

## 1 Scope and Definitions

These Inspection and Certification Regulations apply for the performance of inspection and for the granting of TÜV NORD certificates for products and systems and related services by the certification bodies and inspection bodies of TÜV NORD CERT within the following fields of activity:

- On- and Offshore Wind Turbines and Components within Type- and Project Certification (WE).
- PV power plants and related services within Project Certification and Service Certification (PV).

Where in the following chapters specific regulations apply either for Wind Turbines or Photovoltaic Systems, solely, a reference is made to either (WE) or (PV).

The evaluation basis is formed by standards specified in the contractual agreement between the client and the certification body or inspection body, e.g. IEC or GL-standards, DIN/EN/ISO standards, TÜV NORD proprietary standards and/or the respective directives of the European Union in their respective latest version, and those of the national legislation on which the accreditation / designation of the certification body / Notified Body is based.

The term "product" is used in the following for a component or a combination of components, forming a functioning unit. The term "system" is used in the following for a combination of products. Typical examples of "products" in this context are: complete wind turbine, rotor blade, generator set, PV power block or DC-AC-inverter. Typical examples of "systems" in this context are a wind energy park or a PV plant. The term "related service" in this context is used for a service, performed by a client, which is subject to conformity assessment activities (audit, inspection, certification) by TÜV NORD. Typically in this context a "related service" is the installation, operation or maintenance of a wind energy system or a PV plant.

The terms "inspection body" and "certification body" in the following text refer to organizational units within TÜV NORD CERT GmbH who provide inspection and certification services. Accreditations and acceptances and related scopes of these inspection and certification bodies are traceable via public available information channels of accreditation bodies and scheme owners (e.g. DAkkS, IECRE). The actual status of TÜV NORD CERT GmbH in the role of a Notified Body is traceable via EU commission page Nando (New Approach Notified and Designated Organisations) Information System

## 2 Testing, Inspection and Certification Procedures

- 2.1 The client instructs the inspection body or certification body to inspect and/or certify. A testing, inspection or certification activity of the certification body or inspection body shall be based on a respective contractual agreement between the client and the certification body or inspection body
- 2.2 The client shall ensure carriage-free delivery of documentation required by the applicable inspection or certification scheme. The packaging must, if necessary, also be suitable for return purposes. The cost of return to the client shall also be borne by the client.
- 2.3 The inspection and certification orders are handled in the order in which the necessary documents and test specimens are received and site conditions are complied.
- 2.4 At the sole discretion of the certification body or the inspection body tests are performed at a suitable external test site by accredited test laboratories (WE).
- 2.5 After the conclusion of the testing, inspection and certification procedure, the client receives a written testing or inspection report and, provided the result of the inspection reveals no nonconformities or the nonconformities have been corrected according to the relevant standards, a TÜV NORD certificate if

this has been requested by the client and all further preconditions for issuing a certificate are fulfilled.

- 2.6 For every testing, inspection and certification the client shall pay a fee as agreed between client and TÜV NORD CERT or by TÜV NORD CERT authorized other TÜV NORD legal entities.
- 2.7 If issuance of the certificate is refused, the certification body shall not be liable for any disadvantages which the client experiences as a result of such refusal.
- 2.8 If the accreditation of the testing laboratory, inspection body or certification body ends or is terminated, the client shall be notified accordingly. From this point on the client may not any longer advertise for certified products, systems or related services by making reference to a related accreditation of TÜV NORD CERT GmbH or external testing laboratories.

## 3 TÜV NORD Certificates

- 3.1 Issuance and use of the certificate.
  - 3.1.1 Permission to use the certificate only applies for that company and those operating facilities and for those services mentioned in the certificate. The applicant of the certificate shall notify the certification body in writing in as soon as legally possible of any intention to transfer the company to another company or another company owner. The certificate may only be transferred to third parties by the certification body.
  - 3.1.2 The certification body must be notified in writing immediately of any modifications to the products. The certification body may make the validity of the certificate conditional on the presentation of evidence by the manufacturer that the underlying rules are complied with. Alternatively the certification body may request additional supplementary tests. (WE)
- 3.2 Expiry or declaration of the invalidity of a certificate
  - 3.2.1 A certificate expires or is invalidated if among others
    - the General Agreement for Inspection and Certification of Products / Systems and related Services ends,
    - the validity period of the certificate expires,
    - the applicant of the certificate renounces use of the certificate,
    - the applicant of the certificate does not accept in a binding fashion changes to the terms and conditions of business or changes of the testing, inspection and certification regulations or the schedule of fees of TÜV NORD CERT after the end of the transitional period laid down in section 9,
    - the applicant of the certificate is declared bankrupt or an application for bankruptcy proceedings against him is rejected due to lack of assets,
    - the rules or regulations governing the certificate have been changed and, where relevant, transitional periods have expired. The validity of the certificate is extended if it is demonstrated in a follow-up check conducted at the expense of the applicant of the certificate within a specified period that the product(s) / system(s) certified are also in compliance with the new rules.
  - 3.2.2 A certificate can also be declared invalid or terminated by the certification body if among others
    - the examination of the certified product, system or related services reveals faults,
    - faults not evident or not ascertained during the test are subsequently found in the products or systems,
    - the certified products do not conform to the test specimens certified,
    - the applicant of the certificate refuses to allow inspection of the production and testing facilities or the storage facility by the delegated representative of the certification body or does not allow products to be taken by the certification body for examination purposes,
    - the applicant of the certificate refuses to allow inspection of the PV power plant by the certification body for examination purposes,

- major deficiencies are found in the quality assurance system during the regular inspection according to section 4.1,
- the fees are not paid within the period specified after a reminder has been issued. If the fees do not relate to a particular certificate, the certification body shall decide which certificate is to be affected by the measures taken,
- misleading or otherwise inadmissible advertising is undertaken using the certification,
- in view of new to be recognized facts, that have, however, not clearly been evident at the time of the test or inspection, a continued use of the certificate would not be acceptable with respect to the signal it gives to the market.

The certification body is entitled to suspend or withdraw and revoke a certificate, if the certification body subsequently becomes aware of new information pertaining to the assessment of the certification procedure or its result.

3.2.3 The declaration of invalidity may be published.

3.2.4 If the validity of the certificate expires or the certificate is declared invalid, the applicant of the certificate loses the right to continue to make any use of the certificates such as but not limited to advertising with the certification related to products, PV power plant or related service mentioned in the certificate.

#### **4 Regular Inspection of the QA measures, in particular during Production, Quality Testing of Products; Operation and Service of Systems as well as Surveillance of the Market.**

4.1 If there are not specific requirements in the certification scheme the following minimum requirements shall be observed and the respective information and documentation shall be provided by the client to the certification body:

- Annual report of the applicant of the certificate about number and location of installed Wind Turbines -
- Report of the applicant of the certificate on safety related abnormal incidents or damages which can reflect validity of the Certificate
- Major modifications to the design, to specifications and procedures (e.g. for replacing large quantities of components on-site) shall be reported without delay to the certification body for maintaining the certificate.

4.2 In addition, the certification body may, at any time and without prior notice, inspect the production shops and operating facilities mentioned in the certificate and the storage facilities (in the case of foreign applicants of the certificate also the storage facilities of the authorized representatives and branches, in the case of importers also their storage facilities.

4.3 The applicant of the certificate will receive a written report on the result of the examination.

4.4 If any defects are found in the course of the examination, the applicant of the certificate shall bear the costs thereby incurred.

4.5 The applicant of the certificate is obliged to maintain records of all complaints addressed to it with respect to the conformity of a product with the requirements of the standard concerned and make these accessible to the certification body at all times upon request. In the case of serious complaints, the certification body is to be notified immediately in writing. Furthermore, the applicant of the certificate is obliged to take reasonable and appropriate measures if the complaints are based on actual defects, which negatively affect fulfillment of the certification requirements. These measures are to be documented accordingly and reported to the certification body (WE)

4.6 The applicant of the certificate is obliged to notify the Certification Body in writing as soon as reasonably possible of any critical damage resulting from the products or operation facility or any damages paid.

4.7 The Certification Body shall, upon the request of the accreditation body and at the expense of the client, organize a follow-up examination of selected specimen.(WE)

#### **5 Publication of Test and Inspection Reports and TÜV NORD Certificates**

The applicant of certificates, test or inspection reports may only transfer them on to third parties in their full wording, indicating the date of issue. Any publication or duplication other than agreed in the certification contract is subject to prior permission from the issuing body.

#### **6 Consumer Information**

The certification body reserves the right to publish a list of the certified products, systems and services as consumer information.

#### **7 Breach of the Testing, Inspection and Certification Regulations**

If it is found that the client has breached the present Testing, Inspection and Certification Regulations, and in particular if such breach involves the illegal use of a certificate, the certification body shall be entitled to demand a contractual penalty of up to € 10,000.- for each case of breach.

#### **8 Complaints**

Appeals against testing, inspection and certification decisions and complaints regarding the execution of procedures are possible. Appeals regarding European or international procedures e. g. notified bodies groups, IECRE have to be addressed to the board of appeal responsible for the procedure in question.

#### **9 Entry into Force and Amendment of the Inspection and Certification Regulations**

9.1 This Inspection and Certification Ordinance shall become effective on 1 March 2018.

9.2 If new Inspection and Certification Regulations are drawn up, the present Regulations shall cease to be valid after a transitional period of 6 months.

9.3 The attention of the client or applicant of a certificate shall be drawn in particular to the entry into force of any new Inspection and Certification Regulations and/or the invalidation of the existing Inspection and Certification Regulations.

#### **10 Access for Accreditation Personnel and Official Approval Bodies**

On placement of the order, the client agrees to grant employees of the accrediting body of TÜV NORD CERT and of official approval bodies responsible for the area in question access to his premises within the certification body's surveillance framework.

#### **11 Mark of Conformity**

The conditions and regulations set forth in these Testing, Inspection and Certification Regulations shall apply to Mark of Conformities issued by the certification body or the inspection body.