GNB-CPR GNB-AG	Coordination of the Group of Notified Bodies for the Construction Products Regulation (EU) No 305/2011	NB-CPR/23/928 **Operational conclusions** Issued 28 June 2023

Draft Operational conclusions of the 54th meeting of the GNB-CPR

28 March 2023, Brussels

Chair: Mr. Yannick Lemoigne, President of the GNB-CPR

Attendants:

Full Members

Representatives of the Notified Bodies of:

- Austria (2 representatives)
- Belgium (1 representative)
- Bulgaria (1 representative)
- Czech Republic (1 representative)
- Denmark (1 representative)
- Estonia (1 representative and 1 alternate member))
- Finland (1 representative)
- France (2 representatives)
- Germany (1 representative)
- Italy (1 representative)
- Netherlands (1 representative)
- Norway (1 representative)
- Poland (2 representative)
- Portugal (1 representative)
- Slovenia (1 representative)
- Slovakia (1 representative)
- Spain (1 representative)
- Sweden (1 representative)
- Switzerland (1 representative)
- Türkiye (1 representative)

Observers and guests

Representatives of:

- European Commission Services (3 representatives)
- The Sector Group 11 chairman
- EOTA (1 representative)
- Small Business Standards (1 representative)
- GNB-CPR TechSec provided by Danish Technological Institute (2 representatives)
- Administrative Secretariat provided by Methods and planning (1 representative)

Notified bodies not represented

Notified bodies of the following countries were not represented in the meeting:

- Croatia
- Iceland (No notified bodies appointed for CPR)
- Ireland
- Latvia
- Liechtenstein (Notified Bodies of Liechtenstein participate in the Swiss Mirror Group and may hence be considered represented by the Swiss member)

- Lithuania
- Luxemburg
- Malta (No notified bodies appointed for CPR)
- Romania
- Slovakia (apologies due to flight cancellation)

1. Welcome and introduction

The President welcomed the participants. and extended his gratitude to the former president, Mr. Marjan Japelj, who managed to keep up the work of the GNB Advisory Group and fulfil his role as GNB president during a most difficult period of time characterised both by the COVID-19 and the Ukraine war.

The members and observers introduced themselves.

Information was provided that apologies had been received from the representative of the Slovak notified bodies and from one of the French representatives, both due to transport cancellations. The French representative had requested the Administrative Secretariat to establish an audio connection.

The Head of the Commission Services DG Grow, Unit H.1, Ms. Katharina Knapton-Vierlich, was present for the opening of the meeting.

She thanked the GNB for its vital work for the "working CPR" and expressed that the GNB could be considered the "guardian of the correct application of the CPR", but that the GNB would have no responsibility for repairing the CPR.

She explained that she was new in the role as head of Unit H.1, that she - with a background as a lawyer - was not personally into all the technical details, but that she trusted the experienced members of the staff of the Unit.

She mentioned the ongoing CPR Acquis work as most important for the implementation of the CPR, both the current and the revised CPR. The Acquis process should demonstrate that we can make the current CPR function and thereby also make the transition to the new CPR easier.

Regarding the ongoing revision of the CPR, she recalled the main objectives of the Commission proposal:

- Improved functioning of the internal market or construction products,
- clarity,
- easier implementation, and
- enabling the CPR to cope with sustainability in the construction sector.

On the status of the revision, she informed that since the Commission presented its proposal, the further process has been in the hands of the Parliament and the Council, which have both progressed in their consideration of the proposal.

The ongoing negotiations in the council framework are being lead competently and efficiently by the Swedish Presidency, that demonstrates strong commitment to find compromises and agreements, largely based on identified common objectives.

In such negotiations, she explained, it is important to reduce the complexities, and to keep a good balance between simplicity and granularity.

In the Parliament, in particular the IMCO committee is important. In relation to the Parliament it must be recognised that the CPR holds very many technicalities, which may be difficult to handle for parliamentarians who need to be able to "tell stories" to their constituencies.

For Members wishing to influence the process, Ms Knapton-Vierlich suggested them to "be vocal" in relation to Members of the Parliament as well as Member States.

The Commission is not supposed to revise or update its proposal.

At a later stage, the Commission will join the Parliament and the Council in the so-called "trilogue", where the Commission will support the negotiations between the Parliament and the Council. In that context, the Commission may have the possibility to promote clarity and consistency.

Hopefully, a final text can be adopted before the parliamentary elections in 2024.

Members asked questions mainly relating to the principles of the proposal regarding environmental sustainability and the role of notified bodies in that regard.

A Polish Member asked for confirmation of the understanding that the new AVCP system 3+ will be applied also under the current CPR when harmonised standards are cited with essential characteristics under BWR 7. A Commission representative confirmed that it is the intention with a draft delegated regulation to introduce the new System 3+ under the current CPR. It will become effective when new standards are cited. He further informed that the role of notified bodies in System 3+ will be close to the role of EPD verifiers. The notified bodies are not supposed to carry out the assessment, only the verification. The basis will be EN 15804. For Member States wishing to apply accreditation, the standards ISO 17029 and/or ISO 17065 may be relevant.

On behalf of the Belgian notified bodies a question was raised about Product Category Rules, which will be necessary to supplement EN 15804. The Commission representative answered that the standardisation requests will specify that such rules must be in the harmonised standards.

On behalf of the Portuguese notified bodies, the question was asked if EN 15804 will be applied in combination with *ISO 14025, Environmental labels and declarations — Type III environmental declarations — Principles and procedures*. The Commission representative said that some private scheme operators may become notified bodies, but over time it is foreseen that the private schemes will be reduced, as the environmental performance data will be part of the Declaration of Performance.

On behalf of the Slovenian notified bodies, attention was drawn to the current CPR Annex V, which defines that for a product for which an ETA has been issued, the ETA is considered the assessment of performance, meaning that the notified body shall not carry out any assessment of performance. The Slovenian representative asked if that principle would also apply to the new system 3+.

The Commission representative said that it was still to be clarified.

The President thanked Ms. Knapton-Vierlich for her contributions. He noted that the less work a new CPR would leave for the GNB Advisory Group, the better.

He also suggested that the GNB Advisory Group should be proactive and anticipate the text of the new CPR to be ready in the spring 2024. Therefore, he suggested that a GNB conference

should be held in April 2024 in connection with the GNB Advisory Group meeting – provided that the final text will be known at that time.

It was agreed to save the date 03 April 2024 for a GNB Conference on the revised CPR.

2. Approval of the draft agenda

TechSec mentioned two minor errors in the draft agenda, NB-CPR 23/915r2:

The references to the explanatory note were at some points erroneously indicated as NB-CPR 23/913r1. The correct reference is NB-CPR 23/913r2.

With that remark, the draft agenda was approved.

3. Draft Operational conclusions of the 53rd GNB Advisory Group meeting

TechSec informed that comments had been received from one of the French representatives. Regarding minor errors and some clarifications. These comments were incorporated in the revised draft operational conclusions, NB-CPR 23/912r1.

Several members found it regrettable that the draft operational conclusions were uploaded rather late. TechSec explained that delay was caused by change of personnel of the TechSec.

The President emphasised that if the draft operational conclusions for any reason were delayed, the list of agreed actions should be uploaded soon after the meeting.

4. Matters arising from minutes not dealt with on the Agenda and actions still outstanding after the 53rd GNB Advisory Group meeting

TechSec informed that the agreed actions in Annex 1 of the draft operational conclusions of the 53rd meeting had been completed; except for the below:

Item 4: *To ask ENAC for a written statement on its position in relation to historical assessment data.*

Item 7C To check with the Commission Services if it would be possible to find financial support for the sector groups.

Item 10: *Invite the chairs of SG06, SG22, SH02, a representative of CEN/TC 127, and a representative of the Commission Services to a working group on the connection between CPR and EXAPs.*

On Item 4, TechSec has not received the requested statement from ENAC.

On Items 7C and 10, due to change of personnel in DG GROW Unit H.1, these actions have been postponed.

The above actions remain open.

5. Dates of next meetings

A 55th meeting

Date: 24 October 2023

Venue: To be decided (probably in France)

B 56th meeting

Date: 04 April 2024

Venue: Brussels

The above dates and the venue of the 56th meeting were confirmed.

Provided that a revised CPR has been adopted, the 56th meeting will be held in connection with a GNB Conference on 03 April 2024.

Action:

Administrative Secretariat and the President to arrange for the 55th meeting to be held on 24 October 2023, at a venue still to be decided; probably in France.

All Members to save the dates 03 and 04 April 2024 for a conference on the new CPR (03 April 2024) and GNB Advisory Group (04 April 2024), both to be held in Brussels.

6. Work of GNB-CPR

A Effects of the COVID-19 pandemic and the Ukraine situation on the work of notified bodies and the GNB-CPR

TechSec informed that the only written contribution received was from the Polish Notified bodies (See document NB-CPR 23/925) requesting that it should be made possible to conduct initial inspections in Ukraine without physically visiting the manufacturing plant.

In that Connection, TechSec mentioned that in relation to the COVID-19, the Commission had issued the communication that formed a “quasi-legal basis” for the document NB-CPR 21/872 indicating the possibility, in certain circumstances, to conduct an initial inspection without physically visiting the manufacturing plant. As it is the common understanding of the CPR that initial inspection must physically take place at the manufacturing plants, and as no similar Commission communication has been issued in relation to the Ukraine situation, TechSec did not see any basis for similar guidance in relation to the Ukraine situation.

A Polish representative questioned if it would actually be the common understanding that CPR requires initial inspections to be physically on site. At least it has been noted that some NBs did conduct remote initial inspections.

The President indicated that both the GNB Advisory Group and the Commission services have previously agreed to the understanding that initial inspections must be onsite. It may have happened that notified bodies have not applied that understanding, but that would be a different matter.

A Commission representative informed that he had taken note of the request and had already passed it on to the Unit dealing with Ukraine. Moreover, he informed that a legal act on “Emergency Mechanisms” was in the pipeline.

The Italian representative supported the understanding that initial inspections must be on site. However, it must be recognised that in some parts of the world it may be difficult to carry out on-site inspections.

The President emphasised the necessity of distinguishing between initial inspections and surveillance inspections.

For surveillance inspections, it is generally acceptable, also to accreditation bodies, that if a body is prevented from visiting the manufacturing plant, other measures may be applied.

It was discussed that the foreign ministries of most countries (if not all) have travel recommendations using “the traffic light colours”. Green means “no problem”, yellow means "take care”, and red means "don’t go there”.
A Polish representative mentioned that currently the Polish foreign ministry advises not to go to China.

The President suggested that for the surveillance it should be generally accepted to apply other methods than on-site inspection, typically remote auditing techniques, if the foreign ministry of the Member State of the notified body advises against traveling to the manufacturing plant.

Members mentioned that it would also be possible to subcontract inspections to a local organisation. Some notified bodies also have “local” branches that may be able to carry out inspections on site.

The Czech representative mentioned that when harmonised standards indicate more than a single system of AVCP some manufacturers seem to think that they can choose freely between different systems of AVCP to apply.

It was agreed that TechSec should draw up a proposal for a revised version of the position paper NB-CPR 20/852, that should be expanded to cover extraordinary situations in general, not only the COVID, and to take into account the experience gained.

Action:
The Commission representative to investigate if the Commission would find it justified to deviate from the requirement that initial inspections must be carried out on site if the Ukraine war make it unsafe to visit the manufacturing plant (As for the COVID 19 situation).

B Status of Sector Groups

TechSec introduced the subject by referring to the explanatory note, NB-CPR 23/913r2, in which a table is indicating the status of the various sector groups.
Generally, compared to the status at the 53rd meeting, the level of activity seems to have raised. However, some sector groups continue to be dormant.

The President and TechSec suggested three actions to be taken to enable the GNB to better meet actual and future needs.

1 Forming a new horizontal sector group on environmental sustainability, SH03.
The group should be formed to prepare for the notified body activities in relation to environmental sustainability. With the current development in the sector, it seems necessary for the GNB to follow the development regarding environmental sustainability to ensure that notified bodies will be ready when environmental sustainability becomes part of the harmonised specifications.

2 Reactivation of the horizontal sector group on dangerous substances, SH01.
Also in relation to dangerous substances it seems that common methods and criteria are moving closer.

3 New calls for chairs of SG01, SG09, and SG14 in order to reactivate the groups.
- SG01, claddings, should be active because it’s a group with a very broad scope,

- SG09, glazing, should be activated as it has in its scope EN 1279-5 that was revised in 2018.
- SG14, reinforcing steel, should be reactivated because the new standards are foreseeable following the work of the CPR Acquis subgroup 16. The SG14 chair would also be a natural member of that CPR Acquis subgroup.

Members expressed their general support for the suggested actions.
The President encouraged all members to 'nudge' potential candidate chairs to come forward.

The German representative asked if all notified bodies would be invited to the new SG03. The President explained that all notified bodies would be welcome. If Member States indicate that they expect to notify new organisations as notified bodies for BWR 7, those organisations would be welcome too.

Regarding the inactive sector groups, the Spanish representative asked if it would be relevant to merge these groups into active groups.
The president expressed that we should be careful not to make the scopes of sector groups too wide, as that might result in notified bodies travelling in vain to meetings just to find out that their products were not in focus.

Action:
- TechSec to define a new horizontal sector group, SH03 Environmental Sustainability, and adjust the internal rules accordingly.
- TechSec to Upload calls for candidate chairpersons of SG01, SG09, SG14, SG17, SH01, and SH03.
- Members to nudge potential candidates for the chairs of SG01, SG09, SG14, SG17, SH01, and SH03

7. Development of AG guidance and agreed viewpoint

7A Topics for consideration and discussion by the GNB Advisory Group

The document NB-CPR 23/914 lists four subject for consideration by the members

1. Kits
2. Assessment of performance based on testing already carried out
3. Working to ETAs and EADs
4. Updating the position paper on maintaining CPR certificates under the COVID-19 to also coved other situations

No. 1 - kits

TechSec introduced the subject by making a presentation (slides available on CIRCABC under document No. NB-CPR 23/929) including:
- Legal definition of kits,
- Distinction between activities before and after the placing on the market,
- Assessing whether or not a kit is covered by a particular harmonised specification,
- Assessing whether or not the manufacturer has ensured the constancy of performance.

As part of the presentation, TechSec went through some Q&As related to kits, which had already been uploaded as proposals for the GuidanceBase.

On behalf of the Belgian notified bodies, it was said that in some cases kits are put together in the manufacturing plant, e.g. window frames and glazing may be put together in the manufacturing plant.
TechSec responded that such cases would seem not to fall under the definition of kits found in CPR Article 2(2).

The Belgian representative suggested that the CPD Guidance Paper C could serve as a source of inspiration.

On behalf of the Italian notified bodies, it was said that the "putting together" of a kit is always critical to achieving the declared performance. It may also be difficult to draw a clear line between the manufacturing and the putting together.
In that regard, he referred to discussions in SG06 and SG07. In SG06, it had been discussed that some manufacturers of fire doors supply the doors without handle and lock, and then clients are advised to buy locks and handles from particular certified suppliers.

The German representative expressed that all necessary components must be supplied by the manufacturer to fall under the CPR. He also mentioned the importance of installation manuals and in some cases even training provided by the manufacturer to installers.
Regarding the putting together in the manufacturing plant, he said that if the components are put together before the placing on the market the product would not be supplied as components but as a finished product.

The president emphasised that the objective of the involvement of notified bodies is to ensure the constancy of performance. Therefore, a key question would be if the manufacturer has ensured the constancy of performance and where to draw the line between ensuring the constancy of performance and the work on the construction site.

On behalf of the Portuguese notified bodies, a question was asked about the difference between a "system" and a "kit". It was mentioned that for instance kits/systems for external thermal insulation cannot be finished in the manufacturing plant.
TechSec responded that the CPR does define kits, but it does not define "systems". However, Article 36(1) mentions a "system provider". From the Article 36 context one may consider that a system in that regard could be similar to a "virtual kit", which is not covered by the CPR.

On behalf of the Slovenian notified bodies, it was suggested that care should be taken to ensure consistency between GNB guidance and the guidance available to specification writers. It was mentioned that some EADs seem to cover systems or virtual kits.

On behalf of EOTA it was said that EOTA does not have any guidance on that subject.

The president asked if members would prefer guidance in the form of Q&As in the GuidanceBase or if a position paper should be preferred. A majority indicated preference for a position paper.
Consequently, it was agreed that the proposed GuidanceBase items Nos. 0352, 0353, and 0354 should not be approved as such but be incorporated in a position paper to be drawn up.
On behalf of the Belgian notified bodies, it was said that it should be part of the position paper that notified bodies shall not assess the "putting together" of the kits. It was suggested that the

only case where notified bodies may need to assess the 'putting together' would be when a sample is assembled for the purpose of assessment of performance.

No. 2 - Assessment of performance based on testing already carried out

The President introduced the topic by explaining two reasons for bringing up the topic.

- experience has shown that notified bodies may face trouble with their accreditation if they meet manufacturers requests for reissuance of test reports,
- some notified bodies have indicated a need for using test results from UK laboratories.

The President recalled that in 2019, a draft position paper, No. 19/810 was discussed, but not approved. That position paper offered the concept of "Assessment of Performance Report". The president considered that the "Assessment of Performance Report" might be helpful, not as an obligation but only as an option. He also recalled that in relation to fire performance, the customary way of reporting the assessment of performance would be a classification report. There should be no intention to change that.

On behalf of the Belgian notified bodies, it was mentioned that some manufacturers request the indication of product names in the test reports, which is not necessary under the CPR. However, as manufacturers request documents with product names, the Belgian notified bodies would welcome the possibility of Assessment of Performance Reports.

The French representative acting as liaison with European Accreditation (EA) informed that EA has confirmed its position regarding reissuance of test reports.

The Slovenian representative informed that the Slovenian notified bodies would support the development of a position paper on Assessments of Performance Reports. Actually, some notified bodies seem to use the concept already.

The Belgian representative informed that the Belgian market surveillance authority seems to accept documents separate from the test report to state the result of the assessment of performance – also documents with no accreditation mark.

The German representative asked if it would not be a requirement for notified laboratories to be accredited for the testing.

The President explained that the accreditation may be required for the testing and the reporting of it, but not for a report on the assessment of performance.

The Spanish representative expressed doubts if the accreditation bodies would accept such additional documents.

TechSec explained that part of the idea behind the proposal made in 2019 was to have a document that would not be covered by the accreditation and thereby not covered by the EA resolution forbidding reissuance of test reports. Accordingly, there should not be any accreditation logo on Assessment of Performance Reports.

TechSec recalled that CPR Annex V describes activities not covered by accreditation. The assessment of performance is done on the basis of testing, calculation etc, tabulated values or descriptive methods. The testing may be carried out under accreditation, but the assessment of performance as such would not be an activity covered by accreditation.

The Slovenian representative emphasised that the Assessment of Performance Report should be drawn up in way that would not cause confusion with a certificate.

The President suggested that the draft position paper should be presented to the Commission to ensure that there would be no conflicts with the CPR.

No. 3 - Working to ETAs and EADs

TechSec introduced by explaining that these days, while almost no new standards are being cited as harmonised standards, very many EADs are being cited. With the joint action plan agreed between the Commission and EOTA, even more EADs are expected.

Therefore, it seems relevant to focus on the work of notified bodies when the reference is ETA/EAD.

Moreover, TechSec frequently receives questions about the work of notified bodies in relation to ETAs and EADs, e.g.:

- What is the reference for the certification, the ETA, the EAD, or both?
- Does the notified body need to ensure that the manufacturer complies with the FPC requirements of the EAD, or is it sufficient to ensure that he follows the control plan attached to the ETA?
- Is conformity with the control plan sufficient, or will the notified body have to assess if a manufacturer who complies with that control plan effectively ensures that the products will have the declared performance?
- What is the status of the “control plan”?

On behalf of the Slovenian Mirror Group, a written comment had been submitted to indicate that the EAD should be part of the certification reference. In contrast, the Slovak mirror group had indicated that the ETA should be the only reference.

TechSec has tried to address some of the above questions by a number of proposed Q&As. TechSec asked members if they would prefer using the GuidanceBase on this topic, or if a position paper should be drawn up.

A policy officer of the Commission who works on EOTA relations provided the information that manufacturers report that notified bodies require them to apply the latest EAD versions.

In that context, he recalled that

- harmonised standards and EADs have the same status as harmonised technical specifications,
- the use of EADs/ETAs is voluntary,
- ETAs have no expiry date,
- There’s no coexistence period for EADs,
- there’s no obligation to update an ETA if a need EAD version is cited,
- in the OJEU, new versions of EADs are indicated as superseding the previous version.
- In the NANDO database, both the latest and superseded versions may be listed. Previously, the superseded versions were not listed.

On the basis of the above, the policy officer suggested that in that context, “superseding” could be understood as pertaining to new ETAs only, and that existing ETAs could be maintained on the basis of the EAD version to which they have been drawn up.

This would imply that notified bodies in some cases would work to superseded versions and would need to maintain notification to superseded versions.

The President welcomed the effort to clarify the situation and the improvement of the NANDO database.
On behalf of EOTA, it was expressed that the ETA should be the reference for the work notified bodies, and that notifications to superseded EADs should be maintained.

TechSec expressed that the parallel use of two or more EAD versions would seem not to be in line with the logic underlying GNB guidance up to now. In that regard, TechSec referred to the Commission document No. CPR 14-06 and that CPR Article 11(3) requires manufacturers to take into account changes to harmonised technical specifications.
TechSec also mentioned that distinction should be kept between EAD versions and EAD variants. Whereas an EAD *variant* can only add more essential characteristics, not change the core EAD, new *versions* may also introduce changes to provisions of a superseded version.

The President mentioned that in case a new EAD version changes an assessment method, notified bodies may not be able to verify the constancy of performance if the ETA was issued to the previous version, unless the notified bodies may continue assessing with reference to the previous version.

On behalf of EOTA it was indicated that “variants” was an interesting proposal, and that further clarification should be made.

Members expressed preference for a position paper instead of Q&As on the matter. Accordingly, the proposed items for the GuidanceBase should not be approved.

No. 4 -- Amending NB-CPR 20/852

Based on the discussions under Item 6A, it was concluded that a revised version of the document NB-CPR 20/852 should be drawn up.

Action:
TechSec to

- draw up a draft position paper on the work of notified bodies in relation to KITS.
- upload TechSec presentation on kits.
- draw up a revised proposal for a position paper on the issuance of “Assessment of Performance Reports”.
- draw up a proposal for a position paper on the notified bodies’ verification of constancy of performance in relation to ETA and EADs.
- on the basis on NB-CPR 20/852, draw up a proposal for a position paper on the maintenance of certificates in extraordinary situations.

7B Measurement uncertainties and performance variabilities

TechSec introduced the subject by recalling the discussions at the 53rd meeting of the GNB Advisory Group at which it was concluded that TechSec should raise questions with AdCo regarding their understanding of the term “constancy of performance”. TechSec attended the AdCo meeting held in November 2022. To explain the subject to the AdCo, TechSec had prepared a presentation including illustrations similar to those presented at the 53rd GNB-AG meeting.
From the discussions in the GNB Advisory Group, TechSec had derived two different main positions on how to understand “constancy of performance”:

- *The procedural focus*, and
- *the effectiveness focus*.

The 'procedural focus' suggests that if the manufacturer complies with the FPC provisions of the harmonised specification you cannot ask for more. Then it may be accepted that some products placed on the market may not have the declared performance.

The 'effectiveness focus' implies that the manufacturer shall be responsible for ensuring that all products placed on the market will have the declared performance and that the FPC must be *effective* in that respect.

TechSec informed that the feedback from AdCo had been unambiguously in favour of the *effectiveness focus.* From the market surveillance perspective, all products placed on the market are supposed to have the declared performance.

The President emphasised that for notified bodies it would be necessary to distinguish between the systems of AVCP. In system 3, the notified body would have no responsibilities in relation to the verification of constancy of performance, only for the assessment of performance. In systems 1+, 1, the notified body is responsible for the certification forming part of the verification of constancy of performance. In that case, the notified body will always have knowledge of the FPC of the manufacturer.

On behalf of the German notified bodies, it was said that in structural engineering there's no tradition for directly considering measurement uncertainties in connection with the conformity assessment as the uncertainties are taken into account by the calculation methods. However, laboratories should determine measurement uncertainties for the purpose of ensuring the quality of the measurements, but not for the purpose of deciding whether or not products conform.

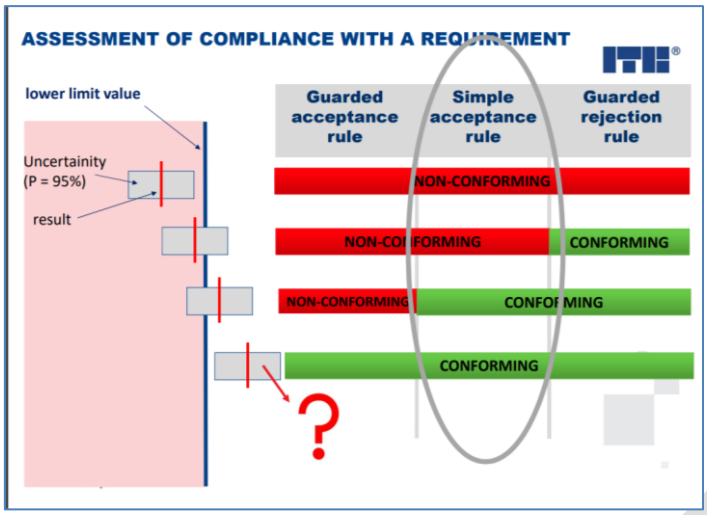
The Belgian representative expressed that the understanding of the subject would depend on the way the subject is presented. He considered that the way TechSec had explained the matter to the AdCo, it seemed natural that the AdCo had preferred the *effectiveness focus.* He further explained about the concepts of "*consumer's risk*" and *"manufacturer's risk".* The first would be the risk of a consumer of receiving a noncompliant product; the latter would represent the risk of a manufacturer of having a conforming product rejected.

In that regard, he reminded that neither of the two risks can be zero; that would be an illusion.

Further, he recalled that the manufacturer, not the notified body, is responsible for the determination of the product-type.

A Polish representative made a presentation supported by slides created by a colleague at the ITB – See document NB-CPR 23/930.

The slides offer different approaches to the acceptance or rejection of a product based on a test result.



Slide supporting the presentation by the Polish Member

Most decision makers would apply the so-called “simple acceptance rule” where a result above the lower limit would be accepted and a result below the lower limit would be rejected – without taking into account the uncertainties.

The “guarded acceptance rule”, would imply that test results should be accepted only when the result *minus* the estimated uncertainty would be at least at the lower limit.

The “guarded rejection rule” would imply that results would be rejected only when the test result *plus* the estimated uncertainty would be below the lower limit.

However, the uncertainty of a test method will consist of both the uncertainties stemming from the individual laboratories and the “dark uncertainty” that may be estimated by round robins.

The Polish representative explained that normally the “dark uncertainty" will be much higher than the uncertainties identified by the individual laboratories.

The slides listed a number of test standards that had been examined and both types of uncertainties estimated.

The Polish member suggested that also market surveillance authorities should be aware of the different types of uncertainties,

The Belgian representative mentioned that some standards indicate the uncertainty related to the method. This should make it clear that “zero risk” would be an illusion. He also mentioned that the aspects related to variabilities in the production should also be considered.

However, the Belgian representative considered it a deliberate choice of the construction sector to take measurement uncertainties into account only in the calculation methods.

He also mentioned that normally laboratories would not have to estimate uncertainties if they work to well-established methods, which would be the general situation in the construction sector.

The German member suggested that some confusion may come from the fact that the standardisation mandates are very old and not updated with the current understandings of the construction sector. He also mentioned that some test methods referenced by harmonised standards were not useful because of too big uncertainties. Unfortunately, it seems there’s no funding for developing new methods.

The President mentioned that at least from an economic point of view, “zero risk” would not make sense and that there would be a trade-off between risk and economy. Regarding new

improved methods, the President mentioned the good work done by several laboratories for the development of the SBI method for reaction to fire. However, it must be recognised that such work is expensive.

The Belgian representative mentioned that some standards indicate rules for “consignment testing” by which the conformity of a particular consignment can be assessed. He suggested that market surveillance authorities should apply such rules.

A French representative who is also chairing SG22 indicated that the classification standards for fire performance actually have taken into account the uncertainties.

The President reiterated that a very elaborate method for assessing uncertainties exists, namely the “GUM Method”, which is available to laboratories. The GNB should not try to repeat or redo the work invested in that method.

TechSec reflected over the remark made by the Belgian representative that the way TechSec presented the matter to AdCo had naturally lead to the position decided by AdCo. TechSec assured that effort had been put into providing a balanced representation of the viewpoints of the GNB Advisory Group.

Further, TechSec expressed that the problem seemed not so much to relate to structural products as the standards for structural products generally do define statistical criteria.

An important question that TechSec found still to be unanswered was how notified bodies should deal with the risks that manufacturers may accept for placing products on the market not conforming with the declared performance. It seems obvious and not subject to discussion that the manufacturer is responsible for the conformity with the declared performance. However, it also seems obvious that the notified bodies are responsible for their own work. In systems 1+ and 1, notified bodies issue certificates indicating the “certified performance”. The question would then be how notified bodies should carry that responsibility when taking into account that there may be a risk that some products would not have the declared performance.

In connection with the market surveillance action on cables, information has been provided that some of the products were “borderline products” and the test results were just at the classification limit for “class B” without any safety margin. In such cases, it seems obvious that there would be a high risk that another sample taken by random would only meet “class C”.

The Belgian representative suggested that the notified body would only be responsible for the assessment of performance and that the manufacturer would be responsible for the determination of the product type. Therefore, the notified body would have no responsibility for the conformity of the product with the performance stated in the certificate.

A representative of the Commission Services expressed disagreement with the position expressed by the Belgian representative. He agreed that in AVCP system 3, the division of responsibilities would be as described by the Belgian representative but in the other systems of AVCP, except system 4, the notified certification body shall verify the constancy of performance.

For instance, in the above case of a “borderline product” it would be part of the role of the notified body to ensure that, if the manufacturer chooses to declare class B, the performance variations would be very small.

The French representative who is also chairing SG22 informed that SG22 would meet on 30 March 2023 (2 days after the meeting of GNB-AG) and that SG22 would stay in contact with AdCo and report back to the GNB Advisory Group.

Action:

TechSec to

- upload presentation from Polish member,

SG22 chair to

- report back to GNB-AG on the outcome of exchange between AdCo joint action group on cables and SG22.

7C Draft amendments to the GNB-CPR Internal Rules

In the explanatory note, NB-CPR 23/915r2, two proposals are indicated for amending the internal rules.

1. Possibility for individual notified bodies to propose GuidanceBase items if there's no active sector group
2 "Housekeeping rules" for hybrid meetings

On the first proposal, the President explained that the intention was to allow for notified bodies to act proactively. In case the relevant sector group is not active, individual notified bodies should have the possibility of making proposals for the GuidanceBase.

The President expressed that some may think that this procedure would open for "bad proposals", but the President emphasised that if bad proposals are made, the notified bodies must react. Hence, the proposal may also provoke activity in sleeping sector groups.

The Slovenian representative, who had sent written comments in advance, expressed that if a notified body sends a proposal for a GuidanceBase item, that notified body should maybe offer to chair the sector group. The Slovenian Mirror Group considered that individual notified bodies making proposed item would possibly by-pass the Sector groups. Moreover, the GNB Advisory group would not be well equipped for assessing technical matters.

The President explained that the intention was the opposite, i.e. to promote activity, not to by-pass the sector groups.

The Belgian representative expressed reservations regarding the approval process for the GuidanceBase. It was expressed that many notified bodies seem not to be sufficiently aware when proposed items are uploaded for approval. Generally, notified bodies see to assume that if a proposed item is made by a sector group there would be a kind of assurance of the quality.

The President mentioned as an example that SG01, claddings, has been inactive for many years, possibly because most of the products of that group is in AVCP system 3. If a notified body has a problem with one of the standards covered by SG01, to move forward they need an answer; there's a need for an improved procedure.

The German representative expressed that technical questions should normally be addressed to the relevant CEN/TC.

TechSec expressed, in response to the Belgian reservations about the approval procedure that the procedure for approving GuidanceBase items is identical to the procedure for approving position papers. TechSec also mentioned that TechSec always conducts a scrutiny of proposals from sector groups to avoid conflicts with CPR and other rules or guidance.

The Slovenian member suggested that items proposed by individual notified bodies could then be debated at the following meeting of the GNB Advisory Group.
In contrast, the Italian and German representatives emphasised the need for a fast process.

It was agreed that the Internal rules should be amended to clarify that individual notified bodies may draw up proposals, if the relevant sector group is not active. The approval process should be the same as for other proposed items.

Regarding the second proposal, the "housekeeping rule", TechSec explained that to support a fair balance between members physically attending sector group meetings and those connecting online, it was suggested as a "housekeeping rule" that members who have asked to have topics on the agenda or expected to make major intervention during the SG meeting, should attend physically. The background for the proposal was experience gained that sometimes members connecting remotely seem to attract more attention than those being physically present in the meeting room.

The Slovenian representative did not support the proposal and emphasised that if a meeting is organised as a hybrid meeting all participants should be treated equally.
The German representative considered that there would be no need for such a housekeeping rule.
The President concluded that there was not sufficient support for the proposal.

Action:
TechSec to amend the Terms of Reference of Sector Groups to clarify that individual NBs may propose Q&As if the SG is not active.

7D GNB-CPR GuidanceBase – New items

TechSec informed that in January 2023, a package of proposed items had been uploaded for comments and/or approval, some items were of horizontal nature, and some drawn up by sector groups.
Regarding the items proposed by sector groups, no comments had been received. Hence, they are considered approved.
On some of the horizontal proposals, comments had been received, namely Nos. 0352 through 0355, and No. 0359.
In connection with the discussions under item 7A about kits, it was decided that the GuidanceBase items Nos. 0352, 0354, and 0354, all pertaining to kits, should not be approved, but incorporated into a position paper on the matter.
This leaves only two horizontal items for further discussion, namely item Nos. 0355 on working to not yet cited technical specification and item No. 0359 on testing under video surveillance.

On Item No. 0359, the Slovenian Mirror Group had sent comments in advance stating that:
- the proposal would be too restrictive, and
- instead of making a Q&A, the position paper on Article 46 should be amended.

TechSec explained that the background for the proposal was information received in SG22 about a practice where the manufacturer carries out the testing with the notified body supervising online. It seems there's full consensus that such practice would be contrary to the CPR as well as to the GNB position paper NB-CPR 14/594 that requires personnel of the notified body to be present during the testing.

The Slovenian representative agreed that the notified body should be physically present, but for some long-term testing, it would not be practical to have notified body personnel present at all times; in such cases video surveillance might be a good solution.

TechSec said that it was never the intention to block such monitoring of long-term testing to ensure that the manufacturer would not interfere. TechSec recognised that since the proposal had been misconstrued by competent members of the GNB Advisory Group it might be best to withdraw the proposed item No. 0359 and instead amend the position paper NB-CPR 23/594.

It was agreed that the description should make it clear that both initial testing and audit testing would be covered.

On Item 0355, the Slovenian representative expressed doubts as to the competence of the GNB to make guidance on not yet harmonised specifications.

The President expressed that all notified bodies are supposed to carry out risk assessments in connection with their contract reviews and that this GuidanceBase item would support the risk assessment – and also the risk assessment of the manufacturer.

TechSec explained that the subject once was discussed in the Standing Committee on Construction (SCC) and that the GNB had been asked to produce guidance on the matter.

It was agreed that Item 0355 should be approved with an amended text highlighting the risk assessment.

Action:

TechSec to

- Rephase proposed GuidanceBase item No. 0355 to clarify that it's about contract review and risk assessment.
- Exclude proposed GuidanceBase items about kits, Nos. 0352, 0353, and 354, and 0359 about "remote testing", and upload all other items as approved.
- Draw up an amended version of NB-CPR 14/594 on use of external testing facilities to include guidance not to carry out "remote testing" while maintaining video surveillance of long-term testing as an option.

8. SG matters.

8A General update including state of play of GNB documents

As a new initiative of the President to enhance the coherence and transparency of the GNB, a number of sector Group chairs had been invited, but only the chairman of SG11 had been able to participate.

The SG11 chairman reported that the level of activity of SG11 had been kept up during the COVID-19, also by applying remote and hybrid meetings. Generally, there's a good level of participation to SG11 meetings.

Next SG11 meeting to be held in May 2023 in Vienna.

As an example of topics being dealt with by SG11, he mentioned different approaches by the national accreditation bodies on certain issues.

For instance, some national accreditation bodies seem to require notified bodies to indicate product names in certificates in system 2+, which is contrary to the applicable GNB Guidance. Also, some accreditation bodies make “rebranding” complicated.

In meetings of SG11, a prominent topic is the different approaches, which sometimes appear rather to be governed by “local rules” or even rules imposed by individual assessors rather than common European rules.

The German representative added that everybody, including authorities, must accept the rules as they are.

A Polish representative expressed that manufacturers rather than accreditation bodies request product names on certificates in system 2+. The Czech representative did second that experience.

The President emphasised that notified bodies must be able resist if they are under pressure to indicate product names in system 2+ certificates and thereby go against the GNB guidance.

Regarding SG04, the Belgian representative noticed that a revised draft SG04 position paper, currently under approval, defines that the notified body may validate calculations (“computational models”) applied by manufacturers. The Belgian representative recalled hat CPR Annex V requires the notified bodies to carry out the assessment of performance, but not to validate calculations. Therefore, the Belgian representative was concerned that the SG04 paper would be contrary to the CPR.

The Italian representative explained that in the said case, the calculations would not be used to replace the initial type testing but only to assess if results of already conducted initial test would be applicable to a modified product.

TechSec explained that it had been part of the scrutiny carried out by TechSec to ensure that there would be no conflicts with the CPR. After thorough scrutiny, TechSec considered that the said validation should be considered part of the verification of constancy of performance and that in principle it could be carried out as part of surveillance inspections.

However, the Belgian notified bodies would of course be invited to send written comments.

The President emphasised the need for technical discussions in the sector groups and that discussions on SG position papers should mainly concern their compliance with general principles.

8B Reporting from GNB experts for the CPR Acquis

TechSec informed that GNB experts had been appointed for four CPR Acquis subgroups:

- Structural metallic products
- Precast concrete,
- Doors and windows,
- Environmental sustainability (thematic subgroup).

Moreover, the SG04 charman had been appointed for the subgroup on prestressing steel, but for personal reasons he had stepped down from that position.

TechSec had requested reports from the appointed experts, but only the expert appointed for the subgroup on environmental sustainability had submitted a written report.

- The French representative who is appointed as the GNB expert for the thematic subgroup on environmental sustainability gave a brief oral report referring to the written report, which is found on CIRCABC under document No. NB-CPR 23/925.

- The Italian representative who is appointed as expert for the Doors and Windows subgroup gave a brief oral report stating that the subgroup had just reached milestone one. The work towards milestone two was now to be planned.

No report had been received regarding the subgroups on structural metallic products and precast concrete. The President emphasised the importance of reporting back to the GNB, in particular reporting back to the relevant sector groups.

TechSec will request the two remaining experts to report to the sector group.

Action:

TechSec to request GNB experts appointed for CPR Acquis subgroups 01 and 20 to submit brief reporting.

9 National Mirror Group matters - Opportunity for National Mirror Group Representatives to report on key issues.

A Polish representative mentioned an issue with the harmonised standard, EN 12101-6 that was published in 2005 and harmonised in 2007.

At the time when the standard was harmonised, a Commission officer had indicated that the standard seemed not to be useful for the CE marking of products. In a SG07 position paper, which is no longer valid, it was stated that the Commission Services had recognised that the standard was centred around the testing of installed systems and that it would not provide for the CE marking of the kits as such. Hence, it was expected that the standard would be withdrawn from the OJEU.

However, EN 12101-6 is still on the list of harmonised standards.

The Polish member had found that 17 bodies were notified for EN 12101-6 but it was unclear if any certificates were ever issued.

The President explained that the Commission services is responsible for the citation and de-citation of harmonised standards. The president asked the Polish member to send a written description of the situation to allow the President and TechSec to forward the question to the Commission Services.

The Dutch representative informed that a secretariat had been established for the Dutch Mirror Group. The secretariat is held by the Dutch standardisation body and financially supported by the ministry.

Action:

The Polish members to provide TechSec and President with detailed information about deficiencies of EN 12101-6 and reasoning why it should be de-harmonised.

10. Report on SCC, Commission, and other matters

The Commission officer provided the below information:

- 5 new candidate harmonised standards have been received for assessment, EN 16510-2 parts 1, 2, 3, 4, and 6. The standards are about solid fuel heating appliances. As these candidate standards contain provisions on environmental sustainability, if they are cited, they will be the first harmonised standards with these essential characteristics.
- A work plan has been adopted to raise the pace of citations of EAD. Hence, more citations of EADs are expected in the near future.
- The delegated act introducing AVCP system 3+ in the current CPR is being discussed with Member States. The Commission is aiming for a high level of support from Member States for the delegated act.
- Two new subgroups for the CPR Acquis process are being formed: Thermal insulation products and cements. Member States and stakeholders will be requested to nominate experts – also the GNB. The standards to be developed in the two areas are supposed to include methods regarding dangerous substances and sustainability.

  For thermal insulation products, there is a wide range of products to cover. For cements, it's important to cover more products than the current standards do.
- The work of the first two acquis subgroups, precast concrete and structural metallic products, are about to be finalised. Subsequently, standardisation requests are to be drawn up.

The SG11 chair asked what would happen, if the said 5 standards on solid fuel appliances would be harmonised before the delegated act on AVCP system 3+ is adopted.
The Commission officer explained that the draft delegated act contains 2 elements: the definition of AVCP system 3+, and the decision to apply system 3+ for environmental sustainability. If the standards are cited before the delegated act enters into force, system 3 will apply.

The Italian representative asked what accreditation standard notified bodies should use as basis for the application for notification for AVCP system 3+.
The President reiterated that two standards may be useful, namely *ISO 17029, Conformity assessment – General principles and requirements for validation and verification bodies,* and *ISO 17065 - Conformity assessment – Requirements for bodies certifying products, processes and services.* The President also mentioned that which of the standards to apply would be subject to discussion with the notifying authorities.

11A. AdCo-CPR Group on Market Surveillance

No AdCo representative present.

11B. CEN

No CEN representative present.

11C. Construction Products Europe (CPE)

No CPE representative present

11D. EOTA

The EOTA representative had left at this point.

11E. European Accreditation (EA)

No EA representative present.

11F. Small Business Standards (SBS)

The SBS representative made a short introduction to the SBS and their role. SBS is co-funded by the Union and EFTA. SBS promotes the interests of small businesses in the standardisation and disseminates information amongst small businesses. As the SMEs have a very prominent place in the construction sector, SBS focuses very much on that sector.

Though SBS has been absent for the most recent meetings of the GNB Advisory Group, in the future she expected SBS to participate on a regular basis.

12. Any other business

No remarks

13. Closing of the meeting

The President thanked the participants and closed the meeting at 16:30.