

Fee regulation for services of the Federal Institute for Materials Research and Testing

dated December 17, 1970

and last amended by the twelfth ordinance changing the fee regulation for services of the Federal Institute for Materials Research and Testing dated January 25, 2006 (BGBl. I 2006, P. 278)

On the basis of § 44, Section 2 of the Explosives Act in the version published on September 10, 2002 (Federal Gazette, BGBl. I P. 3518), last amended by Article 113 of the ordinance dated November 25, 2003 (Federal Gazette, BGBl. I P. 2304) and in conjunction with the 2nd Section of the Administrative Expense Act from June 23, 1970 (Federal Gazette, BGBl. I P. 821) the Federal Ministry of Economics and Technology orders:

§ 1 Application

The Federal Institute for Materials Research and Testing (Federal Institute) charges fees for its services according to this Fee Regulation.

§ 1a Fees in special cases

Fees are also charged for services that were started, but not completed, if the reasons for service termination were caused by the party who ordered the services.

§ 2 Fee calculation

- (1) Fees are calculated on the basis of the appendix to this Fee Regulation, and are charged according to the published hourly rates of each organizational unit. The hourly rates contain all fees of the respective organizational unit.
- (2) If fixed-price fees have been determined, these will be the only fees charged.
- (3) Fees may be increased (§ 6) or reduced (§ 7) on a case-by-case basis.

§ 3 Fees based on time spent, travel and waiting periods

- (1) Time spent describes the following activities:
 1. Preparatory activities (e.g. correspondence, meetings, research, file and document reviews, construction, experiment setup).

2. Execution (e.g. workshop activities, setup of test equipment, testing, evaluation of results, evaluation of third party results).
3. Follow-up (e.g. testing or experiment follow-up, dismantling of test equipment, preparation of reports and appraisals, preparation of approvals, preparation of certificates, clerical work, registrations).

(2) Billing is by the hour, in 15 minute increments, rounding up.

(3) In long-term tests and experiments which do not require attendant personnel, hourly rates for the usage of machines and technical equipment may be charged.

(4) In long-term tests, "time spent" will be determined according to the specific conditions of the test. Fee calculations are made on the basis of the hourly rates of the respective organizational unit.

(5) "Time spent" includes travel time during normal working hours, as well as waiting periods if they are caused by the applicant.

§ 4 Special expenditure

If the performance of the service requires unusual expenditure on materials, energy, special test equipment, measuring and auxiliary facilities or other provisions or devices, or if the performance of the service creates other above average costs, this expenditure is to be billed at cost.

§ 5 Facility and equipment rental

Facilities and equipment are to be rented to the contractee at cost.

§ 6 Accelerated service

If an urgently required service is rendered outside of the framework of the regular work process, surcharges in excess of a maximum of 100% of the fees calculated according to §§ 3 to 5 can be applied.

§ 7 Fee reductions

Should it turn out that the economic value of the services rendered in an individual case is disproportionately lower than the fees calculated according to §§ 3 to 5, the fee may be reduced by an appropriate amount.

§ 8 Maximum fee

rescinded

§ 9 Expenses

Expenses that are to be reimbursed:

1. travel expenses

2. expenditure on transport of test devices and test objects
3. import duties and charges for test articles that are sent from foreign countries
4. expenditure on supplies and services from third parties.

§ 10 Debtors

(1) Obligated to pay the fees is:

1. the party who requests the service
2. the party who communicated their agreement to paying the fees to the Federal Institute
3. the party who is legally liable to pay the debts of another party.

(2) Several debtors become joint debtors.

§ 11 Fees, maturity and advance payments

(1) Fees are specified in writing. The fee communication must include the following information:

1. the debtor
2. the service to be performed
3. the amount of fees and expenses to be paid
4. the legal basis for the collection of the fees and expense amounts, as well as their accounting
5. where, when and how the fees and expenses are to be paid.

(2) The fees become due upon receipt of the invoice by the debtor, unless the Federal Institute sets a later date.

(3) Performance of a service may be made conditional on the receipt of advance payment or a guarantee in an appropriate amount, up to the amount of the presumed total fee.

(4) Issuance of an expert report or the publication of the test results may be delayed until the fee for the service performed has been paid.

§ 12 Deferment of payment, writing off and debt cancellation

Deferment, writing off and cancellation of debts by the Federal Institute according to this fee regulation are subject to the regulations of the Haushaltsverordnung (Budget Ordinance)

§ 13 Interest

Interest on the amount of outstanding balances will be charged at 3% above the discount rate of the Deutsche Bundesbank (Central Bank of Germany), or at a

minimum of 6% annually.

§ 14 Statute of limitations

- (1) A claim for payment falls under the statute of limitations after three years, and at the latest by the end of the fourth year after being issued. The statute of limitations begins with the end of the calendar year in which the claim became due. A claim expires at the end of the period of the statute of limitations.
- (2) The statute of limitations is suspended, if the claim cannot be pursued within the last six months due to force majeure.
- (3) The statute of limitations is interrupted by a written summons to pay, a moratorium on payment, by deferment of payment, by suspension of enforcement, a surety provision, by an enforcement measure, by stay of execution, by bankruptcy filing and by investigations of the Federal Institute into residence or whereabouts of the debtor.
- (4) A new statute of limitations begins with the end of the calendar year, in which the interruption occurred.
- (5) The statute of limitations is suspended only for the time that the interrupting act is in force.
- (6) If an invoice is disputed, then claims against it will remain in force until six months after the invoice becomes uncontestable or the issue has been otherwise resolved.

§ 15 Refunds

- (1) Overpaid or unjustified fees will be refunded immediately. However, improperly raised fees will be refunded only up to the time an invoice becomes uncontestable. After that time, improperly raised fees can only be refunded for reasons of fairness.
- (2) Any claim for a refund will expire under the statute of limitations if it has not been applied for by the end of the third calendar year following its origin. However, the statute of limitations does not begin before the invoice has become uncontestable.

§ 16 Validity in the state (Land) of Berlin

Rescinded

§ 17 Commencement

This regulation enters into force on February 1st, 2006.

Berlin, January 25th 2006

Georg Wilhelm Adamowitsch

for the Federal Minister of Economics and Technology

Source: Federal Law Gazette (BGBl.) 2010, part I, no. 62, published on 13 December 2010 in Bonn

**Fourteenth Ordinance
on the Amendment of the Order of Charges
for Services Performed by
the Federal Institute for Materials Research and Testing**

of 1 December 2010

Based on § 44 Para. 2 of the Explosives Law last amended by Article 150 No. 4 of the Ordinance of 31 October 2006 (Federal Law Gazette, BGBl. I p 2407), in connection with Section 2 of the Administrative Charges Law of 23 June 1970 (Federal Gazette, BGBl. I P. 821) the Federal Ministry of Economics and Technology rules:

Article 1

The Order of Charges for Services performed by the Federal Institute for Materials Research and Testing of 17 December 1970 (Federal Law Gazette, BGBl. I S.1748), last amended by the Ordinance of 23 April 2009 (Federal Law Gazette, BGBl. I p. 278), is amended as follows:

**Appendix
(to § 2)**

For services performed by BAM's Organisational Units (Divisions) the following prices per hour will be charged:

Organisational Unit (OU)	Name of Organisational Unit	Price per hour Euro
I.1	Inorganic Chemical Analysis; Reference Materials	119
I.2	Organic Chemical Analysis; Reference Materials	119
I.3	Structure Analysis; Polymer Analysis	119
I.4	Process Analytical Technology	119
I.5	Bioanalytics	119
2.1	Gases, Gas Plants	90
2.2	Reactive Substances and Systems	121
2.3	Explosives	137
3.1	Dangerous Goods Packaging	91
3.2	Tanks for Dangerous Goods and Accident Mechanics	86
3.3	Safety of Transport Containers	107
3.4	Safety of Storage Containers	107
4.1	Biology in Materials Protection and Environmental Issues	96
4.2	Environmental Material and Product Properties	92
4.3	Waste Treatment and Remedial Engineering	122
4.1	Composition and Microstructure of Engineering Materials	144
5.2	Mechanical Behaviour of Materials	104
5.3	Service Loading Fatigue and Structural Integrity	134
5.4	Advanced Ceramics	101
5.5	Safety of Joined Components	101
5.6	Mechanical Behaviour of Polymers	95
6.1	Corrosion and Corrosion Protection	92
6.2	Tribology and Wear Protection	88

6.3	Durability of Polymers	102
6.4	Surface Technologies	141
6.5	Polymer Surfaces	105
7.1	Building Materials	124
7.2	Buildings and Structures	137
7.3	Fire Engineering	104
8.1	Measurement and Testing Technology; Sensors	104
8.2	Non-destructive Damage Assessment and Environmental Measurement Methods	83
8.3	Radiological Methods	93
8.4	Acoustic and Electrical Methods	83
8.5	Micro NDE	83
S.1	Quality in Testing	97
S.2	Accreditation, Conformity Assessment	97
S.3	International Technology Transfer	97

Article 2

This ordinance comes into force on the day following its announcement.

Berlin, 1 December 2010

The Federal Minister
of Economics and Technology
Rainer Brüderle