

## UBAtc General Regulations for Approval and Certification



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## Introduction

This document was presented to the Board of Directors of the UBAtc and accepted on 14 June 2022 and it is in force as of 1 July 2022.

In the 1<sup>st</sup> revised version, the following changes have been made compared to the previous version, approved by the Board of Directors on 22 June 2010:

- The publication of limited technical approvals has been foreseen, as well as the possibility of granting the right to use the ATG mark.
- The minimum amount for one-off invoicing has been moved to the updatable annex.

In the 2<sup>nd</sup> revised version, the following significant changes, approved by the Board of Directors on 6 June 2011, have been made compared to the previous version:

- Clarification of the scope of the technical approval, ATG
- Introduction of the "ID Innovation" and the colleges of experts (ad hoc) involved in the drafting of the associated evaluation plans, cancelling the "Evaluation of Innovation"
- Removal of the prospecting service
- Generalization of the desirability to establish, at the start of the approval examination, an evaluation plan
- Introduction of a specific clause concerning continuous assessment
- Only the approval texts for which the consultation of the Specialized Group is a technical added value, will be presented to this body, before their publication
- Modification of the approval reference if continuous assessment is applicable

In the 3<sup>rd</sup> revised version, approved by the Board of Directors on 25 February 2019, articles R2.12 and R6.1 have been adapted taking into account the different practices of approval and certification operators with regard to the price indexation.

The 4<sup>th</sup> revised version, approved by the Board of Directors on 14 June 2022, has been developed primarily with the aim of having an English version. At this occasion, most provisions with regards to the European Technical Approvals and the transitional arrangements have been withdrawn; the ATG-M and the possibility to have German versions of the approvals have been introduced; and references have been updated.

To ensure the clarity of this document, it includes two introductory chapters (I1 and I2). These have been added to improve comprehension of the organisation, of the services it provides and of its processes, and are not a part of the actual regulations (comprising R1 to R6).

This document also includes five annexes, annex 4 containing the forms provided in order to optimise efficiency and traceability.

This regulation does not concern the activities of the UBAtc related to the issuing of European Technical Assessments (ETA). These are dealt with in a separate regulation.

## **I1. Introduction to UBAtc npo**

### **I1.1. The identity of the UBAtc**

Union belge pour l'Agrément technique dans la Construction is a non-profit organisation under Belgian law, established on 28 October 2009.

### **I1.2. Objectives**

The purpose of the organisation is the creation, development, conservation and provision of an organisational framework:

- for the dissemination of reliable and independent technical information regarding fitness for use and quality, for the benefit of the construction sector;
- for strengthening confidence in innovative, complex and/or equivalent performing materials, products, construction systems, construction kits, procedures, processes and services;
- the contribution to technical harmonisation and mutual recognition at the European level;
- the support in communicating the state-of-the-art.

To achieve this objective, the organisation organises a series of socially and collectively supported public declarations of fitness for use that are issued by third party approval and certification operators, in order to control the technical risks and to improve the quality of construction works and construction processes.

Furthermore, the organisation can develop any other activities that contribute directly or indirectly to achieving non-profit goals mentioned above, including additional commercial and profit-making activities within the limitations prescribed by law, the revenues of which will be committed to the realisation of the non-profit goals.

### **I1.3. General meaning and scope of approval and certification**

#### **I1.3.1. General**

The concepts of “approval” and “certification” are the basic concepts on which the principal activities of the organisation rest; they are applied in a homogenous and equivalent manner by all of the members.

#### **I1.3.2. Approval**

The term “approval” means a favourable opinion in terms of the fitness for use of a material, product, construction system, construction kit, procedure, process or service for a more or less specifically defined use. An approval is issued based on an in-depth analytical examination by experts on the basis of a study of the documentation, an evaluation by testing or by verification of calculations, site visits, an evaluation of references, audits or any other appropriate verification, focusing on:

- the technical properties and performances as well as their measurability;
- the technical durability;
- the applicability;
- the risks during application;
- the conformity and reliability of production; and
- the support given for application, maintenance and repair.

The approval process is directed, as much as is possible, by more or less generic guidelines or by evaluation programmes determined in advance.

#### **I1.3.3. Certification**

The term “certification” corresponds to the international standards of the NBN EN ISO/IEC 17000 series and signifies a declaration by an independent party of the reliability of the compliance of a material, product, process or other, with a reference.

The certification is issued, on the one hand, on the basis of a favourable evaluation of the subject of the certification and on the initial examination of the organisation of the company to be certified and of the resulting products and services; and, on the other hand, by a monitoring of the actual functioning of the organisation and the conformity of the resulting products and services.

The certification process is carried out in accordance with the rules that are specified in the generic or specific certification regulations.

### 11.3.4. Combination of approval and certification

Within the framework of the organisation, the concepts of “approval” and “certification” are combined appropriately in systems and schemes depending on the subject and its application.

If one or more complementary schemes constitute a coherent whole with the objective of managing risks and assuring quality in a construction sector or process, these are referred to as global schemes. These global schemes are developed to follow a complete quality chain, with a homogenous evaluation of the final product. The sub-schemes of these global schemes include the procedures for approval and certification.

Certification schemes can be combined with BENOR. In that case, they are referred to as BENOR-ATG schemes.

## 11.4. Brief presentation of the organization

### 11.4.1. Introduction

The UBAtc is supported by a collective of important actors in the construction sector, as well as by impartial operational institutions, operating as a network.

The organisation has two types of members:

- **Effective members**; i.e. those who founded the organisation or who were accepted, after its foundation, by the General Assembly on the basis of the conditions incorporated in the Statutes.

The effective members are divided into two groups:

- **Category A**: These are the institutions or organisations that, on the basis of their expertise and independent and impartial functioning, work in an autonomous manner or within the context of a collaboration agreement as approval and/or certification operators and that, as such, assume or provide a sectoral competence or technology mastery. The institutions shall satisfy the conditions outlined in the Statutes.
- **Category B**: These are the organisations that represent the social groups with a specific interest in the existence, the activities and the functioning of the UBAtc. These are mainly intersectoral federations, confederations and other transverse groupings that represent the interests of public or private procurers, project designers (architects and engineers), contractors, insurers, etc.

The effective members are listed on the UBAtc website.

- **Adherent members** are organisations that have a limited interest in the existence, the activities and the functioning of the UBAtc, or who choose, for certain reasons, not to become effective members. Adherent members are admitted by the Board of Directors based on the criteria approved by the General Assembly.

The adherent members are listed on the UBAtc website.

The organisational structure is as follows:

- A **management structure**, composed of the General Assembly, the Board of Directors, and two advisory commissions: an Advisory Commission and a Co-ordination Commission. The Quality Commission falls under the aegis of the Co-ordination Commission.
- The **organisational structure**, composed of the Management Committee, the Administrative Secretariat and several support services and the Technical Co-ordination Boards.
- An **executive structure**, composed of a set of cooperating approval and/or certification operators.

### 11.4.2. The management structure

The **General Assembly** is the supreme authority of the UBAtc. It confers regarding the conduct and strategy of the UBAtc's activities.

The **Board of Directors** oversees the execution of the decisions taken by the General Assembly and manages the UBAtc in order for it to achieve its objectives.

The **Advisory Commission** is the communication forum between the organisation and the construction sector. The commission is made up of all the effective and adherent members that sign up, organisations that are not part of the UBAtc but that are invited by it in order to improve the communication with the market, the Management Committee and the Secretary General. The Advisory Commission reports to the Board of Directors.

The **Co-ordination Commission** is the forum that drives the homogeneous functioning of the organisation, its operators and the collaborating organisations such as sub-contractors. The commission is made up of Effective Members from Category A, the Management Committee and the Secretary General. The Co-ordination Committee reports to the Board of Directors.

The **Quality Commission** manages the operators' implementation of the UBAtc's organisational system and advises the Management Committee and the Board of Directors regarding its application. The Quality Commission reports to the Co-ordination Committee and to the Board of Directors.

The task within the organisation, the competencies, the composition, the determination of members and the procedures of the General Assembly, the Advisory Committee, the Co-ordination Commission, the Management Committee and the Quality Commission are specified in the Statutes and in the General interior regulation.

### 11.4.3. The organisational structure

The **Management Committee** is responsible for the daily management of the UBAtc and is charged with the drafting of all essential UBAtc documentation. It manages the control mechanisms and oversees the functioning of the Administrative Secretariat.

The **External Communication and Promotion Commission** develops proposals for communication with the sector, proposes promotional initiatives and assigns the corresponding budgets to them.

The **Technical Co-ordination Boards** co-ordinate the activities of the various operators and Specialised groups within a common sector ("Buildings" and "Civil Engineering Works") and check the relevance of the schemes (see Definition 24).

The UBAtc has the following support services:

- The **Administrative Secretariat** is the organisation managed by the Secretary General for the daily functioning of the UBAtc and the oversight of the operators.
- The **Reception** service takes care of contacts with the market, usually in collaboration with the Publication service.
- The **Publication service** is responsible for the publications of the UBAtc
- The **Legal service** deals with legal problems and complaints addressed at the UBAtc and is available for the Operators with regards to UBAtc activities.
- The **Accountancy service** takes care of the management of resource distribution
- The **Quality service** supports the Quality Commission and prepares documents for discussion within the Quality Commission.

### 11.4.4. The executive structure

A distinction is made between Approval operators, certification operators and those who perform both functions.

The **approval operators** shall set up and manage structures according to the specified rules under the oversight of the UBAtc. This concerns the external and representative expert committees of the stakeholders, the **Specialised groups** and the internal boards of executive experts, the **Executive bureaus**.

The recommendations of the Specialised groups are generally limited to decisions regarding approvals and the content of the guidelines and specifications.

The **certification operators** shall be accredited for their operations in accordance with the international accreditation standards, and may only apply schemes whose concepts have been accepted by the UBAtc. The certification operators are responsible for the establishment of the **Advisory Boards, Certification Boards and Certification Committees**. The certification operators may call upon subcontractors that have been recognised by the UBAtc. As a rule and in general these are accredited.

Approval operators establish the Executive bureaus, composed of experts that work independently and impartially. These experts may come from Effective Members or specialised institutions. As a rule, they will receive remuneration for their activities as part of the Executive bureaus, separately from any remuneration for providing rapporteurs or other support services.

Approval operators may call on an (ad hoc) **committee of experts** from the Belgian construction sector to support them in preparing an **evaluation plan** when the subject of an application, or part of this one has a strong innovative character. Approval operators establish the operating rules of such a committee. All elements concerning the application, including the application itself, shall be considered confidential.

## 11.5. Missions and responsibilities of the UBAtc, the Approval operators and the certification operators

### 11.5.1. Approval operator

The Approval operator establishes the approvals for one or more technical domains under its complete responsibility, in accordance with the imposed rules and procedures and under the oversight of the organisation's structures.

In the event of the joint involvement of two operators, the decision is made collectively. Precision may be given to indicate which operator is competent for which aspects and is therefore responsible for it.

The approval texts are endorsed by one or more responsible persons designated by the operator. In the event of a joint involvement, the operators concerned all endorse the texts.

The operators base themselves on the recommendations of the Specialised group, which shall have a composition that meets the criteria imposed by the organisation, and adopts the guidelines and texts. In the event of a difference of opinions between the Specialised group and the operator, consensus will be sought through discussion. When this is not successful, the competent Technical Co-ordination Board will act as intermediary, although the decision remains the responsibility of the operator.

To achieve its objectives, the Approval operator shall have, for each domain, a committee of experts, called the **Specialised group**, and it ensures that each party with a legitimate interest in the subject is represented in an appropriate and balanced way.

The **Technical Co-ordination Boards** are responsible for verifying that the composition of the Specialised groups is in accordance with the rules of the organisation.

The nature of the involvement of the Specialised group depends on the level of technical consolidation of the technical approval under consideration and on the existence or non-existence of relevant approval guidelines.

The operator will submit the formalised approval text to the organisation in accordance with the principles of the Organisational Manual. Imposed templates will be used as much as is possible.

In addition to the Specialised group, the operator shall have, per domain, a group of experts acting as a college, called the **Executive** bureau, carrying out technical evaluations within the framework of approval and developing guidelines and approval documents to be submitted to the Specialised group. The composition of the Executive bureaus shall be communicated to the organisation, which will register it. The rapporteurs can be members of the operator's own personnel (permanent staff or persons hired who remain under complete supervision) or experts who are made available by the specialised institutions. The specialised institutions sign a contract with the Approval operator to this effect. These contracts are registered by the organisation and approved by the Co-ordination Boards. The institutions can be Effective or Adherent Members or neutral institutions not affiliated with the organisation.

The activities of the experts come under the legal responsibility of the Approval operator. In order to assume this responsibility, procedures for qualification, oversight and evaluation shall be available. The specialised institutions that provide experts are considered to be sub-contractors, with the understanding that under certain conditions the authority for the management of the experts provided is ceded to the Approval operator. The contract with the Approval operator always relates to specific individuals, who cannot be replaced without explicit agreement.

The rapporteurs treat the knowledge they gain from the dossiers during the fulfilment of their duties as members of the Executive bureaus with complete confidentiality. They will only communicate information to persons employed by the operator and to other members of the Executive bureaus of which they are members. They have the right to communicate the necessary information to members of the Specialised group.

### **11.5.2. Certification operator**

The certification operator, which in certain domains can also be the approval operator, is responsible for the organisation and application of all the necessary certification procedures, and to this effect develops accreditation schemes that conform to the General Regulations for Approval and Certification. The certification operator has complete responsibility for decisions regarding certification.

For all schemes, the certification operator creates an appropriate advisory structure as well as a decision-making structure for the certification, called **the Certification Board**, in accordance with the accreditation standards, and makes this structure collaborate in a confidential way with that of the approval operator concerned, when it is not itself also the approval operator.

The scheme developed by the certification operator is evaluated on the technical level by the Specialised group and on the formal level by the Technical Co-ordination Board.

The certification operator carries out the certification based on the schemes drawn up by the organisation, approved by the Specialised groups and its own advisory structure, and validated by the competent technical Co-ordination Board.

The operator is entirely and autonomously responsible for the decisions concerning certification. These are endorsed by a representative designated by the certification body.

When the publication of the certification decision takes place together with that of the approval, the certification operator endorses the approval text of which the certificate is part, following the provisions defined in the relevant scheme.

In the event of joint involvement by certification operators for as individual scheme, these certification operators are jointly responsible and together endorse the certificates in accordance with the provisions of the scheme. The respective responsibilities are clearly specified in the regulations and certificates.

For schemes whose certification falls completely or partially under the BENOR mark in force, as well as that of the ATG, the BENOR operator assumes the overall responsibility but should submit the compatibility of the BENOR part to the organisation for consideration.

### **11.5.3. Collaboration, consolidated decision-making and publication**

As a general rule, the ATG technical approval and the certification that is in principle indissolubly linked to it, are materialised in the approval text. In this case, the technical approval text can only be issued after the certification operator(s) have confirmed that all the certification requirements have been satisfied. When several certification operators are involved in the certification contract with a single approval text, these operators will set up a joint decision-making structure responsible for the above-mentioned confirmation.

Certificates that demonstrate conformity with the elements described in one or more approval texts may be issued separately by the certification operators.

Approval texts issued by the operators are published by the organisation. The approval operators and, upon request, certification operators may have access to the relevant extracts from the organisation's database or can themselves introduce such documents in certain cases. The certification operators allow the organisation to make reference to the databases of the certification operators who issue the certificates demonstrating conformity with the elements described in one or more technical approval texts.

### **11.5.4. ASBL UBAtc / BUtgb VZW**

The organisation declines all responsibility regarding the development of technical approval texts and certification decisions, but exercises a supervisory role (in particular regarding ethical aspects) over the technical approval texts made available for publication by the approval operators.

The methodology for this is described in the General Regulations for Approval and Certification.

For certain types of approvals, the decision process can include a period during which the organisation's structures have the possibility to examine the text and to formally declare it valid. When an anomaly is observed, the text is sent back to the approval operator which submits the problem to the Specialised group.

For certain domains or sectors, it is possible to affix to the approval texts the signature of a representative of the organisation. This signature does not establish responsibility for the decision, but is a sign confirming that the scheme itself has been accepted by the organisation and that the procedures are being carried out in accordance with the organisation's rules.



### 11.5.5. Principles relating to the division of tasks, to competences and to responsibilities between the organisation and its operations within the context of the ETA

For the issuing of European Technical Assessments (ETAs), as an assessment body, member of EOTA, the ultimate responsibility for the issuing of the assessment and for all tasks incumbent upon an assessment body as a result of its functioning within the framework of Regulation (EU) No. 305/2011 as possibly amended or replaced, is taken by the association on the basis of the delegation of the processing of the approval file to an approval operator and the application of the reciprocal obligations set out in a delegation contract between the association and the operator concerned.

The requirements for the approval operator regarding the planned structure, management of competences, allocation of missions to experts and the procedures and process to be applied are the same as those for a voluntary ATG, except for the rules regarding certification, which do not apply to the ETA.

The operator drafts the official evaluation report and the assessment text, carries out the activities referred to above and is responsible for them within organisation.

The ETA is signed by a representative of the association and by the person in charge of the approval operator concerned.

## 11.6. Terminology and definitions

### **Definition 1**      **Type of application**

A dossier can be for a new application, a modification, a prolongation or a renewal. When it is for a renewal, a distinction is made between an extension and a revision.

### **Definition 2**      **Applicant**

A person who is not part of the UBAtc and who introduces an approval application on behalf of the company for which he/she is exercising his/her activities.

### **Definition 3**      **Confirmation**

The issuing of an approval based on an approval examination undertaken by another approval body.

### **Definition 4**      **Certification-operator**

UBAtc member that assumes responsibility for certification linked to ATG approvals. A certification operator can be responsible for the certification of approvals originating from one or more Specialised groups.

### **Definition 5**      **Components**

The elements making up a product, but can also be a product in and of itself.

### **Definition 6**      **Dossier holder**

A person who is not part of the UBAtc and who introduces an approval application on behalf of the company for which he/she is exercising his/her activities, which has resulted in a declaration of admissibility.

### **Definition 7**      **Duplicates**

Duplicates can only be issued based on a valid issued approval. This relates to identical approval texts, in which the only changes are the name(s) of the approval holder and/or the trade name of the subject covered in the approval.

### **Definition 8**      **Manufacturer**

The person or legal entity responsible for the manufacturing of a construction product or for having the product manufactured under its name or trade name.

### **Definition 9**      **Validity**

The period for which the approval is valid.

### **Definition 10**      **Specialised group**

The structure that provides a recommendation to the approval operator regarding the technical approvals and technical approval guidelines developed by the UBAtc, the ATGs and the UBAtc's information sheets; and that formulates commentaries regarding the guidelines for the issuing of ETAs and the UEAtc guidelines. Its level of involvement in endorsing ATG technical approvals developed by the UBAtc depends on, amongst other things, its degree of consolidation.

### **Definition 11**      **Approval operator**

Member organisation that assumes responsibility for the functioning of one or more Specialised groups.

**Definition 12 Types of approval and assessment**

ATG (ATG-H, ATG-E, etc.), ETA or Euro-Agrément.

**Definition 13 Withdrawal**

An ATG withdrawal is applicable throughout the validity period of an approval.

**Definition 14 Importer**

A person or legal entity established within the Community who introduces in the market of the Community a construction product coming from a third country.

**Definition 15 Kit**

A product composed of one or more components.

**Definition 16 Materials**

Goods from which the products are manufactured.

**Definition 17 Subject of the approval**

This generic term includes:

- Construction materials used to manufacture construction products.
- Construction products manufactured in an industrial environment.
- Combinations of products constituting all of the components of a system, whether marketed in the form of a kit or not.
- Construction systems, designed using a systematic project or a set of specifications, for the prefabrication of components and controlled assembly, for construction works or elements.
- Procedures for manufacturing construction products in situ.
- Special techniques or technologies.
- Calculation methods and tools.
- Equipment.

Anything else material that can be considered as a product, a system or a procedure destined for use in construction.

**Definition 18 Suspension**

A suspension of certification means a temporary prohibition from putting the products or services on the market using the ATG mark as an indicator of quality or conformity, for the time it takes to resolve the observed failures.

An application for an ATG or an approval examination may be suspended when one or more of the requirements are not fulfilled, making the (proper) handling of the application or the conformity of the approval process impossible due to missing elements in the dossier.

**Definition 19 Transfer**

An ATG or ETA transfer refers to the transfer by inheritance, donation, sale or other type of transfer of the right to manufacture or to use the material, element, equipment or system under the approval. The new rightful holder can revoke the approval. Authorisation is given after the new rightful holder demonstrated to have sufficient technical ability and adequate installations.

**Definition 20 Products**

Goods placed on the market, intended to be used in construction works.

**Definition 21 Technical domain**

A series of materials, products and systems dealt with by a Specialised group (for example, civil works, construction systems, facades, etc.).

**Definition 22 Product families**

A series of materials, products and systems dealt with by an Executive bureau (an Executive bureau can be responsible for more than one product family).

**Definition 23 Global schemes (quality frameworks)**

Global schemes are the UBAtc response to the quality needs of the market, or of a part thereof, using a combination of technical approvals and certifications that address, when possible, the complete quality chain, from raw materials to installation, replacement, implementation and any extension (where relevant), maintenance and repair, of the systems and products.

**Definition 24 Scheme**

A documented set of the principles, rules, procedures and organisational elements that make it possible to organise the approval and/or certification for a specified domain.

**Definition 25 Suspension**

A suspension of certification means a temporary prohibition from marketing the products or services using the ATG mark as an indicator of quality or conformity, for the time it takes to resolve the observed failures.

An ATG suspension is applicable throughout the validity period of an approval and includes the prohibition to refer to an issued approval text and to use the mark associated with this approval.

**Definition 26 Systems**

Concepts in which products are used to manufacture (parts of) construction works.

**Definition 27 Contractor**

An enterprise that takes responsibility for carrying out a work.

Note: in these regulations, the term "contractor" will always be used, in reference to the entity carrying out the work. This term can also be understood in the sense of other often used terms, such as "installer".

**Definition 28 Executive bureau**

A group of experts acting as a college, which carries out approval activities for one or more product families.

**Definition 29 Distributer**

Person or legal entity in the supply chain, excluding the manufacturer or importer, who places a construction product on the market.

**Definition 30 Rapporteur (dossier manager)**

A person who oversees the management of an approval dossier from its designation, documented in the admissibility declaration. Depending on the dossier, s/he ensures the handling of the elements of the approval process and/or coordinates the activities of the people taking part in the approval process (for example, for establishing an evaluation programme, inspections, etc.). The rapporteurs can be staff members of the approval operator itself, or experts made available by specialised institutions that have signed a contract to this effect with the approval operator.

## 12. The services provided by the UBAtc

### 12.1. Voluntary approval with certification

#### 12.1.1. Overview

The voluntary approval with certification is a third-party declaration, made available to the construction sector for free use by the actors in the sector.

Possession of a voluntary approval can be included as a requirement in the works' specifications. For public tenders, it shall be emphasised that a voluntary approval with certification is a proof procedure that may be replaced by another procedure demonstrating the conformity of the product to the specifications.

It is up to the project owner or manager to decide on the equivalence.

#### 12.1.2. ATG technical approval

A technical approval carrying the ATG mark is a favourable opinion on the fitness of the subject of the approval for its intended use.

The technical approval documents the results of the approval examination. This examination is broken down as follows: identification of the relevant properties of the product taking into account the intended use and the way of incorporation, execution or installation, product design and production reliability.

The technical approval has a high level of reliability taking into account the statistical interpretation of the test results, the periodic monitoring, the adaptation to the situation and the state of the art and the quality surveillance by the license holder.

In order for the technical approval to be maintained, the approval holder shall provide permanent proof that he continues to do what is necessary to demonstrate the fitness for use of the product. In this respect, the monitoring of product compliance with the technical approval is essential. This monitoring is entrusted by the UBAtc to an independent certification operator.

The holder of the approval (and the distributor(s)) is (are) required to comply with the examination results included in the technical approval when making information available to third parties. The UBAtc or the certification operator can take the necessary initiatives if the approval holder (or the distributor) does not do so (sufficiently) on his own.

The technical approval and the certification of the conformity of the product with the technical approval are independent of the construction works carried out individually. The contractor and/or the architect remain fully responsible for the conformity of the work carried out with the provisions of the works' specifications.

The technical approval does not deal, except for specific provisions, with construction site safety, health aspects and possibly the sustainable use of raw materials. Consequently, the UBAtc is in no way responsible for damage caused by the non-respect, on behalf of the holder of the approval or of the contractor(s) and/or of the architect, of the provisions relating to safety on site, health aspects and possibly the sustainable use of raw materials.

The approval has the form of a document, called the approval text, which, depending on the subject of the approval, can include the following valid explanatory content:

- The identification or the specification of the materials and/or components;
- The properties and the performances of the subject of the approval;
- The conditions for incorporation;
- The requirements for stocking, installation, maintenance and repair;
- The measures taken by the approval holder to accompany or oversee the use of the product.

As a general rule, each approval has an associated certification in order to confirm the confidence that the subject of the approval conforms to the specifications mentioned in the ATG and, where pertinent, to the measures for accompanying the user.

An approval relating to a system or a procedure does not generally correspond to the real application of the system or procedure but rather describes the way in which the system can be applied to achieve the specified performance.

#### 12.1.3. The product approval (ATG-H)

The technical product approval is a specification that identifies the material, product or kit, and presents its properties and performances, without determining its fitness for its intended use.

In general, this relates to materials, products or kits that can be used in diverse applications or to products that are not the subject of particular requirements for the application(s) for which they are intended

The product approval is always and obligatorily accompanied by a certification of the properties of the material, product or kit.

### **12.1.4. Special types of approval**

In addition to the ATG technical approval and the ATG/H product approval, there are a certain number of special types of approval available for certain sectors. These include the below mentioned:

- The favourable evaluation of a wood treatment plant for carrying out preservation treatments using products for which a technical approval has been issued (ATG-S).

Remark: this relates to approvals issued to companies that operate a wood treatment plant that satisfies the requirements of the UBAtc. The approval is only issued if the wood treatment plant works with the products for which an approval has been issued. The approval is linked to a certification for the procedure and for the plant.

- Approval issued to companies that apply curative treatments (ATG-D)

Remark: this relates to approvals issued to companies that apply curative treatments in buildings, which offer a durable solution for wood structures that are experiencing biological deterioration, either by the larvae of xylophagous insects (procedures D1), or by wood moulds (procedure D2). The curative treatments supplemented where necessary by sanitary measures and/or measures to reinforce the stability, shall constitute a preventative protection against new biological deterioration of the treated wood. The approval is only issued for curative treatments that use products for which an approval has been issued.

- Approval issued to companies that apply curative treatments (ATG-M)

Remark: The attestation of suitability for use and the classification are based on a road test programme carried out in accordance with the procedures set out in the Approval Guide G0025 "Marking systems - Field of road homologation" and NBN EN 1824 and NBN EN 1436 standards.

### **12.1.5. Approval with certification for specific activities**

This type of approval with certification was developed for companies carrying out a specific activity based on their own system, procedure or process.

This type of approval, in contrast to the preceding paragraphs, applies specifically to finished products supplied by the approval holder or its contractors and manufactured using the system or the process.

The approval with certification can be issued to a company that does not itself produce the basic components, but that instead puts together the kits and processes them using its own resources.

## **12.2. Certification of contractors**

### **12.2.1. Overview**

The UBAtc provides the possibility of recognising or qualifying and certifying contractors that use the products, service and procedures under approval.

### **12.2.2. Recognised and certified contractors (companies), within the context of one or more specific approvals**

When the application of construction products or systems requires particular technical abilities, it is possible to create a framework in which the ATG holders train, monitor and approve contractors, after which a certification operator verifies that the contractors continuously respect the requirements included in the approval and imposed by the ATG holder.

The certification of contractors can be characterised as a product or a process certification, depending on the nature of the end product. A sampling inspection may also be a possibility. The certification is based upon the validation of the technique, the evaluation of the competence of the staff and the monitoring of the organisation.

These certificates are issued by the certification operator.

The lists of recognised contractors are published by the UBAtc via the lists managed by the certification operator.

For a simple attestation of the competence of the staff carrying out the work, and to optimise the opportunity to change staff, the possibility exists that for certain well-defined skills, a subsidiary set of attestations of competencies may be established.

In the case of product certification, should the scheme allow, the use of the ATG mark under license may proceed.

### **12.2.3. Certified, independent contractors (companies)**

In the case of contractors that apply several approved products, systems and procedures, but that operate independently from the approval holders, it is also possible to proceed with a process certification. In this situation, it may be useful to organise a general training, to ensure the correct incorporation of the products, procedures or systems.

In such a case, a certificate may be issued relating to one or more approval texts.

### 12.3. Innovation ID (IIDI)

The innovation ID (IIDI) is a supporting procedure, applied during the period of development of a technical approval that has been the subject of a regular request.

The Innovation ID (IIDI) is intended for highly innovative materials, products, systems and incorporation, execution or installation techniques.

Approval operators may call on an ad hoc committee of experts from the Belgian construction sector when the subject of an application, or part of it, is of an innovative nature.

The expert committee supports approval operators in the preparation of an evaluation plan or part of it.

The validity is limited to a maximum period of one year, unless the issuing of a completely developed technical approval, ATG, takes longer. Thereafter, the innovation ID shall be withdrawn and possibly replaced by a completely developed technical approval in its own right, an ATG.

The innovation ID makes it possible to use the results already available with a view to rendering a favourable preliminary opinion and confirming the admissibility of the procedure with a view to obtaining a technical approval.

An innovation ID cannot under any circumstances be confirmed for an application in countries other than Belgium.

Innovation IDs have an IIDI reference and are listed separately.

### 12.4. The limited approval

A limited technical approval is a support procedure, applied during the period of realization of a technical approval having been the subject of a regular request.

The limited technical approval makes it possible to use the results already available with a view to issuing an ad hoc favourable opinion.

A distinction is made between the following situations:

- The approval process is not yet finished, but is already far enough along to allow a favourable evaluation, limited to a specific application and for a short period of time and/or for a limited application domain.
- It concerns a deviation from an issued technical approval that, at least initially, is only relevant for a specific construction site. When the same deviation is applied at several construction sites, the deviation is incorporated into the approval.

A limited technical approval cannot in any case be confirmed for use in any country other than Belgium.

A limited technical approval falls under the responsibility of the approval operator responsible for the Executive bureau concerned with the management of the limited technical approval it approved.

A limited technical approval does not have an ATG reference and is not included in the list of valid approvals.

### 12.5. The ETA

A European technical approval (ETA) is a favourable technical evaluation of a product's fitness for an intended use, based on the determination that it fulfils the essential requirements for the construction works in which the product is applied. This is a technical specification within the context of Directive 89/106/EEC (Directive on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products) which serves as the basis for affixing the CE marking to products that are not (yet) covered by a harmonised standard in accordance with Directive 89/106/EEC. Affixing the CE mark is also subject to compliance with the attestation system for the product concerned.

Since the entry into force of Regulation (EU) No. 305/2011 and the repeal of Directive 89/106/EEC, the UBAtc no longer issues European technical approvals since July 1, 2013. The European technical approvals which have been issued remain valid until the end of their period of validity.

### 12.6. Confirmation in other countries (European)

When companies put materials, products, kits or systems on the market in various European countries or apply incorporation techniques in those countries, they often wish to have a declaration of fitness for use accompanied by a certification, in the relevant countries.

Thanks to the European standardisation and the consultation between the approval bodies of the different countries in the framework of the European Union for technical approval in the construction sector (UEAtc), it is generally possible to have technical approvals confirmed in another country.

The advantage for the applicant is that the evaluation realised by the approval body in the country where the first approval application was introduced, covers in large measure the needs of the corresponding bodies in the other countries, and that the certification activities, carried out under the responsibility of this approval body, are consequently accepted. However, applicants shall still introduce an application in the other countries, and it possible that the other countries will have additional requirements, unique to those countries, which therefore require additional evaluations.

The UEAtc seeks to identify and minimise these additional requirements, and therefore to develop evaluation plans and approval guidelines that are adopted by the UEAtc members.

## 12.7. Euro-Agrément

Using the Euro-Agrément procedure, the UEAtc is attempting to go a step further by organising a consultation, before the approval examination takes place in the country where the first approval application has been introduced, that allows a complete evaluation within this first country that takes into account the requirements in all the targeted countries.

The outcome of the Euro-Agrément is an identical approval document translated and issued by each approval body concerned, with a specific flyleaf for each approval body.

## 12.8. The energetic characterisation (ATG-E)

The ATG-E seeks to determine characterisations of construction products and systems within the context of innovative construction or innovative technology concepts, which may be used within the framework of the local regulations on the implementation of European Directive 2010/31/EU concerning the energy performance of EPBD buildings.

The ATG-E is limited to characterisation regarding the energy issues, and does not deal with any other technical performance characteristics, nor does it in any way take a position on the fitness for a specific or general use for the application.

Within the context of assuring the quality of the ATG-E, regular production monitoring of the components' relevant energetic properties will be organised by the manufacturer, supplemented with external monitoring by a certification body designated by the UBAtc.

## R1. The basic approval process

### R1.1. Overview

The provisions below apply to the various types of approvals issued by the operators of the UBAtc and published by the UBAtc. They relate principally to the approval process, but mention, where relevant, the elements associated with certification.

For particular types of approvals and/or certifications, additional and/or divergent provisions may be provided for in the other chapters of these regulations.

Depending on the design of the approval examination and surveillance, there are several possible organisational forms for managing the validity:

- Approvals with a fixed validity period, renewed when necessary until they are re-evaluated depending on developments.
- Approvals with an unspecified validity, subject to continuous assessment (see Article 51 and Article 52), in conjunction with certification. These approvals are regularly declared valid by the monitoring intermediary and corrected depending on the modifications and observations carried out. A maximum validity is always stipulated.

Existing approvals can be modified or extended. When the modification or extension falls outside of the conformance management in consequence of the continuous assessment and the opinion of a Specialised group is necessary, a formal approval examination will be carried out.

This present chapter describes the handling process for new approvals and for formal renewals and extensions which fall outside the ongoing evaluation that is called the “approval examination”.

### R1.2. The application

#### Article 1 Introduction of the application

**(1)** The application for a technical approval, including demands for revision, modification and extension, is made by means of forms provided by the UBAtc for this purpose (FORM01EN, see Annex 4) and includes the following information, among others:

- the identity of the applicant;
- the identity of the ATG holder(-to-be);
- the identity of the entity responsible for the marketing in Belgium;
- the trade name reserved for the subject of the application;
- the precise nature of the intended application in construction of the subject of the application;
- the indication of the production site(s);
- the accounting data.

A technical dossier, whose contents are specified in Article 12, will be included with the application.

Remark: the approval and certification operators may provide modified demand forms for specific approval and certification services (see R3).

**(2)** An application may only be introduced through the UBAtc or one of the approval operators.

#### Article 2 Conditions for introducing an application

##### **(1)** Legal form of the applicant

An application is introduced by the entity that has the rights over the subject of the approval for which an evaluation is requested.

Remark: When necessary, the applicant may be required to demonstrate that the necessary rights have been obtained, by means of document FORM03EN (see Annex 4).

##### **(2)** Legal rights

The applicant shall have the legal rights to all the evidence and data made available.

For each individual product (i.e. with a unique trade name) only a single entity can introduce an application.

Remark: When necessary, the applicant may be required to demonstrate that it has obtained the necessary rights, by means of document FORM03EN (see Annex 4).

##### **(3)** Applications for an ATG



The application for an ATG can be introduced by the manufacturer, meaning the entity responsible for putting the subject of the approval on the market in Belgium, or by the entity responsible for the design of the system. An application may also be introduced by a distributor or importer, as long as it has obtained the rights for the ATG application. A distributor or importer only qualifies when it has directly or indirectly assumed full responsibility for fulfilling the conditions of the approval with certification.

#### **(4) Notice of receipt**

As soon as the application has been received, the applicant receives a notice of receipt (see example in Annex 5), which reiterates some of the essential information from the application, and which includes the registration number of the dossier. This registration number shall be mentioned by the applicant in all official communications with the UBAtc and with the operators designated by the UBAtc.

### **Article 3** Application for duplicates

**(1)** An applicant or holder may authorise the issuing of a separate approval under the name of one or more distributors (procedure called “application for duplicates”). A separate application, completed and introduced by the applicant of the duplicates, shall be made to that effect.

Remark 1: The application for the duplicates is accompanied by a declaration in which the holder of the original approval confirms that the approval duplicates may be issued.

**(2)** The approval issued on the basis of the original demand and the approval for the duplicates are indissolubly linked with each other.

Any modification, revision or extension of the approval issued on the basis of the original demand is also applied to the duplicates, and the validities are identical (see Definition 9 and Article 40).

Remark 2: When the holder of the approval duplicate does not request the modification, revision or extension, the UBAtc will put it under revision. In the event that the holder concerned is in default of the revised conditions, the duplicate will be suspended and ultimately withdrawn (see Article 74).

Remark 3: When necessary, the applicant shall be required to demonstrate that the necessary rights have been obtained, using document FORM03EN (see Annex 4).

### **Article 4** Commitments entered into by the applicant by the introduction of the application

By introducing an approval application, the applicant undertakes:

- to respect the obligations imposed by these present regulations;
- to pay the compensation specified in R6.

Remark: these costs shall only be taken into account when the dossier does not result in an approval examination.

### **Article 5** Suspension and termination of an approval application

**(1)** In the event that the applicant does not pay within a reasonable time period following the declaration of admissibility, the approval operator may, with the agreement of Executive bureau, decide to suspend the application.

Should the applicant wish to relaunch the dossier, the approval operator will communicate in writing the conditions under which it may be reactivated.

**(2)** In order to prevent the UBAtc and/or the approval operator from spending unnecessary time on dossiers unduly regarded as active, these dossiers may be considered to be suspended when the applicant has failed to provide the requested information after several repeated requests by the approval operator

The approval operator will communicate in writing to the applicant the decision to proceed with the suspension and determines, on a case-by-case basis, the conditions under which the dossier may be reactivated.

**(3)** Should the applicant wish to terminate an approval procedure after making the payment required following the declaration of admissibility, 50% of the total expected approval costs will in all cases be retained.

For the amount remaining, an assessment will be made and a documented agreement shall be achieved between UBAtc, the approval operator and possibly the certification operator and the applicant.

The wish to terminate an approval procedure shall be communicated in writing to the approval operator.

**(4)** All the related tasks carried out before the decision to terminate the approval examination was made shall in any case be compensated.

## **R1.3. Global schemes, approval guidelines and certification regulations**

### **Article 6** Applicability of global schemes, approval guidelines and certification regulations

**(1)** When a global scheme has been developed for the subject of the approval, as a general rule it is always applied.

Remark 1: Global schemes are established by and fall under the responsibility of the competent operators, and are registered by the UBAtc and published on the UBAtc website.

The approval guidelines and the certification regulations can be made available, upon request, by the corresponding approval and/or certification operators and the UBAtc.

**(2)** When approval guidelines and/or certification regulations are available, they shall be followed; however, for each individual dossier it shall be verified whether the relevant guidelines and/or regulations are complete, or when certain elements are superfluous for the dossier concerned.

**(3)** When approval guidelines and/or certification regulations are available, but the subject of the approval, the production methods and/or the incorporation method require(s) additional examination, deviations from the guidelines and/or regulations may be made.

**(4)** When there are no approval guidelines and/or certification regulations, an evaluation and certification method will be determined on a case-by-case basis.

Remark 2: The development, maintenance and updating of the schemes, approval guidelines and certification regulations are done in the specially created work groups of the Specialised groups and Advisory Councils concerned.

## **R1.4. The admissibility examination**

### **Article 7** Admissibility of applications and control of the dossier

**(1)** The UBAtc and/or the approval operator concerned examines the approval applications.

Remark 1: When an approval operator has been designated for the domain concerned, this approval operator carries out the admissibility examination. The decision shall be communicated to the applicant and registered by the UBAtc. In the event of a doubt, a second operator shall intervene to confirm the decision.

Remark 2: When an approval operator has not been designated for the domain concerned, the UBAtc, together with the Technical Co-ordination Boards, will solicit one or more operator(s) and invite it/them to take the responsibility for the file. All the operators shall be informed of this type of application.

Remark 3: When an operator cannot be found to declare the approval admissible, the UBAtc shall inform the applicant.

**(2)** In a first phase, the technical and administrative admissibility of the application (see Article 8) and the composition of the technical dossier (see Article 12) are examined and any observation of missing information is communicated to the applicant.

**(3)** When the technical dossier is not completed by the applicant within the three months, the application may be declared inadmissible. When the requested information cannot be provided within the three-month period, the applicant shall inform the UBAtc and/or the operator during this period and a limited extension may be agreed to for one time only.

### **Article 8** Reasons for which issuing an approval may not be possible

- a) The application form has not been fully completed and/or the attached technical dossier is incomplete or is missing.
- b) the applicant has not paid (in a timely manner) the indicated costs for the approval.
- c) the applicant has not satisfied the conditions laid out in Article 2.
- d) the applicant does not provide the UBAtc or the approval operator with the technical dossier, or has provided an incomplete dossier (see Article 12).
- e) the subject of the approval:
  - I. falls outside the competence of the UBAtc;
  - II. is subject to a Belgian standard and falls under the BENOR procedure, provided it includes all the of relevant characteristics and all of the aspects relating to fitness for use;
  - III. is not suitable for the application for which it is intended.

### **Article 9** Admissibility examination

**(1)** The admissibility examination shall generally be carried out by the competent Executive bureau, which operates under the responsibility of the approval operator.

**(2)** The admissibility decision is ratified by the approval operator.

**(3)** In case of doubt or a high level of evaluation error risk, and with the agreement of the applicant, the competent Specialised group may be consulted, and will address the problem anonymously. The operator shall be bound by the Group's recommendations.

**(4)** When the subject of the application, or part of it, has a very innovative character, the approval operator may decide to call on an (ad hoc) committee of experts to draw up the evaluation plan.

**(5)** In the event of a disagreement, the problem is submitted to the competent Technical Co-ordination Board.

## **Article 10** Notification of admissibility or inadmissibility

**(1)** When an application has been received, the UBAtc, advised by the approval operator, shall inform the applicant by means of an admissibility declaration. The declaration will include, in particular, the following information:

- The operator(s) and the rapporteur(s) who will oversee the handling of the dossier;
- The costs related to the application.

Remark 1: The UBAtc Administrative Secretariat can generally provide support to the applicant by indicating which operator(s) will be involved, so that the applicant, together with the operator(s) can provide an estimate of the expected costs and/or obtain a quotation before the application is made.

Remark 2: A model of the admissibility declaration may be found in Annex 5.

**(2)** The application may be handled as soon as the applicant contracts an agreement with the UBAtc and the operator(s) by signing the declaration of admissibility and/or paying the indicated deposit.

**(3)** When an approval cannot be issued on the basis of Article 8, the UBAtc shall inform the applicant that a declaration of admissibility cannot be issued and will communicate the reasons for this inadmissibility.

**(4)** The availability of a declaration of admissibility indicates the technical and administrative possibility of issuing a technical approval. The declaration of admissibility does not itself constitute a guarantee of the issuing of an approval.

Remark 3: It is possible that during the approval examination, missing information and/or observations could make the issuing of the technical approval not (yet) possible.

## **Article 11** Commitments entered into by the applicant by the signing and returning of the declaration of admissibility

By returning the signed declaration of admissibility, the applicant agrees to the following:

- To respect the obligations imposed by these present regulations;
- to submit to controls, sampling and testing in workshops, factories, laboratories or construction sites, as judged necessary for the examination and the certification of the approval;
- to provide all necessary information within the context of the approval examination and certification;
- to manufacture and/or use the subject of the approval in the way specified in the approval;
- to apply the processes imposed within the framework of the approval and/or the certifications;
- where appropriate, to make sure all of these commitments are respected by:
  - license holders,
  - contractors recognised by the holder,that are referred to in the approval;
- to pay the compensation specified in these regulations, according to R6, and reiterated in the declaration of admissibility.

## **R1.5. Requirements for the technical dossier**

### **Article 12** Technical dossier

**(1)** Annex 1 covers in detail the contents of the technical dossier that accompanies the application. It shall include, amongst other things:

- a) where required or relevant, a copy of the relevant industrial or commercial property titles, patents, licenses, trade registry or memorandum of organisation of the company, certification of registration in the trade name registry.
- b) a complete description of the subject of the approval, including its structure, composition, form, production method, tools necessary for incorporation, installation or execution means and conditions of incorporation, execution or installation, as well as maintenance and repair guidelines.
- c) proof, in so far as it is available, relating to the marketed subject for which the application has been introduced (for example, test results, calculations and references) and which demonstrate the sustainable fitness for use for the intended application;
- d) the description of the means used to ensure the regularity of the properties and performance of the product or the application, including, but not limited to, the control methods the producer has at its disposal;

Remark: The requirements imposed regarding internal quality control depend on the family of the products that are the subject of the application introduced. However, there are a certain number of rules that are imposed on every applicant. These rules are indicated in Annex 2.

- e) a declaration demonstrating that the applicant obtained the rights necessary for this purpose:

- from the approval holder (in the event of an application for “duplicates”);
  - the rights to the trade name (in the case that the applicant is not the trade name owner; for example, a distributor or an importer);
- f) a declaration that the applicant gives the UBAtc or its agent access to the production facilities (in the case that the applicant is not the owner).

**(2)** Information sheets relating to the schemes and/or approval guidelines may provide additional guidance or the minimum requirements regarding the contents of the technical dossier necessary for the evaluation of the admissibility of the dossiers.

**(3)** At some point during the approval examination, the technical dossier shall be supplemented by whatever additional documentation the approval operator or its representative judge necessary, in addition to what is mentioned above.

## **R1.6. The approval examination**

### **Article 13 Examination of the application**

**(1)** The approval examination itself begins once the dossier is compiled and the down payment has been made.

The rapporteur proposed by the Executive bureau concerned and designated by the approval operator reports to the Specialised group, with the agreement of the Executive bureau.

**(2)** The rapporteurs involved and the members of the concerned commissions shall respect the absolute confidentiality of the information contained in the dossier.

**(3)** The draft approval texts are provided in only one language. This is generally either French or Dutch, depending on the applicant’s preference, but it could also be English, following a special request and with the agreement of the concerned rapporteur.

**(4)** The Specialised group may request an additional examination or to have all information considered useful provided to it.

**(5)** Confidential information and documents that are not relevant to the tasks of the Specialised group shall not be communicated to it. In the exceptional case that some of this information is necessary to decide, the rapporteur shall summarise and present this information, after consultation with the applicant and with the latter’s explicit agreement.

Remark 1: The tasks, composition and functioning of the Specialised groups are described in Internal Regulations produced by the UBAtc, which may potentially be completed by the approval operators.

**(6)** The approval examination generally includes the following elements:

- The study of the subject for which the application has been introduced, mostly on the basis of the technical dossier (see Article 12);
- Establishing the evaluation plan
- Visits to the references and/or construction sites;
- Visits and controls of the production facilities, the laboratory and the warehouse(s) (see Article 14);
- One (or more) sampling(s) (see Article 16);
- Tests (see Article 20), calculations (see Article 21) and any other evaluation techniques;
- The drafting of an Evaluation Report and an Assessment Report (see Article 24);
- The drafting of the approval text(s) (see Article 35 and Article 36) and the certification contracts (see Article 23).

Remark 2: Depending on the subject for which the application has been introduced, deviations from the above-mentioned elements are possible.

**(7)** The evaluation plan provides a concise outline of the elements that make up the approval examination.

Note 3: The evaluation plan is intended to provide clarity regarding the activities to be undertaken by the applicant and the information to be made available. The evaluation plan is drawn up and made available to the applicant preferably, and if possible, at the start of the approval examination. Such a plan should not be considered exhaustive since it is not excluded that new needs will be identified during the approval examination.

## **R1.7. Audits, site visits and inspections**

### **Article 14 Control within the context of the approval examination and the initial acceptance inspection**

**(1)** Audits, site visits and inspections within the context of the approval examination are organised in collaboration with the applicant. The applicant shall therefore provide free access during working hours to the production facilities, self-control laboratory and warehouses, as well as allowing the workbooks and control registers to be checked. Similar undertakings can be expected for approvals of systems and procedures.

**(2)** As much as is possible, controls within the context of the approval examination and the initial acceptance inspection for certification shall always be carried out jointly by the representatives of the approval and/or certification operator(s) of the UBAtc.

Remark: The objectives of these controls are the following:

- a technical approval is only issued by the UBAtc when it has been shown that the applicant is able to manufacture the subject for which the application has been introduced in a consistent way, so that it always has the same properties and performances;
- as a general rule, an ATG technical approval is paired with a certification and is not issued by the UBAtc until the certification body designated by the UBAtc confirms that a certification contract has been reached with the applicant.

## **Article 15** Relocation of production sites and/or transfer of (a) production line(s) or unit(s)

**(1)** When the relocation of the production site or the transfer of (a) production line(s) or unit(s) is no more than the moving of the production facility and results in no changes to the production methods, the production control system and/or the subject of the approval, the applicant or the approval holder shall simply inform the UBAtc approval and/or certification operator(s) concerned. The certification body shall check this information during the course of the next inspection.

**(2)** When the relocation of a production site and/or the transfer of (a) production line(s) or unit(s) does or could potentially result in a change to the production method, production control system and/or the subject of the approval, or when it relates to a change of ownership, the applicant or the approval holder shall inform the UBAtc approval and/or certification operator(s) concerned of this fact before the change is accomplished.

In this event, the following information shall be communicated:

- application for transfer (see Article 50 and form FORM02EN);
- information regarding the adaptations in the revised quality manual;
- data regarding the adaptation of the production process, of the subject of the approval.

**(3)** Depending on the information provided by the applicant or the approval holder, the approval operator will explain what steps shall be followed in order to avoid a suspension of the approval.

## **R1.8. Sampling and testing**

### **Article 16** Independent sampling

Sampling within the context of the technical approvals shall always be carried out by an independent party recognised by the approval operator, and always on the basis of a wide selection of potential samples offered by the applicant. Unless the subject of the approval is clearly certified as not conforming, any of the products that are the subject of an approval and available in the warehouse may be included for sampling.

### **Article 17** Representative sampling

The samples will be representative of the subject for which the approval has been requested.

### **Article 18** Sampling report

**(1)** Sampling is accompanied by a sampling report which is signed off after the sampling by the person responsible for the sample taking and by the applicant's representative.

**(2)** The sampling report accompanies the samples and is sent to the laboratory where the tests will take place. In its report, the laboratory shall refer to this sampling report.

Remark: Annex 3 specifies the minimum content requirements which the sampling report shall satisfy

### **Article 19** Criteria imposed by the external organisations that carry out the tests

**(1)** Accredited laboratories shall be used as much as is possible. Often, the approval tests deviate from frequently carried out tests, so no accredited laboratory may be available. In that case, laboratories that work in accordance with NBN EN ISO/IEC 17025 or with its principles shall be used.

**(2)** It is possible that the approval operator may formulate specific requirements regarding the laboratories that may carry out the recommended tests. The approval operator shall provide more detailed information on this topic.

### **Article 20** Test reports

**(1)** In order to be accepted as documentation, the reports provided by the applicant or the approval holder shall conform to the requirements specified in Annex 3.

**(2)** Should the reports not satisfy the requirements specified, the approval operator has the right to refuse to accept them.

**(3)** All reports shall be transmitted to the operator in their full and complete form.

Remark: This Article refers in particular to test reports. Similar requirements apply for reports relating to other types of evaluation.

## **R1.9. Calculation controls**

### **Article 21** Calculation controls

(1) When there are calculations that need to be carried out within the context of the approval examination, these shall be carried out either by an external organisation or by the applicant.

(2) The applicant shall present the calculations for control to the approval operator or to its representative.

### **Article 22** Criteria imposed for external organisations carrying out the calculations

Depending on the importance of the calculations, the approval operator may require the involvement of an external organisation. When necessary, criteria may be imposed on the corresponding organisation.

## **R1.10. Preparation for the certification**

### **Article 23** Certification contract

As a general rule, each technical approval includes the obligation for certification. The applicant shall do whatever is necessary, based on the certification operator's proposal, to come to a certification contract before the approval text is submitted for signature.

## **R1.11. The Evaluation Report and the Assessment Report**

### **Article 24** The Evaluation Report and the Assessment Report

The representative(s) of the approval and/or certification operator shall establish, following the site visit, inspection(s) (see Article 14), sampling (see Article 16), test reports (see Article 20) and/or calculation notes (see Article 21), an Evaluation Report, which will constitute the basis of the approval text, as well as an Assessment Report, which will constitute the basis of the certification contract.

Remark:

- The Evaluation Report and the Assessment Report may be combined into a single document.
- The two documents are treated confidentially, and only the approval operator and certification operator will keep a copy. The documents may be used in discussions by the Executive bureau.

## **R1.12. Handling within the Group**

### **Article 25** Statute of the Specialised groups

The Specialised group is an advisory body addressing a specific technical domain; it reaches decisions using consensus. The approval operator responsible for the Specialised group concerned shall take its decisions based on the recommendations provided by the Specialised group.

### **Article 26** Composition of the Specialised groups

A Specialised group is made up of:

- Executive bureau members who are relevant to the Specialised group concerned;
- representatives of manufacturers', distributors' and importers' federations, building contractors, architects and project owners;
- representatives of the public authorities;
- representatives of housing corporations and insurers;
- representatives of the laboratories carrying out the tests within the framework of the approval activities.

### **Article 27** Membership of the Specialised groups

(1) The approval operator is responsible for selecting the members. Potentially, other interested parties may present their candidature for membership to the approval operator responsible for the Specialised group concerned; the approval operator shall request a recommendation on the issue from that Specialised group.

(2) Each member of the Specialised group shall sign a confidentiality agreement.

### **Article 28** Conflicts of interest

For each dossier, the composition of the Specialised groups is examined for possible conflicts of interest. The members cannot have the slightest direct or indirect personal interest in the business being addressed to them.

#### **Article 29** Tasks of the Specialised groups

The tasks of the Specialised groups are described in the Internal Regulations for the Specialised groups.

The principle role of the Specialised groups is to provide a binding recommendation regarding the methods and criteria for the evaluation of the fitness for use and the technical relevance of the approval. To do this, the Group makes recommendations regarding approval guidelines, certification regulations and information sheets, and, if necessary, confirms that the approval texts conform to these guidelines.

Remark 1: When it is observed that the fitness for use of the application concerned cannot or can no longer be verified based on the approval guidelines in force, first the guidelines will be adapted, followed subsequently by the approvals concerned, unless not carrying out the additional examinations would result in an immediate risk as indicated in the footnote 3 In this situation, it is advisable to take action in accordance with either Article 74 or Article 75.

Note 2: The Specialised groups are important to ensure that fitness for purpose is confirmed by the results of the approval examination, that all foreseeable risks are taken into account and that the content of the technical approval meets the needs of the construction sector in Belgium. In order to optimize the efficiency of the processes, it should be avoided that Specialised groups are consulted unnecessarily. The approval operators determine - in consultation with the members of the Specialised groups - in which cases consultation of the Specialised groups is (not) necessary.

### **R1.13. Initial proofreading (“30 days procedure”)**

#### **Article 30** Purpose of the initial proofreading

Following a favourable recommendation and the consideration of any remarks formulated during the internal consultations of the Specialised group concerned (see Article 29), as well as the validation of everything by the operator, the approval text shall be presented to the applicant. The purpose of this procedure is to give the applicant the opportunity to check the contents of the approval text before it is to be signed, at which point it will become definitive. At the same time, the text is made available to the approval operator and the management of the UBAtc.

#### **Article 31** Time period for initial proofreading

The initial proofreading period continues until all the parties concerned have provided their comments or given their agreement. When no reaction is received within a maximum period of 30 days, all the parties involved are considered to have given their tacit agreement for the signing and thus for the finalisation and publishing.

### **R1.14. The signing**

#### **Article 32** Decision for approval

The decision for approval is issued, where relevant after a favourable recommendation from the Specialised group, after confirmation by the approval operator concerned and the UBAtc. Generally, the confirmation by the certification operator that the certification contract has been established is an additional condition for proceeding to the issuing.

#### **Article 33** Parties involved

Approval texts may be signed by:

- The approval operator;
- The certification operator;
- The UBAtc npo.

Remark: When a single body is functioning as both the approval and certification operator, the signature is combined.

#### **Article 34** Significance of the signature

**(1)** By signing the approval text, the approval operator confirms its agreement with the technical content of the text and takes responsibility for the validity of the approval.

**(2)** By signing the approval text, the certification operator confirms that the certification contract with the applicant has been established and that the certification may be undertaken after the signing.

**(3)** By signing the approval text, the UBAtc confirms that the necessary monitoring was carried out to ensure that the procedures in force are being respected and that the approval and certification operators have satisfied the requirements of the organisation.



## **R1.15. The approval text**

### **Article 35** Number of approval texts

In the case that an application includes more than one subject or type of product and/or this/these subject(s) is/are suitable for more than one intended application, the Executive bureau shall evaluate whether it is necessary to make provision for one or more approval texts.

The following shall be taken into consideration in particular:

- the basic principle that an approval text should preferably deal with one subject or type;
- the necessity of avoiding any misunderstanding resulting from describing, in a single text, several subjects or types and/or applications with different performances and/or different incorporation, execution or installation guidelines;
- the limitation that only similar subjects and/or types with similar intended applications may be described within a single approval text.

### **Article 36** Splitting up approval texts

It is possible that certain performances of the subject of the approval may vary over the validity (see Definition 9 and Article 40) of the approval and/or that several approval texts may include identical portions of text.

In such cases, the approval operator may, on the recommendation of the Executive bureau, decide to split up the approval texts as follows:

- the non-varying part of the original approval text; and
- a variable part that is an integral part of the approval; and/or
- a shared part which is referred to in each approval text.

Remark 1: In order to ensure the similar handling of dossiers, the approval operator may potentially impose a decision for a family of products for all applicants concerned.

Remark 2: When relevant, the way in which the variable part is managed, validated and signed is determined in the approval scheme.

## **R1.16. Dissemination (publication)**

### **Article 37** Dissemination

(1) After being signed (see Article 32) the approval text is transmitted electronically to the Secretary General.

(2) The approval text is published by the UBAtc, at the expense of the approval holder.

(3) Publication shall be in the same language that was used for the approval process. Once the translation(s) is/are available, this/these shall also be published.

(4) This publication shall only be reproduced in its entirety, in the format determined by the UBAtc, without any additions or omissions.

(5) The approval holder may obtain from the UBAtc paper copies of the approval printed at the UBAtc's rates (see R6) and distribute them itself.

### **Article 38** Issuance of the reference

(1) The reference is issued after the declaration of fitness for use is signed.

(2) The reference is made up of the two last digits of the year during which the declaration of fitness for use was issued, followed by a slash and a unique four-digit serial number or, in the case of an ATG-D, ATG-E, ATG-H or ATG-S, a letter and a unique three-digit serial number.

Examples: ATG 12/3456, ATG 13/H456

(3) If continuous assessment (Article 55 and Article 56) applies, the reference only consists of a unique serial number

Examples: ATG 3456, ATG H456

(4) The reference shall only be modified when the subject of the declaration of fitness for use is changed in such a way as to cause possible confusion amongst users if the same reference were to be used.

Remark: new versions of the declaration of fitness for use include:

- an adapted validity period; and
- the modifications made to the declaration of quality since its original version and the year that the modifications were published.

### **Article 39** Methods of dissemination



(1) Technical approvals shall be published in both French and Dutch. This obligation may only be satisfied with a translation from the UBAtc's services and by the publication of the approval text on the UBAtc website ([www.ubatc.be](http://www.ubatc.be) / [www.butgb.be](http://www.butgb.be)).

Note: The UBAtc may also make the approval texts available on other forums and in other formats.

(2) The printing of the approvals is optional.

(3) Images and photos that are integrated in the approval text shall be provided by the applicant in a separate electronic format, i.e. not integrated into a Word document.

(4) When necessary, images shall be supplied with a legend, so that the same images can be used in different linguistic versions. The legend shall be transmitted separately from the image.

(5) For an approval text that is not intended to be printed, photos shall be provided in a minimum resolution of 72 dpi, i.e. 150 pixels x 125 pixels. When the approval text is to be printed, the minimum resolution required is 300 dpi, i.e. 600 pixels x 450 pixels.

(6) Documents issued by the UBAtc are always provided in French and Dutch versions. Upon request, the documents may also be published in English and German. The UBAtc does not publish documents in other languages.

## **R1.17. Validity**

### **Article 40** Validity of the technical approval

(1) The duration of the validity of an ATG approval, as determined by the Executive bureau concerned and subject to the approval of the approval operator and the UBAtc, is either three or five years, taking into consideration, among other factors:

- the degree of technical consolidation of the subject or the product family;
- the regularity of modifications, revisions and extensions over the course of the preceding validity period.

(2) In the event of a modification or an extension, the end date of the validity period remains in force, while the beginning of the validity period is changed to correspond with the date on which the modified or extended approval text was signed.

Remark 1: The UBAtc may decide upon a different validity for ATG approvals.

Remark 2: Within the context of an Approval Scheme, the validity period for a series of approvals is always the same.

### **Article 41** Public enquiries

(1) Twelve months before the end of the revision period (generally three to five years), the UBAtc may organise a public inquiry, during a time period it determines (generally three months), to examine the experiences encountered with the approval subject and/or text.

(2) The dossier holder is informed of the launch of such an inquiry.

(3) The information obtained may be taken into consideration during the revision of the published approval.

(4) The dossier holder may request access to the information obtained from the public inquiry. This information is not divulged to third parties.

(5) The UBAtc may inform persons who have provided comments as to whether or not their comments were included, but is not obliged to do so.

## **R1.18. Copyrights**

### **Article 42** Copyrights

(1) The intellectual property rights concerning the technical approval, including the copyrights, belong exclusively to UBAtc.

(2) By their collaboration, all interested parties renounce any rights to the approval text(s), approval guidelines, information sheets and related documents, and concede them exclusively and irrevocably to the UBAtc, without their names being mentioned in the use thereof.

(3) This renunciation and concession of rights does not exclude the person/people concerned from using their contribution for their own purposes, as long as this does not in any way harm the above-mentioned use by the UBAtc.

(4) In the event that the person/people concerned do not have the rights over their contribution, this shall be communicated to the UBAtc or its representative.

## **R1.19. Obligations of the approval holder**

### **Article 43** Approval text and reference

An applicant may only use the approval text and/or approval reference with the permission of the UBAtc either in writing or by the publication of the approval text on the website of the UBAtc.

#### **Article 44** Certification contract

Unless the UBAtc decides otherwise, the approval holder shall conclude a certification contract with the certification body designated by the UBAtc, the certification operator. The approval holder shall submit to inspections required by this body and shall do everything necessary to eliminate any possible breaches observed by this body.

#### **Article 45** Publicity

**(1)** Approval holders cannot use the terms "BUtgb", "UBAtc", the BUtgb and/or UBAtc mark, the ATG mark, the approval text or the approval reference to claim evaluations that do not correspond with the approval and/or that relate to subjects and/or properties or characteristics that are not part of the approval.

**(2)** The approval text issued may be reproduced by the holder in its documentation, publicity (including its Internet site) and promotional materials as long as the text is used in its entirety, exactly as it appears on the UBAtc website.

**(3)** Information that is made available in any way by the approval holder, distributor or recognised contractor or their representatives to (potential) users of the subject matter covered by the approval (e.g. owners, contractors, architects, specifiers, designers, etc.), cannot be incomplete or contradict the content of the approval or the information to which the text of the approval refers.

#### **Article 46** Mark usage

The approval holder shall respect the mark usage specifications regarding the shape, use and protection of the ATG figurative mark and the BUtgb and UBAtc marks.

Remark 1: The ATG figurative mark has been registered. Use of the ATG mark have been specified in the Regulations governing the use and control of the ATG figurative mark.

Remark 2: The BUtgb and UBAtc marks are registered. The usage rules for the two marks are laid out in the Internal Regulations of the UBAtc.

#### **Article 47** Modifications

The approval holder is always required to notify the UBAtc, the approval operator and the certification operator in good time and in advance of any adaptations to the raw materials and products, implementation directives and/or or the production and implementation process and/or the equipment.

Depending on the information provided, the UBAtc, the approval operator and the certification operator will assess the need to adapt or not the technical approval.

#### **Article 48** Expired and withdrawn approvals

The use of or reference to an approval after its expiration, suspension or withdrawal is forbidden.

#### **Article 49** Financial compensation

The approval holder shall pay, in a timely way, all of the costs specified in these regulations.

### **R1.20. Transfer**

#### **Article 50** Transfer of an approval

When the manufacturing or exploitation rights of the subject of the approval are transferred by inheritance, donation, sale or in any other way, the new rightful owner may continue to use the approval as long as it has the authorisation of the UBAtc. This authorisation is accorded after the new rightful owner has proved that it has sufficient technical aptitude and adequate facilities.

Remark: Applications for transfer are introduced using the forms provided for this purpose by the UBAtc or by one of the approval operators.

### **R1.21. Maintenance and prolongations**

#### **Article 51** Maintenance of the approval

**(1)** Each year and/or following a decision by the certification operator, the Executive bureau studies the approvals in force. Strictly textual modifications which may be necessary, and do not require any further evaluation shall be taken into account. The approval process takes place without consulting the Specialised group; however, the latter is always kept informed.

**(2)** Modifications to be carried out based on a demand by the approval holder and/or requiring an evaluation, unless otherwise decided by the approval operator, are part of an application for modification (see Article 53); of an extension or revision (see Article 54); or of a update (see Article 57).

**(3)** The maintenance procedure consists primarily of monitoring within the framework of the certification, and of any actions undertaken based on the decisions of the approval and/or certification operator.

(4) At least annually, or following specific decisions, the certification operator shall update the approval operator regarding the situation, thus making it possible for the Executive bureau to follow through on the necessary decisions regarding confirmation of validity.

Remark: This relates, for example, to the adaptation of an approval text to correspond with the new version of a standard, or to the addition of a new colour for a product placed on the market by the approval holder

#### **Article 52** Prolongations

(1) At the end of the approval's validity (see Article 40), the approval operator shall contact the approval holder in writing.

(2) When the approval holder considers that the approval text published conforms to what it wants, without any modification or extension, and that it wishes to prolong the duration of the validity, the holder does not need to take any further action, and the validity period for the approval will be automatically prolonged.

(3) When the approval holder wishes to make a modification to the approval text, the holder shall demand a corresponding review (Article 54).

(4) An existing but expired approval may be temporarily prolonged in the case where modifications (see Article 53), revisions or extensions (see Article 54 or Article 57) have been prepared or when new approval guidelines have been drafted, under the condition that the contents of the approval text remain valid and that the subject of the approval is placed on the market in accordance to the text and that this can be verified.

This allows available stocks or special productions to be sold off under the ATG. For these situations, the authorisation of the approval operator and the certification operator is always necessary.

### **R1.22. Modification, revision or extension of the approval on the demand of the holder**

#### **Article 53** Modification of an approval text (during its period of validity)

This relates to limited modifications that do not change the subject of the approval and for which an evaluation is not required, according to the Executive bureau concerned. The approval process takes place just as for a new application.

Remark: This relates to, for example, the replacement of an image, or the addition of a product type for which the evaluation that has already been carried out suffices.

#### **Article 54** Revision or extension of an approval on the demand of the holder (renewal)

When the approval holder intends to modify or extend the subject, the holder shall request a revision or an extension. The dossier to be introduced for this purpose may be limited to a detailed explanation of the proposed modifications or extension. The approval process takes place just as for a new application.

### **R1.23. Continuous assessment**

#### **Article 55** Objective

Continuous assessment is a process that aims for the continued validity of the approval and certification file and of the technical approval text without a request for renewal from the approval holder.

#### **Article 56** Updating of approval and certification files and technical approval texts

(1) In the framework of continuous assessment, the maintenance of the approval text is carried out in accordance with Article 51, however, subject to the approval of the Specialized Group concerned, technical modifications that do not affect the fitness for use and/or do not jeopardize the management of technical risks may be included in the approval text, in accordance with Article 29, note 2, without consultation of the Specialized Group.

(2) Modifications not requiring the approval of the Specialized Group shall be applied by the approval operator in agreement with the approval holder, after verifying responsibilities and performing the necessary checks and tests.

(3) Changes requiring the approval of the Specialized Group shall be dealt with in an additional approval examination and require a new application which may be initiated by the holder or by the approval operator.

(4) Significant changes to the technical approval are handled in accordance with Article 54, at the holder's initiative.

(5) Evaluations, including testing, which previously took place at the occasion of renewal, are part - within the framework of continuous assessment - of the fixed verification programme, i.e. a set of periodic evaluations intended to confirm continuous compliance with the technical approval text.

### **R1.24. Revision on the demand of the UBAtc (updating)**

#### **Article 57** Revision on the demand of the UBAtc (updating)

(1) In the event that the subject of an approval is not providing satisfaction when used, the UBAtc shall communicate to the holder the breaches observed and invite the holder to provide its own point of view on the matter within one month.

(2) When the holder does not provide a satisfactory response, an examination will be held in the presence of both parties within one month. The results shall be submitted to the Specialised group, which decides when there is reason to proceed with a revision and possibly a suspension of the approval, following the application of the procedure laid out in Article 74. The emergency procedure (see Article 75) may be applied when necessary.

## **R1.25. Confidentiality**

### **Article 58 Issuing of confidentiality agreements**

The individual rapporteurs and other UBAtc representatives do not sign confidentiality agreements with individual applicants.

### **Article 59 UBAtc confidentiality agreement**

(1) The UBAtc and its approval and certification operators may not communicate confidential information and documents made available in the context of an approval examination to a third party, including after the completion of the examination.

(2) The UBAtc and its approval and certification operators shall only use the confidential information and documents for the examination and issuing of technical approvals and for the related activities (for an overview of the services provided by the UBAtc, see I2), and may not communicate them to a third party without express written authorisation (an email is acceptable) from the applicant or its representative.

All persons other than the applicant, the UBAtc or its approval and certification operators or their representatives are considered to be third parties. The UBAtc and its approval and certification operators shall ensure that any collaborators and advisors they call upon are also held to the above-mentioned points.

### **Article 60 Confidential information and documents**

(1) The term 'confidential information and documents', as used herein, means all information regarding the company, including technical, financial and similar information, provided in any way by the applicant within the context of the approval application.

(2) Non-confidential information is information for which the UBAtc can document that:

- The information was already available publicly before the UBAtc acquired it; or
- the information was made public afterwards, without this divulgence being attributed to the UBAtc; or
- the information was published by a third party in a legitimate way and without violating the confidentiality obligations of this third party.

### **Article 61 Exceptions**

An exception to the confidentiality agreement is applicable when the nature of the application introduced by the applicant leads the UBAtc or its approval and certification operators to exchange information with other (approval) bodies and/or public authorities in accordance with the rules of the organisations concerned.

When the applicant objects to this exchange of information, it shall inform the UBAtc or the rapporteur in writing (an email is acceptable).

Remark: When this occurs, it may be necessary to end the approval examination by mutual consent.

### **Article 62 Legal status and disputes**

(1) The above-mentioned declaration and any possible disputes related to it are subject to Belgian law.

(2) All disputes that may arise as a result of these confidentiality articles shall be submitted to the UBAtc Appeals Commission. When the dispute continues after the decision of this Commission, the issue shall be referred to the Brussels court system.

## **R1.26. Complaints**

### **Article 63 Complaints regarding the subject of the approval**

(1) When a written complaint is lodged with the UBAtc or the approval operator regarding the subject of the approval, an assessment of the admissibility of the complaint shall be carried out.

(2) When the complaint is admissible, the approval operator shall examine its validity. The approval operator is authorised to carry out or to have carried out an inquiry within the production unit regarding the indicated breaches or infractions. This inquiry may be extended to outside the production unit, if necessary, after obtaining any required authorisation from third parties.

**(3)** The approval operator will take the measures necessary and inform the complainant and the approval holder in writing of the admissibility and validity of the complaint, and subsequently shall inform them of the results of the inquiry and the measures taken.

Only information that belongs legally to the complainant regarding the detrimental effects of the subject of the complaint is communicated.

**(4)** Following a well-founded complaint, the certification operator may determine sanctions for the approval holder, accompanied by various measures, in accordance with the provisions in R2.

**(5)** When it is determined that a complaint is well-founded, the approval operator recovers the costs, related to addressing the complaint, from the approval holder. When the complaint is determined not to be well-founded, the approval operator may recover all or part of the costs from the complainant.

#### **Article 64** Complaints concerning the services provided by the UBAtc and or the operators

**(1)** When a written complaint is lodged with the UBAtc or the approval or certification operator regarding possible faulty services provided by the UBAtc or one or more of the operator(s) concerned, the admissibility of the complaint is assessed by the UBAtc Legal Service.

**(2)** When the complaint is found admissible, the UBAtc shall take the measures necessary, within the limits authorised by its Statutes.

#### **Article 65** Protection of the ATG mark

**(1)** When a written complaint is lodged with the UBAtc or the approval operator regarding the abusive use of the ATG mark or an illegitimate reference to a technical approval, an assessment of the admissibility of the complaint shall be carried out.

**(2)** When the complaint is found to be admissible, the approval operator shall take the measures necessary, within the limits of its authorisation, in accordance with R2.

### **R1.27. Hearing, appeal petition and higher appeal**

#### **Article 66** Hearing

**(1)** When the applicant or the approval holder disagrees with a decision or a sanction imposed by the approval operator, it has the right to be heard by the approval operator.

**(2)** The request for such a hearing shall be introduced in writing.

**(3)** The request for a hearing does not suspend the decisions made or the sanctions imposed by the approval operator.

#### **Article 67** Appeal petition

**(1)** When the applicant or the approval holder disagrees with a decision or a sanction imposed by the approval operator regarding the (in)admissibility declaration, or of the suspension or withdrawal of its approval, it has the right to introduce an appeal petition against this decision with the Appeals Commission of the approval operator.

**(2)** The introduction of an appeal petition shall be carried out by registered letter within 10 working days following the pronouncement of the sanction concerned.

**(3)** The introduction of an appeal petition does not suspend the sanction of a suspension or a withdrawal of the approval.

#### **Article 68** Introducing the higher appeal

**(1)** The applicant or the approval holder may appeal a decision of the approval operator's Appeals Commission to the UBAtc's Technical Co-ordination Board regarding the form and procedure followed, if the appellant considers that faults in the form and/or procedure were committed during the decision-making.

**(2)** The higher appeal may only be lodged regarding the faults and errors described above.

**(3)** An applicant may introduce a higher appeal regarding the issuing or non-issuing of an approval that was the subject of an application made by the applicant (new application, modifications, revisions, extension, etc.).

**(4)** Any introduction of a higher appeal shall be received within 60 days following the notification to the applicant of the decision that is the subject of the higher appeal. A higher appeal that is not introduced in a timely manner may be rejected by the UBAtc.

**(5)** A legitimately submitted higher appeal includes at least the following elements:

- A detailed declaration regarding the decision that is the subject of the higher appeal;
- A detailed declaration regarding the foundation of the higher appeal (for example test results, references, technical specification, etc);

- (where relevant) a reference to legislation, regulations, guidelines, standards, criteria, etc. that have a bearing within the context of the higher appeal.

**(6)** The higher appeal shall be submitted to the Administrative Secretariat of the UBAtc.

**(7)** The costs of the higher appeal (see R6) are invoiced by the Administrative Secretariat of the UBAtc, and shall be paid before the procedure begins.

#### **Article 69** Appeals Committee

**(1)** The Administrative Secretariat of the UBAtc shall inform the president of the Technical Co-ordination Board concerned, which shall set up an Appeals Committee made up of a representative of the public authorities, a representative of the manufacturers, a representative of the registered building contractors, a representative of the approval and certification operators and a representative of the architects.

**(2)** The members of the Appeals Committee shall sign a confidentiality agreement provided by the UBAtc and send it back within 10 calendar days to the Administrative Secretariat of the UBAtc.

**(3)** The members of the Appeals Committee cannot be involved in the UBAtc's approval process and cannot participate in the handling of the appeals process if they have any personal interest in it, if they have been involved previously in the handling as the representative of one of the parties or if they have played a role in the decision being appealed.

**(4)** The Appeals Committee is presided over by the representative of the manufacturers.

#### **Article 70** Hearing

**(1)** The president of the Appeal Committee shall indicate to the UBAtc and to the applicant launching the appeal the date, place and time of the hearing. The hearing shall take place at the earliest 60 days and at the latest 90 days after the president of the Technical Co-ordination Board has been informed by the Administrative Secretariat of the UBAtc.

**(2)** The UBAtc and the applicant launching the appeal have up to 30 calendar days before the hearing to provide written evidence that may be taken into consideration by the president of the Technical Co-ordination Board concerned, who shall transmit this information within 10 calendar days following its receipt to the members of the Appeals Committee and to the opposing party.

**(3)** The UBAtc and the applicant launching the appeal may present additional information during the hearing.

#### **Article 71** Draft decision and decision

**(1)** In order to arrive at a proposal for a decision, the president of the Appeals Committee may carry out the deliberations with the Appeals Committee. Within the 30 days following the hearing, the president of the Appeals Committee shall indicate a proposal for a decision to the members of the Appeals Committee, to the president of the Board of Directors of the UBAtc and to the applicant launching the appeal.

**(2)** The president of the Board of Directors of the UBAtc shall make provision for addressing the appeal procedure during a regular or extraordinary meeting of the Board of Directors of UBAtc. The Board of Directors:

- confirms the proposal for a decision put forward by the president of the Appeals Committee;
- charges the president of the Appeals Committee with the organisation of an additional hearing, in accordance with Article 70, or
- takes the decision not to confirm the proposal put forward by the president of the Appeals Committee.

and indicates its decision in writing, with reasons, to the members of the Appeals Committee, the Management Committee of the UBAtc and the applicant who launched the appeal.

## **R1.28. Disputes**

#### **Article 72** Disputes

**(1)** The applicant or the dossier holder, on the one hand, and the approval and/or certification operator on the other, undertake that all possible disputes arising from the execution or interpretation of the regulatory provisions will be dealt with definitively in accordance with the Arbitration Rules of the Belgian Centre for Mediation and Arbitration (CEPANI) by one or more arbitrators, nominated in accordance with these Arbitration Rules.

**(2)** The arbitration tribunal shall consist of an arbitrator. The procedure shall take place in Brussels. The language of the arbitration shall be that used in the license application (Dutch or French).

**(3)** The parties explicitly exclude any appeal petition to nullify the decision resulting from the arbitration.

## R1.29. Infractions and sanctions

### Article 73 Infractions

The following infractions may result in particular in the suspension or withdrawal of the approval:

- a) actions that are contrary to the present Regulations or the non-respect of the conditions imposed by the approval;
- b) the refusal to communicate to the UBAtc the results of tests and controls or reports drafted by the holder or third parties regarding the subject of the approval;
- c) modifications to the subject of the approval without the agreement of the UBAtc or the authorisation to use the subject of the approval for a different application than that mentioned in the approval;
- d) the sale or use of another production or of another system using the same references as the subject of the approval;
- e) the (repeated) failure of the subject of the approval due to its non-conformity with the description specified in the approval;
- f) the (repeated) failure of the subject of the approval despite its conformity with the description specified in the approval;
- g) non-conformity to any of the conditions linked to the application or the issuing of the approval;
- h) the provision of incorrect information, even in good faith, in the application or in the information transmitted to the UBAtc within this context;
- i) a non-favourable result of an assessment imposed by the UBAtc (test, calculation, etc.);
- j) non-conformity with new, existing or revised approval guidelines;
- k) default of timely payment for the costs of the approval or certification;
- l) default in signing a certification contract within the specified timeframe;
- m) modifications to the subject of the approval, the production methods and/or equipment or guidelines for the incorporation, execution or installation without informing the UBAtc;
- n) refusing access to the production site(s) to the UBAtc or to its representative and/or to the certification body designated by the UBAtc or its representative;
- o) illegitimate use of the ATG mark and/or the BUtgb and UBAtc marks;
- p) the recurrence of reasons that could result in the suspension or withdrawal;
- q) non-payment (in a timely manner) of the costs indicated in these regulations.

or any and all other reason considered to be sufficient by the UBAtc.

### Article 74 Suspension and withdrawal

**(1)** In the event that infractions mentioned in Article 71 are observed, the UBAtc or the approval operator shall inform the approval holder of this observations and remind the holder to resolve these infractions immediately or within a timeframe specified.

**(2)** When the timeframe passes without a resolution, the approval operator shall take the necessary measures jointly with the advisory structures, the Executive bureau and/or the Specialised group. Depending on the nature of the infraction, the UBAtc or the approval operator may potentially suspend, and subsequently withdraw, the approval, with the approval of the UBAtc or the approval operator concerned.

**(3)** A suspension is generally accompanied by measures relating to the certification (for example, increased frequency of controls, compensated by the approval holder).

### Article 75 Emergency procedure

**(1)** If the UBAtc considers that the situation is urgent, the approval may be suspended immediately as soon as an infraction is observed.

**(2)** The emergency procedure is applied in particular in the case of serious faults in essential parts of the construction<sup>1</sup> and when the situation relates to the unlawful use of the ATG mark or the BUtgb or UBAtc mark by approval holders.

### Article 76 Duration of the sanctions

Suspension measures shall be imposed for a maximum duration of three months. They may be prolonged to allow for additional inquiry.

### Article 77 Notification

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<sup>1</sup> "Serious faults to essential parts of the construction" in this context means those for which dicennial liability exists, in accordance with Articles 1792 and 2270 of the Civil Code and in accordance with the related doctrine and jurisprudence.



(1) The decision to suspend or withdraw includes the motivation.

(2) The arrangements that shall be taken for ongoing works in order to protect the interests of the parties using the subject of the approval are mentioned in the motivation. These arrangements shall be communication immediately to these parties by the approval holder.

(3) Sanctions may be published using the same means as for the approvals.

## **R1.30. Closing down of the npo**

### **Article 78** Closing down of the npo

In the event that the UBAtc is voluntarily dissolved, the technical approval holders do not keep any rights regarding the approval texts and the use of the approval texts.



## **R2. General rules for certification**

### **R2.1. Scope of application**

#### **R2.1.1. Introduction**

This present document constitutes the guidelines for the development of certification schemes and the organisation of certification within the framework of the voluntary activities of the UBAtc.

These guidelines shall be applied by all operators for defining all certification schemes, which are documented in the regulations of the certification operators for this purpose.

The operators may interpret the rules mentioned in this document depending on the subject of the certification, under the condition that they submit this interpretation to the UBAtc by means of the working method described below.

For certification schemes that are organised following ATGs using another conformity label such as BENOR, the certification rules shall also comply with the present regulations.

The present regulations are linked to the rules of the UBAtc, which themselves deal with the structure, principles and ATG approval procedures and which are incorporated in the General Regulations for Approval and Certification, of which these present regulations form a part.

These present regulations cover:

- The principles of control methods and the associated assessment systems that are applied for ATG certification in a general sense.
- The individual and mutual obligations that the participants in the certification process assume within the context of this certification. These are addressed herein as much to the certified suppliers as to the certification bodies and their subcontractors.

#### **R2.1.2. Drafting and approval of the certification regulations**

The regulations that apply for the various certification schemes are defined by the certification operators and shall be approved by their management or advisory structures in accordance with their organisational structure. These regulations, called Application Regulations by convention, are also submitted to the Specialised group for recommendations and approval. The UBAtc itself verifies that the development of the Application Regulations is in compliance with these present regulations, by submitting them to the Management Committee and the Technical Co-ordination Board.

The Application Regulations correspond to the objectives and to the development of the specific approval methods for each scheme and consequently also to the approval guidelines. When possible, these two documents may be combined into one single document.

The approval and certification rules can be broadly outlined in an UBAtc information sheet.

For sectors in which there are only a limited number of products, or for very diversified product ranges, it is possible to work with generic certification regulations, supplemented by inspection check lists linked to the product or the dossier.

#### **R2.1.3. Subject of the certification**

##### **R2.1.3.1. Overview**

Depending on the type of ATG, the subject and the development of the ATG (see I2), different types of certification procedures may be applied.

##### **R2.1.3.2. Certification of approved products or of products that are components of a kit or a constructing system**

The objective of this type of certification is to establish confidence in the fact that the approved products or kits that appear on the market have verified quality, performances and characteristics that correspond to the declarations incorporated in the text. This certification is obligatory for all approvals of construction products and essential components of kits and construction systems, including the ATG/H.

##### **R2.1.3.3. Certification of the application of construction systems based on sample controls**

This form of certification is intended to monitor the application of construction systems and in particular the use of the correct components and the respect of the system's installation method. This working method can be combined with point R2.1.3.2.

##### **R2.1.3.4. Certification of market supporting systems for approved products and systems**

The objective of this form of certification, generally carried out as a complement to the certification method described in point R2.1.3.2, is to verify whether the approval holder has done what is necessary to guide the users of the system in the correct application of the product or the system. The different modules and possible requirements for these procedures are described below.

#### **R2.1.3.5. Certification of recognised contractors**

The certification mode addresses the qualification and the monitoring of the companies or individuals who apply special approvals that have been approved for this purpose by an approval holder, or who have obtained a license to do so. This certification can consist of a verification of the competence and/or organisational processes and/or the final quality. This form of certification is often used in on-site techniques, or for the application of approved procedures. These certificates do not imply any separate approval. The recognised contractors are incorporated in a list, which is linked to one or more approvals.

#### **R2.1.3.6. The certification of the processes of specialised companies that work autonomously with approved products or systems**

This form of certification is used in the case of companies that apply approved products or services from one or more approval holders, in an autonomous way and independent of licenses, and that employ for this purpose an adequate organisational structure.

This certification is based on the verification of the validation of the fitness of the techniques, the resources, the competences and the organisation of the companies. Each certificate is accompanied by a list of approved systems with a valid certificate.

#### **R2.1.3.7. Certification of the calculation process**

This certification is applicable in the case where the approval includes claimed characteristics and performance that are defined using a recognised calculation method. The certification relates to the reliability of the value calculated, obtained using a calculation process validated by competent calculators.

## **R2.2. Basic requirements for the certification procedure**

### **R2.2.1. Product certification**

In product certification, the confidence in the characteristics and/or performances of a manufactured product is confirmed by means of tests or measurements of the product characteristics, according to the prescribed test plans. The schemes for the product certification are organised according to NBN EN ISO/IEC 17067 system 5 and the certification bodies that work in accordance with NBN EN ISO/IEC 17065.

### **R2.2.2. Process certification**

For the process certification, the pertinence of the process for obtaining the desired results and the consequent application of the process are verified. The body that carries out the process certification works in accordance with standard NBN EN ISO/IEC 17065.

### **R2.2.3. Inspection**

The inspection bodies for the certification of the product or the process or for the sample control systems work in accordance with standard NBN EN ISO/IEC 17020. The calculation verification is also carried out in accordance with the same standard.

### **R2.2.4. Tests**

The external laboratories in which the tests are carried out within the framework of certification generally work in accordance with the standard NBN EN ISO/IEC 17025.

## **R2.3. Requirements imposed on the certification operators**

### **R2.3.1. Requirements for the certification operators**

For their activities within the context of the UBAtc, the certification operators shall install a certification system that meets the requirements of the standard NBN EN ISO/IEC 17065. This means that the certification body shall have:

- a structure that guarantees its independence and its neutrality;
- a documented system of technical approval regulations supplementing these present Regulations and the organisational manual of the UBAtc;
- a system or organisational procedures;
- sufficient resources for organising the activities relating to the certification;
- personnel that are competent and experienced in the sectors that are entrusted to them.

The evaluation of the quality of the organisation may be completed fully or partially through accreditation by BELAC. The UBAtc reserves the right to verify whether the operator is truly respecting the specific requirements mentioned in the statutes, the Internal Regulations, these present Regulations and the organisational manual.

The Co-ordination Committee determines the way in which this verification will be achieved. In so far as the accreditation deals with relevant activities, a verification of the availability of the BELAC accreditation may suffice for this purpose.

### **R2.3.2. Requirements for the advisory structure**

For its advisory structure, the certification body will call upon management structures or consulting committees and other sectoral committees, in which all the interested parties play a role.

The body shall establish Internal Regulations for the functioning of its advisory structure.

The advisory structure shall in all cases be composed of representative of the following four groups:

1. The public authorities;
2. The private users;
3. The certified companies;
4. The experts;

Remark: Groups 2 and 3 may be combined.

The operator shall always endeavour to reach a situation in which at least two members of each group are registered in the official composition.

When necessary, the advisory structure may be extended to include additional groups like raw materials suppliers for the sector concerned.

The advisory structure may be extended to include observers from other institutions, either because they are active in the associated sectors, or with a view towards improving the equivalence of the certification rules.

Proposals may be accepted within the advisory structure by consensus or by vote. In the latter case, the distribution of votes between the groups is organised in such a way that there is no more than one group that does not accept the proposal. The group's vote shall always be unanimous.

### **R2.3.3. Requirements regarding the decision-making structure for certification**

Decisions regarding certification are taken by the certification body. In order to guarantee that the necessary expertise for these decisions is available, the certification body may call upon the opinions of a committee of experts, called the Certification Council.

This council can be based on the Executive bureau for the corresponding approval scheme. This Executive bureau may potentially be extended to include independent and impartial external experts. In the event that the approval and certification operators are one and the same, the tasks of the Certification Council can be taken up by the Executive bureau. The certification body shall establish Internal Regulations for the Certification Council.

## **R2.4. Delegation of tasks**

### **R2.4.1. Principle**

The certification operator may delegate the executive and administrative tasks within the framework of the certification to other institutions that work under its control. The assessment for obtaining, maintaining or withdrawing the certification and the drafting of internal and external rules and procedures for certification rest entirely within its competence and cannot be delegated.

The institutions that work as subcontractors shall have management systems that are compatible with that of the certification system itself.

The certification operator remains responsible for the results of the delegated tasks and shall for this reason carry out a proper assessment of the technical and organisational competencies of the subcontractors and their working methods.

The assessment of the quality of the organisation of the institutions designated may be fully or partially supplemented with a suitable accreditation from BELAC or another EA (European Accreditation) member.

The certification operator shall indicate all of the organisations to which it wishes to delegate the tasks in lists attached to the application regulations.

### **R2.4.2. Specific requirements for inspection bodies (control bodies)**

The tasks that may be delegated to these bodies are the following (amongst others):

- assessments of the management system of the industrial self-control system (FPC: factory production control);

- technical monitoring visits of the production units (verification of the auto-control registers and the testing equipment);
- control visits to the construction sites within the context of the certification of construction systems;
- sampling in the production units and on the construction sites;
- approval of batches within the framework of certification;
- calculation verifications;
- verifying the calibrations and settings carried out by the supplier itself;
- individual assessments of the internal laboratories;
- individual assessments of the external laboratories.

These tasks shall be carried out in accordance with the relevant requirements of the standard NBN EN ISO/IEC 17020.

The certification operator shall establish a contract with the designated inspection bodies, regulating all of the provisions for their collaboration.

The certification operator is required to communicate to each certified candidate the identity of the inspection bodies that are involved in the dossier.

### **R2.4.3. Specific requirements for control laboratories**

The certification operator indicates for each sector and for each product family the control laboratories that may carry out the control tests within the context of an external control.

The list of control laboratories is attached to the application regulations and is updated.

The certified company and the body that will carry out the sampling together select the control laboratory from this list. However, the certification operator retains the right, in the event of reasonable doubt, to designate another laboratory. The certification operator itself may choose to assign the external tests to a suitable laboratory.

An external laboratory that has already carried out tests within the framework of a self-control system cannot intervene as a control laboratory, except under the specific supervision of the certification operator.

### **R2.4.4. Foreign certification bodies**

When an UBAtc certification operator carries out certification activities in a given sector reciprocally with a foreign body, within the context of an international reciprocity agreement (such as UEAtc), it shall ensure that the ATG certification rules are respected by the other body. The conventions regarding the application of these rules are determined in a framework agreement between the bodies.

For each dossier that is being handled fully or partially by another body, an additional clause to the framework contract shall be established and the documents that apply shall be made available. For its inspection tasks, within the context of the ATG certification the foreign body is considered as a subcontractor that shall meet all of the obligations mentioned above. The UBAtc certification body reserves the right to carry out the controls itself if the other body does not meet its obligations.

These types of agreements may, when necessary, also be established by the certified approval holder.

## **R2.5. Development of the certification schemes**

### **R2.5.1. Overview**

Within the context of the UBAtc, certification may be composed of different types of certification that are combined in order to arrive at a sufficient control over the risks in using the ATG on the market or for the supervision over the entire quality chain.

### **R2.5.2. Product certification**

This certification is applied to the subject of the technical approval.

The granting of the certification is based on the proof provided that the certified product or kit components:

- possess the specific properties and/or performances claimed;
- have a verified product quality;
- are brought to the market with their correct quality and clear identification.

A verification method is necessary to ensure the desired confidence.

This verification method is always composed of a combination of:

- the control of the product design, the declaration of the product properties and/or performance and the initial tests or calculations;
- an internal production control system (FPC system with the possible inclusion of imposed scheme controls);

- external supervision of the production, the product processing and the production control by the manufacturer.

Generally supplemented by one of the following elements

- random sampling for testing in external laboratories in order to define the correct identity, the precise nature of the self-control system and/or the actual performances of the product.
- site visits.

This collection of tests or controls necessary for certification should not be confused with the tests carried out within the framework of the approval examination. However, these two sets of tests are combined as much as possible, both within the framework of the initial examination and the continuous assessment.

### **R2.5.3. Certification of market supporting systems**

This certification module is used for the approval of systems for which correct application is critical to achieve the targeted performances, for which reason support is necessary.

This certification rests on the assessment and monitoring of the interactive processes between the approval holder and its contractors.

The elements of the interactive process include

- the documentation for the application of a system (incorporation, execution or installation guidelines, rules and resources for monitoring and quality control) and its dissemination;
- training in group and direct support;
- qualification and recognition of the contractors;
- support for the complementary tests and calculations;
- monitoring of the application improvement measures.
- handling of any complaints and problems.

### **R2.5.4. Certification of incorporation, execution and installation processes**

This is an optional supplemental module that is intended to uphold the confidence given to the companies or individuals that are applying the subject of the technical approval, but that are not themselves the approval holder.

This certification is based on the assessment and monitoring of:

- The correct selection of approved products and systems depending on the application;
- The availability of the resources to apply the techniques concerned;
- The competence of the workers and people;
- The organisation of the company.

### **R2.5.5. The certification of contractors approved by the ATG holder**

This certification relates to the competence of the contractor (company, team or person) to apply an approved system, including the supervision of the actual application. It concerns contractors that are qualified or approved for specific approvals by the approval holder.

## **R2.6. Requirements for production control systems**

To be allowed to certify a product, the supplier shall have a Factory Production Control system (FPC) that can be used to guarantee the consistent quality and conformity of this product.

The production control system shall meet the requirements that are included, in principle, in the application regulations concerned.

These requirements are explained in detail in Annex 2.

## **R2.7. External controls within the framework of the product certification**

### **R2.7.1. Objective**

The objective of the external control is to supervise the production, processing of products and carrying out of the self-control.

The external control is comprised of a combination of the following actions:

- initial and periodic assessments of the Factory Production Control system (FPC);

- technical control visits to the production units, including verification of the self-control system registers and verification of the control methods;
- where necessary, control visits to the construction sites;
- where necessary, sampling within the production units with external control tests in order to define the actual performances of the product, its precise identity and the adequacy of the internal controls;
- verification of the calibration and settings of the equipment used;
- where necessary, assessments of the internal and external laboratories.

## **R2.7.2. Design of the external control method**

The external control method shall be determined depending on the subject of the certification and the organisation of the auto-control system.

As the objective of the ATG product certification is the confirmation of the actual conformity of the product, the control shall be carried out up until the verification of the characteristics of the product. Within this context, the evaluation of the FPC system serves as an indispensable support factor.

This assessment shall take into account the possible presence of an NBN EN ISO 9001 certification for the producer's management system.

Within the context of its responsibilities, the certification operator shall assess the relevance of the NBN EN ISO 9001 certification for the FPC.

The essential principles of this method shall be defined for each sector or for each product family in the application regulations. The detailed procedure data shall be incorporated in each dossier within the certification contract.

If the production unit of the certified suppliers (ATG holder) is located abroad, with distributors operating in Belgian territory, the control shall be divided in an effective way over the production units and the distribution units depending on the influence that the respective elements of the supplier's organisation may have on the quality of the product. If necessary, the distributor itself may be considered as supplier (ATG holder).

For an external control in foreign production units, foreign inspection bodies may be called upon or a collaboration with foreign certification bodies established.

The UBAtc certification operator remains, however, responsible for the certification and shall consequently adequately control the designated bodies in order to guarantee the equivalence of the assessment.

## **R2.7.3. Elements of the external control**

### **R2.7.3.1. Initial inspection of the FPC**

This point is targeted towards the design and suitability of the FPC system, including an assessment of the possible procedures.

In case there is no written manual, the initial inspection shall be limited to the application of the technical control schemes and the instruments necessary for this purpose.

In the case that written procedures do exist, the initial inspection of the FPC shall comprise a complete, independent audit of the production system and of the FPC system.

In the event of the presence of an NBN EN ISO 9001 system that does not fall under the control of the product certifier, or when there is no agreement between the NBN EN ISO 9001 certifier and the product certifier regarding the application domain and the assessment rules of the NBN EN ISO 9001 certification, the initial inspection shall consist of an independent control of the quality manual and the relevance of the NBN EN ISO 9001 certificate for the FPC.

In the case that the two certifications are integrated, the initial NBN EN ISO 9001 and FPC audits may also be combined.

The initial FPC inspection is in principle unique. For each significant modification of the FPC system, an additional inspection shall be carried out. The initial inspection is valid for each production facility and does not need to be repeated for the certification of an additional product, as long as this does not imply fundamental additions to the FPC system. The FPC inspection may, however, be more extensive if it covers several products, or several production units and/or lines.

### **R2.7.3.2. Periodic inspection of the FPC**

This inspection verifies whether the FPC system has remained unchanged and/or whether the system is being correctly implemented. This periodic inspection may be carried out within the context of technical control visits (see below).

### **R2.7.3.3. Technical control visits**

The goal of these controls is to confirm that the product characteristics correspond to the technical approval criteria or to the standard. They thus concern the verification of the auto-control system results and of all the production aspects that have an effect on the product quality, as well as the supervision of all the relevant tests on the finished product.

The frequency of this type of control is determined depending on the type of FPC, but shall never be less than twice per year.

Remark: an equivalent alternative is possible.

The duration of the control is proportional to the number of products to be controlled, their characteristics and the supervision of the tests in the factory laboratory. It shall be determined on a case-by-case basis in the agreement on the basis of the rules incorporated in the application regulations. If necessary, this control shall be carried out once per year at the same time as that of the FPC system implementation control (see above).

#### **R2.7.3.4. Control visits to construction sites**

For the certification of the application systems of construction products and systems that are assembled on the construction site, it may be necessary to carry out control visits to the construction sites. The frequency and the provisions of these visits shall be specified in the application regulations and the certification contract.

#### **R2.7.3.5. External sampling and control tests**

The sampling for the external tests may be carried out to achieve the following goals:

- The verification of the number of basic characteristics that confirm that a product corresponds with the results of the approval examination and what is thus written in the ATG text. These are referred to as identification tests. A differentiation is made between identification tests based on the product's composition and those based on its performances.
- The verification of the validity of the self-control results. In this case, a comparison is especially made between the instruments and the methods used for the internal and external tests. These are referred to as reproducibility tests. The samples are generally taken in pairs for simultaneous testing in the internal laboratory and in the external control laboratory.
- The verification of the working performance of the product. These are referred to as periodic control tests.

In principle and whenever possible, samples shall be taken during control visits to the production units of the construction sites. In certain cases, the sampling shall take place at another moment.

In principle, sampling shall always take place in the presence of and with the agreement of the ATG holder. With the agreement of all the concerned parties, unscheduled sampling may also take place on all the ATG-marked products that are present on the market (construction sites, distribution).

Sampling is done in this case following a procedure with both parties present, as described in the application regulations.

The nature and the frequency of the external control tests shall be determined in the application regulations and in the certification contract.

The representative of the certification operator or the mandated inspection body shall register all the relevant data:

- the nature and identity of the sample;
- the identification of the certification dossier;
- the description of the tests to be carried out;
- the administrative and organisational provisions.

The relevant information is validated by the ATG holder and accompanies the sample to the test laboratory.

In those cases for which the representative of the certification operator is the only one that can receive the test results of the external controls in order to carry out the supervision effectively, the results may not be communicated directly to the ATG holder. This information shall be specified in the application regulations and shall also be indicated on the sample sheets. The ATG holder reserves the right to communicate the results afterwards to third parties.

The ATG holder shall make a financial agreement with the laboratory, ensuring that this does not delay or slow down the carrying out of the tests.

#### **R2.7.3.6. Special controls**

In certain cases, the certification procedure may require that the control body provides additional services, such as:

- verification of the calibration and settings;
- observation of the special laboratory tests;
- the assessment of the tests in an external laboratory relating to the self-control system.



## **R2.7.4. Special provisions for external controls**

The regular monitoring visits and sampling, in principle, take place without advance warning to the ATG holder. The holder is required to provide access during working hours for the certification operator's representatives at all locations and facilities where a control shall be performed within the framework of certification. The holder shall also disclose to these representatives all necessary information and provide access to the self-control register. FPC inspections may be arranged in advance by mutual agreement.

The inspections and sampling may be performed by a representative of the certification operator itself or by a staff member or a mandated inspection operator. In the latter case, a representative of the certification operator may participate in the visit as an observer.

The representative from the inspection body retains the competence over the control activity.

A visit may also be carried out by an auditor of the body that provides accreditation services to the certification operator or the inspection body.

## **R2.7.5. Reporting**

The certification operator or its agent will prepare a report for each control activity, which will be used for making decisions concerning the granting, maintenance or limitation of the certification.

At each visit, and to the extent that it is possible for the drafting to be carried out, this report will be prepared on site and submitted to the supplier for examination. The supplier shall thus have the opportunity to record its comments on the report.

When the inspection report cannot be drafted on site, a copy shall be sent to the ATG holder after the final drafting and at the latest one month following the visit. The holder can provide its comments regarding this report within 10 working days.

The external control test assessment shall also be incorporated into a report, copies of which shall be made available to the ATG holder.

Unless otherwise specified, this final assessment report shall be made available at the latest during the next control visit.

## **R2.8. Application regulations**

### **R2.8.1. Principles**

The application regulations for each scheme include the requirements and the rules for certification that are generalisable to the products or processes in question. These rules shall be defined to maximise the equivalence of the assessment in this scheme, without prejudice to the necessary individual assessments that address the specifics of each product or process. Rules that are not generalisable are incorporated in the certification contract. The general rules are attached to the approval guidelines or are drafted into a separate document.

The application regulations are drafted by the certification operator, taking account of any recommendations provided by the Certification Board. The Advisory Boards are responsible for creating a proposal favouring the ratification of the application regulations.

The regulations may be established for each scheme separately, or they may describe different partial schemes that together form a comprehensive scheme for a sector. These may thus relate as much to the certification of a system's components, as to the approval of contractors for the certification of processes for the implementation of the system. Each regulation shall include a clear description of the schemes involved and the relationships that connect them.

### **R2.8.2. Structure**

The application regulations are, on the one hand, linked to these present general regulations for certification and, on the other hand, to the ATG approval guidelines in force. They supplement the elements that are listed in the general regulations, but that have not been made concrete. When the approval guidelines also include limited data linked to the certification, this data shall be in conformity with the application regulations.

The application regulations include an administrative part and a technical part.

### **R2.8.3. Contents**

#### **R2.8.3.1. Administrative part**

1. Scope of application.
2. General overview of the relevant certification schemes.
3. The description and the competence of the organisational elements of the certification body and the lists of the control bodies and external laboratories.
4. Additional information regarding mutual recognition with foreign bodies.



5. The tariff system and payment method.
6. The document flow between the various actors.
7. The way in which the certification is organised.
8. Specific information for establishing the certification contract.

### **R2.8.3.2. Technical part (in the case of product certification)**

The part below may be incorporated in the regulations or referred to:

1. The requirements for the documentation system.
2. The requirements for the product description, including the initial tests.
3. The requirements for the organisational structure of the ATG holder.
4. The requirements for the documented production control system, including the procedures (monitoring of raw materials, monitoring of production, etc.) depending on the options for the type of final FPC control, etc.
5. The control schemes for the self-control system (raw materials, production processes, final performances):
  - Properties and criteria;
  - Test methods;
  - Frequencies;
  - Methods.
6. The requirements for the internal laboratories.
7. The requirements relating to the calibration of the test and dosage equipment.
8. The registration requirements.
9. The schemes for the external controls: inspection and sampling with the tests to be carried out.
10. The rules for the ATG marking, stock management when shipping.
11. Specific conditions for maintaining certification and experience regarding how to handle defects.

## **R2.9. Certification contract**

### **R2.9.1. Meaning**

The certification contract is a contractual document established by the certification body and signed by that body and by the certified supplier, in which the individual and mutual obligations of each party are laid out for the dossier in question in a concrete manner.

This agreement contains an administrative part and a technical part, and makes reference to the general regulations for ATG certification as well as to the application regulations.

### **R2.9.2. Administrative part**

The administrative part includes:

- the definition and the situation of the subject of certification;
- the reference to these present regulations and the concrete indication of the aspects to be clarified that are incorporated therein;
- the business and legal aspects of the agreement between the two parties;
- the financial conditions;
- the payment conditions;
- the termination procedures;
- the VAT obligations;
- the respective responsibilities of the signatories.

### **R2.9.3. Technical part**

The technical part includes:

- The reference to the application regulations that contain the principles regarding payment from the internal and external control schemes.

- The concrete implementation of control schemes, i.e. mentioning all the product specifications and control procedures for the quality control, as well as the frequency and the manner in which these checks shall be performed (testing method, calibration, sampling procedures, certification of management systems, etc.) To this end, the FPC self-control system and the external controls shall be covered in separate sections.
- Practical information regarding the collaboration with the control bodies and the laboratories.

#### **R2.9.4. Scope of application of the agreement**

As a general rule, the certification contract is established for each ATG. Since the validity of the certification may be treated as a function of the limited combinations of products and production systems that fall under one ATG, the individual combinations shall be mentioned in the agreement.

In the case of contractors approved by an approval holder, a tri-part supplement is signed for each recognised contractor (approval holder, certification operator, contractor). In the case of an independent process certification, an agreement is signed between the company and the certification operator for each company, in which the applicable approvals are included.

#### **R2.9.5. Framework agreements**

When a certification operator concludes several agreements with an applicant or an ATG holder, in which combining controls allows practical and economical rationalisation, the establishment of framework agreements that include the general conditions of the collaboration are recommended.

These are supplemented by annexes that replace the individual agreements; the contents of these annexes are limited to the aspects relevant to the approvals concerned.

These annexes shall be mentioned in the continuously updated inventory that also includes an updated overview of the actual functioning of the financial system for all of the combinations that are addressed in the framework agreements.

#### **R2.9.6. Collaboration between certification bodies**

When several ATG certification operators perform certification inspections for a single applicant or ATG holder, but for different products, possibly using the same control bodies and laboratories, the preparation of a common trilateral or multilateral framework agreement may be justified. In this case, each of the partners, including the subcontractors, applies common rules for the organisation of controls and pricing. These framework agreements have no influence on the certification decisions. They remain the responsibility of each individual certification operator.

The certification Operators and inspection bodies shall always have a continuously updated file of the controls to be carried out. The certification operator that manages the largest package is responsible for the administrative co-ordination.

#### **R2.9.7. Modification of the agreement**

The Certification Board shall be informed of all significant modifications to the certified products, production systems, auto-control systems or certification regulations. These modifications may potentially require adaptation of the certification contract.

In particular, the agreement shall be reviewed in the event of an extension or modification of the ATG certification and adapted accordingly. These adaptations may be subject to additional initial inspections.

#### **R2.9.8. Transitional provisions in the event of changes in standards and regulations**

The certification operator is required to inform the certified ATG holders of any significant changes in standards and regulations that affect the requirements for certification, about which the certification operator has been informed.

The certification operator shall also, when necessary, provide for appropriate transitional measures that allow the ATG holders to adapt to the changes.

### **R2.10. Initial certification**

#### **R2.10.1. Admission examination**

The certification shall be issued by the certification operator after an admission examination, which takes place according to the relevant scheme described in the application regulation.

As a general rule, for the technical approval with certification, this admission examination shall be carried out jointly and simultaneously with the approval examination. The approval and certification operators work together to this effect. The approval and the certification shall be issued simultaneously.

Additional certificates or independent certificates fall completely under the responsibility of the certification operator. If these certificates are dependent on a specific approval, the approval operator is systematically informed about the certification process

### **R2.10.2. The Assignment of the certification operator**

In principle, the certification operator is designated per domain or possibly per scheme. Unless otherwise specified, a single operator is assigned to each domain/scheme/product family, and prepares the rules and handles the dossiers.

The certification operator receives the assignment:

- From the UBAtc for new approval applications received by the UBAtc.
- From the approval operators for renewals of existing approvals.
- From applicants requesting independent certifications.

All the assignments given to the certification operator shall be communicated to the relevant approval operator as well as to the UBAtc.

### **R2.10.3. Procedure for the admission examination**

To ensure as efficient a process as possible for an application for an approval with certification, all aspects regarding the certification within the approval examination shall be carefully prepared in a timely and adequate manner. For this purpose, an appropriate consultation shall take place between the approval operator and the certification operator. The rapporteurs and the certification assessors as well as the Executive bureaus and Certification Boards will work jointly on this certification process.

For independent certifications, the rules of the application regulations remain in force.

During the admission examination, the assessors and rapporteurs shall collect all the information needed to define the control and certification contract. This agreement shall be signed before the certificate may be issued.

This information includes, in so far as is relevant, checklists for dossiers, control schemes and special provisions for external controls as well as the possible collaboration with other institutions.

### **R2.10.4. Assessment report**

The results of the admission examination are incorporated in the assessment report, which may contain all the appropriate data for the approval and certification decision. On the basis of this report, the certification operator shall prepare, following consultation with the Certification Board, a declaration of certifiability or an equivalent document.

For technical approvals with certification, the approval operator shall be notified, and the text finalised and signed.

For independent certifications, the certification operator shall issue the certificates.

## **R2.11. Certificates**

### **R2.11.1. Meaning**

A certificate is an official document written by the certification body, which shall be made available to the certified entity and which indicates that a product, system, process, company, etc. has been certified.

For certification as part of an approval with certification, which shall be signed by the approval operator and the certification operator, the signed approval text serves as the certificate. The approval text shall clearly state what falls under the certification.

When, however, several aspects of the approval shall be certified separately (multiple products, characteristics, production sites, contractors, etc.), it may be appropriate to issue additional and separate certificates as well. These are issued by the certification operator and published, unless otherwise specified, via the channels of the UBAtc.

### **R2.11.2. Validity**

In the case of a technical approval with certification, the certification normally continues tacitly as long as the ATG is valid, unless the control body discover problems that lead to suspension or withdrawal, or in the case that the subject of certification is modified. The latter case occurs when certain aspects concerning the composition, production or control of the product are modified and adaptations to the approval text are necessary.

For the certifications of recognised contractors or other process certifications, the validity shall be mentioned in the application regulations.

### **R2.11.3. Invalidation of the certification**

The validity of the certification may be impeded by:

- measures taken by the certification operator following the observation of breaches by the certified entity;
- measures taken following an inadequate or irregular production;
- the renunciation of the certification by the certified entity itself;
- the failure to adapt the certification contract in a timely manner following modifications to the products and production systems.

The invalidity of the certification may result in the suspension or the withdrawal of the certification.

### **R2.11.4. Publication of the validity status of the certification**

The state of suspension or withdrawal of part or all of an ATG certificate shall be published under the responsibility of the certification body. Unless otherwise specified, publication shall be made through the UBAtc channels.

## **R2.12. Financial conditions**

The financial conditions are designed in such a way as to allow certification decisions to be taken independently by the certification operator, as prescribed in the accreditation standards.

This means that the certification operator and its subcontracted bodies shall be paid according to the rates specified in the financial conditions, in such a way that they may ensure the ongoing competence needed, as required in the accreditation standards related to their activity.

The financial conditions are established for each sector under the control of the relevant consultative structure on the basis of the general guidelines listed in the document R6.

The certification contract refers to the sector's financial conditions. When necessary, individual regulations may be added to the agreement.

The financial conditions shall be attached to the application regulations and may be reviewed in consultation with the advisory board. These conditions and all their modifications shall be submitted to the Management Committee of the UBAtc as well as to the Technical Co-ordination Board.

## **R2.13. Maintenance of the certification**

### **R2.13.1. Conditions**

The maintenance of the certification depends upon:

- the validity of the approvals that are the basis for the certification, whether related to product certification, process certification or the recognition of contractors. This includes the compliance of all parties involved (the approval holder and the certified entities) with all their obligations vis-à-vis the UBAtc regarding the approval.
- the compliance of the ATG holder with all of the requirements regarding the organisation of the production controls and the conformity of the characteristics and/or performances of the products with the ATG specification that are included in the certification contract, which refers to the certification regulations.
- the compliance with all the administrative and financial obligations that are incorporated in the certification contract.
- the compliance with the correct usage of the ATG mark.
- the sufficiently regular actual production of the certified product.

### **R2.13.2. Evaluations, measurements and procedures**

Any observation of non-compliance with the above conditions shall be communicated via the certification operator and shall result in appropriate measures that are linked to the internal procedures of the certification operator. These measures and procedures shall be determined by the certification operator and may, where appropriate, be included in the regulations. The measures and procedures shall be conceived in accordance with the principles listed below.

For measures that involve concrete actions by the supplier or that require additional controls, and that have an important influence on the validity of the certification, the Certification Board shall be consulted.

The measures may relate to all or part of the certified products, production sites and production systems, recognised contractors, etc.

## **R2.13.3. Gradation of measures**

### **R2.13.3.1. Registration of defects that may require corrective measures**

The representative of the certification operator that is carrying out the control or evaluating the external tests, shall register the breaches in the report and suggest, where necessary, appropriate corrective actions. The supplier shall be informed through the reports. Where appropriate, auxiliary documents shall be used, such as non-compliance forms.

The certification operator examines the information in the reports and decides whether it is necessary to submit the issue to the Certification Board.

### **R2.13.3.2. Additional controls and requirements for corrective actions based on the recommendations of the Certification Committee**

The supplier shall be notified in writing of decisions resulting from the recommendations of the Certification Committee.

When it is found that the breaches would, should the corrective measures not be taken, call into question the validity of the certification, a warning shall be attached to the notification.

This warning shall clearly state that the prolongation or repetition of the breaches will result in more severe measures.

External controls shall be tightened as well, where necessary.

### **R2.13.3.3. Suspension of autonomous delivery**

The supplier may no longer use the ATG mark without the prior consent of the certification operator responsible for inspecting the batches.

Periodic controls shall be carried out as usual, and may be tightened.

### **R2.13.3.4. Suspension of the certification**

The supplier shall temporarily stop using the ATG mark until the breaches are resolved. The suspension period shall be determined by the progress of the corrective actions. The maximum suspension period is determined in the regulations. The periodic inspections shall continue and may be tightened. The measures shall be communicated to the approval operator, which shall suspend the approval. The UBAtc may publish the suspension of the approval and certification.

When the approval operator considers that grounds exist to maintain the approval despite the suspension of the certification, it shall work in consultation with the certification operator to this effect, and a decision shall be taken, where necessary under the aegis of the Technical Co-ordination Board.

When an approval is suspended by the approval operator, all the certifications that refer to this approval shall also be suspended, unless otherwise specified

In exceptional cases, certain certifications may temporarily and / or partially continue, depending on the revision work being carried out for the approval. In such cases, this shall be clearly disclosed publicly.

In the case that several certifications refer to the approval (several production sites, several contractors) or when the certifications refer to several approvals (process certification), the suspension of a certification shall define which certifications remain valid and what temporary modifications or additions are needed for the approvals concerned. Such a situation shall be communicated by the UBAtc.

### **R2.13.3.5. Withdrawal of the certification**

The ATG holder may no longer use the ATG mark and the product or process is no longer considered to be certified. In the case of a recognised contractor, certification of the contractor is voided, as is the contractor's approval (if it had been granted by the certification operator).

At the request of the certification operator, the ATG may be withdrawn, and can no longer be used for the approval text. When the approval operator considers that the approval should not be withdrawn, it shall work in consultation with the certification Operator and a joint decision shall be taken. Failing agreement between them, the vote of the certification operator will be the deciding factor.

The withdrawal is final and corresponds with the cessation of controls, except for one visit within three months to monitor stocks and verify the use of the ATG mark.

To be recertified, the initial assessment shall be repeated, following a formal application by the suppliers and a review of the availability and validity of the corresponding ATG.

## **R2.13.4. Special measures in case of cessation of production or insufficient production**

The certification cannot be maintained when production is temporarily ceased or when the external controls cannot be validly carried out because of insufficient or irregular production.

Each significant temporary disruption shall be communicated to the certification operator so that voluntary suspension may be introduced. The external controls shall be reduced. When production is restarted or in the case that a specific production is temporarily re-initiated, the certification operator shall be notified so that a preliminary inspection may be arranged for the reallocation of certification.

In the event that the supplier does not voluntarily disclose that there is insufficient production, the certification body itself shall take the appropriate measures.

Following the expiration of the certification due to inadequate production or the cessation of production, the approval and certification operators may decide jointly to temporarily maintain the approval in order to sell off stocks or retain the visibility of the product concept on the market. In this case, a batch control shall be carried out. The operators shall be notified of any possible additional production so that they may take the necessary measures.

### **R2.13.5. Measures in the case of production modifications**

Any significant changes in product descriptions, production systems, the design of the self-control system, production sites, etc., shall be communicated to the certification operator so that the latter may take the necessary transition measures and adapt the certification approval appropriately.

Failure to do so by the supplier may result in the suspension or the withdrawal of the certification.

Significant modifications shall be submitted to the Certification Board.

### **R2.13.6. Notification and publication of measures**

The requirements regarding corrective actions, announcements of additional controls and warnings shall be notified in writing.

The suspension of autonomous delivery, suspensions and the withdrawal of the certification shall be communicated via registered mail after the supplier has been warned about the risks being taken and after having been given the chance to demonstrate all the elements and present a defence.

Warnings and suspensions of autonomous delivery shall not be disclosed to third parties.

The suspension and the withdrawal of certification shall be published together with the approval operator via the UBAtc channels, and on conjunction with the publishing of the validity status of the corresponding ATG. The validity of the certification shall be communicated upon request to any person by the certification operator.

### **R2.13.7. The supplier's right to a hearing**

The supplier has the right to protest any measure from the suspension of the autonomous delivery; this takes place at a hearing of the Certification Committee, at which the supplier may present all of the elements of its defence. At that hearing, the supplier may be assisted by advisers who have no relationship to and who are not part of the advisory council of the certification operator.

The request for a hearing shall be introduced in writing.

The action of requesting a hearing does not suspend any measures that have been taken.

### **R2.13.8. Appeal petition**

When the supplier disagrees with a decision of the certification operator, it may appeal to the certification operator's Appeals Board. The notification of appeal shall be sent by registered mail addressed to the certification operator. Any measures that have been taken shall not be suspended by the introduction of the appeal petition.

### **R2.13.9. Higher appeal**

An appeal may be made to the UBAtc against the decision of the Appeals Committee of the certification body, when the person who introduces the appeal considers that in taking the decision, errors of form and/or procedure were made.

In a higher appeal, only the aforementioned faults shall be ruled on.

### **R2.13.10. Disputes**

The supplier, on the one hand, and the certification operator, on the other hand, are required to settle any disputes that may arise in connection with the execution or interpretation of the regulations by an institutional court of arbitration. The procedure is conducted under the rules of CEPINA. Belgian law applies.

The court of arbitration is located in Brussels. The national languages shall be accepted as languages for the court of arbitration. This court of arbitration is the court of first and last instance.

Disputes regarding both approval and certification shall be handled with the involvement of the approval and certification operator.

## **R2.14. Complaints**

The certification operator shall deal with all complaints regarding the quality of certified products or concerning the organisation of the certification. The complaint and its handling shall both be recorded.

Complaints regarding the quality of products may lead to additional inquiries or the taking of measures within the framework of the certification.

The certification operator cannot, however, be held responsible for the actual quality of the product. That remains the responsibility of the supplier.

Complaints, both regarding approvals and regarding certification, shall be handled jointly according to the procedures of the UBAtc.

## **R3. Particular regulations for the organisation of specific voluntary approval and certification services**

### **R3.1. Certification of recognised contractors**

#### **Article 79** Application for certification of recognised contractors

(1) An application for the certification of recognised contractors may only be introduced by the applicants or approval holders that have approved or that wish to recognise contractors, for which purpose a framework has been developed by the UBAtc.

(2) The certification shall be requested using the forms provided by the UBAtc for this purpose and which mention, among other things, the identity(ies) of the contractor(s) that are recognised or that are to be recognised.

(3) For the application, a technical dossier, the composition of which is specified in the rules provided by the relevant certification operator and approved by the UBAtc, shall be attached when necessary.

(4) The application shall be handled by the certification operator designated for this purpose by the UBAtc.

(5) Further administrative, financial and technical handling is taken care of by the certification operator designated for this purpose by the UBAtc, in accordance with the rules approved by the UBAtc (see R2).

### **R3.2. Innovation ID (IID)**

#### **Article 80** Admissibility

(1) At some point during the certification examination, and once this is sufficiently advanced, the approval operator responsible for the dossier may proceed to issue an Innovation ID, under its own responsibility, but with the agreement of the Executive bureau concerned, if necessary after consultation with a committee of experts, and after consultation with the applicant.

(2) The decision to issue an Innovation ID rather than a completely developed technical approval is completely based on the approval examination. The request is therefore made in accordance with the procedure in force for a technical approval (ATG).

(3) An Innovation ID may in no circumstances give rise to unfair competition with technical approvals already issued for a similar type of product.

#### **Article 81** Costs

(1) The costs associated with the issuing of an Innovation ID shall be determined on a case-by-case basis by the relevant approval operator.

(2) When it appears that an Innovation ID will not lead to a completely developed technical approval (ATG), the costs associated with the Evaluation of Innovation shall not be reimbursed and a maximum of 50% of the administrative costs shall be reimbursed.

#### **Article 82** Approval process

(1) An Innovation ID shall be discussed within the Executive bureau concerned, and once consensus is reached regarding its issuing, it shall be presented to the Specialised group.

(2) Subject to confirmation by the approval operator, the Innovation ID shall be published by the UBAtc; however, it shall be included on a separate list in order to maintain a clear distinction from the technical approval (ATG).

#### **Article 83** Certification

An Innovation ID may be accompanied by a certification.

#### **Article 84** Conditions

(1) The maximum validity for an Innovation ID is limited to one year (not renewable). After a period of one year at the latest, the approval operator shall decide, together with the holder, whether to proceed with the withdrawal of the Innovation ID or whether to convert it into a completely developed technical approval (ATG).

(2) The receipt of an Innovation ID is not linked to the ultimate issuing of the completely developed technical approval, or to the issuing of any other opinions.

(3) An Innovation ID does not confer any right to the use of the ATG mark.

Remark 1: An Innovation ID may be used to describe very innovative subjects and to document the performances that are available.

Remark 2: Regulation EU) N° 305/2011 does not include any provision for obtaining an Innovation ID.



### R3.3. Limited technical approval

#### Article 85 Admissibility

(1) At some point during the approval examination, and once this is sufficiently advanced, the approval operator responsible for the dossier may proceed to issue the limited technical approval, under its own responsibility, but with the agreement of the Executive bureau concerned.

(2) The decision to issue a limited technical approval rather than a completely developed technical approval is completely based on the approval examination. The request shall therefore be made in accordance with the procedure in force for a technical approval (ATG).

(3) A limited technical approval may in no circumstances give rise to unfair competition with technical approvals already issued for a similar type of product.

#### Article 86 Costs

(1) The costs associated with the issuing of a limited technical approval shall be determined on a case-by-case basis by the relevant approval operator.

(2) When it appears that a limited technical approval will not lead to a completely developed technical approval (ATG), the costs associated with the limited technical approval shall not be reimbursed and a maximum of 50% of the administrative costs shall be reimbursed.

#### Article 87 Publication

A limited technical Approval, issued for a well-defined construction site shall not be published by the UBAtc, but given to the applicant by the approval operator. A list of sites for which a limited technical approval has been issued shall however published on the UBAtc website.

A limited technical approval with a limited validity period shall be published on the UBAtc website.

#### Article 88 Certification

A limited technical approval may be accompanied by a certification.

#### Article 89 Construction site visit

When one of the conditions for the issuing of a technical approval includes (a) visit(s) to the construction site, an agreement shall be reached with the relevant project owner(s) so that the representative of the UBAtc or of the approval and/or certification operator(s) may access the site.

#### Article 90 Conditions

(1) The maximum validity for a limited technical approval is limited to one year (renewable). As soon as possible, the limited technical approval shall be replaced by the completely developed technical approval.

(2) The receipt of a limited technical approval is not related to the ultimate issuing of the completely developed technical approval (ATG), or to the issuing of any other opinions.

(3) A limited technical approval does not confer any right to the use of the ATG mark, unless it is a document with a limited validity period and the approval operator has explicitly mentioned the right in the approval text.

Remark 1: A limited technical approval is generally issued when, during the approval application, the approval examination is not sufficiently advanced to allow the issuing of a completely developed technical approval.

Remark 2: Regulation (EU) N° 305/2011 does not include any provision for obtaining a limited technical approval.

### R3.4. Energetic characterisation (ATG-E)

#### Article 91 General

The basic process for approval (see R1) applies, with the following modifications and additions.

Given that the energetic characterisation shall only be issued within the context of energy performance regulations, it shall only be issued in Dutch and French.

#### Article 92 Modifications and additions to the basic approval process

(1) The energetic characterisation is only intended to be annexed to the application, in order to evaluate the construction or innovative technology concepts within the context of the regional energy performance regulations. The issuing of an energetic characterisation does not necessarily require publishing, as is the case for the ATG. For the same reason, the ATG-E texts cannot be consulted on the website of the UBAtc.

- (2)** The energetic characterisation does not confer any right to the use of the ATG mark.
- (3)** The energetic characterisation cannot be used for technical-commercial purposes, cannot be disseminated by its holder (for example, for publication on the applicant's Internet site), and cannot make any reference to the involvement of the approval or certification operator or to the UBAtc.
- (4)** The company listed as the ATG-E holder and the company (or companies) that sell the subject of the energetic characterisation can only claim the application of the characterisation of energy in the energy characterisation flyleaf.
- (5)** The energetic characterisation relates only to the product or system whose trade name is mentioned on the energetic characterisation flyleaf. Holders of an energetic characterisation cannot use the name of UBAtc, its logo, the ATG mark, the energetic characterisation text or the ATG-E reference to claim product evaluations that are not consistent with the energetic characterisation, or for products and/or systems and/or properties or characteristics that are not the subject of the energetic characterisation.
- (6)** The information made available to (potential) users of the product or system covered in the energetic characterisation (e.g. project owner, contractors, specifiers, etc.) by the ATG-E holder or its designated/recognised installers, in any manner whatsoever, cannot be inconsistent with the content of the energetic characterisation, or with any information which is referenced in the ATG-E text.
- (7)** Holders of an energetic characterisation are still obliged to inform the UBAtc and the certification operator designated by the UBAtc, in advance and at the correct moment, of any potential modifications in raw materials, products, processing guidelines, production and incorporation, execution or installation processes and/or equipment.

## R4. Reciprocity

### R4.1. Confirmation

#### Article 93 General

The basic process for approval (see R1) applies, with the following modifications and additions.

#### Article 94 Confirmation of a technical approval issued by another member of the UEAtc

**(1)** In its role as a member of the UEAtc, the UBAtc may confirm technical approvals issued by other member bodies of the UEAtc, in accordance with the rules of the UEAtc on this matter.

**(2)** This type of request shall be submitted using the forms (FORM01EN, see Annex 4) provided by the UBAtc for this purpose.

**(3)** It is possible that the UBAtc does not issue technical approvals (ATG) for the subject of an approval issued by another member body of the UEAtc. In this case, the UBAtc shall inform the applicant.

**(4)** As a general rule, the UBAtc and its approval operators shall accept the results of approval examination carried out by another member body of the UEAtc, in particular for test and inspection reports, but may impose additional requirements.

This means that the existing approval dossier is examined and adapted to the fitness for use requirements in the Belgian context. An approval text shall be established, which is then subject to the basic approval process in accordance with the provisions of R1.

**(5)** To the extent that the requirements imposed by the UBAtc's certification operator correspond to those imposed by another member body of the UEAtc, the basis of the certification shall be recognised under the responsibility of the other member body of the UEAtc. The certification may cover the subjects of technical approvals and/or the components used in the system addressed by the technical approval.

**(6)** The UBAtc's certification operators remain responsible for the decision about reaching an agreement for certification, proceeding with a suspension or withdrawal of certification and taking any subsequent action regarding the ATG technical approval.

**(7)** The rules of the UEAtc allow the UBAtc or its approval and/or certification operators to carry out additional examinations in order to judge whether the technical approval issued may be maintained.

Remark: In some cases, the subject addressed by the UBAtc in the technical approvals is certified by other bodies on the basis of standards or other reference materials. In such cases, the total or partial confirmation of the work done by the other body may be possible, but this is not necessarily part of the framework of the UEAtc.

**(8)** When certification is not required by the other member body of the UEAtc, a certification body shall be designated jointly with this other member body of the UEAtc.

#### Article 95 Confirmation by another member body of the UEAtc of an ATG technical approval issued by, or to be issued, by the UBAtc,

**(1)** The applicant shall indicate whether it wishes the confirmation of an ATG technical approval issued, or to be issued, by the UBAtc.

**(2)** This request shall be introduced using the forms (FORM01EN, see Annex 4) provided by the UBAtc for this purpose.

**(3)** By introducing this request, the applicant automatically authorises the UBAtc and its approval and/or certification operators to contact the member body of the UEAtc to which the request relates, and by extension, and where relevant, to work together on this matter within the UEAtc bodies responsible for this topic.

**(4)** Confirmation means that the subject of the approval to be issued by the confirmation body does not differ much or at all with the subject of the ATG technical approval issued or to be issued by the UBAtc.

**(5)** It is possible that another member body of the UEAtc does not issue an approval for the subject of a technical approval (ATG) issued by UBAtc. In this case, the applicant shall be informed.

Remark 1: The applicant shall itself, to the degree it wishes, take the necessary measures regarding the confidential handling of the information by the other member bodies of the UEAtc. More detailed information regarding the confidential handling of information by the UBAtc may be found in Article 58, Article 59, Article 60 and Article 61.

Remark 2: It is not always possible to have a technical approval (ATG) confirmed by other member bodies of the UEAtc, in particular because of the regulatory framework, existing national standards or the limitations of the scope of activity of the other member body of the UEAtc.

Remark 3: It is strongly urged that the applicant, when making the agreements with the laboratories, takes into account the possible linguistic needs of the member bodies of the UEAtc that will be responsible for confirming the technical approval (ATG). Inability to read the documentation could be a motive for refusing to communicate portions of the approval examination carried out as part of the request to the UBAtc.

## R4.2. Euro-Agrément

### Article 96 General

The basic process for approval (see R1) applies, with the following modifications and additions.

### Article 97 Introduction of an application for the Euro-Agrément

**(1)** An application for a Euro-Agrément can only be declared admissible when it is introduced in order to obtain an approval in a minimum of four countries (in other words from the UBAtc and three other countries) including one member body of the UEAtc.

**(2)** This application shall be introduced using the forms (FORM01EN, see Annex 4) provided by the UBAtc for this purpose.

**(3)** By introducing this request, the applicant automatically authorises the UBAtc and its approval and/or certification operators to contact the member bodies of the UEAtc to which the application relates and by extension and where relevant, to work together on this matter within the UEAtc bodies responsible for this topic.

**(4)** It is possible that one or more member bodies of the UEAtc do not issue approvals for the subject of a technical approval (ATG) issued by UBAtc. In this case, the applicant shall be informed.

Remark 1: The applicant shall itself, to the degree it wishes, take the necessary measures regarding the confidential handling of the information by the other member bodies of the UEAtc. More detailed information regarding the confidential handling of information by the UBAtc may be found in Article 58, Article 59, Article 60 and Article 61.

Remark 2: It is strongly urged that the applicant, when making the agreements with the laboratories, takes into account the possible linguistic needs of the member bodies of the UEAtc that are part of the Euro-Agrément application.

### Article 98 Pre-application and contract

**(1)** Before the technical dossier is reviewed by the relevant member bodies of the UEAtc during the "pre-application" stage, the manufacturer shall be asked to pay the costs determined by these member bodies.

**(2)** The costs related to the "pre-application" within the context of a Euro-Agrément procedure shall never be reimbursed once the manufacturer has signed the contract.

**(3)** Based on the "pre-application", a work programme shall be established, along with an estimate of the total cost, an indication of the time necessary and a contract. The applicant shall return the duly signed contract to the UBAtc.

**(4)** When after signing the contract the applicant wishes to involve other member bodies of the UEAtc in the Euro-Agrément procedure, additional costs may be charged for this purpose by all of the bodies.

### Article 99 Validity

**(1)** The Euro-Agrément is valid for at least three years.

**(2)** The withdrawal of a Euro-Agrément by the approval body through which the application was originally introduced shall result in the automatic withdrawal of the Euro-Agrément by all of the member bodies of the UEAtc that were involved in the Euro-Agrément procedure.

**(3)** An application to prolong or modify a Euro-Agrément shall be introduced through the approval body through which the original application was introduced, at least six months before its expiration date.

## **R5. European Technical Approval (ETA)**

### **Article 100**    General

Due to the repeal of Directive 89/106/EEC and the end of the transition period foreseen in Regulation (EU) N° 305/2011, European Technical Approvals can no longer be applied for or used with any legal effect.

The UBAtc has developed a separate Regulation for European Technical Assessments in the framework of Regulation (EU) N° 305/2011 in a separate document.

## **R6. Approval and certification costs**

### **R6.1. General provisions**

#### **R6.1.1. Determination of the tariffs**

The costs associated with the application, issuance, use and maintenance of the approval text(s) and/or the related declaration(s) of fitness for use (see I2) and the certificates deriving from them are determined by the UBAtc and its operators.

The costs are borne by the applicant/holder of the approval text(s) and/or the related declaration(s) of fitness for use and/or the certificates deriving from them.

The tariffs and the compensation shall be, as agreed, adjusted periodically once a year if necessary, for the first time on 1 January of the year following the year the approval text(s) and/or the related declaration(s) of fitness for use are issued and/or the certification contract is established, based on, amongst other things, based on the index determined by the UBAtc, the approval and/or certification operator.

The UBAtc and the approval and/or certification operators designated by the UBAtc are entitled to modify the determined tariffs on an interim basis.

Unless it is otherwise specified, as a general rule all the tariffs and quotes of the UBAtc and the approval and/or certification operators designated by the UBAtc are excluding VAT.

#### **R6.1.2. Additional activities**

The costs for additional activities shall be communicated in advance to the applicant/holder of the approval text(s) and/or the related declaration(s) of fitness for use and/or the certificates deriving from them.

Any costs resulting from the modification of the subject of the application during the examination, or the submission of variants that result in modifications to the presentation of the approval after its presentation shall be borne by the applicant.

For the additional activities, the tariff that applies is the tariff in force at the moment that the modification or variant is introduced, not at the tariff in force at the moment of the application for the approval.

#### **R6.1.3. Determination of the price and invoicing**

After the duly completed application form has been introduced (including the required annexes), the applicant/holder shall receive an acknowledgement of receipt and, following a positive result of the examination of the dossier, a declaration of admissibility (see Article 9).

In the declaration of admissibility, the amount to be invoiced by the relevant approval and/or certification operator designated by the UBAtc is indicated, including a detailed breakdown of the costs (see R6.2).

The costs are laid out in an annex to these Regulations for Approvals and Certification ("General Approval and Certification Costs") that the Board of Directors of the UBAtc shall endorse each year and that is supplemented with the costs determined by the approval and/or certification operators designated by the UBAtc in the documentation maintained by these operators, which is available or is referenced on the UBAtc website.

By returning the duly dated and signed declaration of admissibility to the relevant approval and/or certification operator designated by the UBAtc, the applicant/holder indicates its agreement with the amount specified for the services to be provided.

#### **R6.1.4. Payment**

The approval and/or certification operator designated by the UBAtc shall handle the invoicing.

After receiving the duly signed and dated declaration of admissibility, the operator concerned shall send an invoice to the applicant, in which half of the total amount will be required as a prepayment.

Smaller amounts shall be invoiced in one go after receipt of the dated and signed declaration of admissibility.

The prepayment paid shall in no case be reimbursable.

After the approval by the Specialised group, an invoice with the balance of the total cost, in which any discounts are taken into account, shall be sent to the applicant. This invoice shall be paid before the approval is issued.

The payment of costs shall be made within 30 days after the date of the invoice.

Notwithstanding the preceding conditions, the approval and/or certification operator designated by the UBAtc has at all times the right to stipulate payment terms or the provision of a prepayment, a deposit or a bank guarantee from the applicant/holder of the approval text(s) and/or the related declaration(s) of fitness for use and/or the certificates deriving from them.

If the applicant/holder does not pay the amount invoiced in a timely manner, the UBAtc or the approval and/or certification operator designated by the UBAtc may suspend the handling of the application or suspend and ultimately withdraw the approval text(s) issued (see Article 74).

Indemnities unfairly not paid to third parties involved in the approval and/or certification process may also lead to the measures mentioned above by the UBAtc and/or the approval and/or certification operator designated by the UBAtc.

In the event that payment has not been made after three reminders, the UBAtc and/or the approval and/or certification operator designated by the UBAtc may proceed to enforce the payment through the legal system.

## **R6.2. Costs for specific services**

### **R6.2.1. Costs to obtain a technical approval and/or a related declaration of fitness for use**

#### **R6.2.1.1. General**

The costs to obtain a technical approval and/or related declaration of fitness for use include, depending on the type of application, the following activities:

- Processing of admissibility;
- Pre-examination;
- Admissibility examination and pre-application for the issuing of a Euro-Agrément and a confirmation.
- Approval examination, comprising:
  - Dossier costs
  - Activity(ies) of the rapporteur
  - Visit(s)
  - Sampling
  - Translations
  - Printing;
- European Co-ordination.

#### **R6.2.1.2. Processing of admissibility**

This task relates to new applications.

The compensation covers the actions that precede a declaration of admissibility or a declaration of inadmissibility.

The costs are a flat fee as determined by the UBAtc in the document “General Approval and Certification Costs”.

The processing of admissibility may be supplemented by the pre-examination tasks.

#### **R6.2.1.3. Pre-examination**

All of the activities that are indispensable to arrive at the declaration of admissibility or the declaration of inadmissibility.

The compensation, depending on the services, shall be agreed upon in advance by the applicant and the approval operator designated by the UBAtc.

#### **R6.2.1.4. Pre-application for a Euro-Agrément**

To carry out the pre-application for a Euro-Agrément, the approval operator designated by the UBAtc shall, in collaboration with the applicant and the Administrative Secretariat of the UBAtc, follow the necessary administrative steps towards the UEAtc members for whom the applications were introduced.

The costs are a flat fee that may depend on the number of UEAtc members for whom the Euro-Agrément is requested, as determined by the UBAtc in the document “General Approval and Certification Costs”.

#### **R6.2.1.5. Examination of the possibility of another UEAtc member issuing a confirmation of an ATG to be issued by the UBAtc**

For this examination, the approval operator designated by the UBAtc shall, in collaboration with the applicant and the Administrative Secretariat of the UBAtc, follow the necessary administrative steps towards the UEAtc members for whom the application was introduced.

The costs are a flat fee that may depend on the number of UEAtc members for whom the confirmation is requested, as determined by the UBAtc in the document “General Approval and Certification Costs”.

## **R6.2.1.6. Approval examination**

### **R6.2.1.6.1. General**

This relates to approval text(s) and/or declarations of fitness for use (see I2): for the confirmation of a technical approval issued by another member of the UEAtc and for the Euro-Agrément.

The tariffs are principally determined by the UBAtc and supplemented by the approval operator designated by the UBAtc.

The approval examination concerns new applications for technical approvals (ATG, ATG/H, ATG/D or ATG-M), energetic characterisations (ATG-E), duplicates, the confirmation of a technical approval issued by another member of the UEAtc, prolongation, modification, extension and revision.

The category under which an existing modification, extension and revision of a technical approval is handled is not necessarily the same category as that under which the original approval was handled. The category shall be determined depending on the complexity of the application for modification, extension or revision.

### **R6.2.1.6.2. Dossier costs**

These costs cover the following activities:

- Treatment within the Executive bureau and the Specialised group;
- The tasks of the UBAtc secretariat (issuing and publication);
- Management by the operator.

The dossiers shall be assigned to categories depending on their complexity (see Annex 5), by the UBAtc together with the approval operators designated by the UBAtc.

The costs are presented in the table below.

<b>Category</b>	<b>Cost (in €)</b>
Very simple	See the document "General Approval and Certification Costs"
Simple	
Normal	
Complex	
Special	

For approvals with continued validity based on ongoing evaluation by certification, the costs shall be published in the Special Costs for Approval and Certification, as specified by the approval and certification operators designated by the UBAtc.

### **R6.2.1.6.3. Work by the rapporteurs for the approval examination**

These costs cover the following activities

- Introductory visit;
- Study of the dossier;
- Establishment of the evaluation plan;
- Drafting of an evaluation report;
- Drafting of an approval text;
- Presentation to the Executive bureau and the Specialised group;
- Finalising and proofreading the approval text.

The costs shall be determined by the approval operator designated by the UBAtc on the basis of an hourly or daily tariff.

Remark: The applicant shall itself arrange for the provision of any illustrations, plans, photos, etc. that are used during the approval examination and/or in the approval texts.

### **R6.2.1.7. Visits and sampling**

In normal situations, the introductory visits and the sampling are included in the work of the rapporteurs and are not charged separately.

Remark: The number of visits and samplings depends on the subject for which the application has been introduced.

In the event that additional visits or samplings are necessary, these may be charged separately by the approval operator designated by the UBAtc.



The costs shall be determined by the approval operator designated by the UBAtc on the basis of an hourly or daily tariff. Any travel costs (travel and stay-related) shall be added as a flat fee or shall be based on the distance.

#### **R6.2.1.8. Translation**

The rules relating to translations are specified in Article 39.

These prices shall be calculated by the UBAtc by line or by page of the translation according to the tariffs specified in the document "General Approval and Certification Costs".

#### **R6.2.1.9. Printing of texts**

The rules relating to the printing of texts are specified in Article 39.

These prices shall be calculated by the UBAtc by page according to the tariffs specified in the document "General Approval and Certification Costs".

### **R6.2.2. Costs for the certification admissibility examination**

#### **R6.2.2.1. General**

These costs are applied for all of the initial tasks for certification, whether as an element of the technical approval with certification, or specifically for additional certification services, for example the certification of contractors that are recognised or are to be recognised by the ATG holder or the suppliers.

The tariffs below shall be determined by the certification operator and approved by the UBAtc.

In the case that the initial approval and certification activities shall be carried out at the same time, repetition of the activities is minimised (for example: visits, sampling, etc.).

Depending on the type of application, the costs for the admissibility examination include the following activities:

- Dossier rights;
- Study of the subject of the certification;
- Initial audit(s);
- Sampling;
- Visit(s) to the production facilities, construction sites, etc.;
- Development of the evaluation report;
- Development of the certification contract.

#### **R6.2.2.2. Dossier rights**

This includes the administration of the dossier and the handling and issuing of the certification.

The tariff shall be determined by the certification operator designated by the UBAtc according to a system of complexity that may be degressive when it involves several technical approvals, several companies or several products, and is included in the certification regulations or is determined on a case-by-case basis.

#### **R6.2.2.3. Research on the subject of the certification**

This includes all forms of additional work for the evaluation beside the work of the rapporteurs, depending on the certification (additional initial tests or calculations, proofreading and validation of documentation, etc.) where relevant. When a certification is not directly linked to a technical approval, this relates to the initial examination of the subject of the certification.

The costs shall be determined by the certification operator designated by the UBAtc on the basis of an hourly or daily tariff.

#### **R6.2.2.4. Initial audit(s)**

This includes the basic audit and any additional audits, including preparation, travel and reporting.

The costs shall be determined by the certification operator designated by the UBAtc on the basis of an hourly or daily tariff.

Any travel costs (travel and stay-related) shall be added as a flat fee or shall be based on the distance.

#### **R6.2.2.5. Visit(s) to the production facilities, construction sites, etc. and sampling**

In normal situations, the visits and the sampling shall be included in the research and/or initial audits and are not charged separately.

For certain certification schemes, either observation during the test period is necessary or control by sampling shall be carried out.

In the case that visits or sampling are necessary, these may be charged separately by the certification operator designated by the UBAtc.

The costs shall be determined by the certification operator designated by the UBAtc on the basis of an hourly or daily tariff. Any travel costs (travel and stay-related) shall be added as a flat fee or will be based on the distance.

#### **R6.2.2.6. Preparation of the evaluation report**

For every certification admissibility examination an evaluation report shall be prepared, which interprets the final evaluation results. This report includes all of the information relative to the control schemes and to the checklists followed, as well as the certification form for the evaluation of certifiability. Where relevant, the page layout of the certificates, the catalogues and the product sheets shall also be included.

The tariff shall be determined by the certification operator designated by the UBAtc according to a system of complexity that may be degressive when it involves several technical approvals, several companies or several products, and shall be included in the certification regulations or determined on a case-by-case basis.

#### **R6.2.2.7. Preparation of the certification contract**

The tariff shall be determined by the certification operator designated by the UBAtc according to a system of complexity that may be degressive when it involves several technical approvals, several companies or several products, and shall be included in the certification regulations or determined on a case-by-case basis.

### **R6.2.3. Costs for the maintenance and upkeep of a technical approval**

#### **R6.2.3.1. General**

The costs for the maintenance and upkeep of a technical approval and/or the related declaration of fitness for use include, depending on the type of application, the following activities:

- Fixed annual fee;
- Translations;
- Printing.

#### **R6.2.3.2. Fixed annual fee**

These costs are compensation intended to cover the support tasks of the Administrative Secretariat of the UBAtc, the approval operator, the activities that take place within the Executive bureau and the Specialised group and the ongoing operations relating to the dossier.

This relates to a general tariff that shall be determined by the UBAtc together with the approval operators designated by the UBAtc and laid out in the document “General Approval and Certification Costs”. The system is degressive for several ATGs. This tariff may be waived for ATGs that combine several systems.

#### **R6.2.3.3. Translations**

The rules relating to the printing of texts are specified in Article 39.

For the translation of modifications to the text due to the maintenance of technical approvals, the costs are limited to the paragraphs that are subject to modification.

These prices shall be calculated by the UBAtc by line or by page of the translation according to the tariffs specified in the document “General Approval and Certification Costs”.

#### **R6.2.3.4. Printing of the texts**

The rules relating to the printing of texts are specified in Article 39.

These prices shall be calculated by the UBAtc by page according to the tariff specified in the document “General Approval and Certification Costs”.

### **R6.2.4. Costs for the maintenance of certification**

#### **R6.2.4.1. Overview**

Depending on the type of application, the costs for the maintenance of certification include the following activities:

- Fixed annual fee;
- Regular and additional audits;
- Regular and additional control visits, including any requested visits and any joint reciprocal visits;
- Regular and additional sampling;

- Proofreading of documents;
- Various additional administrative and technical office tasks and preparation of forms, declarations of validity and annexes;
- External co-ordination meetings for multiple dossiers.

#### **R6.2.4.2. Fixed annual fee**

These costs cover the support activities for the organisation of the certification.

These costs shall be determined by the certification operator designated by the UBAtc on the basis of a system which uses the following parameters:

- The complexity of the certification;
- The quantity (production quotas, number of production units or lines, variations in the subject of certification);
- A formula of degressivity according to the number of approvals and certifications.

#### **R6.2.4.3. Regular and additional audits**

The costs shall be determined by the certification operator designated by the UBAtc on the basis of an evaluation of the time necessary and on an hourly or daily tariff, and include the following activities:

- Preparation;
- Travel;
- Reporting;
- Handling of non-conformities.

Any travel costs (travel and stay-related) shall be added as a flat fee or will be based on the distance.

#### **R6.2.4.4. Regular and additional control visits, including any requested visits and any joint reciprocal visits**

See 2.4.3 “Regular and additional audits”.

#### **R6.2.4.5. Regular and additional sampling**

See 2.4.3 “Regular and additional audits”.

#### **R6.2.4.6. Proofreading of documents**

This includes, where relevant, the proofreading of:

- Laboratory reports;
- Inspection and audit reports;
- Calculation notes;
- Internal control reports.

The costs shall be determined by the certification operator designated by the UBAtc on the basis of an evaluation of the time necessary and on an hourly or daily tariff.

#### **R6.2.4.7. Various additional administrative and technical office tasks and preparation of forms, declarations of validity and annexes;**

The costs shall be determined by the certification operator designated by the UBAtc on the basis of an evaluation of the time necessary and on an hourly or daily tariff

#### **R6.2.4.8. External co-ordination meetings for multiple dossiers**

See 2.4.3 “Regular and additional audits”.

### **R6.2.5. Innovation ID**

The rules relating to obtaining an Innovation ID are specified in R3.2.

The costs associated with the issuing of an Innovation ID shall be determined on a case-by-case basis by the approval operator and possibly the certification operator.

### **R6.2.6. Limited technical approval**

The rules relating to receiving a limited technical approval are described in R3.3.

The costs associated with the issuing of a limited technical approval shall be determined on a case-by-case basis by the approval operator and possibly the certification operator.

#### **R6.2.7. Costs of appeals**

These costs shall be borne by the appellant in accordance with Article 66.

These costs are a flat fee as specified by the UBAtc in the document “General Approval and Certification Costs”.

#### **R6.2.8. Tests**

The costs for tests, calculations or other similar evaluations shall be invoiced by the organisation responsible for carrying out the evaluation and according to the tariffs in force for the organisation.

## **Annexe 1 Le Dossier technique**

## 1. Objectif du Dossier technique

En premier lieu, le dossier technique a pour but de permettre à l'UBAtc d'examiner la recevabilité de la demande (voir également l'Article 7). Si le dossier est déclaré recevable et que l'examen d'agrément est en cours, il est d'usage de compléter ce dossier technique. Le demandeur a toujours le droit de prendre connaissance de son dossier technique. L'introduction de la demande confère à l'UBAtc un droit de propriété sur le dossier technique. Le contenu du dossier technique est traité de façon confidentielle par l'UBAtc (voir aussi l'Article 60).

Le dossier technique doit être introduit sous forme électronique. Lorsque ce dossier (ou une partie de celui-ci) est introduit sur support papier, une indemnisation peut être demandée pour son traitement.

Dans ce qui suit, des précisions supplémentaires sont apportées quant à l'information visée. La formulation est aussi générale que possible et doit être interprétée en fonction de l'objet de la demande.

La pratique démontre que le dossier technique qui accompagne une demande d'agrément depuis la demande jusqu'à la décision finale, est constamment complété durant l'examen.

Cet examen ne peut cependant pas être entamé sans un minimum de données, formant un tout appelé « dossier technique de base », et sans lequel la demande – pour ce qui concerne les délais de son traitement – peut être considérée comme non introduite (voir également l'Article 7).

Il appartient tout d'abord au demandeur de démontrer que l'objet de l'agrément est de bonne qualité et est apte à l'emploi pour lequel l'agrément est demandé. L'examen d'agrément se compose de l'analyse de ces données, du contrôle de celles-ci et d'un éventuel complément d'examens propres.

Étant donné que l'agrément technique concerne généralement des objets non traditionnels pour lesquels il n'existe souvent pas ou insuffisamment de normes, il est indiqué, du moins selon l'objet, d'utiliser toutes les sources d'informations possibles.

## 2. Contenu du Dossier technique

### 2.1. Généralités

Le dossier technique comprend tous les éléments nécessaires afin d'illustrer la nature de l'objet de l'agrément, la composition et/ou la production de celui-ci, l' (les) application(s) visée(s) et la mise en œuvre, l'exécution ou l'installation.

Remarque : Les éléments faisant partie du dossier de base sont suivis ci-dessous d'une « \* ».

### 2.2. Description de l'objet de l'agrément

Le dossier technique contient au moins:

- Dénomination(s) commerciale(s) \*
- Famille de produits\*
- Application(s) visée(s) \*
- Fabrication de l'objet de l'examen d'agrément \*.

Identifiez le lieu où l'objet est fabriqué.

Lorsque l'objet de l'agrément est assemblé à partir de composants et de matériaux livrés, le lieu d'assemblage, de conditionnement et d'étiquetage de l'objet de l'agrément mis sur le marché doit être identifié.

Si l'objet de l'agrément est composé, toutes les matières premières et/ou composants doivent être identifiés, en mentionnant leur provenance (nom du fabricant), leur marque, leurs principales caractéristiques et les éventuelles normes auxquelles ils répondent.

Lorsqu'une partie du processus de production est assurée par une autre entreprise, ou lorsqu'un composant est livré par une autre entreprise, cette partie et/ou ces composants doit (doivent) être identifié(s) et il convient également de signaler de quelle façon le demandeur contrôle si le service livré et/ou les composantes répond(ent) aux exigences posées.

Remarque : La mention de la provenance et de la marque n'implique pas nécessairement que ces données feront partie des conditions d'agrément. Cependant, pour l'examen, il est nécessaire de savoir avec précision de quoi il s'agit.

- Spécifications de l'objet de l'agrément \*

Les spécifications de l'objet de l'agrément doivent être mises à disposition. Si cela s'avère impossible, le demandeur peut transmettre le document du système de contrôle de la production contenant la description, pour autant que ce document ait été daté et signé.

Ces spécifications doivent correspondre à l'objet de l'agrément qui a été ou va être soumis à des essais et pour lequel la demande est introduite.

- Dessin(s) (si d'application)
- Déclaration(s) de conformité (si d'application).

### **2.3. Propriétés et performances**

- Les propriétés de l'objet de l'agrément (par ex. la géométrie, la masse, la viscosité,...) (si et dans la mesure où elles sont connues)
- Les performances de l'objet de l'agrément (par ex. la résistance à la compression, le comportement au feu, la résistance au choc,...) (si et dans la mesure où elles sont connues)
- Les rapports d'essai, notes de calcul et documents analogues confirmant les propriétés et/ou les performances (dans la mesure où ils sont disponibles)

### **2.4. Description de la production et du processus de production**

- Processus de production \*

Indication concise du (des) processus de production. Y ajouter si possible un organigramme.

- Lieu(x) de production \*: nom(s) et adresse(s) du (des) lieu(x) de production.
- Nombre de lignes ou d'unités de production par lieu de production ou par installation de production ainsi que leur identification \*

### **2.5. Système de contrôle de la production**

- Système de contrôle de la production

Description du système de contrôle de la production permettant d'assurer une qualité constante (avec mention de la nature, de la méthode et de la fréquence des contrôles)

Remarque : Voir également l'Annexe 2.

### **2.6. Mode de conditionnement et de stockage**

- Directives concernant le mode de conditionnement et le stockage sur le lieu de production et le chantier.

### **2.7. Directives de mise en œuvre, d'exécution ou d'installation et de réparation et d'entretien**

- Directives de mise en œuvre d'exécution ou d'installation \*

Directives pour le transport, le stockage, l'emploi, le montage, la finition et/ou les assemblages avec d'autres éléments.

- Directives de réparation et d'entretien (dans la mesure où elles sont applicables)
- Fiche(s) de sécurité (Safety data sheets), autorisations (concernant la réglementation de la sécurité et de la santé) et homologations \* (dans la mesure où elles sont applicables)

### **2.8. Références**

Type, lieu, portée, maître d'ouvrage avec nom et adresse, architecte éventuel avec nom et adresse, période de pose et éventuellement de mise en service, remarques diverses telles que les tolérances de la solution standard, réparations ou modifications effectuées ultérieurement, etc.





## **Annexe 2 Critères concernant les systèmes de contrôle de la production**

## 1. Objet

Ce document fixe les exigences générales concernant la documentation devant être mise à la disposition de l'UBAtc ou de l'organisme de certification désigné par l'UBAtc, concernant le système de contrôle de la production appliqué dans le but de maintenir les propriétés et les performances de l'objet soumis à un examen d'agrément.

Remarque: Ce document fixe dans la plupart des cas un paquet d'exigences minimales en vigueur. D'autres spécifications peuvent ou doivent souvent être appliquées lesquelles sont spécifiquement liées à l'objet à traiter dans l'agrément.

## 2. Exigences générales

Les informations reprises dans l'Annexe 1 doivent être mises à disposition comme éléments du dossier technique à joindre au moment de la demande.

Le manuel de qualité appliqué par le demandeur afin de maintenir les propriétés et performances de l'objet soumis à un examen d'agrément ne doit pas être joint à la demande. Dans le cadre de l'examen d'agrément, le contenu de ce manuel et son application ainsi que son entretien seront par contre contrôlés concernant leur conformité aux exigences formulées dans le présent document.

Remarque : Il est possible que des guides d'agrément ou des feuillets d'information spécifiques imposent des exigences spécifiques concernant le système de contrôle de la production. Dans ces cas-là, la délivrance d'un agrément technique ne se fera que lorsque ces exigences spécifiques seront rencontrées.

Lorsque l'objet de l'agrément est fabriqué par une autre entreprise que le demandeur, ce lieu de production devra également répondre aux exigences posées et le formulaire FORM06FR (voir l'Annexe 4) devra en outre être joint à la demande.

## 3. Manuel de qualité

Dans ce document, le terme "manuel de qualité" renvoie à la documentation répondant aux exigences posées.

Chaque demandeur établit, entretient et applique un manuel de qualité et le met à disposition pour un contrôle dans le cadre de l'examen d'agrément et des inspections initiales d'acceptation et de suivi effectuées par l'organisme de certification désigné par l'UBAtc.

Le manuel de qualité sera conforme aux exigences formulées dans le §4 de cette annexe.

Lorsque l'objet de l'agrément est fabriqué dans plusieurs lieux de production, le demandeur mettra un manuel de qualité à disposition pour chaque lieu de production.

## 4. Exigences concernant le système de contrôle de la production

### 4.1. Exigences générales

Le manuel de qualité sera daté et signé par un représentant du demandeur ou titulaire d'agrément habilité à cet effet.

Le demandeur ou titulaire d'agrément désigne un responsable pour l'auto-contrôle, ainsi qu'un remplaçant qui remplit ces tâches lorsque le premier est absent, qui devra :

- disposer de la compétence décisionnelle requise dans l'ensemble de l'organisation interne de l'unité de production pour pouvoir garantir la conformité du texte d'agrément ;
- exécuter sa tâche sous la surveillance du responsable de la direction du demandeur ou titulaire d'agrément, être indépendant du responsable de la vente et de préférence aussi du responsable de la production, et en tout cas disposer à l'égard de ce dernier d'une autonomie et d'une compétence décisionnelle, offrant une garantie objective qu'aucune pression directe ou indirecte ne peut être exercée par le département des ventes ou le département de production dans le but de délivrer des produits refusés ;
- assurer l'organisation, la coordination et la supervision générale des travaux de contrôle et le respect de toutes les dispositions réglementaires.

Toute personne impliquée dans l'auto-contrôle dispose, par rapport aux tâches et aux responsabilités qui lui sont confiées, d'une formation, d'une compétence et d'une expérience appropriées également conformes avec les éventuelles dispositions du règlement d'application.

Le manuel de qualité mentionnera clairement le lieu de production (nom et adresse) et les coordonnées de la personne de contact sur le lieu de production (nom, numéro de téléphone, adresse e-mail).

Les mesures nécessaires sont prises afin que le manuel soit soumis au moins une fois par an à une révision complète. Les adaptations seront enregistrées.

Le manuel signalera comment l'objet de l'agrément peut être reconnu une fois qu'il est mis sur le marché et/ou livré sur le chantier de construction. Ces informations seront conformes à l'identification prévue dans le texte d'agrément et comprennent entre autres un label ou l'information appliquée sur le label.

Le label sur l'objet de l'agrément, ou apposé sur l'emballage ou la documentation qui accompagne l'objet de l'agrément comprend au moins les informations suivantes :

- la dénomination commerciale
- le nom du titulaire d'agrément
- la marque figurative ATG et l'indice d'ATG

Remarques:

La marque figurative ATG a été enregistrée. L'application de la marque figurative ATG est fixée dans le Règlement pour l'utilisation et la surveillance de la marque figurative ATG.

Les marques UBAtc et BUtgb ont été enregistrées. L'application des deux marques est fixée dans le Règlement d'ordre intérieur de l'UBAtc.

- Par ailleurs, toutes les informations prévues dans le guide d'agrément ou le feuillet d'information

Le manuel indiquera de quelle manière la traçabilité est assurée. Sauf exceptions acceptées par le Bureau exécutif concerné, la traçabilité doit permettre de resituer un objet de l'agrément fini dans les enregistrements de contrôle de la production sur le lieu de production.

Le manuel décrira le processus de production.

Le manuel prévoira des mesures concernant la documentation des changements apportés à l'objet de l'agrément et concernant l'annonce des modifications concernées aux parties intéressées, dont le rapporteur de l'UBAtc et l'organisme de certification.

Le manuel comprend un organigramme du demandeur ou titulaire d'agrément et une description des responsabilités et des devoirs attribués à des personnes-clés concernant le système de contrôle de la production.

Le manuel comprendra des informations au sujet du conditionnement et du stockage des objets de l'agrément finis lorsque ces informations peuvent être importantes pour le maintien des propriétés et des performances.

Le manuel indiquera le processus au cours duquel :

- ont lieu les enregistrements nécessaires de toutes les plaintes importantes concernant l'objet d'une demande ou d'un texte d'agrément;
- des initiatives appropriées sont prises concernant de telles plaintes et celles-ci sont enregistrées.

L'unité de production dispose d'un laboratoire interne pour l'auto-contrôle équipé afin de pouvoir effectuer les essais d'auto-contrôle imposés dans les circonstances spécifiées et de façon correcte. À cet égard, il peut être fait appel à un laboratoire externe pour une partie ou pour la totalité des essais d'auto-contrôle. Les obligations mutuelles du titulaire d'ATG et du laboratoire externe pour l'auto-contrôle sont spécifiées dans une convention écrite.

## 4.2. Matières premières entrantes

Le manuel comprendra des procédures concernant les inspections et les essais effectués sur les matières premières entrantes ou prévoira d'autres moyens afin de déterminer si les matières premières entrantes sont conformes aux spécifications du demandeur ou du titulaire d'agrément (par ex. certificats d'analyse, déclarations ou certificats de conformité).

Lorsque des matières premières entrantes ne sont pas accompagnées de certificats d'analyse, de déclarations, de certificats de conformité ou de documents analogues alors qu'elles devraient l'être, le manuel contiendra des dispositions qui feront en sorte qu'une telle matière première entrante soit écartée jusqu'à ce qu'il soit prouvé de façon appropriée qu'elle est conforme.

Le manuel mentionnera également qui assume la responsabilité des contrôles à effectuer et des éventuelles décisions qui en découlent.

### **4.3. Contrôles pendant le processus de production**

Le manuel comprendra les procédures de contrôle de qualité pendant le processus de production, y compris des informations sur la façon dont le processus de production est suivi afin de faire en sorte que les objets soient fabriqués avec des propriétés et des performances constantes et conformes.

Le manuel indiquera également qui assume la responsabilité des contrôles à effectuer et des éventuelles décisions qui en découlent.

### **4.4. Contrôle des objets d'agrément**

Le manuel indiquera quels contrôles doivent être effectués et à quelle fréquence sur les objets de l'agrément finis, avant le conditionnement et l'étiquetage.

Le manuel indiquera également qui assume la responsabilité des contrôles à effectuer et des éventuelles décisions qui en découlent.

### **4.5. Marchandises non conformes**

Le manuel indiquera comment les marchandises non conformes, à savoir les matières premières et matériaux entrants, les marchandises pendant la production et les objets de l'agrément finis, sont écartées de la production jusqu'à ce qu'une décision soit prise quant au suivi.

Le manuel indiquera également qui assume la responsabilité des décisions à prendre.

### **4.6. Équipements de mesure et d'essai**

Le manuel identifiera l'équipement de mesure et d'essai utilisé dans le système de contrôle de la production.

Le manuel indiquera à quelle fréquence un calibrage sera effectué, quels sont les moyens pour déterminer la traçabilité des mesures par rapport aux normes nationales et qui en assume la responsabilité.

Les calibrages et les étalonnages des appareils de mesure des installations de production et des appareils de mesure pour la réalisation d'essais pour l'auto-contrôle sont effectués selon les dispositions du règlement d'application.

Les calibrages sont effectués soit :

- par le Service de Métrologie qui, en Belgique, fournit les bases de la traçabilité nationale des mesures;
- par un laboratoire externe qui :
  - est accrédité à cette fin par BELAC ou par un autre membre de l'EA ;
  - à défaut, a été accepté par l'organisme de certification pour le calibrage des appareils de mesure concernés;
- par le fournisseur des appareils de mesure;
- par le fournisseur-même, sous la surveillance de l'organisme de contrôle et selon une procédure écrite reprise dans le Dossier technique.

Les étalonnages sont effectués par un organisme de contrôle qui est soit :

- le Service de Métrologie de Belgique ;
- agréé à cette fin par le Service de Métrologie de Belgique ou par un Institut national de Métrologie faisant partie de la Convention internationale du Mètre ;
- est accrédité à cette fin par BELAC ou par un autre membre de l'EA ;
- à défaut, accepté par l'organisme de certification pour l'étalonnage des appareils de mesure concernés.

Le calibrage et l'étalonnage sont en tout cas effectués par un personnel qualifié, par des moyens appropriés acceptés par l'organisme de contrôle.

### **4.7. Enregistrements d'essai et d'inspection**

Le manuel identifiera les formulaires, listes de contrôles, rapports, etc. utilisés par les travailleurs dans le système de contrôle de la production pour des enregistrements concernant les essais et inspections.

Le manuel indiquera qui assume la responsabilité de l'acceptation des formulaires remplis, des listes de contrôles, des rapports etc.

Le manuel comprendra une déclaration qui engage le demandeur ou titulaire d'agrément à conserver les formulaires remplis, les listes de contrôle, les rapports, etc. pour une période d'au moins 5 ans.

## 5.Relation avec d'autres attestations

### 5.1.Généralités

Les demandeurs disposent souvent, avant la demande déposée auprès de l'UBAtc, d'un système de contrôle de la production étant éventuellement déjà soumis à une attestation dans un cadre réglementaire ou volontaire.

L'attitude en général de l'UBAtc concernant de telles attestations et la motivation de ces attestations sont indiquées ci-dessous. Dans chaque cas le principe de base est qu'il doit être évité, si c'est techniquement acceptable, que les activités d'attestation ayant déjà été effectuées de manière adéquate dans un autre cadre ne doivent être répétées pour conduire à l'agrément.

### 5.2.Marquage CE

En conséquence du Règlement (UE) N° 305/2011, tous les fabricants qui doivent apposer ou qui souhaitent apposer le Marquage CE sont obligés d'établir, d'entretenir et d'appliquer un système de contrôle de la production en usine conformément à la norme harmonisée ou l'ETA/ETE correspondant.

Dans la mesure où le système de contrôle de la production en usine exigé dans le cadre du Marquage CE est conforme aux exigences de l'UBAtc concernant les aspects traités, la méthode et la fréquence utilisées, contenues dans ce document et éventuellement complétées par un guide d'agrément ou un feuillet d'information, un tel système de contrôle de la production en usine exigé dans le cadre du Marquage CE est généralement acceptable.

Il est fort probable que l'UBAtc formule des exigences supplémentaires auxquelles le demandeur devra tout de même satisfaire. L'examen consécutif à la demande d'agrément technique couvre certes entièrement l'aptitude à l'emploi du sujet pour l'application visée et la gestion des risques techniques et inclut de ce fait généralement d'autres (et/ou complémentaires) particularités et caractéristiques.

À moins qu'il existe un accord de reconnaissance mutuelle entre l'organisme de certification désigné par l'UBAtc et l'organisme de certification notifié, il est improbable que les activités de certification effectuées dans le cadre du Marquage CE soient acceptées par l'organisme de certification désigné par l'UBAtc. Cependant, cet aspect doit être examiné au cas par cas, en concertation avec l'organisme de certification désigné par l'UBAtc.

La raison est notamment que les règles d'agrément pour les organismes de certification notifiés sont fixées dans le cadre du Règlement (UE) N° 305/2011 par des pouvoirs publics individuels et qu'il est probable que ces règles ne soient pas équivalentes aux exigences auxquelles l'organisme de certification désigné par l'UBAtc doit répondre et que les éléments contrôlés ne soient pas les mêmes.

### 5.3.NBN EN ISO 9001

Les fabricants prennent souvent – généralement sur base volontaire ou à la suite d'exigences de la part de clients – l'initiative d'établir un système de gestion de qualité, à entretenir et à appliquer conformément à la norme internationale NBN EN ISO 9001. Un tel système comprend entre autres un système de contrôle de la production.

Dans la mesure où le système de contrôle de la production en usine établi dans le cadre de la NBN EN ISO 9001 est conforme aux exigences de l'UBAtc concernant les aspects traités, la méthode et la fréquence utilisées, contenues dans ce document ou éventuellement complétées par un guide d'agrément ou un feuillet d'information, un tel système établi dans le cadre de la NBN EN ISO 9001 est généralement acceptable.

Il est probable que l'UBAtc formule des exigences supplémentaires auxquelles le demandeur devra tout de même satisfaire.

À moins qu'il existe un accord de reconnaissance mutuelle entre l'organisme de certification désigné par l'UBAtc et l'organisme de certification notifié, il est peu probable que les activités de certification effectuées dans le cadre de la NBN EN ISO 9001 soient acceptées par l'organisme de certification désigné par l'UBAtc. Cependant, cet aspect doit être examiné au cas par cas, en concertation avec l'organisme de certification désigné par l'UBAtc. La raison de l'éventuel refus des activités de certification effectuées est notamment que les éléments contrôlés ne sont pas les mêmes.

## 5.4. Déclarations de qualité

Les fabricants prennent souvent – généralement sur base volontaire ou à la suite d'exigences de la part de clients – l'initiative visant à obtenir une autre déclaration de qualité que l'agrément technique (par ex. BENOR, KOMO, NF, kitemark, Keymark).

Dans la mesure où le système de contrôle de la production établi dans le cadre d'autres déclarations de qualité est conforme aux exigences de l'UBAtc concernant les aspects traités, la méthode et la fréquence utilisées, contenues dans ce document ou éventuellement complétées par un guide d'agrément ou un feuillet d'information, un tel système établi dans le cadre d'autres déclarations de qualité est généralement acceptable.

Il est possible que l'UBAtc formule des exigences supplémentaires auxquelles le demandeur devra tout de même satisfaire.

À moins qu'il existe un accord de reconnaissance mutuelle entre l'organisme de certification désigné par l'UBAtc et l'organisme de certification notifié, il est peu probable que les activités de certification effectuées dans le cadre d'autres déclarations de qualité soient acceptées par l'organisme de certification désigné par l'UBAtc. Cependant, cet aspect doit être examiné au cas par cas, en concertation avec l'organisme de certification désigné par l'UBAtc. La raison de l'éventuel refus des activités de certification effectuées est notamment que les éléments contrôlés ne sont pas les mêmes.

**Annexe 3 Critères pour les laboratoires, pour les rapports d'essai et de calcul et pour les échantillonnages**

## 1. Objet

Ce document fixe les exigences générales concernant :

les laboratoires qui effectuent des essais sur ordre des demandeurs en vue de l'application des rapports d'essai pendant le processus d'agrément ;

les rapports provenant de laboratoires, qui sont introduits par les demandeurs en vue de leur application pendant le processus d'agrément ;

les échantillonnages ayant lieu pour des essais, en vue de l'application des rapports qui en résultent pendant le processus d'agrément.

Remarque : Des exigences équivalentes valent pour d'autres types de tierces parties qui effectuent des évaluations dans le but d'appliquer leurs résultats pendant le processus d'agrément et pour les rapports délivrés dans ce cadre par des tierces parties.

## 2. Critères pour les rapports d'essai et de calcul

### 2.1. Langue des rapports

Les rapports provenant de tiers introduits par des demandeurs en vue de leur application pendant le processus d'agrément doivent être rédigés en néerlandais, en français ou en anglais.

Remarque 1 : Au cas par cas, le rapporteur peut accepter des rapports dans d'autres langues.

Remarque 2 : Il est indiqué de rédiger les rapports en anglais lorsqu'une future confirmation est prévisible dans d'autres pays.

### 2.2. Contenu minimum des rapports

Les rapports, provenant de tiers, introduits par des demandeurs en vue de leur application pendant le processus d'agrément, doivent comporter au moins :

- un titre (ex. « Rapport d'essai »);
- le nom du demandeur des essais;
- l'identification de l'objet de l'agrément;
- le responsable de l'échantillonnage, ainsi que la méthode, la date et l'heure de cet échantillonnage. Cette exigence est également d'application lorsque l'échantillonnage aurait été effectué par le demandeur des essais;
- le lieu et la ligne ou l'unité de production des échantillons soumis aux essais;
- la date à laquelle les échantillons ont été mis à la disposition du laboratoire;
- l'identification de l'organisation et des travailleurs impliqués dans la réalisation des essais;
- la méthode d'essai appliquée;
- le lieu et la date de l'essai ou des essais;
- les tolérances, les compléments ou les lacunes par rapport à la méthode d'essai (dans la mesure où ces aspects sont applicables);
- des informations concernant les circonstances dans lesquelles les essais ont été effectués;
- les résultats d'essais, y compris leur analyse, pour autant qu'ils soient pertinents;
- quand c'est possible, une déclaration concernant l'incertitude de mesure;
- le lieu et la date de la délivrance du rapport;
- le numéro d'enregistrement de l'organisme notifié, lorsque les essais effectués concernent une demande ETA et qu'un organisme notifié existe et doit donc être utilisé, et une confirmation que l'essai a été effectué sous accréditation;
- une identification unique du rapport et une identification sur chaque page afin que chaque page soit reconnue comme faisant partie du rapport, et une identification claire de la fin du rapport;
- la signature du responsable du laboratoire.



Les guides d'agrément ou feuillets d'information ou, par renvoi, les normes de méthode d'essai et les autres spécifications, peuvent ajouter des exigences spécifiques devant être prises en compte par les laboratoires.

### 2.3. Essais sur des éléments

Lorsque des essais sont effectués sur des éléments, les exigences suivantes s'appliquent également en ce qui concerne le contenu des rapports :

- l'identification de tous les composants de l'élément à soumettre à des essais;
- une description de l'élément (par ex. complétée par des photos et des illustrations) et la façon dont il a été fabriqué. La technique de fabrication peut aussi être renseignée par une référence à une directive de mise en œuvre, d'exécution ou d'installation identifiée de façon unique et daté (par ex. du fabricant);
- l'identification de l'organisation et des travailleurs qui fabriquent l'élément soumis à des essais;
- l'extension de l'application des résultats à d'autres éléments comparables (dans la mesure où ils sont applicables).

### 2.4. Witness testing

Dans des circonstances exceptionnelles (par ex. des échantillons difficilement déplaçables ou des essais ne pouvant être effectués que chez le demandeur ou titulaire d'agrément), le rapporteur peut, moyennant l'accord du Bureau exécutif concerné, accepter de procéder à un witness testing.

Lorsqu'un witness testing est effectué, les exigences suivantes s'appliquent en outre concernant le contenu des rapports :

- un titre qui spécifiera qu'il s'agit d'un witness testing;
- le lieu où les essais ont été effectués (nom et adresse);
- les personnes impliquées dans les essais et l'organisation à laquelle ils appartiennent;
- la justification du witness testing;
- la référence aux enregistrements de calibrage du lieu où les essais ont été effectués.

### 2.5. Validation de rapports existants

Les demandeurs disposent souvent d'un portfolio de rapports d'essai, basé sur des essais effectués avant l'introduction de la demande.

Moyennant l'accord du Bureau exécutif, si une méthode d'essai correcte a été appliquée et si le laboratoire concerné satisfait aux exigences formulées par l'UBATc, le rapporteur peut accepter sous certaines conditions que de tels rapports soient pris en compte. Ces conditions sont fonction de l'incertitude qui règne en ce qui concerne l'échantillonnage et doivent être définies par le rapporteur après concertation avec le Bureau exécutif.

La requête du demandeur concernant la réutilisation de rapports d'essais existants sera soutenue, conformément au document FORM07FR (voir l'Annexe 4), par une déclaration signée du demandeur certifiant que les essais ont été effectués sur des échantillons représentatifs de l'objet pour lequel une demande a été introduite.

La requête du demandeur concernant la réutilisation de rapports d'essai existants peut en outre être soutenue par une déclaration signée par le laboratoire ayant effectué les essais. Cette déclaration se fera sur la base du document FORM07FR (voir l'Annexe 4).

## 3. Critères pour les rapports d'échantillonnages

Les éléments suivants sont au moins repris dans le rapport :

- titre (ex. « Rapport d'essai »);
- nom du demandeur;
- identification de l'objet de l'agrément;
- responsable de l'échantillonnage. Cette exigence est également d'application lorsque l'échantillonnage aurait été effectué par le demandeur des essais;
- lieu et ligne ou unité de production des échantillons soumises à des essais;

- code de traçabilité mentionné sur les échantillons;
- identification de l'organisation et des travailleurs impliqués dans l'échantillonnage;
- méthode d'échantillonnage appliquée;
- lieu, date et heure de l'échantillonnage;
- tolérances, compléments et lacunes par rapport à la méthode d'échantillonnage (dans la mesure où ces aspects sont applicables);
- informations concernant les circonstances dans lesquelles l'échantillonnage a eu lieu;
- marquage prévu sur les échantillons;
- quantité d'échantillons;
- dans le cas d'échantillons prélevés dans le cadre d'un système d'attestation 1 ou 1+ (89/106/CEE), le numéro d'identification de l'organisme notifié.