

## Test Mark Regulation

### 1. Scope of Application of the Test Mark Regulation

The Test Mark Regulation governs the procedure for obtaining and carrying test marks from the Business Sector Automation, Software and Information Technology (ASI) of TÜV Industrie Service GmbH, TÜV Rheinland Group, hereinafter referred to as Certification Authority.

### 2. Procedure

- 2.1 The client instructs the Certification Authority to test and certify the product. He applies for certification and test mark approval in which he acknowledges the Regulation of Certification by his signature.  
For obtaining the test mark approval the acknowledgement of the Regulation of Certification and the successful certification are always necessary conditions.  
The test mark approval can also be applied later for the already certified products.
- 2.2 Before the first granting of a test mark approval, a General Contract between the Certification Authority and the client will be concluded in which the client acknowledges the Test Mark Regulation.  
An existing General Contract is also valid for further test mark approvals of the client.
- 2.3 Product certification and test mark approval will be take place after the test is being finished without faults. The client receives a certificate and a licence certificate to use the applied test mark which is being shown on both documents.
- 2.4 The issued licence certificates contain the description of the product (product tested), the manufacturer, the factory, the description of type, the test standards and particular specific requirements if necessary as well as the annual fee which is being shown as the number of units of fee.  
If the manufacturer and the owner of the certificate are not identical, the owner can be listed separately.
- 2.5 The Certification Authority is authorised, having agreed with the client, to carry out an inspection in the factory for the granting of a test mark approval.
- 2.6 The test samples, which underlaid the test and certification, shall be kept by the Certification Authority after the granting of the test mark approval or returned to the client for his safekeeping. If the samples are stored at the client's premises, he has to give a Declaration of Commitment concerning the safekeeping of the samples.  
The Certification Authority will not be liable for damages caused to the test samples. It merely has to exercise such due care as it would normally use in similar business dealings of its own.

### 3. Use and Validity of Test Mark Approvals

- 3.1 The owner of a test mark approval is authorised to put the test mark, which is being granted to him for using, on the appropriated products, in printed documents or similar and to make reference on the given approval.  
It is only allowed to use the test marks obtained from the Certification Authority.
- 3.2 Test mark approvals are only valid as long as the underlaid certificates are having their validity. Therefore all points in the Regulation of Certification for the use and validity of certificates are valid contently for test mark approvals and licence certificates respectively.  
In this framework, the test mark approvals can become expired or invalid.
- 3.3 A test mark approval expires if it is being terminated in writing by the licence owner.  
The certification can in this case be maintained in which a new certificate without test mark will be issued.

- 3.4 Test mark approvals expire if the related general contract is being terminated or invalid.
- 3.5 A test mark approval will become invalid if the Certification Authority withdraws or declares it for invalid. The Certificate Authority has to give reasons for this. It has the right to publish declaration of non-validity.
- 3.6 The licence owner loses immediately the right, with the expiry or non-validity of the test mark approval, to put further test mark on the products which are listed in the certificate and licence certificate respectively as well to distribute information material about the products in relation to the test mark.  
Certificate and licence certificate have to be given back to the Certification Authority.  
Special agreements have to be made in the situation where the products are already in use and if applicable the existing stock.

#### **4. Product Surveillance**

- 4.1 The licence owner is obliged to assure permanently that the products and the test sample are identical.  
Changes at the products have to be informed in writing immediately to the Certification Authority.
- 4.2 The licence owner is committed to advise the Certification Authority in writing the organisational amendments which relate to the contents of the documents (for example, change of company name and/or factory).
- 4.3 The Certification Authority has the right to carry out spot checks from products with test marks to prove the identicalness with the sample tested as well as inspections in the factory.
- 4.4 The Certification Authority advises the licence owner if there are changes in the test standards for which the validity of certificate and licence certificate of the product or its area of application is no longer guaranteed.  
As a result, further procedure has to be agreed upon separately between the involved parties.
- 4.5 The Certification Authority draws up new documents if necessary after organisational amendments were being informed by the licence owner (for example, changes of company name and/or factory).
- 4.6 Test mark approvals can only be transferred to third parties by the Certification Authority.

#### **5. Licence Fees**

- 5.1 For the approval of carrying a test mark an annual licence fee, which is charged according to units of fee, has to be paid to the Certification Authority.  
The number of units will be given in the licence Certificate and determined by the Certification Authority. The number depends on the type of equipment and the number of factories, if applicable.
- 5.2 Licence fees will be charged for the first time at the granting of a test mark approval, in which the proportional calculation for the rest of the year is made. There is no charge for the current year if the approval of a test mark is given after the 30<sup>th</sup> November.
- 5.3 Licence fees shall be charged in further course of time at the beginning of each calendar year. Changes, for which the calculation of licence fees in the new calendar year should be taken into consideration, have to be advised to the Certification Authority till the 15<sup>th</sup> November of the current year.  
Should the approval for carrying a test mark in the course of the year be terminated, proportional refund of the fees will not be made.
- 5.4 Test mark approvals can be terminated within a period of 6 weeks to the end of the year.

#### **6. Effectiveness and Duration of Application of Test Mark Regulation**

The test mark regulation comes into effect with the signatures of the general contract for the contract partners and is valid so long the contract exists.