

Regulations Governing Use of EU Certification Mark

„Q“ No 018155313

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Supplementary sets of provisions outside the regulation governing use of EU certification marks, which are supplementarily valid and applicable and to which reference is made in the regulation, available on the Internet at www.q-certified.eu/regulations .

1. **Supplementary Provisions with regard to the Trademark Regulations governing the Use of the EU Certification Mark No. 018155313**
(contains details on the conditions for the use of the mark, the monitoring of the use and the sanction procedure)
2. **Technical guideline for the quality testing of smoke alarms**
(contains the quality characteristics of smoke alarm devices, the fulfilment of which is certified by the EU certification mark No 018155313, and their technical verification procedures)
3. **Guideline regarding the procedure to be followed by authorized technical institutes** for the acceptance and execution of orders for quality testing of smoke alarm devices

INDICATION: *the German version of these Regulations shall be binding.*

1. Name of the Applicant:

Forum Brandrauchpraevention e.V.

correspondingly represented by the solely authorized members of the Board
Christian Rudolph (chairman) and Norbert Schaaf (vice chairman)
of Immanuelkirchstr. 3-4 at 10405 Berlin

Entered into the Register of Associations at the District Court Berlin-Charlottenburg
under VR 31760 B

2. Declaration of the applicant according to Article 83 (2) Regulation (EC) No. 207/2009 in the version of the VO(EC) No. 2017/1001

The applicant does not pursue any commercial activities neither directly nor indirectly regarding production and delivery of goods according to Paragraph 4 of this regulation for which warranty exists according to this regulation.

3. Representation of the EU certification mark

This regulation refers to the following mark



4. Goods covered

The EU certification mark in accordance with No 3 applies to:
Class 9 smoke alarm devices.

5. Characteristics of the goods certified by the EU certification mark

The EU certification mark defines for smoke alarm devices for which all characteristics have been verified by means of a proper CE-marking and for which harmonized testing procedures are defined based on harmonization legal regulations, additional further quality features and necessary verification procedures which refer to ensuring at least 10 years of operation of the smoke detection function, an increased immunity to interference and false alarms, an improved function control, a minimum quality of radio transmission between smoke alarm devices for the purpose of transmitting alarm and other messages to each other, pollution compensation, permanent deactivation after disassembly and requirements for activation after reassembly as well as requirements for communication modules built into the smoke alarm devices for radio communication to the outside.

The details of these additional characteristics are set out in the "Technical guideline for the quality testing of smoke alarm devices", which the mark owner makes available on the Internet under www.q-certified.eu/regulations .

6. Persons authorized to use the EU certification mark

All companies and entrepreneurs who manufacture and market smoke alarm devices in the internal market under their own name and/or trademark and whose smoke alarm devices comply with the standards specified under No 5 of this regulation are entitled to use the EU certification mark pursuant to No. 3 of this regulation by affixing the mark to a smoke alarm device, in its accompanying documents and/or on its packaging, as well as for promotion purposes of smoke alarm devices in printed, electronic and/or any other form. Article 2 No. 19 of Regulation (EU) No. 305/2011 applies accordingly to the term "manufacturer" in this regulation.

7. Conditions governing the use of the EU certification mark

7.1 Formal requirements for the use of the certification mark

7.1.1. Contract governing the use of the mark

7.1.1.1 In order to use the mark, the prior conclusion of a written and fee-based contract on the granting of corresponding rights of use with the body commissioned and authorized by the mark owner to conclude contracts governing the use of the mark (hereinafter referred to as the "mark proprietor" / Proprietor) is required.

7.1.1.2 A manufacturer is only granted rights of use to the mark for individual, precisely identifiable smoke alarm devices. A contract governing the right of use shall be concluded if the fulfilment of the conditions of use for a type of smoke alarm device as laid down in and pursuant to this No. 7 has been proven by the Q-certificate pursuant to No 7.2.4 of a Technical Institute authorized on the basis of this regulation in accordance with the procedures also laid down therein.

7.1.1.3 Unless otherwise expressly regulated in individual cases by this regulation and the respective contract, only simple rights of use are granted, which only entitle the authorized user to use the mark for a specific product precisely specified in the contract; the right to grant further third parties, in whole or in part, rights governing the use of the mark or to allow them to exercise them cannot be granted thereby, not even for companies affiliated with one another under company law or group law.

7.1.1.4 The designation of the product to which the to be agreed right governing the use relates must be precise to such an extent and contain all the information necessary to enable the Proprietor to distinguish clearly and easily work pieces of the product in question from work pieces of similar other products available on the market, in particular on the basis of the product designation used by the manufacturer for marketing and advertising purposes and without the utilization of technical expertise.

7.1.2 Further details

7.1.2.1 Further details of the conditions governing the use of the EU certification mark are set out in Section A of the Supplementary Provisions to this regulation, which the mark owner makes available on the Internet under www.q-certified.eu/regulations .

- 7.1.2.2 Further details regarding graphic reproduction of the mark, its minimum size, colour design, the distance to other marks as well as its placing, the way how to fix the mark to a product, its packaging, to accompanying documents, to promotion material and other business documents, on the internet or in any other way, are to be observed. These details will be made available by the mark owner in section B of the Supplementary Provisions of this regulation on the Internet under www.g-certified.eu/regulations. They apply to the respective contract governing the right to use the mark in the version valid at the time of its conclusion.
- 7.1.3 As long as the contract governing the right of use of the mark is legally effective, the authorized user is obliged to actively use the certification mark.

7.2. Safeguarding the quality objectives of the certification mark

7.2.1 General information; objective of the certification mark

- 7.2.1.1 Smoke alarm devices serve the purpose of improving the protection of people in the event of a fire in their domestic or similar surroundings by using smoke alarm devices in such a way that fire smoke arising in the installation room is detected as reliably as possible in any emergency and as far as possible, and alarms not caused by fires (false alarms) are avoided as early as possible and reported in such a way, that persons present in the installation room itself or in directly adjacent rooms of the same unit of use at that time can be warned, awakened if necessary and leave the unit of use or otherwise react appropriately to the fire without being injured more severely as a result of the fire than is objectively unavoidable due to the concrete situation.
- 7.2.1.2 The technical quality characteristics for smoke alarm devices laid down in and on the basis of this regulation are intended to increase reliability and durability of the operational safety of smoke alarm devices to the benefit and use of users, well above the level generally required for placing such products on the internal market. In order to achieve this goal, this regulation provides for various measures.
- 7.2.1.3 With regard to the product “smoke alarm devices” themselves, the technical characteristics defined and to be demonstrated go beyond the content of the individual technical characteristics described for each defined essential characteristic in EN 14604, which has been published as harmonized in accordance with Regulation (EU) No 305/2011, and for which testing and evaluation procedures have been defined; whether or not the technical performance characteristics in question have been effectively published as harmonized in accordance with Regulation (EU) No 305/2011 is irrelevant in this respect.
- 7.2.1.4 In order to achieve the desired level of quality, quality features for smoke alarm devices alone, however, are not enough. Furthermore, it is necessary to define requirements regarding the procedures to be observed by manufacturers on the one hand, and by authorized technical institutes on the other hand, with regard to the execution of quality tests in accordance with this regulation.
- 7.2.1.5 Furthermore, in order to permanently ensure the quality objective pursued with this certification mark, it is not sufficient to provide only a one-time proof of the quality of a product type at the time of its first availability on the market using this certification

mark. Rather, it is necessary to continuously monitor the products marked with the certification mark provided on the market.

7.2.2 Quality requirements for smoke alarm devices in detail

Quality evidences must be provided for the following technical features of smoke alarm devices:

- a) Mains-independent power supply, permanently installed and designed for an operating time regarding detection and alarm functions of at least 10 years.
- b) Drop of the supply voltage at which an interference message of the mains-independent power supply is generated.
- c) Protection against the penetration of foreign bodies into the measuring chamber
- d) Humid heat, constant over 21 days
- e) Sulphur dioxide (SO₂) - corrosion test (endurance test over 21 days)
- f) Shock (in operation)
- g) Electro-magnetic compatibility (test of immunity and test of the radiated electro-magnetic fields)
- h) Thermal cycling stress
- i) Increased reliability of the functions of the device relevant to the protection target regarding smoke sensors and alarming
- j) Radio transmission for interconnected smoke alarm devices regarding covering range and transmission intelligibility
- k) Pollution compensation
- l) Permanent deactivation after disassembly
- m) Re-activation after re-assembly
- n) Communication module for radio connection to the outside

The details regarding the quality requirements for smoke alarm devices in accordance with this regulation, the verification and assessment procedures to be followed for their testing and the documents and information to be provided by the manufacturer to the authorized Technical Institute responsible for testing individual technical features are laid down in Section C of the supplementary definitions to this regulation and in the "Technical Guideline for the Quality Testing of Smoke Alarm Devices", both of which the mark owner makes available on the Internet at www.q-certified.eu/regulations.

7.2.3 In order to prove that a smoke alarm device for which a manufacturer wishes to conclude an agreement regarding the use of this certification mark meets the requirements laid down in the "Technical Guideline for the Quality Testing of Smoke Alarm Devices", the manufacturer must commission a Technical Institute, which has previously been authorized in accordance with No 7.3 by the mark owner or the Proprietor to carry out the corresponding testing and evaluation of smoke alarm devices and to issue "Q-Certificates" in accordance with No 7.2.4.

7.2.4 Evidence that a smoke alarm device meets the quality requirements according to No 7.2.2 can only be provided by submitting a written Q-test report together with a summary of the results ("Q-certificate"; see No 7.3.2 paragraph 2) from an authorized technical institute.

7.2.5 After the conclusion of a right of use agreement for this EU certification mark, it is a prerequisite for its continued existence for the agreed period of time that the manufacturer proves to the Proprietor that all work pieces of the smoke alarm device placed on the market to which the respective granting of a right of use relates fulfil the specified quality requirements on a permanent basis during the existence of the right of use agreement, and that the smoke alarm devices made available on the market comply with all requirements specified in accordance with this Section 7.2.

7.3 Regulations concerning the authorization as a "Technical Institute" and the obligations of an authorized Technical Institute for the testing, authentication and quality control of smoke alarm devices as well as for technical consulting services regarding quality tests of smoke alarms devices

contains Section D of the Supplementary Provisions to this regulation, which the mark owner makes available on the Internet at www.q-certified.eu/regulations .

7.4. Monitoring of manufacturers with regard to their use of the certification mark

7.4.1 The monitoring of the manufacturers of smoke alarm devices regarding the use of the certification mark pursuant to No 3 shall be carried out by means of regular repeat tests of the smoke alarm devices, for each of which a right to use the mark has been granted, which the manufacturer is hold to commission to an authorized technical institute at his own expense. For this purpose, the manufacturer may conclude an agreement with the Technical Institute which was involved in the initial testing and issued the Q-certificate or with another authorized Technical Institute. The existence of such an agreement must be proven by the manufacturer to the Proprietor granting the right of use when applying for a right of use agreement.

7.4.2 The Technical Institute to be commissioned by the manufacturer in accordance with No 7.4.1 and authorized in accordance with No 7.3 shall, within the scope of the respective monitoring contract concluded with the manufacturer, test the respective product of the manufacturer at regular intervals once a year with regard to compliance with the quality requirements of the workpieces produced in series in accordance with No 7.2.2 of this regulation and the supplementary "Technical Guideline for Quality Testing of Smoke Alarm Devices".

7.4.3 The Proprietor is entitled to remove himself from the market smoke alarm devices for which a contract governing the right of use has been agreed with regard to the certification mark and to have them tested by an authorized technical institute for compliance with the quality requirements specified in and in accordance with this regulation.

7.4.4 Further details on the periodic testing of smoke alarm devices for which a manufacturer has been granted the right to use the certification mark are set out in Section E of the Supplementary Provisions to this regulation, which the mark owner has made available on the Internet at www.q-certified.eu/regulations .

7.5 Supervision of the authorized technical institutes in product testing of smoke alarm devices and in advising manufacturers

The mark owner and the proprietor are obliged to ensure that the authorized technical institutes are monitored regarding their activities in accordance with the regulations to ensure that they observe the regulations concerning their activities. Further details are regulated in Section F of the Supplementary Provisions to this regulation, which the mark owner has make available on the Internet at www.q-certified.eu/regulations .

7.6 Complaints

The Proprietor accepts complaints from the market regarding any use of the certification mark for smoke alarm devices at any time, also regarding the authorized Technical Institutes. Further details are set out in section G of the Supplementary Provisions, which the mark owner makes available on the Internet at www.q-certified.eu/regulations .

8. Sanctions

- 8.1. Sanctions for infringements of this regulation and the Supplementary Provisions and guidelines shall be decided by the Proprietor, as far as he has contractually got a corresponding power from the mark owner, otherwise by the board of the mark owner.
- 8.2 Insofar as there is sufficient evidence of infringements of this regulation, the Supplementary Provisions and/or guidelines, the authorized user concerned shall, except in cases covered by paragraph 8.5, be warned in writing and in the case of recurrence be threatened with the imposition of a sanction in accordance with paragraph 8.4 in conjunction with paragraphs 8.8.4 and 8.8.5.
- 8.3 If the allegation of an infringement of this regulation, the Supplementary Provisions and/or guidelines requires further clarification, the Proprietor will decide after hearing the authorized user concerned. In this case, the details of the procedure are regulated in Section H of the Supplementary Provisions which the trademark owner makes available on the Internet at www.q-certified.eu/regulations.
- 8.4. In the event of recurrence, the Proprietor or the mark owner will impose a sanction in accordance with sections No 8.8 and 8.8.4.
- 8.5 In the following cases, the following sanction will be imposed by the Proprietor without prior warning and without the procedure specified in No 8.3:
 - in case of non-compliance with the requirements under No. 7.4.9, the immediate revocation of the granted right to use the mark.
 - in case of a determination according to No 7.5.3, the invalidation of the respective Q-certificate.

Details regarding this are contained in Section H of the Supplementary Provisions to this regulation, which the mark owner makes available on the Internet at www.q-certified.eu/regulations.

- 8.6. The authorized user concerned may appeal to the Sanction Committee against the imposition of a sanction pursuant to No 8.4 as well as against the issuing of a warning pursuant to No 8.2 and the imposition of a sanction pursuant to No. 8.5.

8.7 The mark owner shall set up a Sanctions Committee to conduct the appeal proceedings. The details of the composition and mode of operation of the Sanctions Committee as well as its decision making are regulated by the mark owner in section H of the supplementary provisions to this regulation, which the mark owner makes available on the Internet at www.q-certified.eu/regulations .

8.8 General rules

The following sanctions may be imposed:

- a) Payment of a contractual penalty, the amount of which shall be reasonable, effective and dissuasive,
- b) Suspension of the right to use the mark for a certain period of time, at most until the end of the authorization to use the EU certification mark period running at the time of the decision,
- c) Prohibition to renew or continue the authorization governing the right to use the EU certification mark that is about to expire or has already expired
- d) Withdrawal of the authorization governing the right to use the EU certification mark by termination of the agreement without notice
- e) Permanent exclusion from the authorization governing the right to use the EU certification mark in the form of a prohibition on the Proprietor from concluding a similar or different contract governing the right to use the mark with the authorized user concerned in the future with regard to the EU certification mark.

Further details are set out in Section H of the Supplementary Provisions to this regulation, which the trademark owner makes available on the Internet at www.q-certified.eu/regulations .

(Decided by the general meeting of the Forum Brandrauchpraevention (Fire smoke prevention) e.V. at Duesseldorf on November 14, 2019; editorial status April 24, 2020)