

***Acceptability of Test Reports
for EC type testing
issued by laboratories located outside EEA***

Recognition/Accreditation by ZLS of testing laboratories located outside Germany is not possible for legal reasons. Based on the procedures described in the basic decision ZEK-GB 1/2002 it is, however, possible that GS-Mark granting bodies **subcontract testing work to laboratories of the same group of companies with legal entities outside the EEA** for the purpose of granting the GS Mark. One basic requirement is that the GS mark issuing body operates and maintains an own testing laboratory in their country of residence (here: Germany) for the same scope of accreditation and products.

This procedure may be applied similarly for the area of EC type testing, provided the following requirements are fulfilled in addition to the basic decision mentioned above:

1. The testing laboratory has to fulfil the essential requirements of the applicable directive. Especially it has to be assured that the laboratory staff performs the tests with highest professional integrity and maximum technical competence.
2. The notified body (in Germany) has testing and certification activities with at least the same accreditation and product scope.
3. The notified body (in Germany) has to meet the requirements for subcontracting as described in clause 6.5 of the "Guide to the implementation the directives based on the New Approach and the Global Approach". This means among other that
 - a) the notified body in Germany continues to check the test report for completeness and to asses the test results and issues the EC Type Testing Certificate

- b) there is a contractual relationship between the notified body and the testing laboratory, which covers the basic requirements for acceptance of test results, including the requirements of the ZEK-GB-2002-01 basic decision,
 - c) only definitely described tests may be subcontracted by the notified body (in Germany) to the testing laboratory outside the EEA and the testing laboratory itself does not subcontract further work
 - d) the notified body remains fully responsible for the subcontracted work and
 - e) the subcontracted laboratory operates according to the requirements of DIN EN ISO/IEC 17025, which as a general rule has to be proved by way of an accreditation.
4. As the notifying Member state (here: Germany) must be able to ensure the monitoring of the activities of the entire notified body including any associated testing laboratory, ZLS must be given the opportunity for local assessments. The costs incurred have to be borne by the Notified Body.
5. The acceptance of test reports issued by testing laboratories located outside the EEA requires the approval by ZLS. This approval includes an on-site-assessment. The Notified Body (in Germany) has to announce the intended subcontracting testing laboratories located outside the EEA together with the scope of the directive and products applied for prior to the initial subcontracting.