

300-004

DGUV Grundsatz 300-004

DGUV Test Rules of Procedure for Testing and Certification

Part 2: Certification of Persons

Imprint

Published by:

Deutsche Gesetzliche
Unfallversicherung e.V. (DGUV)

Glinkastraße 40
10117 Berlin, Germany
Phone: 030 288763800
Fax: 030 288763808
E-Mail: info@dguv.de
Internet: www.dguv.de

New phone numbers starting August 2018:

Phone: 030 13001-0 (central office)
Fax: 030 13001-6132

Developed by DGUV Test - Testing and
Certification System of the German
Social Accident Insurance (DGUV).

Edition: July 2018

This document is a translation. In any
case, the German original shall prevail.

DGUV Grundsatz 300-004
available from your german social
accident insurance institution or
www.dguv.de/publikationen

DGUV Test Rules of Procedure for Testing and Certification

Part 2: Certification of Persons

Inhaltsverzeichnis

	Seite
1 General Provisions	5
1.1 Area of Application	5
1.2 Terms and Definitions	5
1.3 Testing and Certification Bodies	7
1.4 Impartiality and Non-Discriminatory Terms	7
1.5 Confidentiality und Data Protection	8
2 Procedure	10
2.1 Submission of an Application	10
2.2 Certification Programme	11
2.3 Subcontracting	11
3 Certification of Persons	12
3.1 Testing	12
3.2 Certification	13
3.3 Monitoring of Certificates	13
3.4 Re-certification	14
3.5 Use and Publication of Certificates and Marks	14
3.6 Validity of Certificates	17
3.7 Fees	18
4 Miscellaneous	19
4.1 Violations of the Rules of Procedure for Testing and Certification, Contractual Penalty	19
4.2 Complaints and Appeals, Conciliation Procedure	19
4.3 Validity of Rules of Procedure for Testing and Certification	20
Annex 1	
Sample Test Mark	21
Annex 2	
Name and Abbreviation of Testing and Certification Body	22

1 General Provisions

1.1 Area of Application

These Rules of Procedure for Testing and Certification apply to the certification of persons as carried out by the Testing and Certification Bodies within DGUV Test within the context of its testing and certification responsibilities.¹⁾

1.2 Terms and Definitions

Applicant

The person who submits an application for admission to the certification process (DIN EN ISO/IEC 17024:2012).

Principles of Testing and Certification (Principles of Testing)

Competence and other requirements in relation to groups of persons with specific responsibilities (DIN EN ISO/IEC 17024:2012). The Principles of Testing are set out the certification programme.

Candidate

Applicant who has been admitted to testing (cf. DIN EN ISO/IEC 17024:2012)

¹⁾ The relevant area of activity of DGUV Test can be found on the internet at www.dguv.de/dguv-test/pruefgebiete.

Competence

The application of ability, knowledge and skills in order to achieve intended results. (DIN EN ISO/IEC 17024:2012)

Qualification

Education, training and, if appropriate, professional experience as indicated (DIN EN ISO/IEC 17024:2012)

Re-certification

Testing and certification of a person upon expiry of the validity of the certificate for the purpose of issuing a new certificate.

Repeat Test

Repetition of a test not passed

Certification Requirements

Requirements to be met in order to obtain or maintain a certificate (cf. DIN EN ISO/IEC 17024:2012)

Certification Process

Process through which a certification body establishes whether a person meets the certification requirements including submission of an application, assessment, decision on certification, re-certification as well as the use of certificates and logos/marks (DIN EN ISO/IEC 17024:2012)

1.3 Testing and Certification Bodies

With the exception of the Testing and Certification Body for the Ship Safety Division, the Testing and Certification Bodies of DGUV Test are facilities of the German Social Accident Insurance, Incorp. Association (Deutsche Gesetzliche Unfallversicherung e.V. [DGUV]). The DGUV Test Testing and Certification Body for the Ship Safety Division is part of the BG for Transport, Traffic, Post Logistics and Telecommunications (BG für Verkehrswirtschaft Post-Logistik Telekommunikation [BG Verkehr]) and cooperates with the DGUV within the context of DGUV Test.

DGUV Test is a trademark of DGUV e.V. The Testing and Certification Bodies are organized in a decentralized manner and act independently within the scope of the responsibilities assigned to them.

1.4 Impartiality and Non-Discriminatory Terms

The Testing and Certification Bodies work impartially. The services of the Testing and Certification Body are available to all interested persons. The Testing and Certification Body treats all applicants equally by determining objective criteria for admission to testing and certification.

1.5 Confidentiality und Data Protection

The Testing and Certification Body agrees to keep in confidence the business and trade secrets as well as all personal data it obtains within the context of the application for and the provision of performance. For testing and certification purposes DGUV solely deploys staff members upon whom a confidentiality obligation relating to business and trade secrets has been imposed.

Information about admission to testing, the testing procedure and the test results shall be provided solely to the Applicant and/or the Candidate. Insofar as the Applicant and/or the Candidate is not identical to the principal, the decision on admission and certification shall also be communicated to the principal in accordance with No. 3.2 of the present Rules of Procedure.

The Testing and Certification Body is entitled to store in data files on media and/or in paper form all data and results it obtains in connection with the testing and certification, and to use such data and results within the context of its responsibilities. When a certificate is issued, the safekeeping deadline shall expire one year after the certificate becomes invalid, and otherwise three (3) years after the application is submitted.

The Testing and Certification Body may publish data and results in anonymous form. The publication of the names of certified persons is subject to their consent. Insofar as the Testing and Certification Body is under a corresponding statutory obligation or insofar as permitted by the these Rules of Procedure or a contractual provision, the Testing and Certification Body may inform other offices, authorities and the public about results and certificates, in particular about the refusal, limitation, suspension or revocation of a certificate. The certificate holder or the Applicant shall be notified about this information, unless otherwise regulated by law.

Insofar as the Testing and Certification Body is under a corresponding statutory obligation, it shall inform other notified and/or appointed bodies about the negative and positive results of testing and certification. Insofar as a legal provision imposes an obligation, the Testing and Certification Body shall provide information to the competent bodies about the tests and certification in an individual case. Persons affected shall be informed accordingly, unless otherwise regulated by law.

The Test and Certification Body is entitled to enable experts of the accreditor to inspect the documents and to participate in tests. Experts of DGUV Test who conduct internal competence assessments are equal to experts of the accreditor in this respect.

The Testing and Certification Body is authorized to communicate, upon request, whether a person possesses a valid certificate.

2 Procedure

2.1 Submission of an Application

The Applicant shall submit an application for testing and certification, in written or text form. Insofar as an application form is made available on the website of the Testing and Certification Body, it is mandatory.

Participation in the testing is subject to admission. The admission requirements are set out in the relevant Principles of Testing. All documents and proof submitted have to be written in the German language. Foreign documents have to be translated. The Testing and Certification Body may require that the translation be prepared by a publicly appointed and sworn, qualified translator.

The Testing and Certification Body shall verify that the application is complete and formally correct, and that the admission requirements have been met.

DGUV is under no obligation to accept an application. Where an application form made available is used, the contract shall be brought about upon notification from the Testing and Certification Body in text form that the application has been accepted and is being examined. Otherwise a contract shall be brought about by a contractual document signed by both sides.

As a matter of principle, applications shall be accepted in the order in which they are received, within the bounds of the available capacities.

2.2 Certification Programme

The Testing and Certification Body certifies persons on the basis of Principles of Testing which set out the requirements for qualification and competence as well as the admission requirements.

2.3 Subcontracting

The Testing and Certification Body is entitled to cause performance to be provided by third parties. A confidentiality obligation relating to business and trade secrets and personal data of the Applicant will be imposed on such third parties. Information about admission to testing, about the testing procedure and the test results may be provided solely to the Candidate and to the Testing and Certification Body.

3 Certification of Persons

3.1 Testing

Tests, for example in oral, written, observing or practical form, constitute part of the certification process. They serve as proof of qualification and competence. Persons who meet the requirements set out in the Principles of Testing shall be admitted to the tests. Tests may consist of several parts.

As a matter of principle tests shall be conducted in the German language.

A failed test may be repeated as often as requested, against payment of a fee.

A fee is also payable where a test is not passed or is assessed as having been failed.

If a Candidate withdraws during the course of a test and/or in case of attempted deceit, the test shall be assessed as having been „failed“.

If a Candidate severely disrupts the course of a test, he/she may be excluded from the test. In that case the test shall be assessed as having been “failed”.

The decision on withdrawal, deception or disruption shall be made by the examiner. The Testing and Certification Body shall take measures to prevent deception attempts during tests. In particular, it is entitled to

- verify the identity of the Candidate on the basis of his/her official ID card which he/she is obliged to carry,
- prevent aids from being brought into the test area without authorization,
- prevent Candidates from obtaining access to unauthorized aids during tests,
- supervise tests in order to detect indications of deception.

Examiners may require Candidates to leave the test premises. If this takes place before the end of the test, the test cannot be considered passed.

Test documents and test questions are the property of the Certification Body for Persons. At the end of the test (also in case of withdrawal or exclusion) all documents shall be returned in full. Test documents shall be treated in confidence. Test documents may not be forwarded. This also applies to handwritten copies, photographs, and to the filming or scanning of test documents.

The Testing and Certification Body reserves the right to exclude persons who do not comply with these rules from further tests conducted by the Certification Body for Persons.

3.2 Certification

The decision on certification shall be communicated to the Candidate and the principal. A certificate will be issued if all testing requirements are met and the test is passed.

3.3 Monitoring of Certificates

The certified person shall ensure that his/her competence is maintained.

The Testing and Certification Body shall monitor compliance with the terms of use of the certificate. It shall evaluate complaints received in this respect and other information received from interested circles, e.g. supervisory services. The Principles of Testing of the relevant certification programme may provide for other measures.

The certified person is under an obligation to notify the Testing and Certification Body promptly of any changes to his/her name or address. The certified person shall also inform the Testing and Certification Body promptly about all matters that could impair his/her ability to continue to satisfy the certification requirements. Notifications shall be provided at least in text form.

3.4 Re-certification

Re-certification is possible if the terms for re-certification set out in the relevant Principles of Testing in force are satisfied.

3.5 Use and Publication of Certificates and Marks

Insofar as the certification programme provides for a test mark to be issued by the certified person, such provisions are set out in the underlying contract.

Certificates remain the property of the certification body.

Certificates may only be used in full with indication of the date of issue and, if appropriate, the date of expiry. The use of a certificate or the name of DGUV Test and/or the Testing and Certification Body for advertising purposes is subject to prior written consent. If test and audit reports and certificates are made available to third parties, the documents must be reproduced in their entirety. Separate use of the DAkkS Symbol, of DGUV Test logos or other logos belonging to the certification programme is not permitted.

No misleading information may be provided regarding the certification and its coverage. In particular, the certificate may not be used in any way that could bring the certification body into disrepute. The certified person may not make any statements about the certification that the certification body could consider misleading or unjustified.

The certified qualification and competence alone may be advertised using certificates and/or marks.

The certified person agrees to undertake any form of advertising or other statements in commercial transactions solely with valid certificates and to refrain from any form of advertising or statement based on invalid, expired or suspended certificates. Certificates are issued to specific holders. Use by other persons or enterprises is not permitted.

With the consent of the certified person, the Testing and Certification Body may publish the issuance of a certificate.²⁾

The right to use the certificates and marks expires when the certificate becomes invalid. The certified person may not use the DGUV Test Mark or advertise with it if the Testing and Certification Body has revoked or suspended the certificate or if the certificate is invalid for other reasons. If the scope of the certificate is reduced, all promotional materials shall be adjusted accordingly. DGUV Test monitors the legality of the use of marks and may inform other offices/bodies and the public accordingly.

²⁾ All valid certificates are listed in the central internet database of the secretariat of DGUV Test: www.dguv.de/dguv-test/produkte.

Digital print templates for marks are available from the print services company authorized by the secretariat of DGUV Test ³⁾. Any deviation from the digital print templates according to sentence 1 is subject to the prior written consent of the Testing and Certification Body.

Upon issuance of the certificate, the certified person is authorized to use the mark of the certification programme (see Annex 2 for a reproduction of the mark). The DGUV certification mark for persons enables the certified person to indicate in his/her correspondence and advertising that the her/she has been certified according to the requirements of a specific certification programme for persons.

The certification mark for persons may not be used to label individual products. Nor may it be used in conjunction with the manufactured products in a manner that permits the conclusion that the products (or services) as such are certified. In cases in which a certificate for the products has also been issued, the product certification may only be identified in other ways (see GS Marks, DGUV Test Marks). Likewise, the mark may not be used for laboratory test reports, calibration certificates or inspection reports.

The DGUV Test Mark may only be used together with the name of the certified person.

³⁾ An order form is available at
www.dguv.de/dguv-test/plaketten

3.6 Validity of Certificates

Duration of the Certificate

The validity of the certificate is determined in the relevant Principles of Testing and may not exceed five (5) years. In justified exceptional cases a certificate may be valid for up to ten (10) years.

The certificate shall become invalid

- a. upon expiration of its validity,
- b. upon termination of the testing and certification contract,
- c. upon revocation of the certificate by the Testing and Certification Body.

Revocation of the Certificate

The certificate may be revoked, especially if

- a. the certificate holder fails to or no longer complies with the obligations under the present Rules of Procedure for Testing and Certification and/or under the contract concluded with the Testing and Certification Body,
- b. the certificate holder has misled or attempted to deceive the Testing and Certification Body,
- c. misleading or otherwise unlawful advertising is undertaken, especially using the test mark or the certificate, or if the mark or the certificate is misused, or if there is a breach of legal or contractual provisions concerning the use of a certificate.

The original certificate must be returned to the Testing and Certification Body.

Suspension or Limitation of the Certificate

Instead of revocation, the Testing and Certification Body may suspend a certificate. The Testing and Certification Body may also suspend a certificate in order to verify whether revocation thereof is justified on the basis of existing evidence. The certified person may not use the certificate for the duration of the suspension.

After a final decision has been made the Testing and Certification Body shall notify the certified person in writing as to whether the suspension will be lifted – possibly subject to certain conditions – or whether the certificate will be definitively revoked.

The Testing and Certification Body is authorized to publish the suspension, limitation or revocation of a certificate.

3.7 Fees

Fees are charged for the work of the Testing and Certification Body according to these Rules of Procedure for Testing and Certification. The fees are set out in the Fee Schedule of the Testing and Certification Body.

4 Miscellaneous

4.1 Violations of the Rules of Procedure for Testing and Certification, Contractual Penalty

The Testing and Certification Body is entitled to charge a contractual penalty of up to EUR 10,000 for culpable violations of the Rules of Procedure for Testing and Certification, in particular for unlawful use of a test mark, a test report or certificate, depending on the severity of the violation.

4.2 Complaints and Appeals, Conciliation Procedure

The Testing and Certification Body accepts complaints concerning the way in which it works and appeals against decisions, examines and assesses such complaints, and takes appropriate measures if necessary.

In case of disputes arising from the activities of the Testing and Certification Body, either contracting party may have recourse to the conciliation board through the secretariat of DGUV Test, Alte Heerstraße 111, 53757 Sankt Augustin, Germany.

The conciliation board is composed of the head of the DGUV Test secretariat as well as two additional members and two alternate members elected by the DGUV Test Steering Committee. The conciliation board is chaired by the head of the DGUV Test secretariat. The members are subject to a confidentiality obligation in the cases processed. If the impartiality of a member is called into question, he/she shall be replaced by a substitute.

The conciliation board shall examine the case. To this end it may request documents from the Testing and Certification Body and, if necessary, hold a hearing.

After completion of the conciliation deliberations, the conciliation board shall submit a conciliation proposal to the Parties.

The conciliation proposal may be accepted or rejected by either contracting party.

4.3 Validity of Rules of Procedure for Testing and Certification

These Rules of Procedure for Testing and Certification apply from July 2018 onwards.

Annex 1

Design of Test Marks

The proportions of the sample images must be maintained when reducing or enlarging the test mark.

To represent the test mark, both dark lettering on a light background and light lettering on a dark background may be used.

Other graphic presentations and lettering may not be linked to the test mark if this affects the character and the statement of the test mark.

Sample Test Mark

KPZ = Abbreviation of the issuing Testing and Certification Body

00000000 = Certificate number



Annex 2

Name and Abbreviation of Testing and Certification Body

Name of Testing and Certification Body	Abbreviation ⁴⁾
DGUV Test Testing and Certification Body Expert Committee for the Construction Industry	BAU
DGUV Test Testing and Certification Body Expert Committee for Trade and Logistics	HL
DGUV Test Testing and Certification Body Expert Committee for Raw Materials and the Chemical Industry	RCI
DGUV Test Testing and Certification Body Printing and Paper Processing Expert Committee for Energy, Textile, Electrical and Media Product Sectors	DP
DGUV Test Testing and Certification Body Electrical Engineering Expert Committee for Energy, Textile, Electrical and Media Product Sectors	ET
DGUV Test Testing and Certification Body Wood Expert Committee for Wood and Metal	HO
DGUV Test Testing and Certification Body Surface Technology and Sling Gear Expert Committee for Wood and Metal	OA
DGUV Test Testing and Certification Body Machinery and Manufacturing Systems Automation Expert Committee for Wood and Metal	MF

⁴⁾ For use in test marks and certificate numbers only.

Name of Testing and Certification Body	Abbreviation ⁴⁾
DGUV Test Testing and Certification Body Lifting Equipment, Safety Components and Machinery Expert Committee for Wood and Metal	HSM
DGUV Test Testing and Certification Body Foodstuffs and Packaging Expert Committee for the Foodstuffs Industry	NV
DGUV Test Testing and Certification Body Expert Committee for Personal Protective Equipment	PS
DGUV Test Testing and Certification Body Expert Committee for Traffic and the Environment	VL
DGUV Institute for Occupational Health and Safety Testing and Certification Body in DGUV Test	IFA
DGUV Test Testing and Certification Body DGUV Institute for Work and Health	IAG
DGUV Test Testing and Certification Body Ship Safety Division of BG Verkehr	SEE
DGUV Test SCC – Certification Body for Persons	SCC

⁴⁾ For use in test marks and certificate numbers only.

**Deutsche Gesetzliche
Unfallversicherung e.V. (DGUV)**

Glinkastraße 40
10117 Berlin
Tel.: 030 288763800
Fax: 030 288763808
E-Mail: info@dguv.de
Internet: www.dguv.de