1134

CERTIFICATION RULES FOR PRODUCTS IN CONFORMITY WITH THE DIRECTIVE (EU) 2014/30/EU ELECTROMAGNETIC COMPATIBILITY

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DEFINITIONS

CEA:	Comité Européen des Assurances.
EN:	European Standard
ISO:	International Standardisation Organization

1. Domain of application

The present document defines the application procedure to examine the technical design of an apparatus and to verify and attest that the technical design of the apparatus meets the essential requirement set out in point 1 of Annex I of the Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility.

The following documents are fully part of the present implementation rules:
- **Annex 1**: EN harmonized standards
- **Annex 2**: Request file 'CERT CE-EMC PROC 001 GENERAL RULES F WD 001 CUSTOMER REQUEST (F)(N)(E)'
- **Annex 3**: Procedure in case of modification(s)
- **Annex 4**: certification convention

2. Scope of the EU-type examination

The scope of the EU-type examination are products in the domain.

3. Evaluation criteria

3.1. Administrative criteria

If one of the requirements is not met, the request can be rejected.

Before introducing a request, the applicant has to ensure that he meets the requirements defined by the present implementation rules, including the annexes, concerning his product and manufacturing unit. He has to commit himself to respect the same requirements throughout the validity period of his EU-type examination certificate.

The request is introduced by means of the form in annex 2.

To be a candidate for the EU-type examination, the applicants (manufacturers, distributors, …) have to meet the following requirements:

- Specify the aspects of the essential requirements for which examination is requested and shall include:
- The name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- A written declaration that the same application has not been lodged with any other notified body;
- The technical documentation.
- Demonstrate the performance of the product, with the standards of annex 1, formulated in the evaluation report edited on the basis of the tests determined in the present prescriptions.

During the handling of his request, the applicant can address comments and remarks to ANPI and, if necessary, be heard by the technical committee and the Secretary-General of the Certification Division from ANPI.

3.2. Technical criteria to be fulfilled by the applicant

3.2.1. Contents of the file to be submitted for certification

The document in annex 2 has to be filled in and sent to ANPI Division Certification.

The technical documentation shall make it possible to assess the apparatus conformity with the applicable requirements of this Directive and shall include an adequate analysis and assessment of risk(s).
The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the apparatus. The technical documentation shall contain, wherever applicable, at least the following elements:

- a general description of the apparatus;
- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, …;
- descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the apparatus;
- a list of the harmonised standards applied in full or in part the references of which have been published in the Official Journal of the European Union, and, where those harmonised standards have not been applied, descriptions of the solutions adopted to meet the essential requirements of this Directive, including a list of other relevant technical specifications applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;
- results of design calculations made, examinations carried out, etc.;
- test reports with description of the products.

3.3. Decision

ANPI Division Certification examines the technical documentation, in collaboration with ANPI Division Laboratory, to assess the adequacy of the technical design of the apparatus in relation to the aspect of the essential requirements for which examination is requested.

On the basis of the results of the assessment, tests and answers provided by the applicant, ANPI Division Certification notifies one of the following decisions:

- delivery of EU-type examination certificate;
- refusal of EU-type examination certificate;

in order to attest or not the conformity of the products with the used European standards.

The delivery of an EU-type examination certificate can, in no way, substitute the guarantee of ANPI Division Certification by the guarantee that, as stipulated by law, belongs to the manufacturer.

4. Special performance procedures

The applicant has the tests carried out by ANPI Laboratory or by a laboratory mentioned in the list of laboratories recognized by ANPI. The applicant requests and orders the tests directly to the laboratory.

5. Certification follow-up

5.1. Obligations of the EU-type examination certificate holder

In order to assure the certification follow-up, the EU-type examination certificate holder has to:

- inform ANPI about all the modifications to the certified product(s) according to the procedure in case of modifications to the products as mentioned in annex 3 of the present rules;
- inform ANPI about all the manufacturing locations (factories);
- sign a certification convention;
- put the register of complaints at the disposal of the ANPI Division Certification. The EU-type examination certificate holder has to keep a register of complaints with a short and chronological overview of the complaints about the certified product(s), indicating the origin of the complaint, its content and the follow-up. The possible supplementary documents concerning the treatment of the complaint (notes, letters, fax etc.) are annexed to the register.

6. Authorisation to use the CE marking

6.1 CE marking requirements

The CE marking requirements are mentioned in "*THE DIRECTIVE (EU) 2014/30/EU ELECTROMAGNETIC COMPATIBILITY*".

The ANPI identification number as Notified Body is **1134**.
The graphical chart of the CE mark can be found in the Regulation N°305/2011.

7. Certification bodies

7.1 ANPI Certification Division

The Division Certification of ANPI 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:

- receives and treats the requests,
- guarantees the correct follow-up of the requests,
- does the evaluation, the review and takes the certification decision for the request files,
- delivers the EU-type examination certificate that are signed by the Secretary General when all criteria for certification foreseen in the rules are met,

7.2. 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 ANPI. It guarantees the Board of ANPI and all other bodies that the certification rules are correctly observed, particularly concerning free trade, independence and integrity of the certification. It treats complaints appropriate to the sector about the non-observance of the certification rules and of the technical reference documents.

8. Certification treatment

8.1 Basic conditions

The Applicant or Holder of the EU-type examination certificate has to respect the following obligations:

- submit an official request and completed by a mandated representative,
- submit the necessary information,
- to go along with the stipulations applicable to the certification system, and continue to do this,
- facilitate the evaluation management,
- only use the marking or advertising according to the authorized and agreed criteria,
- stop the use or advertising of the marking as soon as the EU-type examination certificate is suspended or withdrawn,
- to pay the costs and contributions concerning the certification.

Note: Every written request for information from ANPI Certification Division to the Applicant that stays without an answer, will lead to a registered letter. If there is still no answer the Applicant is informed, without prejudice to the possibility to appeal, that his file will be closed and will be returned to him. The already invoiced amounts are not recoverable.

8.2 Treatment product certification requests

8.2.1. Certification request criteria

The Applicant submits his request to the ANPI Certification Division by means of the certification request form for the assessment and verification of a product included in annex 1. This is the only valid request form with the exclusion of any other document.

8.2.2. Registration

On receipt of the request the secretarial staff of the ANPI Division Certification will achieve the following:

1. register the request and attribute a file number;
2. provide the Applicant within 10 working days with the following:

- the registration number of the file,
- the present Certification rules
- the Technical specification, in collaboration with ANPI Division Laboratory, for the concerned product containing the following:
- the technical certification criteria,
- the contents of the technical file that has to be submitted for the certification (in case it is not already in our possession),

8.2.3. Receptivity of the request and certification project – Application review

On receipt of the technical file:

1. verification of the completeness of the request file;
2. treatment of the request;
3. composition of the certification file;

The certification file is composed within 10 working days, counting from the receipt date of the complete request file and the payment of the amounts invoiced by ANPI.

8.2.4. Certification process (Evaluation, review and decision)

The technical staff from the ANPI Division Certification:

- does this based on all information and on the certification file;
- requests complementary information, if necessary;
- gives an advice;
- decides to deliver the certification or not.

The decision is taken within 15 (increased by the delay for the delivery of the complementary information) working days starting from the transmission of the certification file by the administrative team.

8.2.5. Delivery of the EU-type examination certificate

The ANPI Division Certification:

1. informs the Applicant when the decision is negative
2. sends the request to the Applicant when it is about a complementary information request.
3. When the decision is positive the original EU-type examination certificate is drawn up after having received the signed certification convention (see model in annex 4) that is sent to the Applicant.

The Applicant receives a license number for the first product for which he obtains an EU-type examination certificates. All other EU-type examination certificates that he will obtain in the future will fall under that same number.

The treatment is done within 15 working days after having received the conclusions of the decision.

8.2.6. Duration of the certification

The certification remains valid as long as the requirements defined in the standard are met and/or the product is not modified in a significant way.

9. 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 by the Management Team Meeting (MTM) of ANPI. This MTM:

- will evaluate the suitability of the certification 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.

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

10. Withdrawal of the certification

The authorization the use of the NoBo number 1134 and the Certificate of constancy of performance can be withdrawn by the Division Certification of ANPI in the following cases:

- at the explicit request from the manufacturer;
- in case of non-payment of the certification services;
- as the result of a sanction;
- if the certification activities in the domain are stopped;
- if a prohibition is declared by a public authority to put it on the market.

For the Products that are recognized as being not in conformity or from which the certificates or conformity certificates expire or became invalid the user of the ANPI NoBo number is compelled to remove the number from his Products and to no longer use the ANPI NoBo number and the Certificate of constancy of performance.

The decisions of retreat of the right to use the certificate are announced to the Certificate holder by means of a registered letter (except for case a).

11. Protection – Appeal - Sanctions – Arbitration

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

The market surveillance exclusively belongs to the Public Authorities.

11.1 Protection of the ANPI NoBo Number

ANPI has the authority and commits itself, in the framework of the applicable legislation, to start every legal action it thinks expedient to protect his NoBo Number against every form of abuse or things that could harm it.

11.2 Illegal use

In the framework of the treatment by ANPI Certification Division of an illegal use, only the use of the marking making reference to ANPI Certification Division, this means the use of the marking CE 1134 or 1134-CE is concerned.

Is considered as being illegal use, the application of the marking CE 1134 or 1134-CE without the autorisation from ANPI Certification Division on:

- products or packages,
- technical, commercial or publicity documents.

In all cases (illegal uses under the authority of asbl ANPI vzw or not), the Public Authorities are informed.

11.3 Sanctions in case of illegal use of ANPI NoBo Number

The sanctions are imposed by the Division Certification from ANPI.

The following sanctions can be pronounced:

- The registered warning letter containing the corrective actions ANPI decided upon;
- The temporary withdrawal of the right to use the ANPI NoBo number awaiting the corrective actions;
- The definitive withdrawal of the right to use the ANPI NoBo number;
- 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.

After having been informed about the sanctions, the Certificate holder has 10 days to dispute those sanctions at the ANPI Management Team Meeting (MTM). In case the MTM judges the dispute admissible, he or his representative will be summoned by registered letter. In the absence of the interested parties, the MTM will pronounce the sanctions.

In case of withdrawal of the authorization to use the ANPI NoBo Number the user still has to fulfil al his obligations towards ANPI 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.

11.4 Appeal against sanctions

The user 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.

11.5 Arbitration

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

ANNEX 1

STANDARDS AND REGULATIONS

Notification scope as notified body **ANPI 1134** available on NANDO:
https://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=notification.html&ntf_id=302868&version_no=20

The list of the harmonized standard is available on EU website :
https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/electromagnetic-compatibility_en

The scope of the harmonized standards of ANPI laboratories is available on the BELAC website:
https://ng3.economie.fgov.be/NI/belac/Labotesting/scope_pdf/003-TEST.pdf

ANNEX 2

See CERT CE-EMC PROC 001 GENERAL RULES F WD 001 CUSTOMER REQUEST (E)(F)(N) actual version available on www.anpi.be

ANNEX 3

PROCEDURE IN CASE OF PRODUCT MODIFICATIONS

In order to maintain the validity of the EU-type examination certificates delivered by ANPI, ANPI has to be informed about each modification of the product.

ANPI has to be informed and has to approve the modifications before they are implemented. The procedure for the treatment of modifications described underneath has to be applied.

The procedure for treatment of announcements of modifications to Products is described in CERT PROC 023 ADVICE REQUEST F.

Major modifications

Major modifications in the documents, the production process or the Product that could affect the demonstration of conformity to the applicable standards and rules.

Examples of major modifications:

- Changes in component values
- Changing of component (e.g.: electrolytic condenser instead of a ceramic condenser, a transistor that is replaced by an equivalent or better model, microprocessors or ASICs);
- Changes of minor tracks on a PCB (for instance a minor modification in the position of the track in order to obtain a different component size/shape);
- Changing of material into similar or improved specifications (for instance PCB material);
- Changing of the application method of PCB coating;
- Changes to the layout or tracks of a PCB (different from the minor changes described below);
- Change of labels and documents that could affect the marking or the data requirements by ANPI or by the applicable standards.
- Changing of materials (e.g. metal housing replaced by plastic housing, characteristics of different materials such as for instance fragility, corrosion resistance, etc.);
- Changes in the characteristics of the digital circuits (e.g.: speed);
- Changes that can have an impact on the conformity with the EMC requirements.

The Major Modifications have to be announced to the Division Certification.

The ANPI Division Certification may consult the laboratory in order to determine whether the announcement corresponds to a major modification and whether complementary tests are necessary. The EU-type examination certificate holder is never allowed to implement Major Modifications without the positive advice from ANPI Division Certification.

Minor modifications

Minor modifications in the documents, the production process or the Product that do not affect the demonstration of conformity to the applicable standards and rules.

Examples of minor modifications:

- Correction of writing or typing error;
- Administrative changes to document formats etc;
- Changing of component manufacturer for non-crucial components such as resistances, condensers, etc (N.B. a thermistor of a heat detector would be a critical component);
- Very minor changes of tracks on a PCB (for instance a slight modification (< 0.5 mm) of the track width, radius of curvature or size of a sensor, with the guarantee that the security and the integrity of the circuits is maintained);
- Changing of the diameter of a mounting hole in a component;
- Corrections of software bugs that do not affect the requested functions;
- Minor changes of a PCB that do not affect the layout of tracks or components;
- Label changes that do not affect the marking requested by ANPI or by the applicable standard(s);

The EU-type examination certificate holder may group up to 5 minor modifications to the same Product before announcing them and at least once year (if there is any).

The minor modifications can be implemented in the production before having received the advice from ANPI Division Certification. This implementation is the responsibility of the certificate holder.

The ANPI certification division may consult the laboratories in order to determine whether the declaration corresponds to a minor modification and whether complementary tests are necessary.

In case of deviations encountered during the surveillance test by the laboratories, the holder is obliged to provide the proof of the implementation of necessary corrective actions including the products put on the market.

ANNEX 4

See CERT PROC 018 CERTIFICATION CONVENTION F WD 023 CE-EMC-P E F N