MPA NRW Quality Label. Use of the MPA NRW Quality Label must be applied for and it may only be used in accordance with the principles for use.

As a basic principle, the following applies for the use of the certificates and the MPA NRW Quality Labels, namely that providers:

- may make statements on the certification solely with regard to that field of application for which the certification was issued;
- may not use their product certification in a form that discredits the certification body and may not make any statements on the product certification which the certification body can regard as misleading and unauthorised;
- must discontinue all advertising that refers to the certification in any way whatsoever after suspension or revocation of the certification and must return all certification documents that the certification body demands;
- may only use the certification to show that products are certified with regard to their conformity with stipulated technical specifications;
- must ensure that no certificate or report or any part of these is used in a misleading way.

The certification body monitors the use of the certificates, conformity marks and of the MPA NRW Quality Label. In the event of incorrect use or indications of improper or misleading use of certificates, conformity marks and/or the MPA NRW Quality Label, the certification body will initiate measures that can lead to the suspension or revocation of the certification. In the area regulated by law, the certification body for products is obliged in such cases where applicable to inform the surveillance authorities or the European Community.

14 Appeals and objections

The certification body records appeals and objections, and measures that were taken to resolve them, and follows them up.

The customer may file appeals and submit objections to decisions by the certification body for products. Appeals and objections must always be submitted in writing.

All legal entities and private individuals may file objections to and appeals against notified results, activities, resolutions and decisions. This includes objections to the certification and surveillance of products as well as to the refusal, suspension or revocation of the certification.

Appeals and objections are dealt with in accordance with a procedure laid down in a procedural instruction. The appellant will be informed about the procedure. The receipt of the appeal / objection will be confirmed to the appellant in writing without delay.

The decision will be notified to the appellant in writing without delay with an account of the reasons. The appeals procedure does not affect recourse to the courts.

15 Participation of observers in surveillance work

The customer will permit representatives of Deutsche Akkreditierungsstelle GmbH and trainee inspectors to take part in work in its company as observers.

16 Liability

The MPA NRW has taken out an employer's liability and an environmental liability insurance policy.

The MPA NRW's liability is governed by its standard terms and conditions.

17 Codes of the certification body

- Standard terms and conditions of the MPA NRW
- Quality management manual
- (These) guidelines of the MPA NRW for the certification of products
- Design rules for the MPA NRW Quality Label

In addition, the certification body has procedure instructions to regulate its procedures.