

## REGULATION FOR CERTIFICATION GAR-BED

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**Verification**

Quality and Industrialization Director

*Maria Anzilotta**Signature on paper***Approval**

Chief Operating Officer

*Giampiero Belcredi**Signature on paper*

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## 1. GENERAL REQUIREMENTS

### 1.1 Purpose and application area

This regulation defines the operating methodology that governs the relations between Kiwa Cermet Italia S.p.A. (hereinafter "Kiwa Cermet") and the client company (hereinafter "manufacturer") in the provision of product certification services, in accordance with the requirements of Regulation (EU) 2016/426 (hereinafter also referred to as "GAR") and to Directive 92/42/EEC (hereinafter also referred to as "BED"), as amended by Regulation (EU) no. 813/2013.

The aforementioned Regulations/Directives are mandatory in order to affix the EC marking on products.

This regulation applies to certification activities, aimed at the EC marking of products, in compliance with Regulation (EU) 2016/426 (GAR) on appliances burning gaseous fuels and with the BED 92/42/EEC Directive on the efficiency of water boilers fed by liquid or gaseous fuel.

The requirements expressed in this regulation are an integral part of the contract stipulated with Kiwa Cermet (economic quotation, *Kiwa Regulation for Certification and General Terms and Conditions of Kiwa Cermet Italia for carrying out the assignments* - hereinafter *General Terms and Conditions* for brevity). These requirements refer only to the aspects specifically connected to the field of application of the requested certification.

Any form of advice to the Client, which could undermine the nature of independence of the assessments carried out, is expressly excluded from the subject of the contract stipulated with Kiwa Cermet.

This regulation is also available on the Kiwa Cermet website ([www.kiwacermet.it](http://www.kiwacermet.it)).

### 1.2 Principles

In its certification activity, in addition to the provisions of the *General Terms and Conditions*, Kiwa Cermet applies the following principles:

- a) The policies, strategies, procedures are not discriminatory: access to certification services is allowed to any Company that requests it in compliance with these Regulations, without any discriminatory conditions of a commercial, financial nature or belonging to particular associations.
- b) It is totally impartial and independent and ensures this condition through the following measures:
  - Performance of certification activities assigned to personnel having no interest in the manufacturer subjected to certification, required to observe the rules of conduct and independence established by Kiwa Cermet;
  - Clear separation between the personnel who perform the audit and test activities and those who participate in the certification decision;
  - Timely management of complaints, appeals and disputes, as defined in § 11 of these Regulations;
  - Punctual application of formalized rules and procedures, in use by all the personnel of the certification services and periodic consultation with appropriate Parties Interested in the certification.
  - Kiwa Cermet, moreover, is not directly involved in the production, representation, marketing, maintenance, installation of products or materials relating to certification, nor does it offer consultancy in the design and development phase of the product itself, nor does it have any related structures that carry out these activities, in accordance with the provisions of current legislation on the matter.
  - Accreditations and Notifications: Kiwa Cermet undertakes to inform the Customer of any renunciation, suspension or revocation of accreditation and/or ministerial notification; in such cases Kiwa Cermet is in no way responsible for any damage caused to the Customer by the renunciation, suspension or revocation of accreditation or notification; in the aforementioned cases, the Customer has the right to renounce the contractual relationship with Kiwa Cermet, without the need for notice and without additional charges.

### 1.3 Definitions

#### Product certification

For the purpose of this document, the "Product Certification" refers to:

- to carry out the appropriate examinations and/or tests (EC/(EU) Type Examination) necessary to verify that the products (generic term to indicate appliances and/or related devices), placed on the market by the manufacturer under his trade name, meet the essential requirements of the Regulations and Directives;
- and/or the efficiency tests established by the Directives;
- and/or carrying out surveillance visits and on-site checks, to verify compliance of the product with the essential requirements.

Pursuant to the aforementioned Regulations and Directives, Kiwa Cermet operates as a **"Notified Body"** with the authorization of the relevant national authority in order to carry out the verification of product compliance.

In particular, the activity carried out by Kiwa Cermet, in accordance with the GAR Regulation and the BED directive and the requirements of the harmonized standards hEN or other applicable method, can be attributable to one of the following three activities:

- a) EC/(EU) Type Examination;
- b) EC/(EU) Type Examination + periodic surveillance activity at the production site;
- c) Periodic surveillance activity at the production site;
- d) Conformity to type based on product verification;
- e) Conformity based on the unit verification.

The terms used refer to the definitions given in:

UNI CEI EN ISO/IEC 17000

UNI CEI EN 45020

The aforementioned rules are to be understood in the current revision.

### 1.4 References

- UNI CEI EN ISO/IEC 17065
- UNI CEI EN ISO/IEC 17025
- UNI CEI EN ISO/IEC 17021
- IAF-MD5 QMS EMS Audit Duration
- Regulation (EU) 2016/426 of 9 March 2016 on appliances burning gaseous fuels;
- Directive 92/42/EEC on efficiency requirements for new hot water boilers fired with liquid or gaseous fuel;
- Regulation (EU) no. 813/2013 of 02 August 2013 for the eco design requirements for space heaters and combination heaters;
- Guidelines of the EU Commission on the "New Approach" Directives
- Guidelines and documents issued by the GAD-AC applicable to the relevant products
- Applicable hEN harmonized technical standards

The aforementioned standards/external documents are to be understood in the current revision.

### 1.5 Manufacturer's requirements

The manufacturer, who commissioned Kiwa Cermet to carry out the EC/(EU) type examination, must not have given a similar task to another Notified Body.

The manufacturer must provide Kiwa Cermet with all the technical documentation relating to the design of the device to be tested, as well as the certifications relating to the components making up the device itself.

The manufacturer must make available all relevant products and information, for the purpose of a careful and valid evaluation by Kiwa Cermet, in order to allow the Kiwa Cermet auditor, if requested, to take the samples to be sent to the laboratory for the feedback tests on the product or to carry out such feedback directly on site.

The manufacturer must always keep available, for any feedback, the technical reports relating to the EC/(EU) Type Exams, in order to be able to verify the compliance of the tests carried out with the products to be certified.

The manufacturer must keep Kiwa Cermet informed of any regulatory, product and/or adaptation of the quality system made necessary, for example, by new technologies and new quality concepts that will be evaluated by Kiwa Cermet.

The manufacturer must allow the Notified Body to carry out the audit in the presence of Inspectors of the Accreditation Body and the Notifying Authority.

The manufacturer must allow the Notified Body to access the production, control, testing and storage premises for inspection purposes and provide all necessary information, in particular:

- documentation on the quality system including records such as complaints;
- the quality records made, such as inspection reports and test data, calibration data, reports on the qualifications of personnel.

The manufacturer must be responsible for the application of the requirements laid down by the regulations in force on safety in the workplace. In the absence of mandatory provisions, the manufacturer undertakes to provide Kiwa Cermet with complete and detailed information on the specific risks existing in the environment in which Kiwa Cermet personnel and the PPE necessary for carrying out the assignment, are intended to operate, informing Kiwa Cermet personnel on their correct use. In this regard, the customer organization must provide the personnel appointed by Kiwa Cermet with company documentation relating to safety in the workplace (D.V.R., safety plan, procedures, etc.), limited to items of specific interest. When due to such omissions, accidents occur or illnesses are contracted, no charge can be made for any reason to Kiwa Cermet.

Furthermore, in order to verify that the assessment methods adopted by Kiwa Cermet comply with the reference standards, the Accreditation Body may request a visit, called Market Surveillance Visit, to be carried out at the certified Organization, directly through the use of own personnel. This eventual visit is communicated by the Accreditation Body to Kiwa Cermet with 7 working days notice. Upon receipt of this communication, Kiwa Cermet will inform the customer organization. The visit plan is prepared by the Accreditation Body, which will make it available to Kiwa Cermet, then Kiwa Cermet will send it to the client organization. If the Organization does not grant its approval, the validity of the certificate is suspended, until approval for the visit is granted, for a maximum period of 3 months. After 3 months, in the absence of approval for the visit, the certification is revoked. The Organization must make the documentation that Kiwa Cermet used as a reference during previous audits available to the Accreditation Body. The Market Surveillance Visit does not replace the normal certification maintenance audits required by the audit program. For the procedures for carrying out the Market Surveillance Visit, reference can be made to the document IAF ID 04 (which can be downloaded free of charge from the IAF website: [www.iaf.nu](http://www.iaf.nu)).

Other control methods may be adopted by the Accreditation Body, to verify the operation of Kiwa Cermet, for example. unannounced checks at the offices of certified subjects, requests for information from organizations or consulting firms, or other control methods established by the accreditation body itself.

## 1.6 Manufacturer's quality system requirements

Depending on the method of carrying out the surveillance activity, chosen by the manufacturer, the quality system must contain an adequate description of all or part of the following aspects:

- Quality objectives, the organization chart and the responsibilities of the managers and their powers as regards the quality of the equipment;
- Manufacturing processes and quality control and assurance techniques that will be used and the systematic interventions that will be implemented;
- Examinations and tests carried out before, during and after manufacturing, with indication of the frequency with which they are to be carried out;
- Means by which to control the achievement of the required quality of the appliance and the effective functioning of the quality system;
- Checks and tests that must be carried out after manufacturing;
- Means by which to verify the effective functioning of the quality system.

In accordance with the checklists defined by GADAC, the list of the minimum number of checks that the manufacturer must provide in his quality plan is shown below. If necessary add other EMC related tests, life tests, material tests, etc.

## **2. EC (EU) TYPE EXAMINATION**

### **2.1 General**

The EC/ (EU) Type examination concerns the appropriate examinations and/or tests carried out by Kiwa Cermet, necessary to verify that the products comply with the essential requirements of the Regulations and the applicable Directives.

If the Type (intended as a representative appliance of the production) meets the provisions of the Regulations and Directives, Kiwa Cermet issues the applicant with an EC/ (EU) Type Examination Certificate.

### **2.2 Application for the issue of the EC/ (EU) type certificate**

The manufacturer who intends to request a certification, sends a request for quotation to Kiwa Cermet which provides him with the "MOD-01b GAS Information Questionnaire - EC (EU) type examination" necessary for the preparation of the quotation including the written declaration that the manufacturer has not submitted an identical application to another Notified Body.

Kiwa Cermet, after verifying the completeness of the information reported on the MOD-01b GAS, the availability of the means to carry out all the evaluation activities, and having the competence and ability to perform it, elaborates a quotation detailing the procedure, costs and mentioning the hEN technical standard or other applicable method, sends it to the manufacturer attaching these Regulations, and the General Terms and Conditions of Kiwa Cermet Italia.

In case of acceptance of the quotation, the manufacturer sends to Kiwa Cermet the quotation accepted and signed by a Legal Representative or his/her delegate, which represents the contract that will govern the relations between his company and Kiwa Cermet, thus confirming that he has read, understood and accepted, as a binding condition, these Regulations and the Kiwa Cermet Italia General Terms and Conditions.

If the quotation is returned modified by the manufacturer, Kiwa will ask for further clarification before activating the certification process.

### **2.3 Activities planning**

In the case that the activity concerns the EC/ (EU) Type Examination, the date for carrying out the tests is planned and the manufacturer is asked for the availability, in good time, of the products subjected to certification. Such products must be chosen by the manufacturer so that they are representative of the intended production.

### **2.4 Carrying out the EC/ (EU) type examination**

The technical assessments and tests relating to the EC/(EU) Type examination can be conducted with reference to the applicable hEN Technical Standards, harmonized with the Regulations and Directives, to the technical standards that represent the current "state of the art" for the verification of conformity of products or on the basis of requirements defined in another document.

The products and equipment used for the tests are selected by the manufacturer and must be representative of the intended production.

Tests can be performed:

- a) From laboratories belonging to Kiwa Cermet
- b) By the manufacturer himself, under the responsibility of Kiwa Cermet, if the laboratory where the tests are carried out operates in compliance with ISO/IEC 17025, recognized by Kiwa Cermet;
- c) From a third-party laboratory that has ISO/IEC 17025 accreditation by a recognized accreditation body EA/ILAC, subjected to the stipulation of a specific agreement between the Laboratory and Kiwa Cermet;
- d) By a third-party laboratory where Kiwa Cermet has verified that it is able to operate in compliance with the ISO/IEC 17025 standard as it has adequate structures, procedures and skills, subjected to the stipulation of a specific agreement between the Laboratory and Kiwa Cermet.

The conventions mentioned in points c) and d), equipped with the documentation provided for in paragraph 3 of Annex VI of Presidential Decree 661/96, are sent to the competent administrations.

The tests must be carried out on the basis of the specific operating instructions available in the laboratory and in compliance with the applicable technical standards. The personnel responsible for conducting the tests must have the appropriate qualifications.

In the case of a negative outcome of the tests carried out, or NC detected on the product itself, the customer will be notified so that he can request the return of the product, in order to take the appropriate corrective actions (product modification, project closure)

The tests relating to the EC/ (EU) Type examination are intended to demonstrate the conformity of the appliance with the essential requirements of the Regulations and Directives mentioned above. To demonstrate that the EC/(EU) Type Examination has been carried out, Kiwa Cermet must draw up a technical report, including the tests carried out on the representative sample, in which must be clearly reported the tested sample, the tests carried out, the equipment used and the results obtained.

### **2.5 Certification decision and issuance of the E/ (EU) Type examination certificate**

Based on the positive results of the tests carried out, an EC/ (EU) Type examination certificate is issued by Kiwa Cermet, relating to the family of products represented by the tested sample.

The EC/ (EU) type examination certificate can be drawn up with reference to the GAR Regulation and the BED directive.

## **3. PERIODIC SURVEILLANCE ACTIVITY**

The purpose of the surveillance activity is to verify that the compliance requirements are maintained by the products for which an EC/ (EU) type examination certificate has already been issued.

The manufacturer must define, document and maintain a permanent production control system (and/or quality management system) and identify areas of responsibility to ensure that the products placed on the market are conform to the characteristics resulting from the EC/( EU) of Type. The production control system (and/or quality management system) must include procedures, regular inspections, tests and/or evaluations. The Manufacturer must carry out checks to monitor the conformity of the product.

Kiwa Cermet carries out periodic annual checks to carry out controls on the products in the warehouse and/or make sure that the manufacturer maintains and applies the approved quality system and sends to the manufacturer a report of the surveillance activity.

With regard to Module D, the audit activity is also provided for distributors who operate as a manufacturer.

### **3.1 Quotation and receipt of the manufacturer's order**

The manufacturer who intends to request certification sends a request for quotation to Kiwa Cermet which provides him with the 'MOD-01a GAS Information Questionnaire - Surveillance' necessary for the preparation of the quotation.

Kiwa Cermet, after verifying the completeness of the information reported on the MOD-01a GAS, the availability of the means to carry out all the assessment activities and having the competence and ability to perform it, issues a quotation for carrying out the surveillance periodic activity at the production site. Such quotation can be:

- Included in the quotation already issued for carrying out the EC/(EU) Type Examination;
- Issued after the performance of the EC/(EU) Typex Examination by Kiwa Cermet or another Accreditation Body;
- Issued, at the request of the manufacturer, only for periodic surveillance activities.

In the quotation, it is necessary to indicate which of the following methods for carrying out the surveillance activity, has been chosen by the manufacturer:

- a. Reg. (UE) 2016/426 All. III Mod. C2 - (Dir. 92/42/CEE) All. IV Mod. "C"
- b. Reg. (UE) 2016/426 All. III Mod. D -(Dir. 92/42/CEE) All. IV module "D"
- c. Reg. (UE) 2016/426 All. III Mod. E - (Dir. 92/42/CEE) All. IV module "E"



With regard to modules D and E, the calculation of the audit man/days is carried out also considering the requirements set out in the IAF-MD5 QMS EMS Audit Duration document, even if the manufacturer has an ISO 9001 certification issued by an organization Accredited in the MLA field or by Kiwa Cermet itself.

The manufacturer must confirm the order by countersigning the quotation issued by Kiwa Cermet.

### 3.2 Contract signature

Following the confirmation of the quotation, issued by Kiwa Cermet, the manufacturer sign the contract(or an existing contract is updated), which defines, among other things, the economic conditions for carrying out the activities, indicating the limits of validity and the rights and duties of both parties, attached to the contract itself the complete list of products under surveillance, as well as indicating one of the methods for carrying out the surveillance activity, reported in previous point.

The contract must be signed by both parties.

### 3.3 Planning and carrying out first surveillance activities

Following the contractual regulation of the activity, Kiwa Cermet proceeds with the planning of the first surveillance activity (initial audit), communicating the dates and places foreseen for the audit to the manufacturer.

The Company is also required to ensure any access to the inspectors of the Accreditation Body and to the Notifying Authority for carrying out the checks accompanied by the Kiwa Cermet inspectors.

Kiwa Cermet sends the audit plan to the manufacturer, with a minimum notice of 3 days, communicating the names of the Audit Group; if there are conflicts of interest, the manufacturer may request the replacement within three working days, of a member or of the entire Audit Group, giving relevant reasons.

The surveillance activity, by the Kiwa Cermet verification group, is carried out on the basis of the methods indicated in the contract and chosen by the manufacturer from among those (no. 3) indicated in point 3.1 above.

The manufacturer must present all relevant products and information for the purpose of a careful and valid evaluation by Kiwa Cermet in order to allow the Kiwa Cermet auditor, if requested, to take the samples to be sent to the laboratory for the verification of the product.

The manufacturer must always keep available, for any feedback, the technical reports relating to the EC/ (EU) Type Examination, in order to be able to verify the compliance of the tests carried out with the products to be certified.

The Lead Auditor of the audit team/Kiwa Cermet audit team, depending on the surveillance mode requested by the manufacturer, can:

- Examine an adequate number of appliances and carry out appropriate tests defined in the applicable standards or equivalent tests to verify compliance of the appliances with the essential requirements set out in the Regulations and in the directives;
- Ensure that the manufacturer maintains and applies a production quality system which guarantees conformity of the appliances with the type described in the EC-type examination certificate and with the applicable essential requirements set out in the Regulations and Directives;
- Ensure that the manufacturer maintains and applies a quality system for the final inspection of the equipment and for the tests.

Regarding modules D and E, the first surveillance activity (initial audit) for the approval of the QMS is based on the requirements of UNI CEI EN ISO/IEC 17021 and provides for a structured audit in 2 phases: Stage1 and Stage2.

The Lead Auditor of the Audit Group draws up the surveillance audit report(s), delivers copies of non-compliance reports and observations to the manufacturer, taking care to collect the signature for the relevant parts, keeping the originals for himself. If requested by Kiwa Cermet, a device can be sampled to be tested in the Kiwa Cermet laboratory by drawing up a specific sampling report.

The surveillance audit can be concluded with a positive outcome or pending corrective actions of any non-conformities found. Any Observations could represent a reason for Non-Conformity in subsequent visits.

Kiwa Cermet examines the audit documentation produced by the Lead Auditor of the Audit Group, the result of the laboratory tests and, if successful, authorizes the issue of the Type Conformity Certificate which is valid for three years.

For all NCs issued, the corrective action must be approved by the Lead Auditor of the Audit Group, while for Major NCs there must be evidence of the implementation of the treatment.

If Kiwa Cermet's final decision differs from that proposed by the Lead Auditor of the Audit Group, the reasons are communicated in written form to the manufacturer.

The validity of the certificate can be checked with a request to the following email address [info@kiwa.it](mailto:info@kiwa.it)

### 3.4 Corrective Actions (CA)

The corrections and corrective actions, necessary to eliminate the non-conformities emerged during the surveillance activities, must be defined by the manufacturer and communicated to Kiwa Cermet within 20 working days from the audit, filling in each single non-conformity report, in the relevant part "corrective actions proposed/implemented" indicating the methods, timing and responsibilities of implementation.

Each form must be signed by the manufacturer's representative.

The Lead Auditor of the Audit Group evaluates the proposed corrective actions and, for acceptance or in the case of comments or the need for clarification, notifies the Company in written form.

The positive or negative outcome of the CA assessment is noted on the non-compliance report in the relevant part and approved by the Lead Auditor of the Audit Group.

The actual implementation of the CAs and the closure of the NCs will be evaluated by the Lead Auditor of the Audit Group in the subsequent surveillance audit; in the case of major NCs, the assessment will take place through an additional audit.

### 3.5 Non-Conformity Classification (NC)

Any Non-Conformity found during the surveillance activities is classified as follows:

- **Major Non-Conformity:** is considered a Non-Conformity that affects the effectiveness of the product and concerns:
  - Deviation or total absence of conformity with respect to a specified requirement, found on the basis of objective evidence;
  - Failure to comply with legal requirements applicable for the purpose of certification.

The presence of one or more major non-conformities, if not corrected in the pre-established time, may result in the non-issuance of the certification or its suspension.

- **Minor Non-Conformity:** non-compliance that concerns any lack of the standard requirements, not falling within the case of the major non-conformities described above, or the partial failure to comply with one or more certification requirements and/or the contract stipulated with Kiwa Cermet.

Several minor non-conformities, inherent to the same requirement, depending on the contents and the general result of the audit may result in the issuance of a major NC.

Minor non-conformities not resolved and/or not taken over by the Organization may result in the issuance of a major NC.

- **Elements of Improvement/Observation:** anything not covered by the definitions of non-compliance and which constitutes a possible improvement in the effectiveness of the solutions adopted by the customer, to achieve compliance with the requirements and prevent deviations.

## 4. CERTIFICATION MAINTENANCE

### 4.1 Generality

In accordance with the requirements of the Regulations and Directives, the manufacturer, in order to place his product on the market, must affix the EC marking on the product itself, after having stipulated a surveillance contract with a Notified Body (Kiwa Cermet) for the control of the maintenance of product compliance requirements.

### 4.2 Surveillance Audit

The surveillance audit will be conducted at the manufacturer with a "random" frequency considering a variable interval between 9 months and one year for Modules C, C2 (GAR), with periodic annual frequency for Modules D and E, these are performed with the same procedures defined in § 3.3; Kiwa Cermet reserves the right to carry out these audits without notice.

For modules C and C2 (GAR), in the case that there are prolonged periods of absence of production activity, it is still possible to carry out the surveillance by checking the products in the warehouse, in the absence of these, the manufacturer can request an extension by sending a written request, signed by a Company Representative, who justifies the reasons; this will be evaluated by the Technical Director who can grant it for a maximum of 3 months from the date of the scheduled audit.

Special cases of extension requests can be approved by the Technical Director after consultation with the Interested Parties.

The number of products that will be sampled by Kiwa Cermet will be calculated according to the types and the total annual production.

The postponement of an Audit already planned and agreed, for reasons attributable to the manufacturer, must be communicated to Kiwa Cermet at least 30 days before the scheduled date, otherwise 50% of the expected fee will be invoiced, in addition to any expenses incurred.

The surveillance audit provided for the certification cycle is subjected to the regular payment of the previous activities by the manufacturer.

### 4.3 Certification Confirmation

Kiwa Cermet examines the surveillance audit documentation, confirming the validity of the certification in the case of a positive evaluation by countersigning the audit report.

Kiwa Cermet has the right to arrange any extraordinary surveillance at the manufacturer, in the case that this is necessary to verify the timely adoption of a corrective action, following a major NC that emerged during the periodic audit.

For major NCs, the manufacturer must promptly activate actions, approved by the Lead Auditor of the Audit Group, which must be implemented within a maximum time of 2 months, before re-placing on the market the products covered by the survey, providing for a possible recall of those already distributed.

Any justified extension requests for implementation times must be approved by Kiwa Cermet.

For minor NCs, the corrective action and implementation times proposed by the manufacturer, and sent to Kiwa Cermet within 20 working days, must be approved by the Lead Auditor of the Audit Group.

### 4.4 Extraordinary audits

Kiwa Cermet reserves the right, motivated in written form to the manufacturer, to carry out extraordinary audits relating to the certified product for the reasons indicated in the *Kiwa Certification Regulations*, for requests that emerged during the issue of the certificate, etc. The costs of the aforementioned audit activities are borne by the manufacturer.

## 5. CONFORMITY BASED ON THE PRODUCT VERIFICATION OR ON A UNIT VERIFICATION (Regulation (EU) 2016/426)

Pursuant to Regulation (EU) 2016/426, EU certification of products is possible, with reference to this Regulation, without carrying out periodic surveillance by a Notified Body if, under certain conditions, the products are made in batches well defined and limited or made in a unit.

### 5.1. Module F: Conformity to type based on product verification

#### Certification decision and certificate issuance.

Pursuant to Annex III - Module F, Kiwa Cermet carries out the necessary examinations and tests, to verify the conformity of the equipment or accessories with the approved type described in the EU type examination certificate and with the relevant requirements of this regulation. The manufacturer chooses whether to carry out the examinations and tests to verify conformity with the relevant requirements of the appliances or accessories according to point 5.4 - i.e. examining and testing each appliance or accessory - or according to point 5.5 - i.e. examining and testing the appliances or accessories on a statistical basis.

Following the positive evaluation of the test reports, for the accepted batches, Kiwa Cermet affixes or has its identification number affixed to each device and provides a written certificate of conformity relating to the tests carried out. All the equipment in the batch can be placed on the market, with the exception of the sample which was found to be non-compliant.

## 5.2. Module G: Conformity based on the unit verification

### Certification decision and certificate issuance.

Pursuant to Annex III - Module G, conformity based on the verification of a single specimen is the conformity assessment procedure by which the manufacturer complies with the obligations set out in points 6.2, 6.3 and 6.5 of the Regulation (GAR), and warrants and declares, under its sole responsibility, that the appliance or accessory concerned, to which point 6.4 of the Regulation (GAR) has been applied, complies with the requirements of this regulation applicable to it. 31.3.2016 L 81/141 Official Journal of the European Union EN

Kiwa Cermet examines the appliance and carries out or has the necessary tests carried out, taking into account the design documents of the product to verify its compliance with the essential requirements of these Regulations.

Following the positive evaluation of the test reports, Kiwa Cermet affixes or has its identification number affixed to the approved equipment and provides a written certificate of conformity relating to the tests carried out.

## 6. TEST REPORT AND CERTIFICATION MODIFICATIONS

### 6.1. Extension and/or modifications of the test report

If the manufacturer requests an extension and/or modification of the test report, as changes or extensions have been made to the product families already tested, Kiwa Cermet will issue a new quotation.

Depending on the extension/modification requested, Kiwa Cermet will be able to carry out additional tests or, in the case of negligible modifications of the product, update the test report on the basis of the necessary documentary evidence.

In the case of family extensions or introduction of new names, Kiwa Cermet will issue a new EC Type Examination certificate and will update the existing surveillance contract, updating the list of products under surveillance and preparing, if necessary, an extraordinary surveillance visit.

### 6.2. Extension of the test report to a third company

If the manufacturer (company "a") had to supply its certified products to a third company (company "b"), with the aim of placing these products on the market under the name of manufacturer "b", the latter company (with the consent of the parties expressed in written form) may request to be included in the original test report, or to have a test report in their own name.

In order to fulfill this request, it is however necessary that a specific agreement is entered into in written form between company "a" and company "b" in order to clearly regulate the relationships between the two parties. In particular, in this agreement, it must be specified that all technical documentation and test reports in the possession of company "a", in support of the conformity checks of certified products, are fully available to company "b" which must also recognize the applicability of such documentation to certified products. Furthermore, in this agreement it must be indicated that the certification of "b" lapses if the certification of "a" is no longer valid.

The extension of the original test report, or the issuance of a new test report, can be performed without carrying out further tests (only on the basis of the technical documentation submitted) only on the condition that the product does not undergo any modification with respect to the sample tested originally.

On the basis of this documentation, an EC Type Examination certificate will be issued concerning the products marketed by the third-party company.

### 6.3. Extension of the certification to a third company

If the manufacturer (company "a") had to supply its certified products to a third company (company "b"), with the aim of placing such products on the market under the name of company "b", the latter company may request certification in their own name by following the procedure referred to in the previous paragraphs.

For the purpose of EC certification, in the case that the entire production process was carried out at company "a", without the certified product undergoing modifications and/or alterations, the technical documentation and the reports of the inspection visits carried out at company "a" can be used (with the consent of the parties expressed in written form).

Also in this case, what is specified in the previous point applies to the agreement to be stipulated between the parties. In addition to what is specified above, this agreement must indicate that company "b" is made aware of all aspects related to the manufacturing process and/or the quality system for the guarantee of conformity of the

appliances and that "b" certification lapses if "a" certification is no longer valid; Company "b" must inform Company "a" of any complaints relating to certified products.

With regard to Module D, the audit activity is also provided for at the Company "b".

#### **6.4. Regulatory modifications and/or certification requirements**

Kiwa Cermet updates on technological advances generally recognized as state of the art indicating whether the approved type can cease to comply with the requirements applicable to Regulation 2016/426 (GAR) and decides whether such progress requires further investigation. In this case, Kiwa Cermet informs the manufacturer accordingly

In any case, it is the responsibility of the manufacturer to verify that its test reports are updated to the latest available version of the standard applied and/or that they are, from a technical point of view, at the same level as the "state of the art", in order to guarantee presumption of conformity with the essential requirements of the Regulations and Directives.

### **7. SUSPENSION, REVOCATION OR REDUCTION OF THE CERTIFICATION**

The Certification can be suspended, revoked or reduced for the reasons indicated in the *Kiwa Regulations for Certification* or at the request of the customer.

Decisions in this regard are taken by Kiwa Cermet with the same procedures followed for the issue of the certification in § 2.5, 4.1 and 4.2; the suspension measure has a defined temporal validity and establishes the conditions under which such suspension can be revoked.

The inherent communication is sent to the manufacturer by registered letter with return receipt or certified mail - it includes the motivation, duration and conditions under which the provision can be revoked, as well as the limitations on the use of the certificate.

Except in exceptional cases (established in any case by Kiwa Cermet or the Competent Authority) the suspension period cannot last more than 6 months, otherwise the certification will be revoked.

During the suspension period the customer loses the right to affix the EC marking and loses the right to use or advertise the certificate by any means. The conditions for the restoration of the suspended certification (including the necessary conformity assessment activities), will be established by Kiwa Cermet based on the reasons that led to the suspension, and based on the duration of the suspension.

If the customer does not implement the actions indicated by Kiwa Cermet to restore the suspended certification, the certification will be revoked or, in possible cases, its scope will be reduced.

The reduction of the certification involves the issue of a new certificate, indicating the type of product for which the certification has remained valid, and the withdrawal of the old certificate.

Withdrawal of the certification involves automatic termination pursuant to art. 1456 of the Italian Civil Code of the contract to which this regulation applies, without prejudice, in any case, to compensation for any damage suffered by Kiwa Cermet.

Following the revocation of the certification, the manufacturer (or authorized representative) loses the right to use the EC marking and the certificate, Kiwa Cermet informs the manufacturer that the product can no longer be placed on the market with the EC marking and will inform others Notified Bodies.

Kiwa Cermet on the basis of the reasons that led to the suspension/revocation/reduction of the certification reserves the right to request the list of stocks in the warehouse, of the products covered by certification, on the date of the suspension/revocation/reduction decision.

In the case of suspension or revocation linked to specific critical issues on products already placed on the market, Kiwa Cermet will inform the competent Market Supervisory Authorities (as defined pursuant to Article 17 of EC Regulation no. 36 of the GAR) in order to comply with the provisions of art. 37 of the GAR "procedure at national level for devices and accessories that present risks".

In case of revocation, the manufacturer (or agent) will be able to activate the certification process again by submitting a new application.

## 8. CONFIDENTIALITY

Kiwa Cermet ensures maximum confidentiality on all information acquired by its personnel, involved in the certification process, in the performance of their functions.

In addition to what is regulated in the General Terms and Conditions and in the *Kiwa Certification Regulations*, this confidentiality bond is ensured by applying specific procedures in compliance with the relevant international legislation and current legal provisions.

In this regard, Kiwa Cermet ensures that all personnel, including its Auditors, sign a commitment to confidentiality, as well as a document in which the personnel undertakes to process any data they come into possession of in compliance with the provisions of the law on Privacy.

This constraint disappears in the face of Kiwa Cermet's obligation to publicly communicate the existence, suspension or revocation of the certificate of an Organization in the face of legal obligations and/or other prescriptions.

## 9. ADVERTISING

Once the manufacturer has obtained the EC (EU) Type Examination certificate, he has the right to make the news public for the products covered by the certification. In any case, the manufacturer must pay attention to ensure that in its publications and advertising there are no misleading references to the products subjected to certification.

## 10. USE OF THE TRADEMARK, THE CERTIFICATE OF CONFORMITY AND THE EC MARKING

### 10.1. Use of certification marking and logos

#### 10.1.1 Use of CE Marking

The use of the CE marking is regulated by Regulation (UE) n° 2016/426 § (6) and by Directive 92/42 CEE Attached I

#### 10.1.2 Uso del logo Kiwa

The use of the Kiwa logo is optional; however, if the Company wishes to use this option, these regulations are binding.

When using the certification mark, the customer shall comply with all applicable rules stated in the "*Kiwa Regulation for Certification*" and those below.

The logo is only applicable under the following conditions:

Products subjected to "EC Type Examination" certification by Kiwa Cermet in compliance with Regulation (EU) 2016/426, and Directive 92/42/EEC.

The following relevant regulatory reference must be added to the "Testing Notified Laboratory 0476" logo:

- Regulation (EU) 2016/426
- Directive 92/42/CEE



Products subjected to a surveillance contract by Kiwa Cermet to Regulation (EU) 2016/426 and to the Directive 92/42/CEE.

The following relevant regulatory reference must be added to



the “Kiwa Certified NB 0476” logo:

- Regulation (EU) 2016/426
- Directive 92/42/CEE

Logos colors are:

- Black
- Kiwa Bleu (Pantone 300)

It must be used in such a way that it is visible in its entirety and not just a part of the pictogram. Possible or further additions to the pictograms shown in the figure are not permitted.

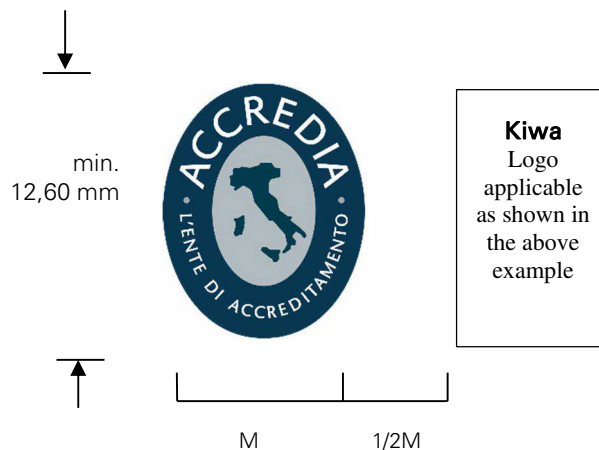
The dimensions of the Kiwa logo can be increased or decreased uniformly, maintaining the ratio of the dimensions and as long as the writings remain legible.

The logo can be used, with reference only to products subjected to periodic FPC surveillance by Kiwa Cermet, on headed paper, advertising and promotional material. It cannot be used in a misleading way, and in a way that can be interpreted as a system certification, or referring to other products not tested by Kiwa Cermet

Kiwa Cermet reserves the right to take legal action to protect its image if the logo has been used in a way that does not comply with contractual agreements and/or in such a way as to discredit the image of Kiwa Cermet.

### 10.1.3 Use of the Accredia logo in conjunction with the Kiwa logo

The certification mark can only be used for certifications subject to control by the Accreditation Body Accredia. Two marks, Accreditation Body mark and Kiwa Cermet mark, must be used solely in a combined format. The figure shows an application example. The minimum height shown will be in proportion to measurement “M” in order to maintain the proportions of the marks.



The use of the mark of the Accreditation Body ACCREDITIA is governed by the rules of the regulation ACCREDITIA RG 09 (which can be read or downloaded from website [www.accredia.it](http://www.accredia.it)); for anything not specified in this document or in the *Kiwa Regulation for Certification*, or in the event of any discrepancies with them, RG 09 takes priority.

## 10.2. Incorrect use of the certification, certificate and EC marking

In addition to what is indicated in the Kiwa Certification Regulations, the following rules apply.

The use of the certification or certificate is considered incorrect when it can mislead the market on the nature, quality and methods of use of the products subjected to certification.

It is incorrect to use the EC marking when it is applied to products:

- With an application for certification not yet submitted or with an application for certification refused;
- Not compliant with the objects shown in the certificates;
- Whose certificate has expired and not yet renewed;

- For which the manufacturer (or authorized representative) has not implemented changes requested by Kiwa Cermet.

If an incorrect use of the certification, certificate, EC marking is found, Kiwa Cermet may revoke the manufacturer (or agent) the right to affix the EC marking and use the certification, by notifying the Competent Authority.

In the most serious cases (e.g. undue marking) Kiwa Cermet also informs the Public Prosecutor's Office.

## **11. COMPLAINTS, APPEALS AND LITIGATIONS**

### **11.1 Complaints**

The manufacturer can file a documented complaint, concerning the certification activities with Kiwa Cermet.

This complaint may arise from problems occurring during the certification process, such as, for example, delays in carrying out the various phases and incorrect behavior by the Body's auditors.

Kiwa Cermet records the complaints, analyzes them and informs the complainant about the actions taken, within thirty days from the date of receipt of the complaint; the assessment and eventual approval are carried out by personnel not involved in the process, subject of the complaint.

Kiwa Cermet will establish with the complainant if and to what extent, the content of the complaint and its resolution must be made public.

### **11.2 Appeals**

If the complainant is not satisfied with the response received, or intends to oppose a decision by Kiwa Cermet, he can appeal in written form.

The appellant must justify the reasons for his appeal and, in the case that this appeal relates to a decision by Kiwa Cermet (e.g. record of major Non-Conformity), it must be presented to Kiwa Cermet within 10 days calendar from the date of communication of the decision.

The assessment and eventual approval are carried out by personnel not involved in the process, subject of the appeal.

Kiwa Cermet will provide the applicant with a written reply and notify any action to be taken within 30 days from the date of receipt of the appeal.

The detailed procedures for submitting complaints and appeals are shown on the website [www.kiwa.it](http://www.kiwa.it).

If the outcome of the appeal is not accepted by the appellant, any dispute between the Customer and Kiwa Cermet will be handled as provided for in art. 18 paragraph 1 of the *General Terms and Conditions of Kiwa Cermet Italia for the performance of the assignments*.

## **12. RIGHT OF UNILATERAL WITHDRAWAL FROM THE CONTRACT**

Kiwa Cermet may freely withdraw from this contract by giving written notice to the customer organization with six months' notice of the effective date of the withdrawal. Withdrawal by Kiwa Cermet involves the revocation of the certification issued. The Organization is in any case required to pay Kiwa Cermet the amounts due for the services received during the notice period, as established in the last valid quotation.

If the Organization wishes to withdraw from the contract, the unilateral withdrawal during the period of validity of the Certification requires compliance with the notice times provided for in the *General Terms and Conditions and in the Kiwa Regulations for Certification*.

In particular, for notice of less than three months with respect to the scheduled Audit and more than two weeks, the Customer will have to pay 50% of the amount relating to the amount foreseen for the subsequent activity provided for in the contract. For notice periods of less than two weeks, the provisions of the *General Terms and Conditions* apply.

In case of termination of the contract, Kiwa Cermet will issue an invoice, in relation to the costs of closing the certification file, as established in the last valid quotation.

## **13. ATTACHMENTS – CONTROL PLANS**



**13.1 Gas appliances:**

<b>Test - Type of control</b>	<b>Frequency</b>
Gas soundness	100%
Flow rate	100%
Burner ignition	100%
Visual appearance flame	100%
Burner x lighting	100%
Earth continuity	100%
High voltage	100%
Insulation resistance	100%
Flame supervision device	100%
Combustion	S
Surface temperature	S
Thermostat	S
Pressure limit switches	100%
Fan operation	100%
Combustion circuit soundness	S
Flue gas spillage	S
Thermal down draught diverter	S
CO <sub>2</sub> detection device	S
Water circuit soundness	100%
Electric control safety	100%
Temperature limits (switches)	S
Efficiency	S

**100%** = tests carried out on each EC marked product.

**S** = tests carried out on a regular statistical basis, daily, weekly, etc. at the discretion of the manufacturer on each EC marked product.

**13.2 Gas appliance components:**

<b>Controls</b>	<b>Gas soundness</b>	<b>Functional safety</b>	<b>Electrical safety</b>
Gas valve, cocks	100%	100%	100%
Electr. Temperature controllers	N/A	100%	100%
Mechanical (gas) temperature controllers	100%	100%	100%
Air flow and pressure levels controllers	N/A	100%	100%
Gas pressure switches	100%	100%	100%
Igniters, sensors	N/A	100%	100%
Safety electronics	N/A	100%	100%