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

Contents

Preamble

These guidelines are a component of the certification and surveillance contracts of the MPA NRW.

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 are currently in force.

They can be downloaded from the internet (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

Tasks of the certification body are the 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. In the area governed by statute the certification body 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 applicable legal principles,
- the relevant technical rules,
- rules of the accrediting and recognising body,
- if relevant 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+
- nationally regulated products in accordance to the state building codes
- 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 rules of DIN EN ISO / IEC 17065 “Conformity assessment - Requirements for bodies certifying pro-ducts, 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 as part of the relevant certification system with the requirements of the respective product certification programme.

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 (= certification programmes). 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, which system is applicable and which certification programme (uUsually standard or approval) 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 voluntary certification procedure always comprises

- Initial type testing for determination of the product-type
- an initial inspection of the manufacturing plant with an assessment of the factory production control,
- and
- regular surveillance of the factory production control and of the product (audit-testing).

The requirements for the products, the factory production control and to the conducting of procedures for certification for which the voluntary certification system applies, are set out in the applicable certification programs. These certification programs may be standards or certification programs created by the certification body.

3.2 Information on the procedure

The certification body makes a current description of the certification system and programme that is to be applied, including these guidelines, available to applicants, as well as all further information that may be required. 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).

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 issue subcontracts to qualified bodies, which are selected by MPA NRW.

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.

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.

The scope of certification is determined by the product for which the certification is granted, the appropriate certification program and the technical specification whose performance was assessed in relation to the product.

Only within this scope claims of the applicant regarding the certification can be levied. For example, claims in relation to the implementation of the certification or in relation to the issuance of the certificate if requirements are met.

3.5 Evaluation (Testing, Inspection)

The evaluation includes, depending on the certification system testing of the product and / or the inspection of the factory and the factory production control of the applicant with regard to the requirements of the scope stipulated in the application in accordance with all certification criteria.

In doing this, the certification body draws where necessary on other evaluation results that refer to certifications that were concluded before the application for certification was submitted. In such cases the certification body ensures that the body that carried out the evaluation implemented the evaluation 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 certification body shall assume responsibility for the results.

The results of the evaluation are documented in a report (test report and/or inspection report) that identifies all nonconformities and is made available to the applicant.

If non-conformities have been identified, depending on the fundamental certification programme 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 report contains information on which additional necessary tests and/or inspections 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 evaluation procedure.

3.6 Review of results related to the evaluation

The certification body mandated a person/persons who was/were not involved in the evaluation process with the review of the evaluation results.

If the result of the evaluation judged negatively, the applicant will be informed, stating the reasons. If (more) corrections are possible and if the customer expresses interest in the continuation of the certification process, necessary corrective measures and any additional necessary tests and / or inspections shall be adopted by the certification body. The added result of the evaluation will be reviewed again.

Depending on the outcome of the review, possibly after implementation of corrective measures, the certification is recommended or not recommended.

3.7 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 evaluation, 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 evaluation process. Review and certification decision can be completed with appropriate expertise by the same person and in one step.

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.

5 MPA NRW Quality Label

For voluntarily certified products customers can get for advertising purposes, the Quality Label.

Regulations on receiving and on using of the MPA NRW Quality Label are defined in the guidelines for using. The prerequisite for the use is the signature of the guideline for using by the customer.

Further information on this can be found on the MPA NRW website (http://www.mpanrw.de/), or can be requested from the certification body.

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.

The customer is obliged to inform the certification body without delay of significant changes to the product, in production, in the factory production control and / or change of ownership, change of structure or personnel changes. This applies particularly to changes that could impair their capabilities to conform to the certification requirements.

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.

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. If the termination is done due to the suspension of activities and / or if the termination relates to all products specified in the contract, 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 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 voluntarily 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 in accordance with the principles for use.

The customer is obliged not to use the product certification in a form that could bring the certification body into disrepute, and may not make any statements on the product certification, which the certification body can regard as misleading or unjustified.

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.

13 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 pro-ducts. 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.