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# General Conditions for Test Marks and Certificates ISO 14064-3, TN-CC 020

The following arrangements apply equally to certificates and test marks, as well as to annex/certificate supplements in the field of ISO 14064-3, TN-CC020. In some cases, test marks are not indicated; in such cases, the following arrangements apply only to certificates.

## 1 VALIDITY AND RIGHTS OF USE OF THE TEST MARK AND THE CERTIFICATE

- The validity of the certificate is specified on the certificate. The term of the certificate depends on the observation period on which the verification is based, and is typically one year. An annex or addition to a certificate is only valid in conjunction with the valid issued certificate. The same prerequisites apply to the use of the test mark.
- The scope of the verification is listed in the German or English verification text. Translation into other languages takes place to the best of our knowledge. In cases of doubt or contradictions, the German or English version of the certificate is definitive.
- The test mark to be used in the individual case depends on the certificate which is issued.
- Approval for use of the test mark only applies exclusively to the verified unit (e.g. company, operating facilities, products) of the client, as listed in the certificate. Use of the test mark outside the scope of the certificate is not permitted.
- Use of the test mark and the certificate is limited to the client, and may not be transferred to third parties or legal successors without the express approval of the certification body. If the client wishes to transfer these, a corresponding application must be submitted. A new audit may be performed if necessary.
- The test mark may only be used in the form provided by the certification body. The mark must be easy to read and clearly visible. The client is not authorised to change the certificate and/or the test mark. The certificate and the test mark must not be used in a misleading manner e.g. for advertising purposes.
- The test mark may only be used by the client and only in immediate association with the verified unit (organisation or company name, company logo, product, service etc.).
- The client must ensure that the test mark and the certificate are only used in competition in such a way that a statement regarding the verification is made corresponding to the verified area of the client.
- In the context of competition, the client must also make sure to avoid the impression that the verification by the certification body is equivalent to a governmental inspection.
- Changes to the verified unit must be reported immediately to the certification body. The certification body may make maintenance of the certificate conditional on compliance with the underlying verification standards or a supplementary test.
- If a claim is made against the certification body under the principles of product liability as a result of the client using the test mark and/or certificate in a manner contrary to the contract, the client shall be obliged to indemnify the certification body against all claims of third parties. The same applies to cases in which a claim is made against the certification body by a third party based on advertising claims or other behaviour on the part of the client.
- The client receives the non-transferable, non-exclusive right, limited to the contractual term, to make use of the test mark and the certificate in accordance with the conditions stated above. In the event of suspension or withdrawal of the certificate, neither the certificate nor the test mark may be used from the date of suspension or withdrawal onwards (irrespective of contractual term).

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## **2 TERMINATION OF RIGHT OF USE**

### **2.1 Termination of the right of use of certificate and test mark**

The right of the client to use the test mark and to claim ownership of the certificate ends automatically with immediate effect without the need for an express statement of termination, where e.g.

- the client does not immediately report to the certification body changes in the circumstances relevant to the verification of the verified unit (company, product, service etc.) or indications that such changes may occur,
- the test mark and/or the certificate are used in a manner contrary to the provisions of Item 2,
- the validity period is exceeded,
- the results of the follow-up audits no longer support maintenance of the certificate,
- insolvency proceedings are opened against the assets of the client or an application for opening of such proceedings directed against the client is refused due to lack of assets,
- follow-up audits cannot be performed within the specified periods for reasons attributable to the client,
- measures for the elimination of non-conformities have not been implemented within the specified periods allowed, or the results of these are insufficient,
- disputes arise in relation to the test mark in connection with competition law or intellectual property rights.

After the validity of a certificate has expired, the certificate must be returned to the certification body, even if permission to market the remaining stocks with the test mark still applies (where relevant). This marketing permit can however be permitted for a maximum of 3 months after expiry of the validity of the certificate. The terms and conditions of business, the testing and certification regulations and the schedule of fees of the certification body shall continue to apply for the duration of the marketing permit.

If a marketing permit is not issued or is withdrawn, the holder of the certificate shall be obliged to remove the test mark from all products of the type in question to which he has access or to destroy the products and to facilitate the certification body in conducting a corresponding follow-up check. In special cases the certification body may demand a recall.

### **2.2 Certification body**

The certification body is entitled to suspend or terminate a certificate, and thus the entitlement to use the test mark, where the certification body subsequently becomes aware of new corresponding information pertaining to the assessment of the verification procedure or its result.

In relation to verification, the certification body reserves the right to decide regarding the issue, refusal, maintenance of certification, extension or restriction of the scope of verification, renewal, suspension or reinstatement following suspension, or withdrawal.

Where the grounds specified in 2.1 apply, the certification body has the right to initiate a decertification procedure following expert analysis, and to suspend the certificate, withdraw it, or declare it to be invalid. Where a client can demonstrate, at the latest 6 months after a suspension, that the situation again corresponds to the certification requirements, the certification may be reinstated. Any additional costs associated with this shall be paid by the client.

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### **2.3 Client**

Where the right to use is terminated, the client is obliged to immediately withdraw all certificates (originals, copies, PDF documents) from circulation and destroy them, and to cease advertising using the certificates. The same applies to the use of the test mark. Appropriate evidence of this must be provided to the certification body.

### **2.4 Right to immediate termination of the contract**

The certification body has the right to terminate the contract relationship with immediate effect if the client has been prohibited from using the certificate and test mark in a legally binding manner. The same applies to the certificate.