TÜV Rheinland Industrie Service GmbH
Certification Body for Lifts and their Safety Components

Testing and certification regulations

General conditions and procedural guide for the certification of products of the certification body for lifts and their safety components
of
TÜV Rheinland Industrie Service GmbH

Contents

0. Preliminary remarks

The Certification Body for Lifts and their Safety Components of TÜV Rheinland Industrie Service GmbH, hereinafter referred to as the Certification Body, among other things offers its services for the certification of lifts and their safety components. The certification body is a notified body within the meaning of EU Directive 2014/33/EU, identification number 0035.

The certification body assesses and certifies products and quality management systems for lifts within the scope of the applicable legal regulations.
The duty and assurance of independence and impartiality is present. Through its organisational and procedural organisation, the certification body fulfils the criteria established by DIN EN ISO/IEC 17065 for the certification of products and DIN EN ISO/IEC 17021 for the certification of quality systems. The organisation and procedure for the certification process are described in the relevant quality management documents.

1. Scope and definitions

These testing and certification regulations govern the testing and certification of lifts and their safety components on the basis of EU Directive 2014/33/EU as performed by the certification body of TÜV Rheinland Industrie Service GmbH.

EU type examination is a conformity assessment performed by a notified body according to Annex IV of EU Directive 2014/33/EU (module B) for a lift or safety component, which results in the issuance of an “EU type examination certificate”.

If it is found in the final inspection according to Annex V of EU Directive 2014/33/EU that the lift conforms to the requirements of the directive, the **final inspection certificate** is issued by a notified body.

If it is found in the final inspection according to Annex VIII of EU Directive 2014/33/EU (module G) that the lift conforms to the requirements of the directive, the **certificate of conformity** is issued by a notified body.

The **declaration of conformity** is a procedure by which the manufacturer confirms that his product conforms to the relevant EU directives.

Installer means the natural or legal person who takes responsibility for the design, manufacture, installation and placing on the market of the lift.

Manufacturer means any natural or legal person who manufactures a safety component for lifts or has a safety component for lifts designed or manufactured, and markets it under his name or trademark.

Placing on the market means
- the first making available on the market of a safety component for lifts
  or
- the supply of a lift for use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.

2. Testing and certification procedures

2.1 Conformity assessment procedure

The purpose of a conformity assessment is to determine whether a lift or safety component fulfil the requirements of EU Directive 2014/33/EU. The following conformity assessment procedures are carried out by the certification body:

- **A** EU type examination for safety components for lifts according to Annex IV, part A (module B)
- **B** EU type examination for lifts according to Annex IV, part B (module B)
- **C** Final inspection according to Annex V for lifts subject to EU-type examination or self-certified model lifts
- **D** Unit verification according to Annex VII (module G)

E Conformity to type with random checking for safety components for lifts according to Annex IX (module C2)
F Design examination for lifts according to Annex XI (module H1)

2.2 Order prerequisites

2.2.1 In order to initiate the conformity assessment procedures under A, B, E and F, the manufacturer or installer, hereinafter referred to as the client, shall apply in writing to the certification body of TÜV Rheinland Industrie Service GmbH for testing and certification of a lift or safety component which is to be placed on the market, and shall supply the information and documents required as per the relevant annex of the directive.
The application shall be accompanied by the declaration of the client that no other certification body (notified body) has been commissioned to carry out the same procedure.
For initiating a conformity assessment procedure under F it is also necessary

- for the client to have a full quality system in line with Annex XI of EU Directive 2014/33/EU (module H1)
- for the quality system to be certified by the notified body of TÜV Rheinland Industrie Service GmbH according to Lift Directive 2014/33/EU
- for the certificate to be valid at the time the application under F is submitted.

2.2.2 When the certification body is commissioned for the first time for the purpose of certification, it shall conclude a contract with the client for certification in accordance with EU Directive 2014/33/EU – Lifts Directive.
These testing and certification regulations shall become an integral part of the contract.

2.2.3 The procedures under C and D can be commissioned without prior application. The order shall usually be based on an offer. If it is foreseeable that the procedures will be periodically repeated, a framework agreement can be signed.

2.2.4 The testing and certification orders shall be processed in the order of receipt of the necessary documents and test samples.

2.2.5 Ideally, test samples for the type in question and the technical documents required to assess the test samples (e.g. design and production drawings, test results, installation instructions, declarations of conformity for the safety components used, other technical documents) should be submitted to the certification body at the same time as the order. If more than one test sample is necessary, the certification body shall notify the client of the number of test samples required.

2.3 Tests

2.3.1 The tests are carried out in the testing laboratory appointed by the certification body or at a suitable external test site or test rig or at the installation site indicated by the client.

2.3.2 In as far as possible for the type in question, the test samples submitted by the client shall be retained by the certification body or the testing laboratory, or be signed off and returned to the client for archiving. In cases where it is not possible to retain the test sample, details of the sample shall be recorded in the documentation, and, if necessary, temporary retention of the sample at the site of the tested product shall be agreed.

Should a test sample fail to be certified, arrangements shall be made with the client with regard to its retention in each individual case. The certification body shall not be liable for any damages to the test samples caused by the test or by breaking and entering, theft, fire and water. It shall exercise the care which it must normally exercise in similar cases of its own (Art. 690 BGB – German Civil Code).
Any costs for transport, storage or disposal of test samples shall be the responsibility of the client.

2.3.3 The results of the test shall be documented in a written test report. A copy of the report can be forwarded to the client upon request. If the test procedure was without any noteworthy findings, the test report and the relevant technical documentation shall be forwarded to the certification body.

3. Issue and use of the certificate

3.1 The certification body shall review the results of the conformity assessment for completeness and technical accuracy. A certificate shall only be issued if the tests have not resulted in any deviations from the applicable directives nor any safety-related defects. Solutions which deviate from the standard must be described in analyses and assessments of risk(s), tested and approved and must not have any safety-related defects in their design.

3.2 The following certificates can be issued depending on the conformity assessment procedure:

A: EU type examination certificate for safety components
B: EU type examination certificate for lifts
C: Final inspection certificate
D: Certificate of conformity (following unit verification)
E: Certificate of conformity (following assessment of conformity to type)
F: Design examination certificate

3.3 The client is only entitled to use the certificate for the complete product as assessed and stated in the certificate.
A product may be disassembled for shipment to the extent necessary. The conditions for disassembly shall be laid down in the installation and operation instructions.

3.4 Following issue of the certificate or combination of certificates, the client is entitled to undertake the CE marking of the product in association with the identification number of the certification body based on the provisions of the Lift Directive.

3.5 If violations of these testing and certification regulations are detected, in particular illegal use of the mark or certificate, the certification body may impose a contractual penalty. Illegal use is also present if a product is placed on the market or impermissible advertising is carried out with the mark of the certification body prior to the ordered certificate being issued.

3.6 A certificate may only be transferred to a third party by the certification body and with the client's consent. The client shall apply for such transfer in advance and a contract shall be made between the client and the certification body. The identification number of the product shall be changed so as to allow distinction of the origin of the product.

3.7 EU type examination certificates are valid for a maximum of five years. Upon expiry, it shall be verified whether the basis for the assessment which led to the certificate being issued has changed. If this is not the case and the nature of the product itself has not changed, the validity can be extended by another five years. If the basis for the assessment has changed during the period of validity in a way that requires renewed type examination, the validity of the certificate is only extended if the result of the examination is positive.

3.8 A certificate expires when:

- The term of validity stated in the certificate expires
- The client renounces the certificate prior to expiry of the period of validity stated in the certificate
- The certification contract for the certification in accordance with Lift Directive 2014/33/EU was terminated by one of the contractual parties, taking the periods of notice duly into account
- The client becomes insolvent or an application for insolvency proceedings opened against him is refused due to insufficient assets
- The provisions upon which the certificate was based were changed or other provisions are to be used, e.g. due to a change in use.

3.9 A certificate can be withdrawn by the certification body if:

- Defects become apparent afterwards which were not obvious during the assessment
- An inspection of the product marked with a CE marking and the identification number of the certification body reveals serious defects
- Misleading or otherwise impermissible advertising is carried out in connection with the certificate
- The client denies or hinders production monitoring and refuses to have his production monitored despite written request by the certification body
- Facts emerge which were not apparent at the time when the certificate was issued.

3.10 The certification body can publicise the expiry or withdrawal of a certificate at its own discretion.

3.11 The certification body is entitled to inform the supervisory authorities, the accreditation bodies, the notified bodies and the licensing authorities of every issuance, expiry or withdrawal of a certificate.

3.12 The certification body shall not be liable for any disadvantage or harm accruing to the client from non-issuance, expiry or withdrawal of a certificate.

3.13 If a certificate is withdrawn, the client is obliged to remove the CE marking and identification number from all products of the type in question that are accessible to him, and to allow the certification body or the body commissioned by the certification body to undertake corresponding inspections. All resulting costs shall be the responsibility of the client.

3.14 Once the validity of the certificate has expired, the product may no longer be placed on the market.
Any stock of products marked with the CE marking and the identification number of the certification body shall be notified to the certification body upon request.
A marketing permit is not issued if the certificate has been declared invalid or has been withdrawn.

4. Inspection of production and installation

4.1 In so far as required by the EU directive or another relevant standard, the certification body may carry out periodic inspections of the production and testing facilities at the expense of the certificate holder in order to ensure constant product quality. It is possible to establish a contractual link between these inspections and the regular quality system audits which are part of the quality system certification according to the Lift Directive. This shall be specially agreed.

4.2 In addition, the certification body may inspect the production and operating sites and warehouses stated in the certificate (in the case of foreign certificate holders also the warehouses of authorised representatives and of branch offices, in the case of importers also their warehouses) without prior notice and may withdraw certified products for testing purposes free of charge.

4.3 The certification body may withdraw products which are labelled with its mark from operational lifts for assessment during the commissioning process or may assess products for intended use at their installation site.

4.4 The certificate holder shall be provided with a written report of the result of this assessment.

If during the assessment defects are found which make a repeat assessment necessary, all costs are the responsibility of the certificate holder.

5. Obligations of the certification body

5.1 The certification body undertakes to treat all information made available to it about the client's company as confidential and to use it only for the agreed purposes. Documents

made accessible to the certification body shall not be passed on to third parties. Detailed reporting to arbitration bodies in the case of disputes is excluded from this rule. The client may release the certification body from its duty of confidentiality for certain reasons.

5.2 Liability of the certification body towards the client or third parties is only present to the extent that the law stipulates such liability in the case of intent or gross negligence. Further claims are excluded.

5.3 The head of the certification body is obliged to ensure, to the extent this is possible for him or her, correct representation of the certification in the client's advertising campaigns.

6. Obligations of the client

6.1 The client is obliged to constantly monitor the production of the certified products for conformity to the certified type.
Successful assessment and certification do not release the client from his legal product liability.

6.2 The client shall notify the certification body immediately of any changes he has made to the product as compared to the type certified on the basis of the test sample as well as any planned and/or implemented changes to the product. Continued validity of the certificate depends on the client's proof of compliance with the requirements of the directive or on a supplementary audit.

6.3 The client shall notify the certification body in good time of intended relocation of assessed production sites or the intended transfer of his company to another company or another company owner.

6.4 The client is obliged to notify the certification body of any claims and accidents involving certified products.

6.5 The client shall record and archive all complaints concerning his certified product. He shall make these documents accessible free of charge upon request by the certification body and shall notify it of any action taken to remedy legal complaints.

6.6 The client is obliged to immediately remedy any safety defects in products marked with a CE marking that subsequently become apparent and to take appropriate measures to minimise damage in the market. In any event, he shall immediately stop placing the labelled products on the market and shall inform the certification body accordingly.

6.7 The client is obliged to archive all certificates, documents and reference samples returned to him for retention for a period of ten years after the end of production of the safety component and/or for a period of ten years after the lift was placed on the market, and to make them accessible free of charge upon request by the certification body. Additional requirements from other regulations remain unaffected.

6.8 The client may only forward or publish the full text of test reports and certificates.

7. Appeal procedure

7.1 The client may lodge an appeal or complaint with the certification body against decisions of the certification body which are not satisfactory to him with regard to the certification procedure that was carried out. The certification body shall then provide the appellant with detailed reasons for its decision.

7.2 If the reasons given by the certification body are not acceptable to the appellant, the appellant has the right to lodge an appeal with the steering committee of the certification body. The steering committee makes a final decision.

8. Entry into force and changes

8.1 The testing and certification regulations entered into force on 01.03.2019

8.2 They apply in principle to all certificates issued during their period of validity.

8.3.1 Future amendments to the testing and certification regulations may be applied to existing certificates by written agreement with the certificate holders.

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