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Installations for the handling of substances hazardous to water: Recognising the expert organisation

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<https://fimportal.de/xzufi-services/10268781/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99129023001000, 99129023001000
Leistungsbezeichnung I	Installations for the handling of substances hazardous to water: Recognising the expert organisation
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Wasser (129)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder

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	Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Prüfung und Nachweise für Sachkunde und Sicherheit (2120300), Befähigungs- und Sachkundenachweise (2010200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.12.2020
Fachlich freigegeben durch	Ministry of Energy Transition, Agriculture, Environment, Nature and Digitalization of the State of Schleswig-Holstein
Handlungsgrundlage	https://www.gesetze-im-internet.de/whg_2009/BJNR258510009.html#BJNR258510009BJNG001000000 https://www.gesetze-im-internet.de/awsv/_52.html https://www.gesetze-im-internet.de/whg_2009/BJNR258510009.html#BJNR258510009BJNG001000000 https://www.gesetze-im-internet.de/awsv/_52.html
Teaser	If you want to set up an expert organisation that tests systems for handling water-polluting substances, prepares expert opinions and certifies or monitors specialist companies, you must apply for recognition from the competent authority.
Volltext	<p>In order to be able to appoint experts to inspect systems for the handling of water-polluting substances on behalf of your expert organisation, to prepare expert opinions as part of suitability assessments and to certify or monitor specialist companies, you must apply for recognition from the competent authority of the country in which the headquarters of your organisation is to be located. The recognition is valid for the entire Federal territory.</p> <p>Recognitions from another Member State of the European Union or another State party to the Agreement on the European Economic Area shall be equivalent to recognition by the competent authority here if they are equivalent to them. They shall be submitted to the Authority in the original or in a copy before the start of the testing or monitoring activities;</p>

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certification of the copy may be required. The competent authority may also require that equivalent recognitions in accordance with sentence 1 be submitted in a certified German translation.

Erforderliche Unterlagen

- Proof of designation of a natural person authorised to represent the company
 - Proof of technical management
 - Evidence of the implementing experts (their reliability, independence, ability and expertise)
 - Proof of an operational quality assurance system and its organisation
 - Provides proof of the existence of liability insurance for soil and water damage for the activities of its experts with a sum insured of at least EUR 2.5 million per claim
 - Declaration of exemption for the Länder

If necessary, further documents must be provided after further inquiries from the competent authority.

Voraussetzungen

An organisation may be recognised as an expert organisation if:

1. appoints a natural person authorised to represent and proves his or her power of representation vis-à-vis the competent authority,
2. proves that a technical manager and a deputy have been appointed who meet the requirements applicable to experts in accordance with § 53,
3. has appointed a sufficient number of experts who meet the requirements referred to in § 53 and are bound by technical instructions from the technical management,
4. has established principles to be observed in the plant inspections,
5. demonstrates an operational quality assurance system,
6. provides proof of the existence of liability insurance for soil and water damage for the activities of its experts with a sum insured of at least EUR 2.5 million per claim, and
7. declares that it indemnifies the countries in which

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the experts carry out audits from any liability for the activities of its experts

The quality assurance system according to sentence 1 number 5 must ensure that suitable organizational structures are in place that ensure proper plant inspections in accordance with § 46. In particular, it shall contain provisions on the control of the test reports and the test equipment, on the conduct of individual discussions with the experts and on controls of the inspection activities of the experts at reference installations. If the recognition is also to extend to the certification and monitoring of specialist companies in accordance with § 62 paragraph 1, § 57 paragraph 3 sentence 1 number 3 and 4 shall apply mutatis mutandis to the expert organisation in addition to the requirements mentioned in sentence 1. In this case, the quality assurance system referred to in sentence 1 number 5 must also ensure, notwithstanding sentence 2, that suitable organisational structures are in place according to which the specialist auditors are monitored and which ensure the proper inspection of the specialist companies.

When examining the application for recognition, evidence of individual conditions from another Member State of the European Union or another State Party to the Agreement on the European Economic Area shall be equivalent to domestic evidence if it appears that the organisation meets the relevant requirements laid down in paragraph 3 or the requirements of the issuing State which are substantially comparable by virtue of their objective. Paragraph 2 sentences 2 and 3 shall apply mutatis mutandis.

Kosten

The application is subject to a fee if a recognition notice is issued.

Verfahrensablauf

They submit an informal application to the competent authority for recognition as an expert organisation for installations for the handling of substances hazardous to water in accordance with the AwSV. They shall

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	attach the necessary documents to this application. It is appropriate to contact the competent authority in good time to discuss whether further documentation or specification is required. If necessary, the authority will request further application documents and grant recognition after examination of the application. The recognition can be provided with a reservation of revocation, a time limit, with conditions, obligations and the reservation of conditions.
Bearbeitungsdauer	An application for recognition must be decided within a period of four months; § 42a paragraph 2 sentences 2 to 4 of the Administrative Procedure Act shall apply.
Frist	before commencing the activity
weiterführende Informationen	https://www.lawa.de/documents/merkblatt_svogueg_u_mk_end_1552304171.pdf
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Recognition of an expert organisation for installations for the handling of water-polluting substances Granted
Ansprechpunkt	
Zuständige Stelle	
Formulare	<ul style="list-style-type: none"> • Written form required: Yes • Personal appearance necessary: No
Ursprungsportal	Anlagen zum Umgang mit wassergefährdenden Stoffen: Sachverständigenorganisation anerkennen, Installations for the handling of substances hazardous to water: Recognising the expert organisation