

**INTERNATIONAL ELECTROTECHNICAL COMMISSION IEC SCHEME FOR
CERTIFICATION TO STANDARDS RELATING TO EQUIPMENT FOR USE IN
EXPLOSIVE ATMOSPHERES (IECEX SCHEME)**

Ex Management Committee, ExMC

TITLE: IECEX Re-Assessment Report for the continued acceptance of TÜV Nord as an Accepted ExCB in accordance with the 5-year re-assessment plan for the surveillance and monitoring under the IECEX Scheme.

INTRODUCTION

This document contains the IECEX Re-assessment Report for TÜV NORD CERT GmbH as a continuing Accepted ExCB within the IECEX Scheme in accordance with the 5-year re-assessment plan for surveillance and monitoring under the IECEX Scheme. During this re-assessment the IECEX Assessment Team also carried out an assessment for an extension of scope for TÜV Nord to include IEC 60079-28.

The re-assessment report is submitted for information and endorsement at the next ExMC Denver 2007 meeting.

However, ExMC Members are asked to consider TÜV Nord's request for an extension of scope to include IEC 60079-28.

Please complete and return the completed voting form to the Secretariat by **2007 07 22**.

Your speedy response to the voting process will be very much appreciated.

Chris Agius
IECEX Secretariat

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IECEX ASSESSMENT REPORT FOR TÜV NORD CERT IECEX Certification Body, ExCB

Type of Assessment: (please mark)

Initial Assessment for Candidate ExCB

Re-Assessment of ExCB X

Scope Extension of ExCB X

1. OBJECT AND FIELD OF APPLICATION

1.1. Country:

Germany

1.2. Name of Candidate ExCB

TÜV NORD CERT GmbH

1.3. Members of the Assessment Team

Jim Munro Lead assessor, Chairman Panel of Assessors
Nick Ludlam Assessor, FM Approvals Ltd

1.4. Place and Date of Assessment

Hannover Office
Am TÜV 1
30519 Hannover
Germany

16-17 November 2006

8 February 2007

1.5. Assessment References

- i) IECEx 02 Second Edition 2003-06 IECEx Scheme rules of procedure
- ii) IECEx OD/003 IECEx Assessment procedures
- iii) IECEx OD 005V2 Quality System requirements for manufacturers
- iv) IECEx OD/009 Issuing of CoCs, ExTRs and QARs
- v) IECEx Document ExMC/161/CD Management of assessment and surveillance programs for manufacturers (includes QAR forms)
- vi) ISO/IEC Guide 65:1996
- vii) IECEx Document OD 17 Drawing and documentation guidance

1.6 Scope of Application

Number	Title
<u>60079-0</u>	Electrical apparatus for explosive gas atmospheres Part 0: General requirements
<u>60079-1</u>	Electrical apparatus for explosive gas atmospheres Part 1: Construction and verification test of flameproof enclosures of electrical apparatus
<u>60079-2</u>	Electrical apparatus for explosive gas atmospheres Part 2: Electrical apparatus, type of protection 'p' (Pressurization)
<u>60079-5</u>	Electrical apparatus for explosive gas atmospheres Part 5: Powder filling "q"
<u>60079-6</u>	Electrical apparatus for explosive gas atmospheres Part 6: Oil-immersion 'o'
<u>60079-7</u>	Electrical apparatus for explosive gas atmospheres Part 7: Increased safety 'e'
<u>60079-11</u>	Electrical apparatus for explosive gas atmospheres Part 11: Intrinsic safety 'i'
<u>60079-15</u>	Electrical apparatus for explosive gas atmospheres Part 15: Electrical apparatus with type of protection 'n' (Non-Sparking)
<u>60079-18</u>	Electrical apparatus for explosive gas atmospheres Part 18: Encapsulation 'm'
<u>60079-25</u>	Electrical apparatus for explosive gas atmospheres Part 25: Intrinsically safe systems
<u>60079-26</u>	Explosive atmospheres - Part 26: Equipment with equipment protection level (EPL) Ga
<u>60079-27</u>	Electrical apparatus for explosive gas atmospheres - Part 27: Fieldbus intrinsically safe concept (FISCO) and Fieldbus non-incendive concept (FNICO)
<u>61241-0</u>	Electrical apparatus for use in the presence of combustible dust Part 0: General requirements
<u>61241-1</u>	Electrical apparatus for use in the presence of combustible dust Part 1: Electrical apparatus protected by enclosures
<u>61241-4</u>	Electrical apparatus for use in the presence of combustible dust Part 4: Type of protection 'pD'
<u>61241-11</u>	Electrical apparatus for use in the presence of combustible dust Part 11: Protection by intrinsic safety 'iD'
<u>61241-18</u>	Electrical apparatus for use in the presence of combustible dust Part 18: Protection by encapsulation 'mD'

The above scope includes updating to the latest editions of 60079-7, -11 and -26.

Extension of scope:

60079-28	Explosive atmospheres - Part 28: Protection of equipment and transmission systems using optical radiation
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1.6. Candidate ExCB Persons Interviewed

Name	Position
Karl-Heinz Schwedt	Head of Ex Certification Body
Herbert Stürwold	Deputy Head of Ex Certification Body and Head of Department and Division for Product Testing and Certification
Helmut Pfisterer	Quality Management Representative
Andreas Meyer	Head of Test Laboratory
Herbert Peters	Deputy Head of Test Laboratory

1.7. Legal Entity of the Candidate ExCB

TÜV NORD CERT GmbH is the latest name of the company and is a legally registered company. The company is registered in Essen but there is no change to the certification and testing for Ex which is still located at the Hannover office.

1.8. Associated Testing Laboratories

The ExTL is integral with the ExCB.

1.9. Associated Certification Functions

TÜV NORD CERT does product certification in a number of fields, including lifts, machinery, medical devices, consumer products and outdoor noise.

1.10. National Marks and Certificates

TÜV NORD CERT is a notified body (Number 44) under the ATEX directive in Europe.

1.11. Financial Support

The operation is financed from its commercial operations.

1.12. History

The history of TÜV NORD dates back to 1873. It was first involved in the testing of steam boilers and mining. Later it expanded in to a number of other fields, including pressure vessels and motor vehicles. The TÜV NORD GROUP now has 6600 employees worldwide in 54 countries. Product certification is carried out in the company TÜV NORD CERT and covers a number of areas in addition to Ex. It has been involved in Ex certification since 1989. There has been a recent merger involving RW TÜV. The new company name is TÜV NORD CERT GmbH and the new company was registered on 1 April 2006.

1.13. Standards Accepted

See clause 1.6 of this report

1.14. National Differences to IEC Standards

National differences to IEC standards are listed in the latest version of the IECEx Scheme Bulletin.

2. ORGANISATION

2.1. Names, Titles and Experience of the Senior Executives

Name	Title	Experience
Karl-Heinz Schwedt	Head of Ex Certification Body	28 years in Ex
Herbert Stürwold	Deputy Head of Ex Certification Body	27 years in Ex
Andreas Meyer	Head of Test Laboratory	16 years in Ex
Herbert Peters	Deputy Head of Test Laboratory	19 years in Ex

2.2. Name, Title and Experience of the Quality Management Representative

Name	Title	Experience
Helmut Pfisterer	Quality Management Representative	30 years

2.3. Name and Title of Nominated Principal Contact

Name	Title	Comments
Karl-Heinz Schwedt	Head of ExCB	

2.4. Name and Title of Signatories for Certification

Name	Title	Comments
Karl-Heinz Schwedt	Head of ExCB	
Herbert Stürwold	Deputy Head of ExCB	

2.5. Other Employees in ExCB activity

Name	Title	Responsibility
Friedhelm Matz	Deputy Head of ExCB	

2.6. Organizational Structure

There are three people in the Certification body as shown above. None of these are involved in the testing operation for Ex.

2.7. Administration

2.7.1. Administrative Structure

Annexes 1 and 2 show the structure of TÜV NORD CERT.

2.7.2. Indemnity Insurance

TÜV NORD CERT is covered by a policy of TÜV Nord AG with a coverage of 25,600,000 EUR.

3. RESOURCES

TÜV NORD CERT is well resourced. The Ex operation forms part of a large certification organization which provides the necessary management and administrative support. The staff within the ExCB has long experience with Ex matters and the head of the body, Karl-Heinz Schwedt is a regular attendee at IECEx meetings and has involvement with its activities.

4. COMMITTEES / Governing Board / Appeals / Advisory Board

There is a central council/advisory board that includes people from the TÜV NORD CERT group. Procedure CERT-VA-013 and related procedures cover the operation. It has the involvement of interested parties, covering Government, manufacturers, users and research. The first meeting of this group was at the end of 2005 to reflect the changes in the company and the next is scheduled for the end of 2006. It is expected the breadth of membership of this board will increase. The board is independent of the operation. It provides feedback and advice on policy, including monitoring of the activities. It would be consulted on decisions to expand the certification scope of TÜV NORD CERT.

5. CERTIFICATION OPERATIONS

5.1. National Approval/Certification Methods

TÜV NORD CERT operates as a Notified Body for ATEX.

5.2. Certification Policy

There is not separate certification policy. But the main role of the body is certification and there is a quality policy which incorporates certification.

5.3. Application for Certification

There is a procedure covering application for IECEx certification (as well as ATEX), P 17-VA-01. This defines the responsibilities within TÜV NORD CERT. It refers to the IECEx website, the internal intranet and references OD 009. Applications are reviewed and results documented. QAR is checked. QAR and ExTR are used as basis for internet based issue of CoC.

At the time of the site assessment there was no formal application form for the applicant for certification. This is required by 8.2 of Guide 65. Subsequently an application form was developed and incorporated into the quality system. In addition to the above, there is a document that details the relevant responsibilities in relation to certification. There is also a formal document called a 'general contract' which the customer signs. In this the customer 'recognises as binding the IECEx Rules IECEx 01 and IECEx 02 published on www.iecex.com.'

On the TÜV NORD CERT website there is an article on the IECEx Scheme which provides potential customers with information about the Scheme.

There is also a general procedure for progress of work P 03-VA-01 that covers each stage of the process of work through TÜV NORD CERT and addresses the steps in OD009.

5.4. Withdrawal and Cancellation of Certificates

This is covered in the test and certification ordinance.

6. STATISTICS

6.1. Certificates Issued

IECEX Certificates issued during the past 5 years:

flameproof	d	6
intrinsic safety	i	50
increased safety e	1	
FISCO		2
powder filled	q	0
encapsulated	m	1
Type	n	11
pressurised	p	0
Dust		2

7. DOCUMENTATION

7.1. Quality Manual

The quality documentation resides on an 'extranet'. There are four levels: first is TÜV NORD Group general regulations but these are incorporated into the TÜV NORD CERT documentation. Second are TÜV NORD CERT documents for everyone in the company. Included in this is the TNCERT Quality Manual. Third are general rules for everyone working in the product certification area. These rules are preceded with 'P' for product. The fourth level is for specific certification areas. Ex documentation falls within this area. These are designated 'P 17'.

7.2. Procedures

P 01-MU-00 is a master list of documents in the product testing area (levels three and four).

For Ex there is a procedure for certification and one for testing. There are also a number of testing manuals, for example the one for the Ex d testing system. The list also details the various forms used.

7.3. Work Instructions

There are no specific work instructions. Everything falls within procedures and forms.

7.4. Records

The forms once completed become the records. Records of testing and certification are stored using the order numbers. Security is controlled at the entry to the buildings by key card access.

7.5. Document Change Control

This is covered in CERT-VA-007. For new documents, first an expert prepares a draft. Next the document is checked by Quality Assurance Representative. Then the document is released by the person with relevant authority. All documents in the system are managed by the QA rep who is the only one with administrative access. When a new revision of a document is released the old one goes into archive and the master list is updated.

Forms are the responsibility of the senior person in the relevant area.

Only the documents on the system are controlled. The above procedure contains a statement that all documents printed out are considered uncontrolled.

8. CONFIDENTIALITY

The various laws and company documents that require confidentiality have been identified. Every employee is required to sign an employment contract (FP-28) that includes a provision to ensure confidentiality of company and customer information with the potential penalty of immediate dismissal and possible criminal action.

9. PUBLICATIONS

There is a journal that is issued for customers. There is also an internal journal for employees. There is also information included on the TÜV NORD CERT intranet, extranet and website. Employees are encouraged to publish information about their work in technical journals.

10. NATIONAL ACCREDITATION

The accreditation is from ZLS – Central State Board for Safety Technology. The last assessment was in July 2006 but the certificate had not been issued by the date of the site assessment. The report from the assessment was viewed. The certificate received after the site assessment and provided to the assessment team. A copy is included at Annex 3.

11. RECOGNITION AND AGREEMENTS

There are agreements on mutual acceptance of reports with Nanio CCVE in Russia and NEPSI in China.

12. INTERNAL AUDIT AND PERIODIC MANAGEMENT REVIEW

Audits are done by the QA Rep. Normally there is one audit per year but this year there has been two for the ExCB and two for the ExTL. A sample report was reviewed. There is a program developed each year that is signed off by management. Experts can be used in preparation for an audit or during the audit itself. There is an effective system in place to ensure non-conformities are identified are resolved.

Management review is carried out once a year for TÜV NORD CERT. It involves the QA rep and senior management. The last at the time of the first assessment visit was on 12 December 2005. The new quality objectives are defined as an outcome from this process.

13. SUBCONTRACTING, USE OF OTHER LABS AND USE OF OTHER LOCATIONS

There is no subcontracting of ExCB activities. However, there is subcontracting of some testing. There is a list of all subcontractors used for all of TÜV NORD CERT. This includes information on accreditation of the bodies, whether a third party laboratory, whether used and assessments done by TÜV NORD CERT. Examples of Ex the tests that are subcontracted include hardness of plastic materials, Ex e test for lampholders, impulse testing, and shock and vibration for Ex e lamps. There is a procedure for

subcontracting CERT-VA-004. This specifies the approach, including the requirements for contracts, the need to advise customers and confidentiality.

Procedure P 17-VA-02 covers testing of off-site and the acceptance of manufacturers' test results. The procedure is quite comprehensive. For example, it covers where an ExTL member is on site and involved with test, and if the manufacturer has 17025 accreditation or is assessed. TÜV NORD CERT were aware of the development of OD024 and expect to reference this once it is issued.

14. TRAINING

There is a data base that records the competencies of the staff. This is broken down into the various certification areas, including Ex. For Ex the competencies are broken down by type of protection and other activities such as auditing. The competency and/or role against each is shown, for example expert, reviewer or certifier. There is also a more detailed qualification matrix and records of training undertaken. There are yearly meetings between employees and management where a development plan is made.

There are monthly meetings in the Ex area which are used as an opportunity to discuss new developments, including the issue of any new ExTAG Decision Sheets.

15. ASSESSMENT OF MANUFACTURERS AND ISSUE OF QARS

There is an Excel spread sheet to keep track of data on QARs issued and planned audits. There is a procedure P 17-VA-01 on instructions for the certification body. The QAR report is addressed in P17-F-511 which follows the standard IECEx format. They also issue a summary report.

16 QARs had been issued at the time of the assessment. QAR TUN 06.0016 was viewed as an example and documented the process well.

16. COMPLAINTS AND APPEALS (Including appeals to IECEx)

There is an electronic system for complaints management. This electronic system is very new and its operation was demonstrated.

They stated that for appeals the Advisory Board is involved. However, at the time of assessment there were no procedures that cover how to handle appeals, in particular appeals to the IECEx Scheme and to advise customers of this possibility. Subsequently procedures were modified to incorporate these requirements.

17. SPECIAL FACTS TO BE NOTED

17.1. *Supporting Documentation*

Copies of additional supporting information for this assessment have been provided to the applicant and the IECEx Secretariat. These include:

- Details of issues raised and how these have been resolved
- Checklist for ISO/IEC Guide 65

18. COMMENTS (Including issues found during assessment)

The following issues were found during the re-assessment:

1. There was no formal application form for the applicant for certification. This is required by 8.2 of Guide 65
2. There were no procedures on how to handle appeals, in particular appeals to the IECEX Scheme and to advise customers of this possibility.
3. A restricted breathing enclosure was certified for use with any Ex cable gland – this could lead to problems with the restricted breathing.

All the above issues were subsequently addressed by TÜV NORD CERT, reviewed by the assessment team and found to be satisfactory. Details are contained in the site assessment report held on file in the IECEX Secretariat.

During the scope extension visit it was identified that for sub-contracted work to PTB for ignition testing, there needed to be a formal review of PTB capability. TÜV NORD CERT undertook to do this through witness testing of their first sub-contracted test at PTB.

19. RECOMMENDATION

Based on the re-assessment performed on 16 to 17 November 2006 and 8 February 2007 TÜV NORD CERT is recommended for continued acceptance in the IECEX scheme as a Certification Body (ExCB) according to the scope of the standards listed in this document, including the scope extension.

Jim Munro
Team Leader

Nick Ludlam
Expert Assessor

Date: 22 March 2007

List of Annexes:

1. Overall Organization Chart of TÜV NORD CERT
2. Organization Chart of TÜV NORD CERT, Certification
3. Accreditation Certificate



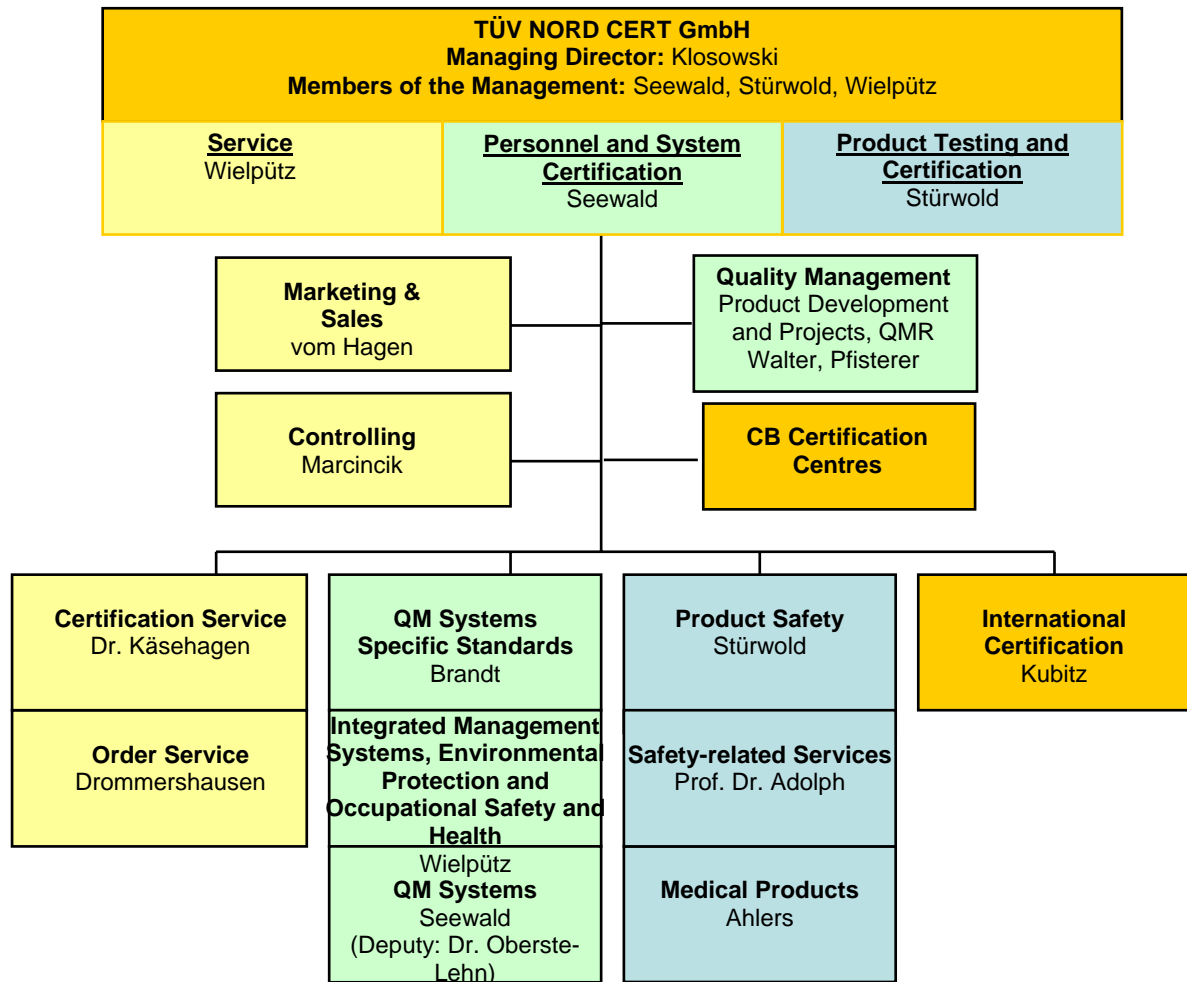
Secretariat



ExMC/365/DV
May 2007

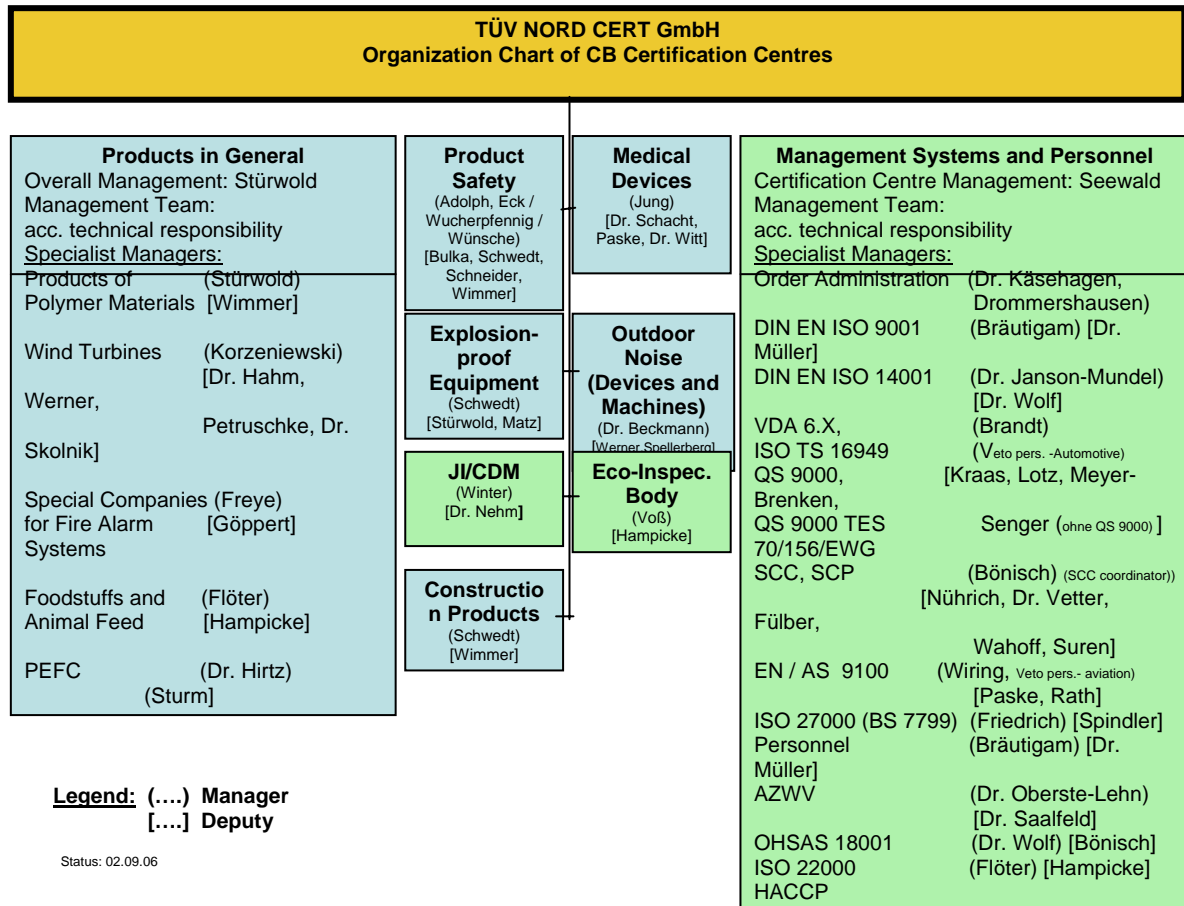
ANNEX 1

OVERALL ORGANIZATION CHART OF TÜV NORD CERT



Organigramm_TNCERT_E_2006_07_04

ANNEX 2
ORGANIZATION CHART OF TÜV NORD CERT, CERTIFICATION



ANNEX 3 ACCREDITATION (INCLUDING TRANSLATION)

AKKREDITIERUNG



Die Zentralstelle der Länder für Sicherheitstechnik (ZLS)

bestätigt hiermit, dass die

**Zertifizierungsstelle
der
TÜV NORD CERT GmbH
Langemarckstr. 20, 45141 Essen**

die Anforderungen des § 11 Abs. 1 des Geräte- und Produktsicherheitsgesetzes
und der Norm DIN EN 45011 erfüllt und die Kompetenz besitzt,
Geräte für den Einsatz in explosionsgefährdeten Bereichen
im Geltungsbereich des GPSG und der EG-Richtlinie 94/9/EG
entsprechend den Bestimmungen des Akkreditierungsbescheides
Nr. ZLS-G3926.1-2006/18
zu zertifizieren.

Die Akkreditierung ist gültig bis zum **31.07.2011**.

Reg.-Nr.: **ZLS-ZE-569/07**

München, den 08.01.2007

Dipl.-Wirtsch.-Ing. (FH) Huber
Leiter der ZLS

ZLS im Bayerischen Staatsministerium für Umwelt, Gesundheit und Verbraucherschutz,
Postfach 81 01 40, 81901 München

ZENTRALSTELLE DER LÄNDER FÜR SICHERHEITSTECHNIK



Bayerisches Staatsministerium für Umwelt, Gesundheit und Verbraucherschutz (StMUGV)
Abteilung 7, Technischer Umweltschutz, Arbeitsschutz
Postfach 810140, 81901 München

ZLS im StMUGV, Abt. 7, Postfach 810140, 81901 München

TÜV NORD CERT GmbH
vertreten durch den Geschäftsführer
Langemarckstr. 20

45141 Essen

Ihr Zeichen Ihre Nachricht vom	Bitte bei Antwort angeben Unser Zeichen	Name	Telefon	München,
— stw-gu 04.04.2006	ZLS-G3926.1-2006/18	Herr Sperl	(089) 92 14 – 2308	08.01.2007

Vollzug des Geräte- und Produktsicherheitsgesetzes (GPSG) Akkreditierung einer zugelassenen Stelle nach § 11 Abs. 1 GPSG

Anlagen:

Beschreibung des Akkreditierungsumfangs
— Akkreditierungsurkunde Nr.: **ZLS-ZE-569/07**

Gemäß Ihrem Antrag vom 05.04.2006 erlässt die Zentralstelle der Länder für Sicherheitstechnik (ZLS) beim Bayerischen Staatsministerium für Umwelt, Gesundheit und Verbraucherschutz folgenden

BESCHIED

I. Akkreditierung

Die ZLS akkreditiert die TÜV NORD CERT GmbH, Langemarckstr. 20, 45141 Essen, nachfolgend als Antragsteller bezeichnet, nach § 11 Abs. 1 GPSG als **Zertifizierungsstelle für Geräte für den Einsatz in explosionsgefährdeten Bereichen** für den unter Ziffer II. beschriebenen Akkreditierungsumfang.

Besucheradresse
Rosenkavalierplatz 2
81925 München

Öffentliche Verkehrsmittel
U 4 Arabellapark

Telefon/Telefax
(089) 92 14 – 34 42
(089) 92 14 – 34 43

E-Mail
zls@stmugv.bayern.de
Internet
www.zls-muenchen.de

II. Akkreditierungsumfang

Die Akkreditierung umfasst die Zertifizierung von

- Geräten für den Einsatz in explosionsgefährdeten Bereichen nach der Richtlinie 94/9/EG, umgesetzt durch das GPSG und die Verordnung über das Inverkehrbringen von Geräten und Schutzsystemen für explosionsgefährdete Bereiche 11. GPSGV

entsprechend dem in der Anlage zu diesem Bescheid beschriebenen Umfang.

Die Anlage ist Bestandteil dieses Bescheides.

III. Befristung

Die Akkreditierung gilt ab 01.08.2006 und ist bis zum 31.07.2011 befristet.

IV. Nebenbestimmungen

1. Der Antragsteller nimmt die Zertifizierung von Produkten gemäß Ziffer I und II dieses Bescheides sowie auf der Grundlage des Geräte- und Produktsicherheitsgesetzes und unter Einhaltung der Regeln der DIN EN 45011 vor.
2. Der Antragsteller hat die erforderlichen Maßnahmen zur Sicherstellung von Anforderungen zu treffen, die sich aus Änderungen der Rechtslage und der Normen der Reihe DIN EN 45000 / DIN EN ISO/IEC 17000 ergeben.
3. Der Antragsteller ist verpflichtet, wesentliche Änderungen in seinem Unternehmen, die für die Akkreditierung bedeutsam sind, der ZLS unverzüglich mitzuteilen.
4. Vom Antragsteller übernommene Aufträge sind auf der Grundlage einer schriftlichen vertraglichen Vereinbarung abzuwickeln, in der ein Widerrufsvorbehalt für das erteilte Zertifikat enthalten sein muss. Vom Antragsteller sind gegenüber dem Auftraggeber der Prüfung bzw. Zertifizierung Angaben über seine Haftpflichtversicherung zu machen.
5. Die amtlich veröffentlichten Grundsatzbeschlüsse des Zentralen Erfahrungsaustauschkreises (ZEK) sind zu beachten.
6. Die Vorgaben der ZLS anlässlich einer Begutachtung oder Überwachung sind einzuhalten.
7. Die Dokumentation zur Zertifizierung von Geräten und Schutzsystemen für den Einsatz in explosionsgefährdeten Bereichen ist mindestens 10 Jahre lang nach Ablauf der Gültigkeit des zugehörigen Zertifikats aufzubewahren.
8. Der Antragsteller ist verpflichtet, sich am fachlichen Erfahrungsaustausch EK 4 zu beteiligen.
9. Die Zertifikate müssen die vollständige Anschrift, Telefon-Nr. und Email-Adresse der Zertifizierungsstelle enthalten. Es ist anzugeben, auf welchen Prüfbericht sich das Zertifikat stützt.
10. Zur Konformitätsbewertung dürfen nur Prüfberichte der Laboratorien, für die eine Zustimmung der ZLS vorliegt, herangezogen werden.

11. Das Zertifikat ist zurückzuziehen, wenn die Übereinstimmung des Produktes mit dem zertifizierten Baumuster nicht mehr gegeben ist oder der zugrunde gelegte Prüfbericht nicht mehr geeignet ist, die Produktzertifizierung zu begründen.
12. Zertifikate und zugehörige Prüfberichte sind dateimäßig zu erfassen.
13. Einmal jährlich (Stichtag 30.12.) ist eine Statistik der im laufenden Jahr erteilten Zertifikate aufgeschlüsselt nach Produktgruppen zu erstellen und der ZLS zu übermitteln.
14. Der Antragsteller hat die ZLS unverzüglich über ihm bekannt gewordene missbräuchliche Verwendungen seiner Zertifikate zu unterrichten. Auf diese Verpflichtung ist in der Vereinbarung nach Ziffer 4 hinzuweisen.

V. Widerrufsvorbehalt

Im Falle eines Verstoßes gegen § 11 Abs. 5 GPSG oder gegen die Bestimmungen dieses Bescheides kann die Akkreditierung ganz oder teilweise widerrufen werden. Der Widerruf der Akkreditierung aus anderen Gründen sowie die nachträgliche Anordnung (Änderung, Ergänzung) von Auflagen bleiben vorbehalten.

VI. Kostenentscheidung

Der Antragsteller hat die Kosten (Gebühren und Auslagen) für die Akkreditierung zu tragen. Die Gebühren setzen sich aus einer einmaligen Gebühr für das Akkreditierungsverfahren und Jahresgebühren während der Laufzeit der Akkreditierung zusammen. Über die Höhe der Kosten ergeht ein gesonderter Kostenbescheid.

GRÜNDE

Mit Schreiben vom 04.04.2006 hat der Antragsteller bei der ZLS die Akkreditierung als **Zertifizierungsstelle für Geräte für den Einsatz in explosionsgefährdeten Bereichen** beantragt.

Die ZLS ist gem. § 11 Abs. 1 GPSG und dem Abkommen der Länder über die Zentralstelle der Länder für Sicherheitstechnik und über die Akkreditierungsstelle der Länder für Mess- und Prüfstellen zum Vollzug des Gefahrstoffrechts vom 16. und 17. Dezember 1993 (BayGVBl 1994 S. 875), zuletzt geändert durch das Abkommen der Länder vom 13. März 2003 (BayGVBl 2003 S. 514), sachlich und örtlich zuständig.

Nach Prüfung der eingereichten Unterlagen und Begutachtung der Stelle beim Antragsteller hat die ZLS festgestellt, dass der Antragsteller die in § 11 Abs. 1 GPSG i. V. m. § 21 Abs. 1 GPSG i. V. m. § 9 Abs. 2 GSG sowie die im Anhang XI der Richtlinie 94/9/EG genannten Voraussetzungen einhalten kann. Dem Antrag konnte daher nach pflichtgemäßem Ermessen entsprochen und die Akkreditierung nach § 11 Abs. 1 GPSG unter Auflagen erteilt werden.

Die Nebenbestimmungen und der Widerrufsvorbehalt dienen dem Zweck, die in § 11 Abs. 1 GPSG festgelegten Voraussetzungen für die Erteilung und Aufrechterhaltung der Akkreditierung sicherzustellen. Die Akkreditierung war darüber hinaus zur Sicherstellung der Einhaltung der Nebenbestimmungen zu befristen.



Secretariat



ExMC/365/DV
May 2007

ZLS

Seite 4 von 5 zum Bescheid AZ. ZLS-G3926.1-2006/18 vom 08.01.2007

Die Kostenentscheidung beruht auf Art. 1 Abs. 1, Art. 2, 6 Abs. 1 Kostengesetz - KG - vom 20. Februar 1998 (BayGVBl S. 43, BayRS 2013-1-1-F), zuletzt geändert am 26. Juli 2005 (BayGVBl S. 287) in Verbindung mit Tarif-Nr. 7.I.1/5.1, 5.2 bzw. 5.3 und 5.4 und des Kostenverzeichnisses - KVz - vom 12. Oktober 2001 (BayGVBl S. 766, BayRS 2013-1-2-F), zuletzt geändert am 05. März 2006 (BayGVBl S. 131) i. V. mit Art. 4 des o. g. Länderabkommens.

RECHTSBEHELFSBELEHRUNG

Gegen diesen Bescheid kann innerhalb eines Monats nach seiner Bekanntgabe Klage beim Verwaltungsgericht Gelsenkirchen, Bahnhofsvorplatz 3, 45879 Gelsenkirchen, schriftlich oder zur Niederschrift durch den Urkundsbeamten der Geschäftsstelle dieses Gerichts erhoben werden. Die Klage muss den Kläger, den Beklagten und den Streitgegenstand bezeichnen und soll einen bestimmten Antrag enthalten. Die zur Begründung dienenden Tatsachen und Beweismittel sollen angegeben, der angefochtene Bescheid soll in Urschrift oder in Abschrift beigelegt werden. Der Klage und allen Schriftsätzen sollen Abschriften für die übrigen Beteiligten beigelegt werden.

Dipl.-Wirtsch.-Ing. (FH) Huber
Leiter der ZLS

**Anlage zum Akkreditierungsbescheid
der Zentralstelle der Länder für Sicherheitstechnik
Nr. ZLS-G3926.1-2006/18 vom 08.01.2007**

für

die Zertifizierungsstelle

der

**TÜV NORD CERT GmbH
Langemarckstr. 20, 45141 Essen**

Beschreibung des Akkreditierungsumfanges

1. Geräte

- 1.1 Elektrische Betriebsmittel der Gerätegruppen I und II, Gerätekategorien 1,2 und 3 in allen Zündschutzarten.
- 1.2 Nicht elektrische Betriebsmittel der Gerätegruppe II, Gerätekategorien 1,2, und 3 in den Zündschutzarten
 - statische Aufladung nicht metallischer Werkstoffe
 - elektromagnetische Wellen
 - mechanisch erzeugte Funken
 - heiße Oberflächen
- 1.2.1 Maschinen der Gerätegruppe II, Gerätekategorie 1,2 und 3, wie
 - Flurförderzeuge
 - Verbrennungsmotoren
 - Pumpen
 - mech. Förderer
 - Ventilatoren
 - Mühlen

2. Komponenten wie

- Überfüllsicherungen
- Leckanzeigen
- Füllstandsonden

3. Sicherheits-, Kontroll- und Regelvorrichtungen

- Vorrichtungen zum sicheren Betrieb als Bestandteil von Geräten
- Vorrichtungen zum sicheren Betrieb als Bestandteil von Komponenten, soweit nicht in Punkt 2 enthalten

Dies beinhaltet für den akkreditierten Produktumfang auch die Kompetenz, Bewertungen nach harmonisierten Produktnormen vorzunehmen, die im Amtsblatt der Europäischen Gemeinschaften als Mitteilungen der Kommission im Rahmen der Durchführung der o. g. Richtlinien veröffentlicht sind.

ACCREDITATION

Unauthorized Translation

**Appendix to the notice of accreditation
from the Central Office for the states for safety technology
No. ZLS-G3926.1-2006/18 dated 2007-01-08**

for

the Certification Body

**TÜV NORD CERT GmbH
Langemarckstr. 20, 45141 Essen**

Description of the scope of the accreditation

1. Equipment

- 1.1 Electrical equipment in equipment group I and II, equipment categories 1, 2 and 3 in all types of protection.
- 1.2 Non electrical equipment in equipment group II, equipment categories 1, 2 and 3 in type of protection
 - electrostatic discharge of non metallic materials
 - electromagnetic waves
 - mechanically produced sparks
 - hot surfaces
- 1.2.1 Machines in equipment group II, equipment categories 1, 2 and 3 like
 - fork lift trucks
 - pumps
 - ventilators
 - internal combustion engines
 - mechanical conveyors
 - mills
- 2. **Components** like
 - Over fill protection
 - filling level probes
 - leakage probes
-
- 3. **Safety-, controlling and regulation devices**
 - Devices for safe operation as constituent parts of equipment
 - Devices for safe operation as constituent parts of components, as far as not included in 2.

This includes for the accredited scope also the competence to carry out assessments according to the harmonised product standards published in the Official Journal of the European Union as communication of the commission in the framework of the above mentioned Directive.