Certification Requirement

of PHOENIX TESTLAB GmbH July 2021

Conditions and procedures for certification programs, including evaluation procedures, rules and procedures for issuing and maintaining the certification, extension or restriction of the scope of application of the certification, suspension, withdrawal or denial of the certification.

1. General

1.1. The certification bodies of PHOENIX TESTLAB GmbH (hereinafter "PHOENIX TESTLAB") issue the following certificates:

- EU type examination certificates (module B) according to Annex III of the EU Directive 2014/30/EU
- EU type examination certificates (module B) according to Annex III and certificates according to module H of the EU Directive 2014/53/EU
- EC type examination certificates (module B) and certificates according to module D, E, F and G according to Annex II of the EU Directive 2014/90/EU
- Grants according to the American requirements of CFR 47
- Type Approval Certificates according to the Canadian requirements of the Radio Equipment Certification Procedure RSP-100
- Certificates of Technical Regulations Conformity for Specified Radio Equipment according to the Japanese requirements of the Radio Law

(a) The only test reports on which assessments may be based are those produced by laboratories that work in accordance with the following rules:

- Europe: Accreditation according to EN ISO/IEC 17025 or analog ISO-Guides (recommendation)
- USA: Listing and accreditation of a test laboratory according to CFR 47 § 2.948 (respectively recognition as a conformity assessment body within an intergovernmental agreement with the United States of America on the mutual recognition and/or an accreditation according to ISO/IEC 17025)
- Canada: Listing and accreditation of a test laboratory according to the Canadian requirements DES-Lab/ REC-Lab

(b) If the certificate holder applies for an assessment according to Annex III of the EU Directive 2014/30/EU, according to Annex III or IV of the EC Directive 2014/53/EU or according to Annex II of the EU Directive 2014/90/EU, he must inform the designated/notified body if he has submitted an application for the requested products to any other designated/notified bodies within the meaning of these directives.

1.2. The certification bodies of PHOENIX TESTLAB reserve the right to publish certified products for the information of accreditation bodies, competent authorities and other bodies such as MarED and their product database. Special consent of the certification holder to this is not required.

1.3. In case of alterations of the testing regulations and/or the prerequisites of assessment or infringements, on the part of the certification holder, of the rules of the assessment procedure, the certification body shall have the right to suspend or withdraw the certificate at any time. In serious cases, such as by way of example but not listed exhaustively in paragraph 1.6, it may declare the certificate invalid with immediate effect. The certification body reserves the right to publish certificates it has declared invalid or it has withdrawn. The consent of the previous certificate holder to this is not required. As for the rest, the provisions of paragraph 1.8 shall be applicable.

1.4. The certificate holder is entitled to use the certificate within the conformity assessment procedure also in advertising campaigns. This shall not affect the personal responsibility of the certificate holder for its standards of advertising practice. However, the certificate holder is forbidden to use the product certification in a way that could discredit the certification body or make comments about its product certification which the certification body could consider as misleading or unjustified.

If the certification holder provides the certification documents to third parties, these documents must be provided in their entirety or as specified in the certification program.

If reference is made to the product certification in communication media such as documents, brochures or advertising material, the requirements of the certification body, or as specified by the certification program, must be met by the certification holder.

1.5. The certification holder has to record and file all complaints from the market or third parties about the product and make these details available at the request of the certification body and provide information on the remedial measures taken.

(a) The certification holder has to accept that PHOENIX TESTLAB, by virtue of reporting obligations imposed by law or by authorities, may pass on information about the certificates which has come to its knowledge and that at the request of the certification body this information, documentation etc. concerning both the contract with the certification holder and the subject of the contract may be passed on by PHOENIX TESTLAB. This includes, in particular, information about the performance of the assessment, the appraisal at non-accredited testing laboratories, the granting and/or withdrawal of the certificate.

(b) PHOENIX TESTLAB reserves the right to debit to the certificate holder's account in accordance with the respective current price list the cost incurred for identifying and clarifying such incidents.

1.6. Certificates shall expire or may be restricted, suspended, or declared invalid and revoked by the certification body at any time with immediate effect if

(a) a validity period stated on the certificate has expired,
(b) certificates or copies of certificates have been changed and thus falsified,
(c) the certificate has been replaced by a new certificate,
(d) the certificate holder requests the revocation,
(e) the revocation of the certificate is required by the national authority which is responsible for monitoring and enforcing the laws in question,
(f) at the time of the assessment or appraisal facts were not seen or not seen and judged correctly or could not be recognized which would have precluded certification,
(g) defects in the product or system come to light later or are not noted during periodic inspection or check of products already on the market or otherwise are not rectified by the holder of the certificate within a reasonable period,
(h) the holder of the certificate does not have the inspections specified in the certification program carried out or holds up or restricts the proper performance,
(i) within the certified/authorized QM systems of the designated/notified body for examination or inspection purposes, even with unannounced visits, access to development, acceptance, testing or storage facilities of the manufacturer or insight into the documentation required is denied,
(j) misleading or otherwise impermissible advertising is practiced with the certificates, or

(k) the holder of the certificate fails to pay fees for certificates due within a stipulated period following a reminder. If the fees refer to several certificates, the certification body decides which certificate the measure is to cover.
1.7. Before declaring a certificate restricted, suspended or invalid, the certification body shall give the certification holder the opportunity to state his views, unless such a hearing is impossible owing to the urgency of the measures to be taken.
1.8. The certification body may publicize restrictions, suspensions, declarations of invalidity and revocations of certificates. It may in particular disclose to the competent authorities, the supervisory authorities, to the certification bodies the name and address of the holder of the certificate, the nature of the infringement or the reason why the certificate has been declared invalid, including, where appropriate, information about the product etc.
1.9. The certification body will not be liable for any damages the certification holder may suffer as a result of the non-granting, the restriction or suspension and the termination or the declaring invalid and revocation of a certificate.
1.10. The holder of the certificate is obligated to immediately stop any advertising after the termination, suspension or revocation of the certificate, whatever the cause is, that refer in any way to the certificate.
1.11. The holder of the certificate is obliged to keep records of all complaints that were made known to the holder of the certificate with regard to the compliance of the certification requirements, and submit these records to the certification body upon request; and
(a) to take suitable measures with regard to such complaints as well as any defects discovered in the products and which affect the compliance of the requirements of the certification; as well as
(b) document the measures taken.
1.12. Complaints and objections of any kind must be sent to the certification body. The holder of the certificate shall be informed about decisions and any measures.
1.13. Obligations of the certificate holder
The holder of the certificate is obligated
(a) to immediately inform the certification body about any changes that could affect his ability to comply with the certification requirements,
(b) to always comply with the certification requirements, including the implementation of the corresponding changes, if these are notified by the certification body,
(c) to ensure that the certified product continues to meet the product requirements, provided the certification applies to a current production,
(d) to make all necessary arrangements to carry out the evaluation and monitoring (if required), including considering the examination of the documentation and records, the access to the corresponding equipment, the location(s), the area(s) and the staff, and the sub-contractors of the certificate holder,
(e) to afford the certification body within product testing (if so required by the certification program) at any time and without advance notification to access the corresponding operating areas during normal business hours and to retrieve products during the ongoing production process without charge,
(f) to see to it that with respect to the certified/approved QM systems surveillance audits are conducted annually by the certification body in accordance with the requirements of the certification program, including the participation of observers as per DIN EN ISO/IEC 17065 Clause 4.1.2.2 c) 3), and implement specified corrective measures on schedule, and
(g) to maintain and apply the certified/approved QM system as specified in the certification program, and to fulfill all obligations herewith associated and to keep the certification body constantly informed about all planned updates of the QM system.
1.14. If the certification holder wants to continue the certification in case of a temporary certification, he must apply for the re-certification at the designated/notified body at least 3 months before the expiry of the period of validity of the certificate.

2. Canadian certifications
2.1. The current certification program according to the Canadian requirements of the Radio Equipment Certification Procedure RSP-100 will be made available to the applicant on request.
2.2. List of certifications:
(a) The Bureau of Innovation, Science and Economic Development Canada records the details of all certifications in the Radio Equipment List REL of the Department based on the notification of the certification body obtained by electronic filing. Certified devices may not be marketed, leased, sold or offered for sale in Canada before the details have been added to their certification in the REL.
(b) A listing fee has to be paid to the Bureau before the device is registered in the Radio Equipment List. This fee can be paid by the certification body on behalf of the certification holder.
2.3. Changes and certification of products:
For changes to certified radio equipment, a re-certification of the devices may be required. The applicant consults a certification body to confirm the validity of the certification if the certified device had been changed.
2.4. Certification maintenance:
If the recognition of a certification body is withdrawn or if the certification body is no longer active, the Department requests the certificate holders of affected devices that are still sold in the Canadian market to transfer these device certifications to a recognized certification body or to the Bureau within three months after the notification by the Department. Otherwise, the device will be removed from the Radio Equipment List. The Department can request the affected certificate holders to present a copy of the original certification submission that includes a technical overview. Certificate holders keep copies of their original certification submission for a period of ten years.
2.5. Withdrawal of a certification:
(a) If a certified device cannot comply with this procedure or the applicable technical requirements as a result of a re-certification or other information obtained by the certification body or the Department, or if there is sufficient evidence that a certified device causes electromagnetic interference, the certification body shall inform the Department, and the certification holder will be requested to take remedial action.
(b) If the certification holder does not take remedial action, the certification will be withdrawn by the certification body, and the Department will remove the device from the Radio Equipment List. The business department will also demand that the illegal device is put out of operation and no longer provided for sale or distribution in Canada.