

## The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 – Scheme Rules

### SCOPE

- 1.1 These scheme rules set-out the obligations of manufacturers applying for Rho marking of their equipment, as well as the responsibilities of the approved body SGS United Kingdom Limited (SGS) while carrying out their duties as per the Transportable Pressure Equipment Regulations 2014, as amended (TPER).

### 2. CONFIDENTIALITY

- 2.1 SGS maintains confidentiality at all levels of the organisation concerning information obtained in the course of its business. No information will be disclosed to any third part unless in response to legal process or with a prior notice and permission of the manufacturer.
- 2.2 SGS has an obligation under its TPER appointment that, upon request, it shall make publicly accessible a directory of valid certificates issued. The directory shall show the name, relevant normative document, scope and geographical location (e.g. city and country) for each certified client.

### 3. GERERAL CONDITIONS

In order to obtain and retain certification according to the TPER, the manufacturer shall comply with the following rules:

- 3.1 The manufacturer shall make available to SGS all documents, samples or products, drawings, specifications, and other information required by the TPER to complete the assessment programme and shall appoint a designated person who is authorised to maintain contact with the TPER Engineer at SGS.
- 3.2 The manufacturer shall provide access for conducting scheduled and unexpected visits by SGS to manufacturing facilities, storage areas and any other relevant sites, as per the requirements of the relevant TPER Conformity Assessment modules.
- 3.3 Similar access will also be provided for scheduled and unexpected visits by SGS to potential sub-contractor's manufacturing facilities, storage areas and any other relevant sites, as per the requirements of the relevant TPER Conformity Assessment module/s.
- 3.4 The manufacturer shall not lodge a similar application for "Rho" marking the same equipment with another approved body.
- 3.5 SGS, if not satisfied that all certification requirements are met, shall inform the manufacturer of those aspects in which the application has failed to comply.
- 3.6 When the manufacturer can show that remedial action has been taken, within the time specified to meet all the requirements, SGS will arrange, at additional cost to the manufacturer, to repeat the necessary parts of the assessment, (this may necessitate revisiting other parts that may have already been assessed).
- 3.7 If the manufacturer fails to take acceptable remedial action within the specified time limit it may be necessary for SGS, at additional cost, to repeat the assessment in full.
- 3.8 Identification of conformity shall refer only to the sites and/or equipment assessed as specified in TPER Conformity Assessment module/s.

## **The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 – Scheme Rules**

### **4. APPLICATION FOR TPER ASSESSMENT AND CERTIFICATION**

- 4.1 On receipt of a completed application form, and acceptance of the SGS proposal the TPER Engineer will allocate the relevant resources for ensuring that all the services are carried out in accordance with the TPER.

### **5. CERTIFICATION AND MARKING**

- 5.1 When SGS is satisfied that the manufacturer meets all the certification requirements, it will inform the manufacturer and issue the relevant TPER certificate. The certificate shall remain the property of SGS and may only be used as directed by the TPER.
- 5.2 The certificate will remain valid for the period stated in the TPER, unless surveillance reveals that the equipment or quality system no longer satisfies the requirements of the TPER.
- 5.3 Upon issue of the relevant certificate, the manufacturer may use the “Rho” mark together with SGS identification number (0120).

### **6. SURVEILLANCE**

- 6.1 The manufacturer must abide by all TPER requirements for using the “Rho” mark and relevant certification. SGS will investigate any misuse or complaint of misuse of “Rho” mark carrying its identification number and will take necessary actions as required by the relevant regulations.
- 6.2 Periodic surveillance visits shall be carried out as required by the TPER. These will include scheduled and unexpected visits to manufacturer’s sites. SGS may also carry similar scheduled and unexpected visits to subcontractor’s sites as may be directed by the requirements of the TPER.
- 6.3 Periodic surveillance audits shall be scheduled such that a minimum of 2 audits are carried out in a 12 month period; additional visits may be required by the engineer based on the following criteria:
- ☐ the category of the equipment,
  - ☐ the results of previous surveillance visits,
  - ☐ the need to follow-up corrective action,
  - ☐ special conditions linked to the approval of the system,
  - ☐ significant changes in manufacturing organisation, policy or techniques.
- 6.4 The manufacturer shall maintain a register recording all customer complaints and safety-related incidents reported by an enforcing authority or users relating to the equipment covered by the certification and shall make this available to SGS on request.
- 6.5 The manufacturer shall be informed of the results of each surveillance visit.

## The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 – Scheme Rules

### 7. CERTIFICATE RENEWAL AND EXTENSION

#### 7.1 QUALITY MODULES

- 7.1.1 Quality module certificates are issued with a validity of 3 years and are subject to ongoing period surveillance. Renewal audits shall be carried out in the last year prior to expiry of the certificate. The new certificate shall be valid from the date of expiry of the original certificate or the date of certification decision, whichever is the later. Responsibility for timely completion of the renewal process, and hence issue of the certificate, shall be with the manufacturer.
- 7.1.2 In order to extend the scope of a certificate to cover additional sites or equipment, the manufacturer will be required to complete a new application form.
- 7.1.3 Following a successful assessment, an amended certificate will be issued covering those aspects covered by the extension.

#### 7.2 TYPE APPROVALS

- 7.2.1 Type approvals issued under TPER have 10-year validity and are renewable upon application by the manufacturer. Responsibility for identifying type approvals which are reaching the expiry date and for initiating the renewal process in a timely manner lies with the manufacturer.
- 7.2.2 The manufacturer shall submit a TPER application for each existing approval for which renewal is being sought. Each application is to be accompanied by documentation demonstrating the original basis of approval complies with standards listed in sections 6.2 or 6.8 of ADR, including a comparison between original and new requirements and an assessment of any changes to design/ materials/ manufacturing methods/ inspections/ tests made by the manufacturer.
- 7.2.3 SGS will assess the application and if satisfied that the original approval is still valid, prepare and issue a new type approval certificate or otherwise request further information and/or tests to enable certification to be issued.
- 7.2.4 All costs incurred by SGS in reviewing renewal applications will be charged to the manufacturer.

### 8. MODIFICATION TO APPROVE DESIGN/TYPE OR QUALITY SYSTEM

- 8.1 The manufacturer shall inform SGS, in writing, of all modifications to the equipment type, design, manufacturing processes or quality system. SGS will determine whether the notified changes require additional assessment. Failure to notify SGS of any intended modification to the approved design/type or quality system may result in suspension of certification
- 8.2 All costs incurred by SGS in reviewing the modifications will be charged to the manufacturer.

### 9. PUBLICITY BY MANUFACTURER

- 9.1 A manufacturer may make reference in the media that its equipment carries the “Rho” mark. The manufacturer may not apply the “Rho” mark to its equipment unless it has been certified as per the Conformity Assessment Module/s of the TPER.

## The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 – Scheme Rules

9.2 In every case, the manufacturer shall ensure that in its publications and advertising material, no confusion arises between certified and non-certified equipment. The manufacturer shall not make any claim that could mislead third parties to believe that certain equipment has been certified when, in fact, it has not.

### 10. MISUSE OF CERTIFICATE AND MARK

10.1 SGS shall take suitable actions, at the expense of the manufacturer, to deal with incorrect or misleading reference to registration or use of certification and “Rho” mark. These include suspension or withdrawal of certificate, legal action and/or publication of the transgression.

### 11. SUSPENSION OF CERTIFICATE

11.1 A certificate may be suspended by SGS for a limited period in cases such as the following:

- If a Corrective Action has not been satisfactorily complied with within the designated time limited;
- If a case of misuse is not corrected by suitable retractions or other appropriate remedial measures by the clients;
- If there has been any contravention of the proposal, application, TPER conditions for certification or Scheme Rules; or
- If equipment is being placed on the market in an unsafe or non-conforming condition.

11.2 The Manufacturer shall not identify itself as certified and shall not use any “Rho” mark on any equipment that has been offered under a suspended certificate.

SGS will confirm in writing to the manufacturer the suspension of a certificate. At the same time, SGS shall indicate under which conditions the suspension will be removed. At the end of the suspension period, an investigation will be carried out to determine whether the indicated conditions of restarting the certificate have been fulfilled. On fulfillment of these conditions the suspension shall be lifted, and the manufacturer notified of the certificate reinstatement. If the conditions are not fulfilled the certificate shall be withdrawn.

11.3 SGS has an obligation as a notified body to inform the notifying authority of suspension of a certificate.

11.4 All costs incurred by SGS in suspending and reinstating a certificate will be charged to the manufacturer.

11.5 The manufacturer may give notice of appeal.

### 12. WITHDRAWAL OF CERTIFICATE

12.1 SGS has the right to withdraw certification by informing the manufacturer in writing when any of the TPER requirements is not satisfied.

12.2 SGS also has the right to withdraw certification in the following cases:

- The manufacturer takes inadequate measures in case of suspension or goes out of business;
- In the case of equipment certification, the equipment does not conform to the TPER or are no longer offered; or

## The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 – Scheme Rules

- Failure to submit to a TPER surveillance visit.
- The manufacturer terminates its contract with SGS.

12.3 In cases of the withdrawal no reimbursement of assessment fees shall be given.

12.4 SGS has an obligation as a notified body to inform the notifying authority of withdrawal of a certificate.

12.5 The manufacturer may give notice of appeal.

### 13. CANCELLATION OF CERTIFICATION

13.1 A Certificate will be cancelled if the manufacturer advises SGS in writing that it does not wish to renew the relevant certificate or no longer offers the equipment.

13.2 In cases of cancellation a close out audit may be required. All costs incurred by SGS in carrying out the close out audit will be charged to the manufacturer.

### 14. RECOGNITION OF ACCREDITATION TO A HARMONISED STANDARD

14.1 SGS will generally recognise the registration of other accredited organisations to a harmonised standard where this does not compromise the integrity of the quality management system or equipment as dictated by the TPER Conformity Assessment modules.

### 15. APPEALS

15.1 If, for any reason, notification is given which may result in a certificate not being issued, suspended or being withdrawn, the manufacturer has the right to appeal.

15.2 Notification of the intention to appeal must be made in writing and received by SGS within seven days of receipt of notification of the non-issue, suspension or withdrawal of the certificate. The notification should be addressed to the Technical Manager at the address given on the TPER application form.

15.3 The manufacturer will be required to support his appeal by relevant facts and data for consideration during the appeal procedure.

15.4 In instances where the appeal has been successful and the Certificate issued or reinstated, no claim can be made against SGS for reimbursement of costs or any other losses incurred as a result of the withholding, suspension or withdrawal notification.

### 16. COMPLAINTS

16.1 If a manufacturer has cause to complain regarding the conduct of employees of SGS, the complaint shall be made in writing, without delay and addressed to the Business Manager, Industrial Services at the address given on the application form. If the complaint is made against the Business Manager, the letter of complaint shall be addressed to the Managing Director.



Doc Number:	TPER-002
Version:	3
Issue Date:	12/10/2022
Approved By:	Rui Coelho, Kevin Bell
Classification:	INTERNAL

---

## The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 – Scheme Rules

---

THE INSPECTION BODY RESERVES THE RIGHT TO ADD TO, DELETE OR CHANGE THESE  
SCHEME RULES WITHOUT PRIOR NOTIFICATION.

ALL SERVICES ARE PERFORMED ACCORDING TO SGS GENERAL CONDITIONS OF SERVICE –  
a copy is available on request.

---

**\*\* End of Document \*\***  
Controlled printed copies carry authorised  
signature here

---