

NOTIFIED BODY
according to Directive 94/9/EC

IBExU
Institut für Sicherheitstechnik GmbH

**Rules for Testing and
Certifying**

Issue: 09-2006

Contents

- 1 Field of application
- 2 NOTIFIED BODY IBExU
- 3 Placing of order
- 4 Scope of services
- 5 Subcontract
- 6 Secrecy
- 7 EC-Type Examination of a product
- 8 Certification of a product
- 9 Auditing, certification and supervision of Quality Management Systems
- 10 Use and publication of test reports and certificates
- 11 Validity of certificates
- 12 Charges
- 13 Arbitration procedure
- 14 Validity

Schedule 1: Accreditation scope of the NOTIFIED BODY IBExU

1 Field of application

These rules for testing and certifying are used for services which are carried out by the NOTIFIED BODY IBExU according to the conformity assessment procedures of products and Quality Management Systems (QM-systems) specified in the Directive 94/9/EC. It includes:

- a) Examination of products regarding the fulfilment of essential safety and health requirements according to Annex II of the Directive 94/9/EC
- b) Certification of the tested products
- c) Auditing, certification and supervision of QM-systems
- d) Retention of technical documents

A detailed overview about the accreditation scope of the NOTIFIED BODY is given in the enclosure.

The rules for testing and certifying of the NOTIFIED BODY IBExU Institut für Sicherheitstechnik GmbH base on the General Contract Conditions of the NOTIFIED BODY IBExU.

The test and certification services are offered to all applicants whose fields of activity lie in the area of the Directive 94/9/EC.

2 NOTIFIED BODY IBExU

The NOTIFIED BODY IBExU is accredited in the legally regulated examining area of the Directive 94/9/EC and named under the EC-Identification-No. 0637.

3 Placing of order

The examinations inclusive certifications as well as auditings have to be ordered in written form (unaccompanied by any forms) from the NOTIFIED BODY IBExU. The documents shall be written in German provided that there are no other agreements. If necessary, the NOTIFIED BODY can request translations or can have it done chargeable to the customer.

The application shall be signed by an authorized representative of the applicant (customer).

From the application must result at least:

- a) Name of the company and the address
- b) Declaration of the products to be certified
- c) Field of validity of the ordered certification (Equipment Group, Category as well as for example Explosion Group, Temperature Class, Type of Protection, Degree of Protection (IP))

- d) Consent of the applicant to fulfil the certification requirements and to provide any information required for the assessment of the products to be certified.
- e) Declaration for the assumption of costs.

Regarding further notes it is referred to corresponding information returned by the NOTIFIED BODY.

If the NOTIFIED BODY accepts the order, a contract is concluded with the customer.

The NOTIFIED BODY is entitled to decline the acceptance of orders. The reasons for the rejection are given to the applicant.

4 Scope of services

The type and scope of the order have to be indicated clearly:

- a) Certification of a product (equipment, component, protective system) according to Annex III (EC-Type Examination) or Annex IX (unit verification) of the Directive 94/9/EC with issuing a test report and an EC-Type Examination Certificate respectively a Certificate of Conformity.
- b) Examination and certification of the compliance with quality securing product features according to the Annexes V and VI of the Directive 94/9/EC with issuing a test report and a corresponding certificate
- c) Auditing and certification of a Quality Management System according to the Annexes IV and VII of the Directive 94/9/EC with issuing an audit report and a corresponding certificate
- d) Regular supervision of a Quality Management System according to the Annexes IV and VII of the Directive 94/9/EC with issuing an audit report
- e) Retention of documents according to Article 8 (1) b) ii) of the Directive 94/9/EC with issuing an acknowledgement of receipt

5 Subcontracts

The NOTIFIED BODY is entitled to engage other bodies with the examination or with partial examinations of products or to involve them in the assessment.

The expenses which arise by the commissioning or the participation of another body are expelled separately and these costs are included in the invoice for the customer.

The commissioning or participation of other bodies is carried out only after coordination with the customer.

6 Secrecy

The NOTIFIED BODY commits itself to handle confidentially the information which has been confessed within the accomplishment of the order and to keep it secret.

7 EC-Type Examination of a product

- 7.1 As a rule, the examination consists of the check of documents (as design drawings, manufacturing drawings inclusive user information [installation, operating and maintenance instruction]) and the technical respectively experimental test of the type.
- 7.2 The examination bases especially on
- a) Essential safety and health requirements according to Annex II of the Directive 94/9/EC,
 - b) Harmonized standards (EN- and/or IEC-standards) inclusive actual draft standards (prEN) with regard to the Directive 94/9/EC,
 - c) Recommendations of European decisions and decisions of national parties for exchanging of experiences,
 - d) If there are no EN-standards or IEC-standards available, also national safety regulations and regulations for accident prevention, generally accepted rules of technology (e. g. DIN-standards, VDI-guidelines, VDMA-basic sheets, supplementary test requirements, rules of the professional association, decisions of national parties for exchanging of experiences) or additional requirements agreed on by contract.
- 7.3 The technical respectively experimental test at the test sample is carried out in the test laboratories of the NOTIFIED BODY IBExU in Freiberg/Saxony or at a place to be agreed with the NOTIFIED BODY which meets the conditions for the intended tests.
- 7.4 The manufacturer shall provide the NOTIFIED BODY for the examination with types which are ready for operation respectively use in the mentioned number and free of charge. Furthermore the necessary auxiliaries and spares shall be delivered to the testing authority. Caused by the test conditions the test samples can be disassembled, destroyed or contaminated respectively abraded. These adverse effects respectively damages are not chargeable to the NOTIFIED BODY.
- 7.5 Bulky test items should be delivered only after prior agreement with IBExU.
- 7.6 On request of the NOTIFIED BODY the customer has to name a person to contact for necessary information regarding the test items.
- 7.7 The testing laboratory draws up a test report about the test results of the test item in German language. The customer gets the original after conclusion of the complete certification procedure (as a rule, together with the EC-Type Examination Certificate).

- 7.8 The NOTIFIED BODY is entitled to return the test items in the respective state after conclusion of the tests (that means, that they can be abraded, destroyed or contaminated [e. g. with soot] by the explosion tests) on account of the customer (for example as „un-paid“ delivery).

8 Certification of a product

- 8.1 When the test report drawn up by the testing laboratory is available then the test results will be assessed. If the assessment has a positive result, a certificate in German language is issued (EC-Type Examination Certificate according to Annex III of the Directive 94/9/EC, Certificate of Conformity according to Annex V or IX of the Directive 94/9/EC). With the certificate it is confirmed that the types has been found to comply with the requirements of the Directive 94/9/EC. The customer gets the original of the certificate.
- 8.2 In the case of a negative result of the assessment the customer is informed about it.
- 8.3 The NOTIFIED BODY shall be informed immediately about the planned modifications which should be made in the construction and manufacture of the products against the tested type and which are relevant in the meaning of the tests regarding ensuring the explosion protection.
In addition, the certificate owner informs immediately the NOTIFIED BODY about changes in the company (change of the company name, the assignment of the manufacturing facility to another company, another owner of the company). The NOTIFIED BODY decides, if necessary with a further investigation with costs whether the certificate keeps its validity furthermore and issues, if necessary, a corresponding addition to the existing certificate.
- 8.4 The certificate owner has to record all complaints which concern the guarantee of the explosion protection at manufactured and delivered products as well as the remedying of these complaints and to inform the NOTIFIED BODY about it without any request.

9 Auditing, certification and supervision of a Quality Management System

- 9.1 The NOTIFIED BODY examines and certifies a QM-system in accordance with the EC-Directive 94/9/EC inclusive the corresponding EN-standards.
- 9.2 The customer shall provide the NOTIFIED BODY with all necessary documents especially with the Quality Management Manual and on request with the procedure and working instructions and the current documentations to these documents.
- 9.3 The quality inspector of the NOTIFIED BODY carries out examinations in the enterprise for the assessment of the QM-system organized pursuant to the Directive 94/9/EC. For this, the customer has to guarantee that the quality inspector has the entry to the respective areas of the company during normal business hours and that he is provided with all necessary documents.

- 9.4 After the assessment of the documents has been carried out and the audit report has been drawn up by the quality inspector the NOTIFIED BODY issues in case of a positive assessment a certificate depending on the product category in accordance with Annex IV or VII of the Directive 94/9/EC. With the certificate the compliance of the QM-system with the corresponding module of the Directive 94/9/EC is confirmed.
- 9.5 In case of a negative assessment the customer is informed about the reasons which are substantial for this assessment.
- 9.6 The NOTIFIED BODY has to be informed immediately about any modifications in the Quality Management Manual.
- 9.7 The certificate owner has to record all complaints which could be causally connected with the certified QM-system as well as the remedying of these complaints and to provide the testing and certification body with the records on request for seeing them.
- 9.8 The NOTIFIED BODY carries out audits for supervision of the QM-system in intervals not more than two years to check the compliance of the used QM-system with the certified QM-system.
For this, the certificate owner has to guarantee that the quality inspector has the entry to the respective areas of the company during normal business hours and that he is provided with all necessary documents.

10 Use and publication of test reports and certificates

- 10.1 Test and audit reports as well as certificates may be used only in its entirety and with the date of issue.
- 10.2 With receipt of the EC-Type Examination Certificate respectively the Certificate of Conformity the customer is entitled and obliged to attach the corresponding conformity identification („Ex-marking“) pursuant to the Directive 94/9/EC to the products which correspond to the tested type.
- 10.3 With issuing the certificate for a QM-system the certificate owner is obliged to attach the EC-Identification-Number 0637 of the IBExU to the products included by the certificate.
In case of a unit verification of a product according to Annex VI or IX of the Directive 94/9/EC the customer attaches the EC-Identification-Number 0637 of the IBExU to the test products.
- 10.4 The NOTIFIED BODY is entitled to publish the issue of the certificate if the NOTIFIED BODY is legally obliged to this. The certificate owner has to be requested for his consent for other publication of the certificate.
- 10.5 The NOTIFIED BODY is entitled to inform other NOTIFIED BODIES about issued certificates.

11 Validity of certificates

11.1 The validity of the certificates depends on the specifications of the Directive 94/9/EC as well as the appropriate EN-standards.

11.2 A certificate gets invalid if

- a) the period of the certificate has expired,
- b) the certificate owner does not fulfil any longer the duties from these rules for testing and certifying respectively from the contract made with the testing and certification body,
- c) it comes out that the certificate owner or his representative has deceived or has tried to deceive the testing and certification body or their representative,
- d) misleading or other inadmissible advertising, particularly with the mark of conformity or with the certificate, is made or the mark of conformity or the certificate is used improperly or if legal regulations at the marketing of a product are not kept,
- e) the safety and health requirements under consideration of the transitional periods have changed, but with the exception, that it has been proved by a further examination with costs, that the product corresponds to the changed requirements,
- f) the certificate is used for products which do not correspond to the tested type, but with the exception, that a contrary decision of the testing and certification body pursuant to chapter 9.4 is available,
- g) afterwards defects are noticed at the products which have been recognized in the examinations and which have not been removed in a specified period in spite of a written request by the certification body or if other facts become known, which would have stood contrary to the issuing of a certificate,
- h) the legal basis is not the given any more for the certification of a product,
- i) the requirements under consideration of the transitional periods have changed on which the assessment of the Quality Management Systems has been based, but with the exception, that it has been proved by a further assessment with costs, that the system corresponds to the changed requirements,
- j) at Quality Management Systems the certificate is used for company areas for which it has not been issued,
- k) afterwards defects are noticed at the Quality Management System which have not been recognized in the assessment or if other facts become known which stand contrary to the issue of a certificate.

12 Charges

The NOTIFIED BODY invoices the customer for the arising expenses for the activities of the NOTIFIED BODY corresponding to these rules for testing and certifying in compliance with the contractual agreements.

13 Arbitration procedure

At all points of controversy resulting from the activities of the NOTIFIED BODY each contracting party can inform the management of IBExU. Together with the customer and the heads of the testing laboratories and the certification body, the management tries to clear the dispute in the meaning of an arbitration board.

14 Validity

These rules for testing and certifying are valid for contracts which are concluded with the NOTIFIED BODY IBExU Institut für Sicherheitstechnik GmbH as of 1st October 2006.

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Schedule

to the rules for testing and certifying of the NOTIFIED BODY IBExU:

Accreditation scope of the NOTIFIED BODY IBExU

1 Testing and certification

1.1 Protective systems

for explosive atmospheres
with combustible gases, dusts, mists and flammable vapours

for example

Explosion disengagement systems
(as flame arresters, rotary valves),

Explosion relief devices
(as explosion-relief vents, rupture discs)

1.2 Equipment and components

Electrical and „other“ (non-electrical)
All types of protection without restrictions

- **of the Equipment Group I** (mining)

Categories M1 and M2

- **of the Equipment Group II** (other industries)

Categories 1G and 2G as well as 1D and 2D

Categories 3G and 3D (in the context of unit verifications, Directive 94/9/EG,
Annex IX)

1.3 Quality Management Systems

2 Retention of documents

according to the Directive 94/9/EG, Chapter 8 (1) b) ii) for non-electrical equipment of the
Category 2