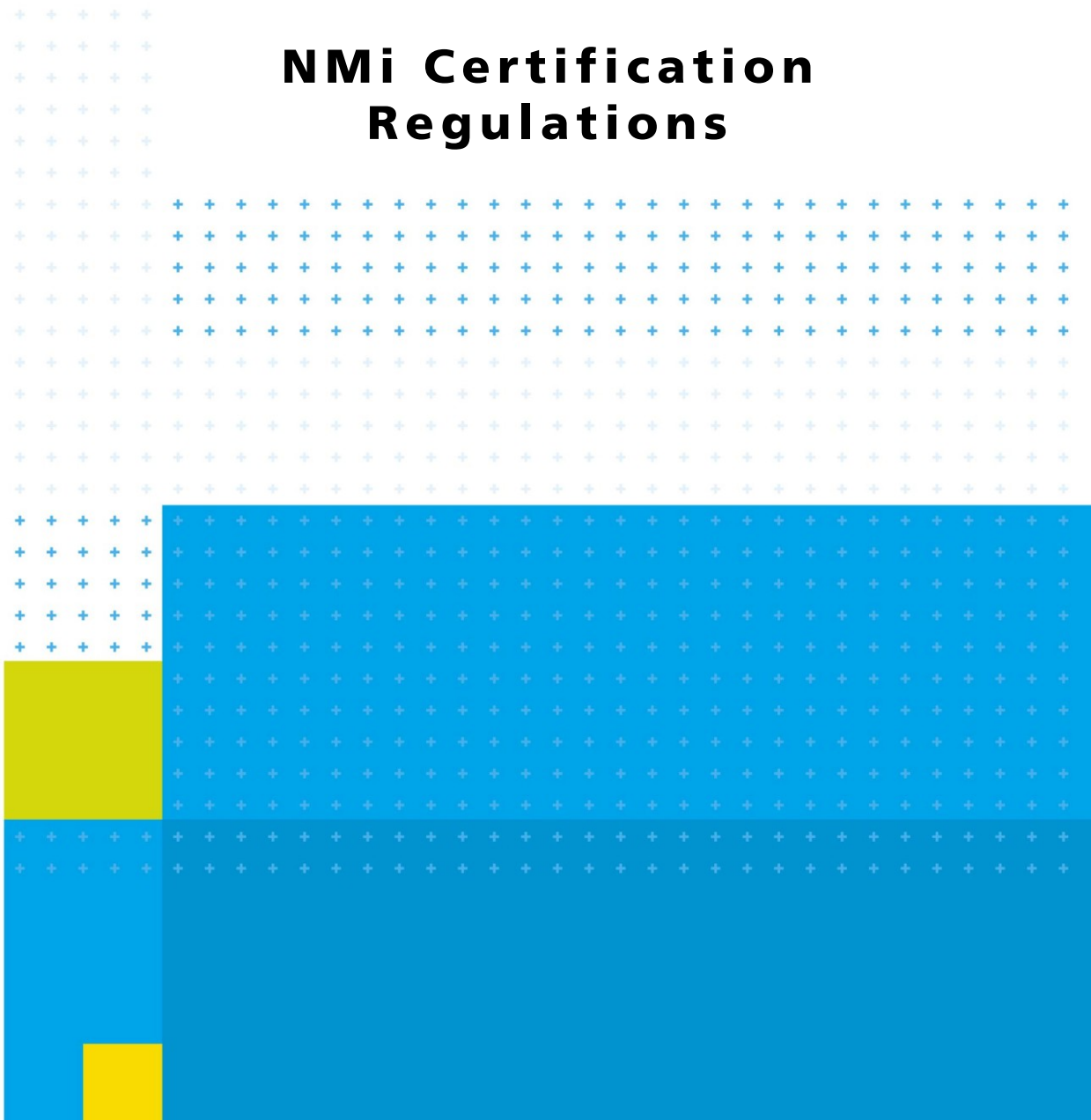




# NMi Certification Regulations





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14 April 2008, description of stage 1 and stage 2 audits.  
10 Oct. 2007, replacement College of Experts by Advisory committee  
4 Oct. 2007, scheme NMi Legal replaced by scheme NL Metrology  
16/20 June 2005, addition of §3.2.2 Scope and §3.3.4 Categorising non-conformities  
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26 September 2002, change to the description of the "CE Metrology" scheme, change §4.4 "Composition of College of Experts" and addition to "Auditing" chapter.  
8 May 2002, initial publication of the new "CE Metrology" scheme

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## **PREFACE**

This document describes the organisation, the certification schemes and the auditing procedure of NMI Certification. The relevant aspects of the certification schemes are described along with the rules for both the certificate holder and for NMI Certin and also for the Advisory Committee.

This document has been drawn up primarily for current and future certificate holders in one of the certification schemes of NMI Certification. These regulations are also necessary for the Advisory Committee and for the (lead) assessors of NMI Certification.

Dordrecht, 27 June 2008

R. J. Lieftinck MSc  
Quality Manager

## TABLE OF CONTENTS

	Page
<b>Preface .....</b>	<b>3</b>
<b>Table of contents .....</b>	<b>4</b>
<b>1 Organisation.....</b>	<b>5</b>
1.1 Objective .....	5
1.2 Organisation .....	5
1.3 Application.....	6
1.4 Agreement, Order, Confirmation .....	6
1.5 Sanctions .....	6
1.6 Feedback handling .....	6
1.7 Changes to the Regulations.....	7
1.8 Dispute concerning a certification decision .....	7
<b>2 Certification Schemes.....</b>	<b>8</b>
2.1 Certification scheme "CE Metrology" .....	8
2.2 Certification scheme "NL Metrology" .....	10
2.3 ISO 9001 scheme .....	10
2.4 Product expertise .....	11
<b>3 Auditing.....</b>	<b>12</b>
3.1 Composition of the audit team .....	12
3.2 assessment of a system audit .....	13
3.3 Initial assessment and certification.....	13
3.4 Changes to the quality system .....	15
3.5 Surveillance audit .....	15
3.6 Confidentiality.....	16
3.7 Expansion, amendment and withdrawal of a certificate .....	16
3.8 List of certificate holders.....	16
<b>4 Advisory Committee.....</b>	<b>17</b>
4.1 Introduction .....	17
4.2 Establishment of an advisory committee .....	17
4.3 Appointment .....	17
4.4 Composition.....	17
4.5 Session duration .....	17
4.6 Termination of membership .....	17
4.7 Meetings .....	17
4.8 Confidentiality.....	18
4.9 Changes.....	18
<b>5 Making appeal .....</b>	<b>19</b>
5.1 Administrative Decision or Order versus Civil Decision .....	19
5.2 Procedure .....	19
<b>6 Use of certification mark.....</b>	<b>21</b>
6.1 Introduction .....	21
6.2 Design .....	21
6.3 Use of the certification mark .....	21
6.4 Consequences after ending certification.....	21
<b>Reference list.....</b>	<b>22</b>

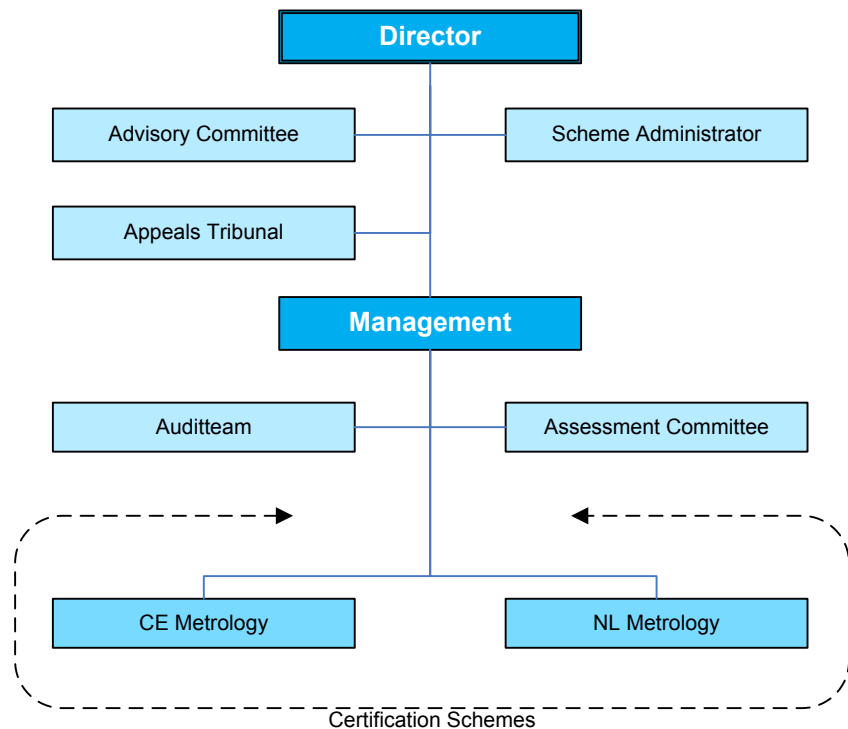
## 1 ORGANISATION

### 1.1 OBJECTIVE

NMi Certification was established by NMi Certin in order to offer applicants a system whereby an independent and objective determination could be made of whether a quality management system met one or more assessment guidelines such as (inter)national standards and/or (European) legislation.

### 1.2 ORGANISATION

A diagram of NMi Certification is shown below.



#### 1.2.1 DIRECTOR

The director, who is the director of NMi Certin, has final responsibility for the activities of NMi Certification. In this capacity the director will determine the direction to be followed and will formulate policy. He is also responsible for approving certification agreements. The director appoints the members of the Advisory Committee.

#### 1.2.2 MANAGEMENT

Management, comprising the System Certification Manager, is responsible for the management of NMi Certification. Management reports to the director.

A new management will be appointed by the director.

Management will, on the basis of an audit report which has been approved by the assessment committee, decide to issue, extend or revoke certification and registration.

#### 1.2.3 SCHEME ADMINISTRATOR

The scheme administrator, who is the quality manager of NMi Certin, checks compliance with the regulations of NMi Certification.

#### 1.2.4 ASSESSMENT COMMITTEE

The objective of the assessment committee is to ensure uniformity in the method of working of NMI Certification. In order to achieve this, every report on an initial assessment, surveillance or reassessment will be reassessed by at least one member of the assessment committee who was not involved in the audit.

The assessment addresses the correct content of the documents in the dossier as well as whether or not to accept the conclusion of the lead assessor. Once the content has been approved then the dossier is sent to management for authorisation.

### 1.3 APPLICATION

If an applicant indicates his interest in a NMI Certification scheme then management will inform the applicant of the procedure.

To do this, management will provide the applicant with the necessary data or documents for processing the application:

- These regulations
- The application form for the requested scheme.

In the application the applicant will indicate under which scheme and under which assessment guideline he wishes to have his management system certified. If an applicant makes use of his own application form then this will be checked by a lead assessor from NMI Certification for the presence of all the details required in the scheme in question.

The lead assessor will check whether the registration requirements of the certification scheme have been met. If this is the case the application will be accepted. Following consultation with management, the lead assessor may refuse an application if there is insufficient capacity available or if the financial situation or the payment history of the applicant gives reason to do this. A refusal of an application will be explained in writing to the applicant.

### 1.4 AGREEMENT, ORDER, CONFIRMATION

The agreements entered into between management and the applicant will be recorded in separate order confirmations and agreements.

There is an order confirmation with respect to:

- assessment of a management system.

Agreements are for an unlimited period of time and will be signed by both parties.

These regulations apply to these agreements and orders.

### 1.5 SANCTIONS

A certification may be suspended or withdrawn by the management if the applicant does (temporarily) not comply with the requirements. The certificate holder shall immediately inform the management of NMI Certification of any circumstance which results in a severe non-conformity with the requirements.

### 1.6 FEEDBACK HANDLING

Customer-feedback, other than an appeal against a certificate decision of the management, about the functioning of NMI Certification or the assessment criteria, will be treated in accordance with the NMI Certification feedback procedure.

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<sup>1</sup> Surveillance reports of the NL Metrology scheme do not have to go to the assessment committee.

### **1.7 CHANGES TO THE REGULATIONS**

The management is authorised to make changes in these regulations which do not affect the certification status of a certificate holder.

Changes which do affect the certification status of a certificate holder shall be authorised by the director.

### **1.8 DISPUTE CONCERNING A CERTIFICATION DECISION**

In the case that an applicant or a certificate holder disagrees with a certification decision, then the certification decision can be objected.

Also stakeholders may making objection towards decision of the board concerning public tasks of NMI Certin.

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<sup>2</sup> For example a change which implies that a certificate of a certificate holder shall be withdrawn.

## 2 CERTIFICATION SCHEMES

### 2.1 CERTIFICATION SCHEME “CE METROLOGY”



This certification scheme is established for measuring instruments as given in Meetinstrumentenbesluit I in order to implement a manufacturer’s conformity assessment procedure for measurement instruments within the framework of the establishment of a CE-mark.

The Metrologiewet [10] refers to two directives for measuring instruments which describe the modules for applying a CE-mark: directive 2004/22/EC [3] and directive 90/384/EEC [1]. The modules for CE conformity routes are given in Table 1.

Table 1 Modules for CE-marking according to 2004/22/EC

#### Declaration of conformity (CE marking)

A = internal production control	
A1 = A + product testing by a notified body	
B = type examination	C = internal production control
	C1 = C + product testing by a notified body
	D = quality assurance of the production process <sup>3</sup>
	E = quality assurance of final product inspection and testing <sup>2</sup>
	F = product verification
D1 = quality assurance of the production process <sup>2</sup>	
E1 = quality assurance of final product inspection and testing <sup>2</sup>	
F1 = product verification	
G = unit verification	
H = full quality assurance <sup>2</sup>	
H1 = H + design examination <sup>2</sup>	

Modules D, E, D1, E1 and H, H1 relate to the assessment of the manufacturer’s management system.

#### 2.1.1 DIRECTIVE 90/384/EEC AND 2004/22/EC

These directives describe measuring instruments as given in Table 2. A manufacturer may apply the CE mark if he fulfils the criteria according a module track in Table 1.

NMi Certin is a notified body for both these directives (number 0122).

3 The manufacturer shall lodge an application for assessment of the quality system with a notified body of his choice. The notified body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer. Additionally, the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may, if necessary, carry out product tests, or have them carried out, to verify that the quality system is functioning correctly. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

## 2.1.2 MEASURING INSTRUMENTS AND THE MODULES TO BE FOLLOWED

Table 2 Measuring instruments and the modules for conformity assessment

	Measuring instrument	A	A1	B+C	B+C1	B+D	B+E	B+F	D1	E1	F1	G	H	H1
MI-001	Water meters					●		●						●
MI-002	Gas meters and volume conversion devices					●		●						●
MI-003	Active electrical energy meters					●		●						●
MI-004	Heat meters					●		●						●
MI-005	Measuring systems for the continues and dynamic measurement of quantities of liquids other than water					●		●				●		●
MI-006	Automatic weighing instruments													
	– Mechanical systems					●	●	●	●		●	●		●
	– Electromechanical systems					●	●	●				●		●
	– Electronic systems or systems containing software					●		●				●		●
MI-007	Taximeters					●		●						●
MI-008	Material measures													
	– Material measures of length					●			●		●	●	●	
	– Capacity serving measures		●			●	●		●	●	●		●	
MI-009	Dimensional measuring instruments													
	– Mechanical or electromechanical instruments					●	●	●	●	●	●	●	●	●
	– Electronic instruments or instruments containing software					●		●				●		●
MI-010	Exhaust gas analysers					●		●						●
	Non-automatic weighing instruments (90/384/EEC)					●		●				●		

## 2.2 CERTIFICATION SCHEME “NL METROLOGY”

NL Metrology is subdivided into a number of approval schemes which have been assigned to NMi on behalf of the Dutch Government. Figure 3 shows this diagram form.

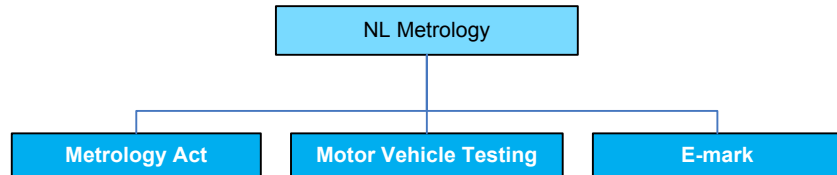
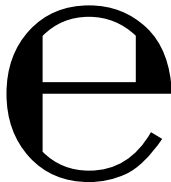


Figure 3. Overview of the sections of the NL Metrology scheme

### 2.2.1 METROLOGY ACT – MEETINSTRUMENTENBESLUIT II

This certification track, based on measuring instruments as given in Meetinstrumentenbesluit II, offers companies the possibility of being authorised to carry out verification on measuring instruments up to and including the application of approval and rejection marks. An applicant for verification authority shall be approved by NMi before he may start verification activities. A major part of the approval is the assessment of the verification system selected by the applicant and which is described in a quality manual. These are formal quality system aspects and the establishment of technical competence.

### 2.2.2 QUANTITY INDICATION ACT (HOEVEELHEIDSAANDUIDINGENBESLUIT)



This is a certification track based on the Consumer Goods Act (quantity indication act) which specifies a control system for companies which manufacture pre-packaging according to the averaged principle. This also includes companies which import from outside the EU.

A major component of approval is the assessment of the control system which is laid down in the system description.

A candidate company will receive provisional recognition following NMi Certification approval. Advice will be provided to the control body following an assessment or reassessment.

### 2.2.3 MOTOR VEHICLE TESTING

This is a certification track based on the Road Traffic Act (entitlement to carry out inspections) which specifies a control system for motor vehicles (Periodic Vehicle Check Act). All vehicles are checked regularly for safety and environmental requirements. The measuring instruments to be used for this (including CO meters and brake test benches) must also be checked regularly. This may be carried out by those entitled to carry out inspections who have to be approved by NMi.

## 2.3 ISO 9001 SCHEME

The universal certification standard for assessing management systems is standard ISO 9001 [7].

This can be useful in the situation where the measuring instrument in question is not covered by European legislation or when the applicant chooses to have a separate ISO 9001 [7] certificate.

The accredited scope is restricted to IAF code 19: “Electrical and optical equipment”.

## **2.4 PRODUCT EXPERTISE**

The necessary product-specific expertise for measuring instruments in the CE Metrology scheme, NL Metrology scheme and ISO 9001 scheme will be provided by NMi Certin and can be demonstrated through accreditation in accordance with the ISO/IEC 17025 [7] standard.

### **3 AUDITING**

#### **3.1 COMPOSITION OF THE AUDIT TEAM**

##### *3.1.1 INTRODUCTION*

Once NMI Certification has received an order for a system audit then NMI Certification will put together an assessment team.

##### *3.1.2 COMPOSITION OF THE ASSESSMENT TEAM*

An assessment team will consist of at least one lead assessor. In addition, one or more assessors and/or technical experts may be added to the team. The lead assessor is the leader of the team and takes care of all communication between the team and management. The assessor and the technical expert are given the assignment by the lead assessor to carry out parts of the audit independently.

The qualifications required of the lead assessor, the assessor and the technical expert shall be according to ISO 19011 [9].

In addition to the qualifications specified, the members of the team should meet the following requirements:

- they should have no own interest in the assessment
- they should not have acted as a consultant to the company being audited during the two years prior to the audit

The members of the team will in principle be employees of NMI. If this is, however, not possible then external auditors will be contracted in.

##### *3.1.3 APPOINTMENT OF LEAD ASSESSORS*

After an initial assessment there be a reassessment after three years unless there is any reason to do this earlier. Two annual assessments will be carried out in the intervening period. These are called surveillances.

The lead assessor who has carried out an initial assessment or a reassessment will also generally carry out the two subsequent annual surveillances. This is set as a cycle of three years.

The lead assessor selects the assessors and any technical experts. It is preferable if the assessor(s) and technical expert(s) are the same people for each cycle.

Because of the desire to rotate the available lead assessors, a subsequent cycle may be done by a different lead assessor.

##### *3.1.4 ACCEPTANCE TEAM*

Once management has put together or changed an assessment team this will be presented to the applicant. The applicant may indicate whether he agrees to the team presented by management. If the applicant does not agree to the team then management will set up a new team.

## **3.2 ASSESSMENT OF A SYSTEM AUDIT**

### *3.2.1 PREPARATION*

Management will, depending on the size of the company, appoint a lead assessor. The lead assessor will then appoint assessor(s) and technical expert(s): this is the assessment or audit team.

The lead assessor is a member of the assessment committee (see §1.2.4) but the assessor does not need to be a member.

The lead assessor is in charge of the audit. Together with the assessor(s), he will set up the program and will send it in advance to the company to be inspected for comment. He is also responsible for the audit report.

The time spent on the audit depends on the following factors:

- Does the company to be inspected have relevant certification (ISO 9001 [7] for example).
- The language in which the manual and the job instructions are written.
- The scope.
- The number of employees within the scope of the audit (in other words, the employees to be audited).
- The number of branches of the company which have to be visited.

### *3.2.2 SCOPE*

The audit will shall be confined to the considered scope for certification. This implies that matters which are not relevant in relation to the decision of issuing the certificate, shall not be audited.

### *3.2.3 PRE AUDIT*

If a company so desires then a preliminary audit can take place prior to the initial certification audit.

A preliminary audit is only applicable for an initial assessment and is intended to assess the quality manual and to make proper agreements on the method of working and the scope of the audit.

The period of time between the preliminary audit and an initial assessment depends on the time required by the company to correct the non-conformities observed during the preliminary audit. The person who carries out the preliminary audit will not be the lead assessor of the initial audit.

The result of the preliminary audit will not be taken into consideration during the initial audit.

## **3.3 INITIAL ASSESSMENT AND CERTIFICATION**

The initial assessment consists of a stage I audit and a stage II audit.

### *3.3.1 STAGE I AUDIT*

The stage I audit may be performed by assessing the management documentation. However for most management systems it is recommended that at least part of the stage 1 audit be carried out at the client's premises.

This assessment consists of:

- to audit the client's management system documentation;
- to evaluate the client's location and site-specific conditions and to undertake discussions with the client's personnel to determine the preparedness for the stage 2 audit;
- to review the client's status and understanding regarding requirements of the standard, in particular with respect to the identification of key performance or significant aspects, processes, objectives and operation of the management system;

- to collect necessary information regarding the scope of the management system, processes and location(s) of the client, and related statutory and regulatory aspects and compliance (e.g. quality, environmental, legal aspects of the client's operation, associated risks, etc.);
- to review the allocation of resources for stage 2 audit and agree with the client on the details of the stage 2 audit;
- to provide a focus for planning the stage 2 audit by gaining a sufficient understanding of the client's management system and site operations in the context of possible significant aspects;
- to evaluate if the internal audits and management review are being planned and performed, and that the level of implementation of the management system substantiates that the client is ready for the stage 2 audit.

In determining the interval between stage 1 and stage 2 audits, consideration shall be given to the needs of the client to resolve areas of concern identified during the stage 1 audit. The certification body may also need to revise its arrangements for stage 2.

### 3.3.2 STAGE II AUDIT

The purpose of the stage 2 audit is to evaluate the implementation, including effectiveness, of the client's management system. The stage 2 audit shall take place at the site(s) of the client. It shall include at least the following:

- information and evidence about conformity to all requirements of the applicable management system standard or other normative document;
- performance monitoring, measuring, reporting and reviewing against key performance objectives and targets (consistent with the expectations in the applicable management system standard or other normative document);
- the client's management system and performance as regards legal compliance;
- operational control of the client's processes;
- internal auditing and management review;
- management responsibility for the client's policies;
- links between the normative requirements, policy, performance objectives and targets (consistent with the expectations in the applicable management system standard or other normative document), any applicable legal requirements, responsibilities, competence of personnel, operations, procedures, performance data and internal audit findings and conclusions

### 3.3.3 AUDIT CONCLUSION

The audit team will analyse all information and audit evidence gathered during the stage 1 and stage 2 audits to review the audit findings and agree on the audit conclusions.

Management authorises the report.

In the event of non-conformities the applicant will be asked to make changes or improvements to the quality system within a period of time to be agreed.

If the applicant does not meet the requirements of the audit team within the period of time referred to above with respect to changes or improvements then the agreement may be terminated. The work carried out up to that point and the costs incurred will be charged to the applicant.

### 3.3.4 CATEGORISING NON-CONFORMITIES

The audit team has three possibilities for indicating if a clause of a standard has been fulfilled.

Conform the clause.

By this result a remark can be added which gives an indication of an improvement.

#### D Deviation

An isolated shortcoming or misstep with regard to the requirements of the standard that has no influence on the functioning of the system or the conformity with the requirements of the product of the service.

The non-conformity shall be corrected within an agreed term.

#### N Non conformity

The lack of an effective implementation of a system requirement of the standard, or a situation in which there is little or no assurance that the product of the service complies with the established requirements.

The non-conformity shall be corrected within a very short term in order to prevent withdrawal of the quality system certificate.

In the case of an "D" or "N" assessment, a non-conformity finding (NCF) form will be written. At an initial assessment no certificate will be issued until all NCFs have been corrected.

If the company indicates that a clause is not applicable, the company shall motivate the reason.

### 3.3.5 ISSUING THE CERTIFICATE

If all the audit criteria have been met then an agreement and a certificate (in accordance with the certification scheme in question) will be drawn up, given a number and signed by management. Once the relevant agreement has been signed the certificate will be issued to the applicant.

The agreement is for an unlimited period of time. The period of validity of the certificate is three years and will be renewed if the criteria for the certification scheme are met in a reassessment. Management will take care of publication of the initial issuing of a certificate.

## 3.4 CHANGES TO THE QUALITY SYSTEM

The applicant is obliged immediately to report to the lead assessor any interim changes (which means between the annual audits) which may be of importance for the certification of the quality system.

## 3.5 SURVEILLANCE AUDIT

In between the reassessments a periodic assessment visit will be made at least once per year. This is called a surveillance audit. Management will determine where a surveillance audit will have to be carried out more often.

If acceptable changes are observed during a surveillance audit then the certificate will, if necessary, be amended or renewed.

If a non-conformity is observed during a surveillance audit then a period of time will be agreed within which the non-conformity is to be put right. During this period restrictions may be imposed on the company with respect to the exercising of rights arising from certification. Once corrective measures have been carried out by the company a reassessment of these corrective measures will take place.

It may be decided that:

- the situation is in order in accordance with the existing certification
- the situation has changed but is acceptable and the certificate will have to be amended or renewed
- the situation is still not acceptable which will mean suspension or withdrawal of the certificate.

### **3.6 CONFIDENTIALITY**

The members of the audit team are obliged to maintain confidentiality through their contract of employment with NMI. Externally contracted auditors should sign a confidentiality agreement.

No member of the team may in any way whatsoever have been involved in the previous two years in consultancy with respect to parts of the applicant's quality system.

### **3.7 EXPANSION, AMENDMENT AND WITHDRAWAL OF A CERTIFICATE**

#### *3.7.1 EXPANSION*

If a certified company wishes to have new activities included in the certification then the same procedure will be followed for these activities as described earlier for the audit procedure. If all the audit criteria are met then a new certificate will be issued.

#### *3.7.2 AMENDMENT*

If changes have taken place in a certified company which are not in accordance with the details specified on the certificate then, following assessment and approval of the amended situation, a new certificate will be issued and the old one will be withdrawn.

#### *3.7.3 WITHDRAWAL OF A CERTIFICATE*

Conditions are included in the agreement with respect to the initial assessment in which reasons for a possible withdrawal of a certificate are given.

If, as a result of a control audit, reassessment or some other event, non-conformities with respect to the details which led to certification are found then the certificate may be withdrawn. This restriction will be lifted once it has been shown through reassessment that the non-conformities have been addressed.

If a certificate is withdrawn then it should be returned to management.

The applicant may enter an appeal against a proposed withdrawal of the certificate.

### **3.8 LIST OF CERTIFICATE HOLDERS**

A list of valid certificate holders will be published by NMI on her website.

## **4 ADVISORY COMMITTEE**

### **4.1 INTRODUCTION**

This chapter contains the rules which apply for the Advisory Committee which may be used for a certification scheme.

### **4.2 ESTABLISHMENT OF AN ADVISORY COMMITTEE**

Initial the director, board and scheme manager determine the members of the Advisory Committee, and invite them to take place into the committee. The Advisory Committee will advise director, board and scheme manager on the implementation of the certification scheme and related tasks, with focus on impartiality, independency and reliability of the certificate system. This may be a binding advice.

### **4.3 APPOINTMENT**

The members of the Advisory Committee will be appointed by the director.

### **4.4 COMPOSITION**

#### *4.4.1 MEMBERS OF THE ADVISORY COMMITTEE*

The members of the Advisory Committee will consist of external stakeholders of the certificate system, taking account clause 6.2.3 of ISO/IEC 17021.

#### *4.4.2 SELECTION OF CHAIRMAN*

The chairman will be chosen by the members of the Advisory Committee out of the Advisory Committee.

#### *4.4.3 SECRETARIAT*

The secretariat of the Advisory Committee will be provided by the scheme manager of NMI Certification. As such he will act as secretary and may speak but does not have the right to vote.

#### *4.4.4 IMPARTIAL ADVICE*

The Advisory Committee must at all times be composed in such a way that impartial advice is guaranteed (see also §4.7.4 required quorum).

### **4.5 SESSION DURATION**

An appointment in the Advisory Committee is valid for a period of 3 years. Reappointment is allowed.

### **4.6 TERMINATION OF MEMBERSHIP**

Membership of the advisory committee will cease in each of the following cases:

- At the request of the person involved
- If there is a lack in the duty of confidentiality (see §4.8).

### **4.7 MEETINGS**

The advisory committee will meet at least once per year. In addition, the management may call for a meeting when a specific issue has to be discussed.

#### *4.7.1 PROVISION OF INFORMATION*

The management of NMI Certification will provide, in advance of a meeting, a report over the past year to the advisory committee, which consists of:

- The functioning of the certification schemes;

- Results of certification assessments;
- A list of actual certificate holders;
- A list of withdrawn certificate holders in the past year;
- A list of received customer feedback;
- Financial evaluation over the past year.

#### 4.7.2 REQUESTED ADVICE

If requested so to do the advisory committee will provide advice on the ethics of:

- policy development and the basic principles with respect to the content and the functioning of the certification scheme.

#### 4.7.3 BINDING ADVICE

The advisory committee may indicate that its advice should be considered as binding. The director may not ignore such advice.

#### 4.7.4 REQUIRED QUORUM FOR DECISIONS

The required quorum for decision making must always be more than 50% of the total number of members entitled to vote (present and not present during the meeting). If this percentage is not attained among the members present then the members who are not present must also vote later in writing.

### 4.8 CONFIDENTIALITY

The members of the Advisory committee are obliged to maintain confidentiality with respect to information whose confidential nature may be assumed. If this rule is broken then the director may decide during the session to terminate the membership of the person involved of the advisory committee.

### 4.9 CHANGES

These regulations apply to the work of the Advisory Committee. These regulations may not be set aside by the Advisory Committee even unanimously.

## 5 MAKING APPEAL

In case an applicant or a certificate holder disagrees with a certification decision, the applicant or certificate holder can file an appeal.

When certification decisions of the board concern public tasks performed by NMI Certin, stakeholders can file an appeal as well.

The specific procedures for appealing, which apply at NMI Certin, can be found in the "Regeling bezwaarschriftprocedure NMI Certin" which is available on <http://nmi.nl> under Organisation -> General Terms.

[http://nmi.nl/files/certin/regeling\\_bezwaarschriftprocedure\\_nmicertin.pdf](http://nmi.nl/files/certin/regeling_bezwaarschriftprocedure_nmicertin.pdf)

### 5.1 ADMINISTRATIVE DECISION OR ORDER VERSUS CIVIL DECISION

Please note that there is a difference between an administrative decision or an order and a civil decision.

#### 5.1.1 CIVIL DECISION

Civil decisions are decisions based on private law (civil law). They are not decisions taken whilst fulfilling a governmental task (in which case the decision would be based on administrative law).

Filing an appeal is not regularly possible when decisions are civil decisions. However, for cases in which 'civil decisions' are also certification decisions, NMI Certin does provide the possibility to file an appeal. The way in which such an appeal can be filed and will be processed is described in paragraph 5.2.

#### 5.1.2 ORDER

An 'order' is a written decision of an administrative authority constituting a public law act. It concerns decisions taken by government bodies or by bodies performing (a) public task(s). Orders are based on administrative law: it concerns orders, as meant in the General Act on Administrative Law. All orders can be subject to appeal.

#### 5.1.3 ORDER VERSUS CIVIL DECISION

The distinction between a civil decision and an order can be difficult. A certification decision can occur when performing a legal task (which makes it an order on which appeal as meant in the General Act on Administrative Law is possible), or a certification decision can occur as a result of a civil activity of NMI Certin (as result of which the decision is a civil one).

Because of this sometimes difficult distinction, civil decisions and orders will be processed in the same way.

In addition to this it is noted that, in order to make an appeal admissible, the use of terminology (either 'decision', 'administrative decision', 'civil decision', or else) is not relevant. It is however important that making and processing an appeal follow the described procedure.

## 5.2 PROCEDURE

### 5.2.1 TO APPEAL A CIVIL DECISION

Although the General Act on Administrative Law does not apply to civil decisions, NMI Certin has determined that the procedures in articles 2 till 6 of the "Regulation appeal procedure NMI Certin" (only available in Dutch) do apply to certification decisions.

This means that filing an appeal on a certification decision has to be done in the same manner as an appeal on an order or administrative decision and

that this appeal will be processed in the same way as an appeal on an order or administrative decision.

In addition to this, the 'hearing committee' decides on matters in which the procedural provisions in Article 2 till 6 do not foresee.

#### 5.2.2 TO APPEAL AN ORDER

On orders (as defined in the General Act on Administrative Law), the appeal procedure always applies. This procedure has been described in "Regulation appeal procedure NMI Certin" (only available in Dutch).

## **6 USE OF CERTIFICATION MARK**

### **6.1 INTRODUCTION**

The CE Metrology mark and NL Metrology mark are subject to rules concerning the use of the marks.

### **6.2 DESIGN**

The design of the mark shall be left unchanged by the certificate holder, in regard to the mark which has been initially given by NMI to the certificate holder.

### **6.3 USE OF THE CERTIFICATION MARK**

The certification mark may not become a part of the house style of the certificate holder.

The mark may only be used in product flyers or other publications in direct relation to the certification scope as given on the certificate.

The use of the certification mark will be part of the audit.

Those situations for which were not foreseen, the board of NMI Certification has the right to give further rules or to correct misuse.

### **6.4 CONSEQUENCES AFTER ENDING CERTIFICATION**

From the date the certification agreement has ended. The former certificate holder shall immediately stop using the mark in all her publications.

## REFERENCE LIST

- [1] 90/384/EEC, Council Directive of 20 June 1990 on the harmonisation of the laws of the Member States relating to non-automatic weighing instruments, Official Journal of the European Communities, 20 July 1990.
- [2] 93/465/EEC, Council Decision of 22 July 1993 concerning the modules of the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking which are intended to be used in the technical harmonisation directives. Official Journal of the European Communities, 30 August 1993.
- [3] Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments. Official Journal of the European Union L 135/1.
- [4] Guide to the implementation of directives based on the New Approach and the Global Approach, European Commission, Luxembourg, Office for official publications of the European Communities, 2000.
- [5] ISO/IEC 17020, *General criteria for the operation of various types of bodies performing inspection*, November 1998.
- [6] ISO/IEC 17021, *Conformity assessment – Requirements for bodies providing audit and certification of management systems*, September 2006.
- [7] ISO/IEC 17025, *General requirements for the competence of testing and calibration laboratories*, May 2005.
- [8] ISO 9001, *Quality management systems – Requirements*, International Standard, 3<sup>rd</sup> edition 2000-12-15.
- [9] ISO 19011, *Guidelines for quality and/or environmental management systems auditing*, October 2002.
- [10] Metrologiewet, law of 2 February 2006 concerning regulations regarding measurement units and regarding putting on the market and the use of measuring instruments.
- [11] Aanwijzing instanties die een toetsende taak uitvoeren in het kader van een overeenstemmingsbeoordeling van meetinstrumenten, 23 januari 2007
- [12] Wijziging aanwijzingsbesluit m.b.t. meetinstrumenten, 4 september 2007.