

## Rules of the mark BENOR-i3 Administrative and legal clauses

### *The guarantee for a good mechanical protection against intrusion*

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These rules are edited in French, Dutch and English.  
For the official implementation of the rules only the original French version is taken into account in order to avoid interpretations due to translation.

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*The rules are property of asbl ANPI vzw whose members represent all actors involved in the market of fire and intrusion prevention:*

- Group nr 1: the insurance companies and their professional organization (Assuralia);*
- Group nr 2: the authorities;*
- Group nr 3: the professional organizations representing the certification bodies or bodies being capable of becoming a certification body;*
- Group nr 4: the organizations representing the users that are not represented in Group nr 1;*
- Group nr 5: organizations of standardization, training, research, inspection and laboratories.*

*The present **Rules of the mark BENOR-i3** determine the administrative and legal stipulations that lead to the BENOR-i3 Certification and to the attribution of the use of the mark BENOR-i3. It is completed by the **Certification Rules for BENOR-i3 Products** and the **Certification Rules for BENOR-i3 Services rules**, with, per Product or Service type, the modalities that have to be fulfilled in order to obtain the certification.*



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## Definitions

Applicant:	The manufacturer, importer, wholesaler, engineering office, installer ... that submitted a request for certification of Products, Systems or Services
Big renovation:	New construction or replacement of one or more facade elements.
BOSEC:	Belgian Organisation for Security Certification
CEA:	Comité Européen des Assurances
CEA/GEV3:	Working group within the commission insurance goods, section theft form the CEA.
CEN/TC33/WG4:	Working group within the European Standardization Committee that works on standardization of building hardware.
Certificate holder:	Applicant having obtained the right to use the i3 mark.
Certification file:	File that has to be submitted in order to obtain the certification. The contents of this request are fixed by the Technical Certification rules.
Certification body:	ANPI Certification is the certification body mandated by the Ministry of the Interior.
Construction engineering office:	Every natural person or legal body carrying out a permanent or temporary activity of services of design.
Distributor:	Natural person or legal body that is responsible for placing the Products or Systems on the market.
Enterprise:	Every natural person or legal body carrying out a permanent or temporary activity of services of design, installation, maintenance or reparation of Installations.
Expert:	Every natural person that can demonstrate its knowhow in a certain domain and who will be technically responsible for the activity for which the certification was requested.
Façade unit:	The assembly of different units that are meant to fill out openings in the façade.
Inspection organism:	Organism recognized by ANPI Certification to carry out the inspection of façade units within the framework of these prescriptions.
Inspector:	Person carrying out technical controls in the framework of conformity inspections of Installations.
Installation:	Unit of interconnected, associated and or integrated Products in a building in order to protect it against intrusion.
Installer:	Person or enterprise installing intrusion delaying elements according to the installing prescriptions. If this person or enterprise is recognized by its federation for small renovations (placing a lockset on an existing door) this person or enterprise is allowed to deliver an attestation.
Manufacturer:	The manufacturer of a Product or a System.



New construction:	Building a new house.
Product:	A component with a final functionality or meant to be integrated in a system.
Resistance 3 minutes:	See point 1.3.5.
Service:	All actions that have the objective to realize an Installation, the design, the maintenance and repairs.
Small renovation:	Replacement of the lockset of a door.
SPP – VSP:	Permanent secretariat of the Prevention Policy, Ministry of the Interior.
STS:	Unified technical specifications edited by the Wetenschappelijk en Technisch Centrum voor het Bouwbedrijf (WTCB) STS 38: Glassware STS 52: Outdoor joinery STS 53: Doors
System:	Assemblies of Products that are mutually compatible and that can work together.
Technical Auditor:	Person carrying out administrative control acts about the procedure of delivery or surveillance of certification. This person mainly validates the presence of the necessary documents, understands the contents and establishes the correlation with the audited environment. This person has to be familiar with the aimed technique in order to correctly judge and decide about his observations.
TIN:	Technical information note edited by the Ministry of Traffic and Infrastructure.



## 1. Domain of application

The rules, hereafter called "Rules of the mark BENOR-i3 – Administrative and Legal clauses", specify the general rules of the supervision and organization of the mark BENOR-i3.

The mark is intended to guarantee the highest quality level of the mechanical means to seriously reduce the intrusion in homes, and in any case to slow down thieves in their intrusion attempt more than 3 minutes. It appears that an effort of more than 3 minutes discourages more than 95% of the thieves.

This document determines:

- the conditions for the use of the mark;
- the determination of the technical reference documents;
- the mission of the different bodies involved in the delivery of the mark BENOR-i3;
- the conditions for the attribution and the use of the mark;
- the protection of the mark in case of disputes.

The certification modalities are mentioned in the documents "Products rules of the mark BENOR-i3".

The marks i3 and BENOR are unanimously recognized in their domain of application as the Belgian quality reference by the insurers, the industry, the users and the intervention services.

## 2. Legal framework of the mark BENOR-i3

The mark i3 and its logo that are meant to guarantee the quality of the façade elements against theft have been registered under the number 0678201 in the classes 6 and 19.

The mark BENOR and its logo are registered under the number 396.654.

The mark and the descriptive markings that have to accompany the product or service are mentioned in the Annexes 1 and 2.

## 3 Use of the mark BENOR-i3

The legal prescriptions concern the safety aspects of Products, Systems and related Services. The mark "BENOR-i3" wants to provide an added value by guaranteeing the consumer that the desired performance level will be reached. The certification possibilities are divided for the different 'actors' that are involved in the realization of an installation, namely:

- the Manufacturers and Distributors of (Products and Systems).

### 3.1. Use of the mark BENOR-i3 for certified Products and Systems

Every use of the mark is forbidden if ANPI has not given its authorization to use the mark or if it is withdrawn, suspended or resolved in accordance with this arrangement.

Without explicit prohibition expressed in the Product certification rules, the mark, together with the inscriptions mentioned in annex 1 and 2, has to be applied on every Product and System, including Products that compose the system.

Applying the mark BENOR-i3 does not prevent the same Products and Systems of having applied other collective or individual marks, as far as there is no risk for ambiguity.

The mark BENOR-i3 may be applied by the Holder of the Certificate or Conformity Approval onto stationery, a commercial document and other editions, in any kind of media and types of supports, according to the following criteria:

- The use of the mark BENOR-i3 in a product catalogue and in technical documentation concerning certified or approved Products and Systems requires that the mark is completed with all the inscriptions that were also applied on the Products and Systems (see "Full inscription" in annex 1).



- The use of the mark BENOR-i3 on stationery and in the general documentation of the Holder of the Certificate requires that the mark is completed with the references of ANPI and the reference of the Holder of the Certificate (see "Short inscription" in annex 2).

In case one and the same Product or System would be certified or approved in the name of several Holders of a Certificate and if one of them is also the manufacturer of the Product or System, it is sufficient to apply only the label with the license number of the Manufacturer Holder of the Certificate. This means in no way that the Holder making use of it is no longer responsible.

During the entire validity period of the right to use the mark, the user of the mark commits himself to bring the certified Products on the market in the way that it is described in the user manual and not bringing any other Product on the market by using the same referrals than those of the certified Product.

The right to use the mark BENOR-i3 ends with the expiry date of the validity period of the certificate for this Product or System, either at the initiative of the holder of the certification, either as a result of a decision by the certification body. From that moment the logo may no longer be applied to the new productions of this Product or System. All references to it in the documentation have also been removed if the right to use the mark is withdrawn as a result of a sanction.

The application or the use of the mark BENOR-i3 does not discharge the Holder of the Certificate from his responsibilities.

### **3.2 Use of the mark BENOR-i3 in the framework of training/information sessions**

There is no certification of instructors or persons providing information in the framework of the mark BENOR-i3. The mark BENOR-i3 may be referred to in the framework of the training session as long as there is no confusion possible between the mark BENOR-i3 that only concerns the certified Products and Systems and the quality of the instructor.

Terms such as for instance "i3-instructor", "BENOR-instructor" and "BENOR-i3-instructor" are too ambiguous and could make believe that it is an attributed title and may therefore not be used.

## **4 The basic reference specifications for the attribution of the mark BENOR-i3**

The authorization to use the mark BENOR-i3 is the result of a positive and documented evaluation realized by the Division Certification from ANPI that applies the modalities that were fixed in the actual Rules for the mark and in the certification rules for Products and those for Services.

The mark BENOR-i3 only covers the Products or Systems for the prescriptions that are stipulated in the reference documents of the mark. In any case the mark BENOR-i3 only has a meaning when all normative and legal documents concerning the use or application of the Product, System or Enterprise are respected.

Within the framework of the international agreements accepted by the Management Committee of the mark BENOR-i3, foreign or supranational normative documents (i.e.) EN can be used as a base for the attribution of the mark BENOR-i3 according to the criteria agreed upon by the different concerned parties at the condition that these normative documents are at least equivalent to those that normally have to be applied for the attribution of the mark.

## **5 Certification bodies**

### **5.1. General principles**

#### **5.1.1 Writing and updating the rules**

The Rules of the mark are written and updated by *The Management Committee of the i3-mark*.

#### **5.1.2 Certification process**

The Division Certification of ANPI *evaluates* and deliberates the delivery of the certificates and the use of the mark in accordance with the rules that are prescribed by the Management Committee of the i3-mark. It delivers the certificates and carries out the surveillance controls.



### 5.1.3 Guarantee of conformity with ISO/IEC 17065

The *Advice and Appeal Committee for the Certification Activities (CARC)* defined in the articles of association from ANPI asbl guarantees the conformity of the certification scheme with regards to the legal and normative prescriptions. More particularly, it will see to it that every abuse against a free competitive market will be avoided.

## 5.2 Role of each body

### 5.2.1 Management Committee of the i3-mark (MCMi3)

The Management Committee of the i3-mark works inside the Division Certification of ANPI in order to:

- write the rules of the mark BENOR-i3
- update the rules
- see to the correct promotion of the mark BENOR-i3,
- see to the market surveillance and the correct use of the mark BENOR-i3.

The MCMi3 commits itself to carry out evaluation schemes of conformity judgment so that:

- the Certificate holders of Product(s) and/or Systems have a means to demonstrate, with a sufficient level of confidence, the conformity of their Products and/or Systems with the correspondent technical documents and certification rules,
- the Enterprises can demonstrate, with a sufficient level of confidence, the conformity of their organisation and their knowhow and their Installations with the correspondent prescriptions and certification rules.

According to the necessities, the Management Committee of the i3-mark can create ad hoc working groups to help them in taking decisions. They can therefore consult experts.

### 5.2.2. Technical working group

The technical working groups are created by, and according to the necessities of the Management Committee of the Mark i3 that also fixes the competences and missions of the groups.. That can, for instance, be:

- the updates of the rules;
- the approval of technical reference documents
- the integration in the rules of international, European, bi- or multi-national agreements applicable to the certification schemes;
- the proposal of actions and budgets for specific actions
- technical advice in the framework of complaint treatment;
- etc.

In order to meet the requirements of ISO/IEC 17065 the experts will be selected according to the subject scope based upon their profile of competences.

### 5.2.3. Division Certification of ANPI

The Division Certification of asbl ANPI vzw guarantees the certification and approval acts. The system organization of this division is accredited by BELAC according to the criteria of the ISO/IEC 17065 concerning the institutions proceeding to the certification of Products, Systems and Enterprises. This division:

- a) receives and treats the requests,
- b) guarantees the correct follow-up of the requests,
- c) does the evaluation, the review and takes the certification decision for the request and renewal files,
- d) delivers the certificates that are signed by the Secretary General when all criteria for certification foreseen in the rules are met,
- e) guarantees through audits the correct follow-up of the inspections and the surveillance of the certified or approved Products, Systems and Services,
- f) guarantees the correct follow-up of the renewal of the certificates.





#### **5.2.4. The Advice and Appeal Committee for the Certification Activities (CARC)**

The Advice and Appeal Committee for the Certification Activities (CARC) is defined in the articles of association of asbl ANPI vzw. It guarantees the Board of asbl ANPI vzw, and all other bodies that the certification rules are correctly observed, particularly concerning free trade, independence and integrity of the certification. It is also the place for the ultimate appeal if an applicant finds that his appeal to the Management Committee of the mark has not been treated according to the rules.

#### **6. Appeal against certification decisions**

Requests for appeal against certification decisions are addressed to the Secretary General of the Division Certification of ANPI. They are treated in the Technical Certification Committee of the mark i3 that is competent in this domain. This Committee:

- will evaluate the suitability of the certification or approval prescriptions in function of the submitted item,
- will verify the integrity of the treatment of the file,
- will, in case they decide the appeal is founded, propose a solution.

The Management Committee of the Mark i3 as well as the CARC receive a copy of the decisions.

If the applicant of the appeal finds that the rules were not applied impartially by the Management Committee of the i3-mark, he can, at his own charges, introduce an ultimate appeal at the Advice and Appeal Committee for the Certification Activities from ANPI.

#### **7. Publications**

The Division Certification of ANPI has the mission to deliver the users lists of the mark to every person or body, private as well as public.

All publicity by the user of the mark concerning a certified product, system or service mentions the i3-mark.

The user of the mark keeps all publicity documents mentioning the mark BENOR-i3 at the disposal of interested parties.

Only a complete reproduction of the certificates or conformity approvals is allowed.

#### **8. Transfers**

The certification cannot be transferred.

In case of modification of the legal statute of the certificate holder (bankruptcy, legal liquidation ...), the rights of this holder are stopped by right.

The Division Certification of ANPI has to examine the request of the Enterprise that guarantees the entire or partial continuation of the concerned installation or maintenance activity.

In case of a merge with another company the use of the certification can be transferred as long as:

1. the user of the mark and the other Enterprise sign an agreement that:
  - a. stipulates the new name of the Enterprise;
  - b. declares that the activities of the user of the mark were taken over by the new Enterprise;
  - c. stipulates the contractual links between the user of the mark and the Enterprise.
2. the new Enterprise signs a certification or approval agreement with the Division Certification of ANPI. This agreement destroys the initial agreement signed between the user of the mark and the Division Certification of ANPI.

#### **9. Withdrawal of the certification**

The authorization to use the mark can be withdrawn by the Division Certification of ANPI in the following cases:



- a) at the explicit request from the user of the mark,
- b) in case of non-payment of the certification services,
- c) as the result of a sanction,
- d) if the certification activities under the i3-mark in a certain domain are stopped,
- e) if a prohibition is declared by a public authority to put it on the market.

For the Products and Systems that are recognized as being not in conformity or from which the certificates or conformity certificates expire or became invalid the user of the mark is compelled to remove the mark from his Products and Systems and to no longer use the references and logos of those documents.

## **10. Protection of the mark – Appeal - Sanctions – Arbitration**

In case of violations of the dispositions of the present rules, related prescriptions or agreements noticed by the MCMi3, the MCMi3 is empowered to impose sanctions about the use of the mark and/or institute legal proceedings to protect the interests of the mark.

### **10.1 Protection of the mark**

Asbl ANPI vzw has the authority and commits itself, in the framework of the applicable legislation, to start every legal action it thinks expedient to protect the mark against every form of abuse or things that could harm it. Those actions take place through the Management Committee of the mark i3 (MCMi3).

### **10.2. Sanctions in case of illegal use of the mark BENOR-I3**

The interested parties or their representative are invited by means of a registered letter and heard by the MCMi3 before the sanctions are imposed. If the interested parties do not answer to the registered letter sanctions can be pronounced by default.

The following sanctions can be pronounced:

- The registered warning letter containing the corrective actions the MCMi3 decided upon.
- The temporary withdrawal of the right to use the mark awaiting the corrective actions
- The definitive withdrawal of the right to use the mark
- Fines (the amount of the fine can be 10 times as high as the concerned certification(s), raised with the procedure costs committed by ANPI).

The sanctions are announced by means of a registered letter.

The definitive withdrawals of the use of the mark are made public on the ANPI website and on the website of the former holder of the mark. A judgement of court will be published, at the expense of the offender, in A4-size in at least two sector related professional journals.

In case of withdrawal of the authorization to use the mark the user still has to fulfil all his obligations towards ANPI vzw on the date of withdrawal. He may not claim, even not partially, a refund of the use and the management that were already paid or still have to be paid.

### **10.3. Appeal against sanctions**

The user of the mark has one month after having received the notification of the sanction, to go into appeal against the sanction. This will be submitted to the CARC.

The appeal the user of the mark can lodge against the sanction suspends the execution of the sanction.

### **10.4. Arbitration**

When all possibilities of appeal stipulated in those rules are exhausted, the dispute will be settled at the courts of Nivelles.



## **11. Complementary dispositions**

### **11.1. Responsibilities**

The right to use the mark BENOR-i3 contains no guarantee from asbl ANPI vzw and does not discharge the user of the mark from his responsibilities.

The user of the mark contributes, with all possible means within his power, to the control of the mark, by pointing out every fact that could endanger the correct use of it to the MCMI3.

When the decision to end one or more certification domains is taken, the Division Certification of asbl ANPI vzw commits itself to follow up the certificates until their expiry date. After this period the Division Certification of asbl ANPI vzw cannot be held responsible in any case. The mark may still be used (i.e. in case it is resumed) according to the rules that have been established at that moment.

### **11.2. Confidentiality**

All Members of the different bodies involved in the certification (MCMI3, CARC, TC, SG) are submitted to article 458 of the Belgian Penal Code.

### **11.3. Price setting**

Asbl ANPI vzw publishes annual tariffs applicable in the different domains covered by the mark BENOR-i3. Those are guaranteed to the holders through quotations and contracts. The general sales conditions of asbl ANPI vzw are part of the present rules.

## Annex 1: Mark of conformity BENOR-I3 for Products and Systems

The conformity mark has to be applied in the form of a print or in the form of a label. It has to be indelible and to be presented in the form of the following BENOR-i3 label:



where XXXX represents the license number of the certificate holder\*

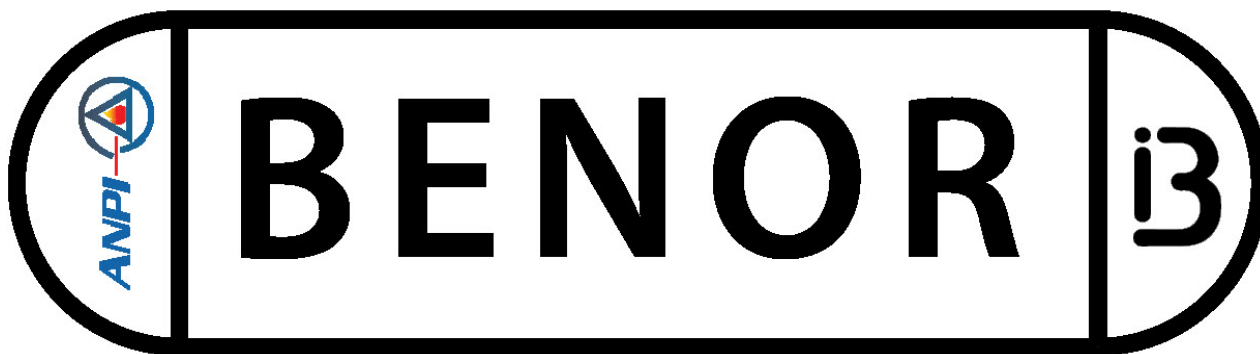
There are 3 elements in this label, the B for Belgium, the I for Intrusion and the 3 for the three minutes resistance corresponding to the average time a thief spends on a burglary attempt.

Size: The proportions as in the above mentioned example have to be maintained. There is no minimum size and the content always has to be legible.

\*In the case that the same Product or System should be certified on the name of several certificate holders and if one of them is also the manufacturer of the Product or System, it is sufficient to only apply the label with the license number of the manufacturer certificate holder. Attention: this does not mean that the other certificate holders are no longer responsible.

**Annex 2: Mark of conformity BENOR-I3 for communication supports**

The conformity mark has to meet the following criteria:



There are 3 elements in this label, the B for Belgium, the I for Intrusion and the 3 for the three minutes resistance corresponding to the average time a thief spends on a burglary attempt.

The dimensions can be adapted in function of the used medium.

The mark will be developed according to the registered colours or in the shape of black characters on a white background.

\* \* \* \* \*