
T5504 General Terms and Conditions

1. Scope of the T5504 General Terms and Conditions

1.1. The General Terms and Conditions set out in this document are pertaining to the regulations, as well as activities based on accredited laboratory and on-site testing, sampling, sample preparation procedures of **Cemkut Cementipari Kutató-Fejlesztő Kft. (Cemkut Kft.)** pursuant to the provisions of **Regulation (EU) No 305/2011** of the European Parliament and of the Council of 9 March 2011 titled “Harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC” - Construction Products Regulation (hereinafter: CPR) - in accordance with **Government 275/2013. (16.VII.16.)** (hereinafter: Government Decree).

1.2. **The areas of Cemkut Kft. with an independent quality management system** (hereinafter: QMS) operate as an independent organisational unit within the framework of a legal entity, and carry out their activities on the basis of a contract/assignment, for a fee, on the basis of predetermined rates. For this purpose, it does not accept any other subsidies or financial contributions from its clients, nor does it receive any financial support from public or non-public organisations or individuals.

1.3. The General Terms and Conditions constitute an annex to the contract between **Cemkut Kft.** as a designated and notified body or accredited testing laboratory on the one hand, and the client (manufacturer or its authorised representative, distributor, installer, expert or other market operator) on the other hand. The subject of the contract/order is the assessment and verification of the constancy of performance of construction products and/or the performance of testing, sampling, sample preparation, expert activities required by the Client in the regulations on the marketing and installation of construction products.

1.4. **Cemkut Kft.** and its departments carry out conformity assessment activities for construction products on the basis of the designation and notification of the Budapest City Government Office (BFKH) and the approval of the European Commission, and its testing laboratory is accredited by the National Accreditation Authority (NAH).

1.5. The **CERTIFICATE OF QUALITY CONSISTENCY** issued by **Cemkut Kft.** certifies that the construction product (hereinafter: Product) meets the requirements of the relevant technical specification. The certification is based on the testing of the characteristics given in the technical specifications and the evaluation of the results, as well as on the basic and continuous monitoring of the plant and factory production control and the results of the random sampling tests, by carrying out the tasks detailed in the work schedule annexed to the contract. The certificate is a document supporting the Declaration of Performance required for placing the product on the market and the installation of construction products.

1.6. The **CERTIFICATE OF FACTORY PRODUCTION MANAGEMENT COMPLIANCE** issued by **Cemkut Kft.** certifies that the manufacturer carries out its activities in accordance with the production control documentation and that the checks and tests carried out by the manufacturer are suitable for establishing the conformity of the construction product covered by the attached application. The certification is based on a basic inspection and continuous monitoring of the plant and factory production control and on the results of the tests carried out by the manufacturer, by carrying out the tasks detailed in the work schedule annexed to the contract. The certificate is a document supporting the Declaration of Performance required for placing the product on the market and the installation of construction products.

1.7. The **NATIONAL TECHNICAL EVALUATION (NTE)** issued by **Cemkut Kft.** provides values for basic characteristics as a basis for the Declaration of Performance. It is a valid document in Hungary, but it does not entitle the manufacturer or its representative to use the CE mark. It does not replace other necessary permits or documents required for placing the product on the market, the installation of the construction product, and other documents supporting the Declaration of Performance (e.g. certificate, product type definition). It may be issued for a construction product if it is not covered by a valid harmonised European Standard (hES), an issued European

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Technical Assessment (ETA), a non-harmonised European Standard, a Hungarian Standard, or if it deviates significantly from the above.

1.8. The **EUROPEAN TECHNICAL ASSESSMENT (ETA - European Technical Assessment)** issued by **Cemkut Kft.** is a document pertaining to the given construction product, which serves as the basis for the Declaration of Performance. It is a document valid in the EEA member states and entitles the manufacturer or its representative to use the CE mark. It does not replace other necessary permits or documents required for placing the product on the market, the installation of the construction product, and other documents supporting the Declaration of Performance (e.g. certificate, product type definition). It may be issued for a construction product if it is not covered by a valid harmonised European Standard (hEN) or if it deviates significantly from such standard.

1.9. The **product type definition report (type assessment)** issued by **Cemkut Kft.** is a document that certifies the assessment of a product's performance (1+, 1, 3) as required by the system for the Assessment and Verification of Construction Product Performance Consistency (AVCP).

1.10. The **test report** issued by **Cemkut Kft.** is a document that contains the values of a given sample or system (including sampling, sample preparation and testing activities), and its content requirements are specified in the MSZ EN ISO/IEC 17025:2005 standard.

1.11. **Cemkut Kft.** carries out its activities on the basis of its rights and professional competences, available on our website (www.cemkut.hu).

2. Conditions for issuing a certificate or technical assessment

2.1. The procedure must comply in all respects with the applicable certification procedure for the product and the contract between **Cemkut Kft.** and the applicant, and the product must be certified to meet the requirements of the technical specification.

2.2. The manufacturer shall have at his disposal the production control documentation, in compliance with the requirements of the relevant technical specification, which contains: the technical specification with which the product complies; the technical conditions and the process of manufacturing production control; the manufacturing process and the production control plan pertaining to the product; the product's user manual; and all other information relevant for the conformity assessment. The production control documentation shall allow the continuous assurance and assessment that the product meets the required product characteristics and that the production control system is operating effectively. The applicant shall provide the factory production control documentation to **Cemkut Kft.** for the performance of the procedures.

2.3. The manufacturer's factory production control system must be capable of continuously producing a product that satisfies the relevant requirements, and the manufacturer's type assessment or calculation of the product, as well as the checks and tests carried out by the manufacturer, must allow for determining the conformity of the product with the requirements of the relevant technical specification.

2.4. Upon application for a **European Technical Assessment (ETA)**, the body carrying out the technical assessment must follow the rules of procedure set out in the Annex to the Commission Decision of 17 January 1994 on common rules of procedure for European technical approvals (94/23/EC), which the manufacturer is obliged to read and accept.

2.5. If the technical assessment procedure also requires the drafting of a **European Assessment Document (EAD)**, the contract between the Manufacturer and Cemkut Kft. (as the technical assessment body) shall include the procedure set out in Annex II of the CPR, which shall form an integral part of the procedure.

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2.6. Upon application for a **National Technical Assessment (NTA)**, **Cemkut Kft.**, as the body carrying out the technical assessment, shall act on the basis of the rules for issuing ETAs and shall only request the EOTA or the Commission to comment if necessary.

3. Validity and upholding of the certificate or technical assessment

3.1. The Certificate is valid in regard to the manufacturing body - the plant and the product(s) - under the conditions indicated. **Cemkut Kft.** shall decide on its validity pursuant to the relevant technical specification's provisions.

3.2. The Certificate may be upheld within the framework of the contract between **Cemkut Kft.** and the applicant based on the results of the continuous monitoring of the factory production control (if required).

3.3. Technical assessments (ETA, NTA) shall remain valid until revoked: see Article 5 hereinafter.

4. Rights and obligations of applicants for certification and technical assessment

4.1. The document(s) issued by **Cemkut Kft.** shall not limit the responsibility of the manufacturer or the distributor to manufacture or supply a suitable product.

4.2. The document constitutes the intellectual property of **Cemkut Kft.** and as such is owned by **Cemkut Kft.**, with the applicant being granted the right to use. The applicant shall provide the required information of the issued document(s) in the

Declaration of Performance requested by him, or, in the case of a product introduced to the market, publish the documentation (e.g. in advertisements, catalogues), but shall not make any indications or references that would mislead the user into believing that the documentation covers characteristics of the product or its use which are not actually covered.

4.3. The issued document(s) may not be modified or reproduced in any way, in its (their) entirety, without the phrase "COPY SPECIMEN" clearly indicated. The documentation is valid only for the product identified thereunder by its precise data! The applicant is entitled to use the **certification logo of Cemkut Kft.** (see also Notice T5503 on the requirements for the use of the certification logo).

4.4. The applicant shall ensure that the particulars of the documentation are clearly indicated on the product or on its packaging or on its accompanying label, and shall make every effort to prevent any misuse thereof by a third party.

4.5. In the event of invalidation, suspension or revoking, any advertisement containing any reference to such mark must be abandoned. The applicant shall return all documents relating to the procedure that **Cemkut Kft.** may request to be returned. The applicant may not use the documentation and the data contained thereunder in a way that could damage the reputation of **Cemkut Kft.** and shall not make any statement regarding the procedure that could be considered misleading or questionable.

4.6. Upon request of a **Cemkut Kft.** representative, the applicant shall present the product brochures and customer notices issued.

4.7. The applicant undertakes to handle complaints concerning products with technical documentation and assessment in a documented manner and to make these records available to a **Cemkut Kft.** representative for inspection. The applicant shall take appropriate action in response to such complaints if they affect compliance with the requirements and to provide documented evidence of such action.

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4.8. The issued certificate or technical assessment is valid for the clearly identified product. The use thereof for any other product or manufacturing process shall be deemed as unlawful use. The product must continue to meet the criteria and standards applicable to it in order for the issued document to remain upheld and valid.

4.9. Should the product's technical design, requirements, standards describing the product's conformity requirements change or upon any change in the applicant's ownership, company structure or management to such an extent that the product no longer complies with the requirements, or if any other information indicates such non-compliance, a new assessment shall be carried out.

4.10. The applicant shall notify **Cemkut Kft.** in writing of any changes that affect or may affect its compliance. The applicant shall report if any changes have been made to the product, the manufacturing process, the factory production control system, if the relevant technical specification or requirement for the product has changed, or if the results of the checks carried out by the manufacturer are not satisfactory. On the basis of the reports, **Cemkut Kft.** shall decide to what extent the validity of the certificate or technical assessment is affected by the changes and whether further procedures (e.g., revision) are necessary.

4.11. The applicant shall allow the representative of **Cemkut Kft.** (if required) to: collect samples of the product as specified in the relevant technical specification,

- carry out on-site inspections and evaluate the results of production control,
- have timely access to the person responsible for providing the necessary documents and answering inquiries,
- gain access to documents relevant to the conformity of the product for inspection or verification,
- gain access to documents relevant to the conformity of factory production control for inspection and verification.

4.12. If the construction product is lawfully introduced to the market and installed on the basis of an ETA or NTA, which is replaced by a standard, the technical assessment shall be revoked and the Manufacturer shall transfer to the new technical specification.

5. Revoking the validity of a certificate or technical assessment

5.1. The issued certificate or technical assessment shall remain valid until revoked. **Cemkut Kft.** shall revoke the validity:

- if requested by the Client,
- if the Manufacturer fails to allow the inspection to be carried out,
- if the Manufacturer ceases production of the product permanently (for at least 12 months),
- if the applicant fails to fulfil its obligations or breaches its contractual obligations, or if the use is unlawful or misleading (e.g., in advertising materials),
- if existing circumstances change (e.g., the requirements of the relevant technical specification are not fulfilled)
- if the European technical approval is revoked by the approving organization, informing the competent EOTA organization and the Secretariat General thereof (who shall inform the EC Commission),
- pursuant to the relevant provisions of the applicable law.

5.2. **Cemkut Kft.** shall suspend the Certificate pursuant to a request to that effect made by the applicant; upon non-compliance or non-conformity of the results obtained during the conformity assessment procedures; or if the supplier fails to meet the deadlines accepted and set out in the documents.

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5.3. If unlawful or misleading use is suspected, **Cemkut Kft.** shall initiate an investigation with the applicant.

5.4. If the inspection or a report from involved parties indicates that the applicant is using the certificate or technical assessment in a misleading or unlawful manner, **Cemkut Kft.** may, pursuant to the existing contract with the applicant, take the following measures:

- notify the applicant in writing about the unlawful use and request the cessation or remediation of such use;
- if the notice fails to achieve remediation, publish a notice of the unlawful use on the website of **Cemkut Kft.** or in professional publications; revoke the issued certificate or technical evaluation; if considered necessary, initiate proceedings before the competent authority or court.

The revoking shall be decided by the managing director pursuant to the investigation of non-compliance, of which the applicant shall be notified in advance.

The revocation shall be published on the website of **Cemkut Kft.** and entered to the register. If the Manufacturer wishes to re-introduce the product on the market, a new procedure shall be carried out.

6. Amendment of certificate or technical assessment

6.1. A written request shall be made to amend the certificate or technical assessment issued.

6.2. If the modification of the certificate or the National Technical Assessment is of an administrative nature, **Cemkut Kft.** shall make the relevant changes in the documentation and issue a new certificate or technical assessment, indicating the version number and the new version's date of issue.

6.3. The amendment of a European Technical Assessment is subject to the procedure for a new application to the technical assessment body which issued the approval to be amended. For the new application, the provisions of points 3.1 and 3.2 of the Annex to Decision 94/23/EC shall apply, but only for the items directly concerned by the amendment.

The amended certificate or technical assessment (which shall replace the previous version) shall be published on the website of **Cemkut Kft.** and transferred in the register.

7. Handling of complaints and appeals

7.1. If the applicant objects to the procedure, he may file a complaint. Complaints about the activities of **Cemkut Kft.** shall be submitted in writing to the managing director of **Cemkut Kft.**, who shall directly take action to assess their legitimacy and investigate them. **Cemkut Kft.** shall notify the applicant in writing if the complaint is rejected, or about the result of the action taken pursuant to its investigation.

7.2. If the applicant does not accept the outcome of the action taken pursuant to the complaint, he may file an appeal with the Managing Director of **Cemkut Kft.**, who shall submit it to the Certification and Technical Evaluation Committee (CTEC) for inspection. The appeal shall contain the subject of the appeal and any grounds supporting the incorrectness of the appealed decision (if possible, attaching any supporting documents).

7.3. **The deadline** for investigating complaints or resolving disputes and comments is **30 days**. **Cemkut Kft.** shall inform the involved parties in writing regarding the decisions taken in respect of the complaint or dispute, as well its opinion.

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7.4. Any complaint against **Cemkut Kft.** as the designated/notified body shall be forwarded to the designating body if the applicant disagrees with the conclusion of his appeal submitted pursuant to Article 6.2. hereinabove. (BFKH - Budapest Capital Government Office, <http://mkeh.gov.hu/megfeleloseg>)

8. Registration and publication of certificates or technical assessments

8.1. **Cemkut Kft.** shall retain the issued documentation, as well as the requested copy of the Declaration of Performance issued to the applicant, for at least 10 years from the last day of manufacturing the construction product.

8.2. **Cemkut Kft.** shall keep a register of the certificates and technical assessments issued, and ensure their publication on its website (www.cemkut.hu).

9. Entry into force of the General Terms and Conditions

These General Terms and Conditions shall enter into force **on 25 January 2018** and shall remain in force until revised. The General Terms and Conditions constitute an annex to the contracts concluded between **Cemkut Kft.** and the Client.