

TÜV NORD Nederland – Regulation for product certification

1 Introduction

This document serves to inform any organization that wishes to have its product(s) certified, or already has its product(s) certified by TÜV NORD Nederland B.V. (hereafter “TÜV NORD Nederland”), about the used methods and the applicable mutual agreements.

This regulation applies to all activities carried out by TÜV NORD Nederland within the framework of certification of products. TÜV NORD Nederland is accredited to assess products (ISO/IEC 17020, ISO/IEC 17065) and management systems (ISO/IEC 17021) by the Dutch Accreditation Council. TÜV NORD Nederland has also earned the trust of the Dutch government and European Union through various designations for assessment based on national and European legislation.

Chapter 5 contains the most important terms and their definitions. Every first time that one of these terms is used, it is printed in *italics*.

1.1 Status of this regulation

A certification agreement has been concluded between TÜV NORD Nederland and the (to be certified) *client/certificate owner*. This certification agreement refers to this regulation. This regulation is an integral part of the certification agreement between both parties. Both parties are therefore responsible for complying with the requirements of this regulation.

Within the framework of its *accreditations* and *designations*, TÜV NORD Nederland must comply with several directives. TÜV NORD Nederland is responsible for complying to these directives. These directives do not apply directly to the clients of TÜV NORD Nederland, but may be translated through the certification agreement, the *certification scheme* and/or this certification regulation into requirements for the organisation to be certified.

2 Use of the Mark of Conformity

After positive completion of the certification process by TÜV NORD Nederland, the opportunity is offered to use the TÜV NORD Nederland *mark of conformity*.

By confirming this agreement, TÜV NORD Nederland grants the certificate owner the right to use the mark of conformity of TÜV NORD Nederland and any other logos after certification and only for the duration of the validity of the certificate. During all audits/inspections following the initial inspection, the correct application of the mark of conformity and of any other logos is verified.

2.1 The TÜV NORD Nederland mark of conformity

The certificate owner may use the mark of conformity of TÜV NORD Nederland in accordance with the provisions of the General Terms and Conditions of TÜV NORD Nederland B.V.

In addition, the following conditions apply:

- Colouring: The conformity mark is produced in colour as standard but may be used in black and white (always depending on substrate to be printed on) and silver (PMS 877) by organisations on printed

material in addition. The certification mark may not be printed smaller than 2,4 x 2,4 cm on printed material (this is to maintain legibility).

- The conformity mark of TÜV NORD Nederland may only be used in unaltered form. Changes to the mark of conformity and/or the caption on the mark of conformity are not permitted.
- The conformity mark of TÜV NORD Nederland (for products) may not be used in any form in which it could be interpreted as process or management system certification. Examples are: applying the mark of conformity to a website, on a calibration certificate, inspection report, laboratory results, business cards and other document that could suggest that anything but the product was certified.
- The conformity mark may not be used in any form in which it may be interpreted as applying to non-certified (parts of) companies, sites, products, or processes.

If the user is unsure about the correct use, he shall contact TÜV NORD Nederland for further instructions.



Example of TÜV NORD Nederland mark of conformity

2.2 Use of other logos

The certificate owner has to comply with the relevant regulations and rules of the *scheme owners* when using logos of scheme owners.

For schemes without their own regulations or rules, the use of the logo mark is not permitted, other than when displaying the certificate.

The use of the logo of the Dutch Accreditation Council (RvA) is not permitted, other than when displaying the certificate.

The certificate owner is also not allowed to use the (commercial) company logo of TÜV NORD Nederland.

2.3 Termination or revocation of the right of use

TÜV NORD Nederland shall terminate or revoke the right to use the conformity mark if:

- The certificate owner does not notify TÜV NORD Nederland without undue delay of changes or other developments in respect to the assessed product;
- The rules on the use of the conformity mark, regardless in what capacity, are not observed; or
- Conflicts arise, regardless of what kind, with respect to the use of the TÜV NORD Nederland mark of conformity in connection with competition or industrial property laws.

2.4 Termination of the contract

Upon termination of the contract, or upon suspension, withdrawal, or termination of certification, the certificate owner loses the right to link the TÜV NORD Nederland mark of conformity to the assessed product or to use it in any other way for advertising purposes. For each violation the certificate owner forfeits a contractual penalty of € 2,500, whereby the certificate owner shall be obliged to demonstrate that no loss has occurred.

3 Rules for certificate owner

3.1 Monitor conformity with the normative document

After receiving the certificate, the certificate owner ensures that continued conformity with the *normative document* is guaranteed. This includes any interim changes communicated by TÜV NORD Nederland, in case the normative document is revised or amended.

TÜV NORD Nederland will perform surveillance on the continued production of the certified product(s). The certificate owner makes all necessary arrangements for

- the conduct of the evaluation and surveillance, including provision for examining documentation and records, and access to the relevant equipment, location(s), area(s), personnel, and client's subcontractors;
- investigation of complaints;
- the participation of observers, if applicable.

3.2 Changes in the organisation's registration

The certificate owner may request a change in registration and certification. TÜV NORD Nederland decides whether an additional assessment should be carried out and whether a new application is required.

3.3 Communicating changes in the product or process

The certificate owner notifies TÜV NORD Nederland, without undue delay, of any significant changes to the product or manufacturing process. These changes should be communicated via the email addresses below or Ekkersrijt 4401, 5692 DL, Son en Breugel (citing the relevant department).

Department	Email
General	info-nl@tuv-nord.com
Amusement rides and devices	ARD@tuv-nord.com
Cranes	inspecties@tuv-nord.com
Elevators	planningliftten@tuv-nord.com
Sports, Playground, Recreation	SPR@tuv-nord.com
Work equipment	inspecties@tuv-nord.com

Following the changes, TÜV NORD Nederland will decide whether a verification audit or further investigation will be carried out or whether the audit programme needs to be adjusted. This may involve additional costs. These costs are borne by the certificate owner.

3.4 Reporting

One month before the end of the year, the certificate owner shall report on its use of the conformity mark, more specifically:

- advertisements;
- brochures of the entire product portfolio;
- points of sale of the product range.

The certificate owner keeps a record of all complaints made known to it relating to compliance with certification requirements and makes these records available to the certification body when requested, and

- takes appropriate action with respect to such complaints and any deficiencies found in products that affect compliance with the requirements for certification;
- documents the actions taken.

3.5 Complaints about a certified product

Interested parties can submit a complaint regarding the certificate owner's product to TÜV NORD Nederland. TÜV NORD Nederland investigates the nature and cause of the complaint submitted. The certificate owner will be informed of this by letter.

If TÜV NORD Nederland considers the complaint to be justified, one or more of the following actions will be undertaken:

- an additional investigation regarding the complaint at/with the certificate owner;
- a verification audit of the certificate owner's management system and/or process;
- suspending or revoking the certificate.

The costs involved are borne by the certificate owner.

TÜV NORD Nederland does not participate in considerations regarding compensation for the financial consequences of proven defects in delivered products that have been certified by TÜV NORD Nederland.

4 Suspension or withdrawal of a certificate

4.1 Introduction

The Business Unit Manager (or his designated delegate) has the decision-making authority to *suspend* and *withdraw* a certificate.

If prescribed in the certification scheme or other normative document, TÜV NORD Nederland also informs other bodies such as Certification Bodies, Notified Bodies (accredited or designated for the relevant work area), supervisors or the relevant scheme owner with regard to this negative decision.

4.2 Suspension of a certificate

4.2.1 Reasons for suspension

TÜV NORD Nederland can suspend a certificate for a limited period of time, for example when:

- The certificate owner is unable to demonstrate that adequate corrective measures have been adopted upon reported nonconformities;
- TÜV NORD Nederland takes a negative certification decision;
- incorrect use of the registration, certificate and/or mark of conformity of TÜV NORD Nederland, of the logo of the relevant scheme or the accreditation logo;
- the certificate owner does not fulfil its financial obligations to TÜV NORD Nederland;
- TÜV NORD Nederland is unable to carry out the required assessment activities within the specified period.

4.2.2 Procedure for suspension

TÜV NORD Nederland will inform the certificate owner of the suspension of the certificate in a registered letter. This letter states the conditions that the certificate owner must meet in order to have the suspension of the certificate reversed.

The period during which the certificate is suspended is a maximum of six (6) weeks and depends on the stated and described reasons. The letter announcing the suspension will indicate the period applicable in the specific situation.

Once the conditions regarding the stated reasons have been met within the established period, TÜV NORD Nederland will undo the suspension of the certificate and inform the certificate owner accordingly.

4.2.3 Reversion of the suspension

To undo a suspension, the certificate owner will take appropriate (corrective and/or remedial) measures without undue delay to enable TÜV NORD Nederland to lift the suspension. The certificate owner approaches TÜV NORD Nederland in writing (on paper or digitally) regarding the proposed measure(s).

TÜV NORD Nederland verifies the measures by means of an audit or inspection on the location of the certificate owner.

4.3 Withdrawal of a certificate

4.3.1 Reasons for withdrawal

The Business Unit Manager is authorized to withdraw the certificate, and the use of the TÜV NORD Nederland mark of conformity, in the following cases:

- the measures, mentioned in subsections 4.2.3 and 4.3.2 are not deemed adequate by TÜV NORD Nederland;
- the normative document and/or processes have been changed and the organization cannot demonstrably meet the new requirements;
- the certificate owner does not enable TÜV NORD Nederland to carry out the necessary assessments/inspections within the specified period;
- the certificate owner stops manufacturing the product(s) for more than six (6) months;
- the client/certificate owner does not fulfil its financial obligations to TÜV NORD Nederland;
- on the basis of other reasons, provided that this reason is specifically included in this certification regulation or this reason has been formally agreed between TÜV NORD Nederland and the certificate owner;
- after the evaluation of complaints as specified in section 3.5 of this regulation.

4.3.2 Procedure of withdrawal

TÜV NORD Nederland will inform the certificate owner of the withdrawal of the certificate by registered letter. This initially concerns a provisional withdrawal and after one (1) week this withdrawal becomes final.

TÜV NORD Nederland may publish the certificate withdrawal notice. If requested, TÜV NORD Nederland always informs third parties of the current status of a certificate (valid/suspended/withdrawn/restricted).

4.3.3 Reversion of withdrawal

The withdrawal of a certificate cannot be undone. If an organization still wishes to demonstrate that it meets all the requirements of the normative document, a completely new certification process must be completed.

5 Terms and definitions

The definitions of ISO 17020 'Conformity assessment - Requirements for the operation of various types of bodies performing inspection' and ISO 17065 'Conformity assessment - Requirements for bodies certifying products, processes and services' apply. Additionally the following definitions and/or notes apply.

5.1.1 Accreditation	An independent confirmation of the expertise, impartiality and independence of a conformity assessment organization, based on (international) harmonized standards.
	Note: Part of accreditation is that the Accreditation Council conducts regular audits to determine whether TÜV NORD Nederland complies with the requirements that apply to certification.
5.1.2 Certificate	A declaration of conformity with a normative document, which is provided to the organization, and on which the applicable product specification and normative document are stated.
5.1.3 Certificate owner	The organisation that is responsible for the manufacturing of the certified product.
5.1.4 Certification scheme	A conformity assessment system related to specified products, to which the same specified requirements, specific rules and procedures apply.
	Note: Where this regulation refers to scheme or certification scheme, one should also read 'Normative document' (5.1.9).
5.1.5 Client	Party on whose behalf a product assessment for certification is carried out.
5.1.6 Designation	A regulation that a lower-ranking person or organization must follow in response to a (political) decision, of a hierarchically high-ranking person, for example a minister, or an important one institution.
	Note: TÜV NORD Nederland is designated by the ministry for various subjects to carry out specific (safety) checks against laws and regulations on behalf of the government. Part of these designations is that government agencies such as the NVWA regularly carry out audits to determine whether TÜV NORD Nederland complies with the regulations.
5.1.7 Mark of conformity	The logo with which a certificate owner may communicate that its product has been positively assessed by TÜV NORD Nederland.
	Note: The mark of conformity should not be confused with the TÜV NORD company logo. Certificate owners (5.1.3) are not entitled to use the TÜV NORD company logo in any form whatsoever.
5.1.8 Nonconformity	Non-fulfilment of a requirement
	Note 1: In practice, TÜV NORD Netherlands has the view that a nonconformity is reported if an investigation does not provide sufficient evidence of compliance. In other words, a nonconformity is a situation where insufficient evidence of conformity is available.

Note 2: An observation of such a nature that it is considered to have a direct negative impact on the integrity, quality or safety of the product(s). The resolution of a nonconformity by taking effective corrective measures is a condition for certification or retention of the issued certificate.

5.1.9 Normative document	<p>A document that contains the requirements for a system, process or product and/or service.</p> <p>Note: A normative document is also called a norm, standard, guideline or assessment guideline.</p>
5.1.10 Revocation	<p>Certification that has been stopped voluntarily (by the certificate owner) or imposed (by TÜV NORD Nederland).</p>
5.1.11 Scheme owner	<p>Person or organization responsible for developing and maintaining a specific certification scheme.</p> <p>In these schemes they describe the subject of assessment and which requirements apply. Laboratories, inspection bodies and certification bodies use these schemes in the execution of their assessment tasks.</p>
5.1.12 Suspension	<p>The temporary withdrawal of (part of) a certification.</p>
