

GNB-CPR GNB-AG	Co-ordination of the Group of Notified Bodies for the Construction Products Regulation No. (EU) 305/2011	NB-CPR/22/905r2 Issued: 31 August 2022 <u>Updated: 13 October.2022</u> Informative
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Revised explanatory note regarding the draft agenda of the 53rd GNB-AG meeting

Changes are indicated with red underlined text.

To facilitate discussions at the 53rd GNB-AG meeting, this paper is intended to provide background information.

The numbering of the items in this document follows the numbering in the draft agenda, NB-CPR 22/904.

This document is not intended to obtain any particular status.

1 Welcome and introduction

On 30 August 2022, the Administrative Secretariat has sent out meeting invitations.

The President has decided that the meeting shall be held as a virtual meeting. The Administrative Secretariat is expected to upload detailed information about how to register and connect.

For the sake of good order, it is recalled that meetings of the GNB Advisory Group are for members only, i.e. full members, associate members, and observer members. Representatives of individual notified bodies are not invited.

2 Approval of the draft agenda,

NB-CPR 22/904r2

No remarks

3 Draft operational conclusions/minutes of the 51st GNB Advisory Group meeting

NB-CPR 22/900

No remarks have been received on the draft operational conclusions.

Members wishing to make remarks regarding the draft operational conclusions are kindly requested forward their remarks to TechSec before the meeting.

4 Matters arising from minutes not dealt with on the Agenda and actions still outstanding after 51st GNB Advisory Group meeting

NB-CPR 22/900

At the time of the meeting, it is expected that all agreed actions will be completed.

5 Election of President

NB-CPR 22/908

By the end of year 2022, the presidency of Mr. Marjan Japelj will end.

On 17 June 2022, TechSec uploaded a call for nominations on CIRCABC. In accordance with the Internal Rules of the GNB-CPR and to facilitate a level playing field for all candidates, a three months period is defined for the nomination of candidates, ending on 17 September 2022. ~~After that date and no later than 23 September 2022, TechSec will inform about the result of the call for nomination i.e. the names, CVs and motivations of the candidates that have been nominated.~~

~~At this point in time, TechSec cannot reveal the information about nominations already received..~~

~~On 19 September 2022, the result of the call for nominations have been uploaded to CIRCABC. Please see document number NB-CPR 22/908.~~

Two candidates have been nominated:

1) Mr. Yannick LEMOIGNE,

Building construction Senior Engineer, Expert in technical evaluation of construction systems, Notified body No. 0679 CSTB (France)

2) Mr. Harm VERSTER,

General Manager, Efectis Nederland BV, Notified body No. 1234 (Netherlands)

It is assumed that the Commission representative will chair the meeting during the election procedure. All candidates will be granted the opportunity to introduce themselves and present the motivations for their candidacies.

~~To ensure fair play for all candidates, it is expected that National Mirror will not take decisions regarding which candidate to support before all nominations have been published on CIRCABC. The result of the call for nominations will be available on CIRCABC by 23 September 2022, at the latest.~~

6 Dates of next meetings

At the 51st meeting, it was agreed that the 54th meeting shall be held in Brussels on 28 March 2023. This ~~agreed~~agreement will be subject to confirmation.

It is suggested that the 55th meeting shall be held on 24 October 2023. However, as the venue may be decided by the new president, is suggested to postpone the decision until the 54th meeting.

7 Work of GNB-CPR

7A Effects of the COVID-19 pandemic on the work of GNB-CPR

At the time of drawing up the draft agenda, TechSec is not aware of any restrictive measures affecting the work of notified bodies or the functioning of the GNB. However, during the past years we have experienced rapid changes.

Members are invited to share their views on the situation and, as relevant, their suggestions for improving the work of the GNB-CPR, – including initiatives for the post COVID era.

7B Work of Notified Bodies in the context of the Ukraine situation

On 02 May 2022, the Commission issued a recommendation to notified bodies (see document NB-CPR/ALL 22/194).

The document states that notified bodies must comply with EU sanctions against Russia and Belarus. Accordingly, notified bodies cannot assess and certify products of operators in Russia and Belarus if

- a) these operators are listed in the EU sanctions list;
- b) these products are subject to an import ban in the EU.

Moreover, the Commission recommends notified bodies to terminate their services for operators in Russia and Belarus – even if the products concerned are not subject to import ban.

However, the recommendation raises several questions:

- 1) Formally, the recommendation is directed to “*Notified Bodies established in a Member State of the EU*”. This may give rise to doubt as to whether or not the recommendation also applies to notified bodies established in countries, which are not Member States, (Iceland, Liechtenstein, Norway, Switzerland, and Turkey).
- 2) Given the nature of recommendations, there seems to be a degree of freedom for notified bodies as to whether or not they will follow the recommendation from the Commission. Obviously, it should be avoided that notified bodies have different approaches regarding the Commission’s recommendation.
- 3) It seems obvious that when a notified body, in line with the recommendation, refuses to issue a certificate to a manufacturer in Russia or Belarus, or decides to suspend or withdraw a certificate, that notified body shall inform its notifying authority accordingly (see CPR Article 53(1)).

Members are invited to share their views and proposals regarding possibilities for the GNB to enhance the harmonisation regarding implementation of the Commission’s recommendation.

7C Level of activity in Sector Groups

As previously discussed, the level of activity differs very much between the sector groups.

Some sector groups have maintained a stable meeting frequency over many years. During the period with COVID-19 related restrictive measures, some sector groups have maintained their level of activity by means of online meetings, while other group went dormant while waiting for the restrictions to be lifted.

After the relaxation of the restrictions, some of the groups that did not have online meetings during the COVID restrictions have recommenced their activities; others have not.

And, as discussed previously, some sector groups have been inactive for years, before, during, and after the restrictions.

Below is an overview of the situation of the individual sector groups.

Group	Stable activity before the COVID	Meetings held during the COVID	Meetings after the COVID	Chairman appointed	Date of last meeting	Next planned meeting	Notes
SG01	No	No	No	No	2012	None	1)
SG02	Yes	No	No	Yes	June 2019	None	
SG03	Yes	Yes	Yes	Yes	Sept 2021	Sept 2022 Jan	

Group	Stable activity before the COVID	Meetings held during the COVID	Meetings after the COVID	Chairman appointed	Date of last meeting	Next planned meeting	Notes
						2023	
SG04	Yes	Yes	Yes	Yes	Nov 2021	Nov 2022	
SG06	Yes	No	Yes	Yes	Nov 2021	Nov 2022	
SG07	Yes	Yes	Yes	Yes	Sept 2024-2023	Sept-Mar 2023-2022	
SG08	No	No	No	No	2002 ?	Non	2)
SG09	No	No	No	No	June 2015	None	3)
SG10	Yes	Yes	No	Yes	March 2021	None	
SG11	Yes	Yes	Yes	Yes	May 2022	May 2023	
SG12	No	No	No	No	June 2014	None	4)
SG13	Yes	No	No	Yes	Oct 2019	None	
SG14	No	No	No	No	Feb 2006	None	5)
SG15	Yes	No	No	Yes	Oct 2019	None	
SG16	No	No	No	Yes	Dec 2009	None	6)
SG17	Yes	No	No	No	April 2019	None	7)
SG18	Yes	Yes	Yes	Yes	May 2022	March 2023	
SG19	Yes	Yes	Yes	Yes	Oct 2024-2022	Oct 2022-2023	
SG20	Yes	Yes	Yes	Yes	May 2022	Nov 2022	
SG21	No	No	No	No	Feb 2006	None	8
SG22	Yes	Yes	Yes	Yes	Mar-Sept 2022	Sept 2022-Mar 2023	
SH01	Yes	No	No	No	Oct 2018	None	9
SH02	Yes	Yes	Yes	Yes	Apr 2022	Oct 2022	

Notes:

- 1) No chairman appointed in SG01 since 2012. Many hENs are allocated to SG01
- 2) Only EADs are allocated to SG08. Not clear if there's a need for maintaining the group
- 3) No Chairman since 2015. Revised standard EN 1279-6 needs to be considered.
- 4) Meetings of SG12 planned after 2014 cancelled because of no registrations
- 5) SG14 ceased its activity when EN 10080 was "de-cited". Not clear if there's a need for maintaining the group. As the area has got a high priority in the CPR Acquis process, succession should be planned.
- 6) According to information provided by the chairman, the group works by e-mail only. No information available on CIRCABC regarding the level of activity.
- 7) The chair has stepped down recently. A call for nominations was uploaded in July 2022, but no candidates were nominated.
- 8) As there are no harmonised specifications allocated to SG21, TechSec suggests SG21 be dissolved.
- 9) The chairman stepped down just before the COVID outbreak. TechSec has tried to canvas potential successors, but without any luck. As the area has got a high priority in the CPR Acquis process, succession should be planned.

8 Development of AG guidance and agreed viewpoint

Under this item, documents are uploaded for discussion and comments.

Members are invited to send comments to TechSec before the meeting.

For the submission of comments, members are kindly asked to use the standard comment form NB-CPR/ALL/15-137 (see [LINK](#)). The standard comment form is found in the "Templates and Forms" folder in the library of GNB-CPR on CIRCABC.

GNB-AG Members are kindly asked to submit comments on behalf of the notified bodies of their Member States. Comments should be submitted 2 weeks before the meeting, i.e. before 04 October 2022.

Please notice that according to the Terms of Reference for the GNB Advisory Group, in meetings, members are not supposed to orally raise fundamental objections on documents for approval, if the objections could have been reported in writing prior to the meeting.

Notified bodies wishing to give comments on the documents uploaded are kindly requested to address their comments to their national representative in GNB-AG. Comments submitted by individual NBs may not be taken into account.

8A DRAFT Revised Position Paper: Dated and undated references to supporting standards

NB-CPR 22/889r2

At the 51st meeting of the GNB Advisory Group, it was agreed that TechSec should draw up a revised draft position paper on the meaning of dated and undated references (Action 7A):

The revised draft should be less lengthy than the draft discussed in the 51st meeting (NB-CPR 22/889r1) and just include:

- the basic information about the meaning of dated and undated referenced, which is already in the GuidanceBase
- the additional information that in case of doubt, notified bodies should bring up the matter in the relevant sector group.

- Guidance regarding dated and undated references to prENs.

By the end of the deadline for comments, on 04 October 2022, no comments have been received. Hence, the approval may be considered a formality.

8B Measurement uncertainties and performance variabilities

Recent market surveillance actions have indicated that the level of compliance of some product families seems rather low. Notably, in a recent "joint surveillance action" conducted jointly by a number of Member States a very large portion of cables subjected to testing on behalf of the market surveillance authorities did not have the declared reaction to fire performance.

Amongst several possible explanations, the market surveillance authorities identified different levels of measurements amongst notified bodies, and variabilities in the continuous production.

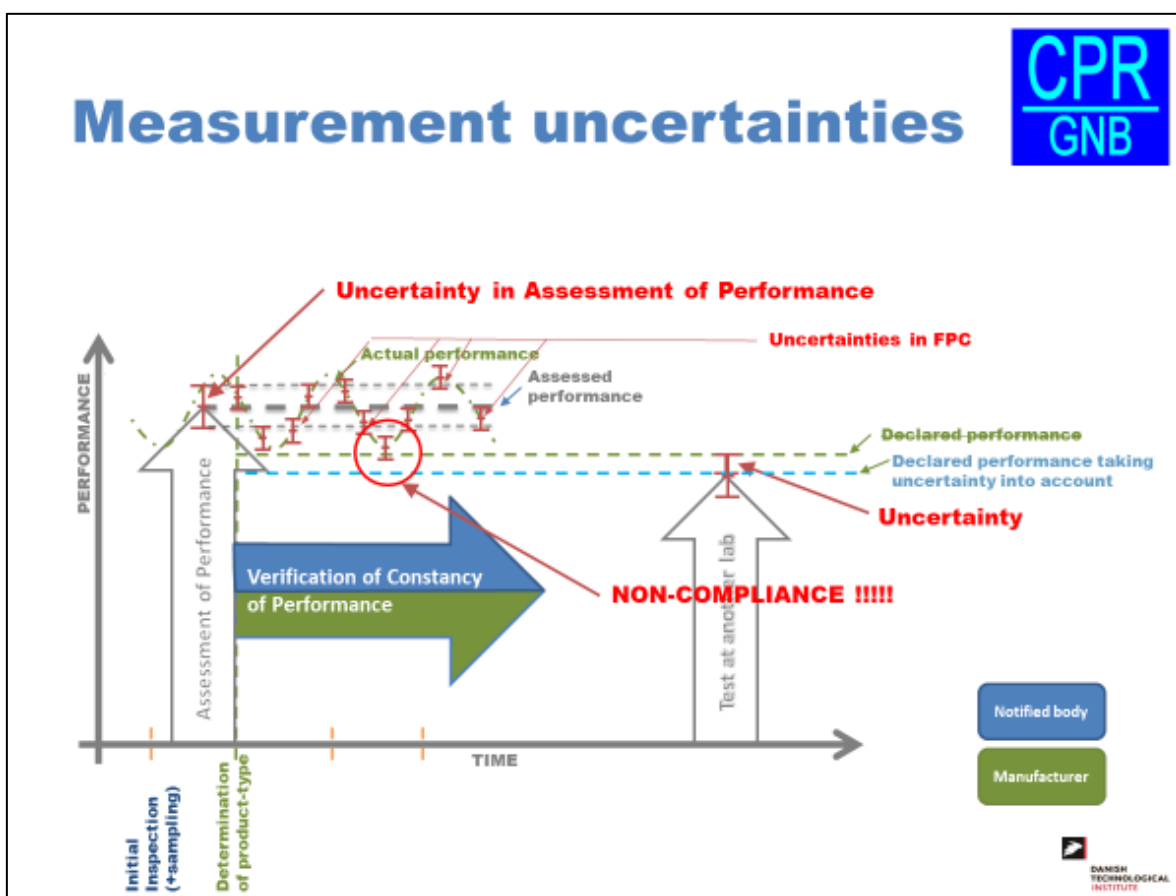
For the same product family, a recent Inter Laboratory Comparison conducted by SG22 have indicated certain repeatability/reproducibility issues with the testing.

As regard cables, the situation is being considered by SG22.

However, the findings of the market surveillance authorities also give rise to a question of more general/horizontal relevance:

- *How are notified bodies supposed to take into account measurement uncertainties and performance variabilities for the below activities:*
 - *Assessment of performance in AVCP systems 1+, 1 and 3?*
 - *Validation of the manufacturers' assessment of performance in AVCP system 2+.*
 - *Initial inspection of the manufacturing plant and of factory production control.*
 - *Stating the performance of the products in certificates under system 1+ and 1.*
 - *Continuing surveillance, assessment and evaluation of factory production control.*
 - *Audit testing in AVCP system 1+.*

Below is a graphical illustration of uncertainties and performance variabilities in the AVCP.



Members are invited to exchange viewpoints on the above questions and consider if the GNB should provide guidance on the matter.

8C Draft amendments to the GNB-CPR Internal Rules

Amendment to NB-CPR/IR/2, Terms of Reference for the GNB-CPR Advisory Group

It has been jointly identified by The President and TechSec that the process for the election of the GNB-CPR President could be improved.

In the currently ongoing election process, the result of the call for nominations will be published by 23 September 2022, i.e. less than 4 weeks before the meeting of the GNB Advisory Group. This may make it difficult for the National Mirror Groups to plan their meetings.

Therefore, it is suggested to make an addition to the Terms of Reference for the GNB Advisory Group.

In NB-CPR/IR/2, section 4.2, after first pin, should be added:

To ensure reasonable time for the National Mirror Groups to consider which of the nominated candidates they will support, the election process should be scheduled so that the result of the call for nominations will be available 7 weeks before the meeting at which the election will take place.

Amendment to NB-CPR/IR/3, Terms of Reference for the Sector Groups

It has happened a few times that industry confederation representing single product families have applied for associate membership of a horizontal sector group (SH). In each of these cases, the

horizontal sector group has rightfully rejected the application, as it has been considered associate members of horizontal sector groups should be able to contribute to the horizontal work of the group, and not only contribute in relation to the single product family they represent. Instead, industry confederation representing single product families should rather apply for associate membership of the sector group dealing with their product family.

As considering such applications for associate membership is time consuming and as rejections lead to frustrations, it is suggested to insert the below text.

In NB-CPR/IR/3, section 3.2, should be added as a new 3rd paragraph:

In horizontal sector groups (SH), associate members should have legitimate interest relevant to the horizontal scope of the group and be able to contribute positively to the horizontal work. Hence, organisations representing a single product family should not be associate members of horizontal sector groups.

8D GNB-CPR GuidanceBase – new items

For the time being, the GNB GuidanceBase comprises 242 approved items.

At the time of the 53rd meeting of the GNB Advisory Group, it is expected that a new package of proposed items will have been uploaded.

Members are invited to express their views on already approved items as well as those expectedly proposed at the time of the meeting.

Proposed items will be subject to the approval procedure defined by the internal rules. Proposed items will not be approved in the meeting.

9 Sector Group Matters

9A General update including state of play of GNB documents

Sector Group chairmen are invited to forward to TechSec their requests for the attention of the GNB Advisory Group.

In Sector Group 22, a member reported that they have been requested by a manufacturer to apply a kind of “remote testing” where the manufacturer carries out testing under video surveillance by the notified body. The manufacturer requesting the “remote testing” indicated that another notified body had implemented that method. Another member reported that they had been requested by a manufacturer to issue NB test reports on the basis of results submitted by the manufacturer. Also, that manufacturer indicated that another NB was already doing that.

SG22 invites the GNB Advisory Group to consider how such malpractice should be counteracted.

9B Reporting from GNB experts for the CPR Acquis

NB-CPR 22/910

For the time being, 5 experts have been appointed as representatives of the GNB

Area code	Appointed representative
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01 – Precast concrete products:	The SG13 chairman
02 – Doors and windows:	The SG06 chairman
16 – Prestressing and reinforcing steel:	The SG04 chairman (in the absence of a SG14 chairman)
20 – Structural metallic products:	A member of SG17.
Thematic group on environmental sustainability:	The SG22 chairman (in the absence of a SH01 chairman)

TechSec will request the appointed experts to provide a brief reporting.

As the sub-groups on area codes 02, 16, and the thematic group on environmental sustainability have been formed very recently, reporting is only expected from the representatives in subgroups on area codes 01 and 20.

By the issuance of this revised explanatory note, reporting has been received regarding the sub-groups on precast concrete products and on structural metallic products. Please see document NB-CPR 22/910

10 National mirror Group matters

The national mirror groups are invited to forward to TechSec any request for the attention of the GNB Advisory Group.

On behalf of a representative of the Italian Mirror Group, it has been requested to address the below matters:

1. 1 Guidance in relation to kits

Several questions have been raised with regard to notified bodies' assessment and verification of kits. We think it should be great to have a document about it

2. Role of EXAP

Clarification should be made about the role of "extended application" in the CPR structure.

3. SGs meeting planning

According to MeetingsCalendar on CIRCABC, the next SG19 meeting should be in Paris on 07 October 2022. TechSec confirmed me that the indication in the MeetingsCalendar was based on the decision in the last meeting of SG19. However, on 12 September 2022, the agenda was upload to CircaBC with the indication that the meeting will be a web meeting.

In order to have fair prices, members of sector groups will often book flight tickets at least 1 month in advance. Therefore, such late changes to the venue may result in losses for members who bought tickets in good faith. It is proposed to define as a rule for sector groups that the venue shall not be changed less than 45 days before the scheduled meeting date.

4. Shared and cascading ITT

Notified bodies still seem to have different views on their role in relation to sharing and cascading of test results. It seems necessary to think about a paper for this topic.

On behalf of the Danish Mirror Group, it has been requested to address the below:

The Danish Mirror Group has been made aware that the Danish accreditation body, DANAK, requires notified certification bodies accredited by DANAK to investigate and check if certified manufacturers make incorrect claims about the performance of products, e.g. on their websites.

As basis for the said requirement, DANAK refers to ISO 17065, clauses 4.1.2.2 e) and 4.1.3.2:

4.1.2.2 The certification body shall ensure their certification agreement requires that the client comply at least, with the following:

.....

e) does not use its product certification in such a manner as to bring the certification body into disrepute and does not make any statement regarding its product certification which the certification body may consider misleading or unauthorized;

.....

4.1.3.2 Incorrect references to the certification scheme, or misleading use of licenses, certificates, marks, or any other mechanism for indicating a product is certified, found in documentation or other publicity, shall be dealt with by suitable action.

TechSec notes that the DANAK practice seems to be contrary to the information provided by Commission FAQ No. 11, the two last sentences of which state:

“.....Notified Bodies are expected to completely refrain from activities belonging to the area of market surveillance (as these are to be undertaken by the national market surveillance authorities), or from verifying the compliance of the manufacturer with his obligations under the CPR.

As an example, it is not for Notified Bodies to check if the manufacturer has correctly drawn up the Declaration of Performance (DoP), or if the manufacturer has correctly affixed the CE marking.”

11 Report on SCC, Commission and other matters

Item 11 is intended only for information and exchange of viewpoints. No decisions are expected.

The oral reporting is expected to cover the below matters:

- Reporting on SCC, CPR-AG etc.
 - Latest version of the Roadmap for the implementation of the Construction Products Regulation, March 2021:
<https://ec.europa.eu/docsroom/documents/24901/attachments/1/translations/en/renditions/native>.
- Expected citations of hENs and EADs in OJEU.
 - Last package of harmonised standards was cited in March 2019.
 - Last package of EAD was cited on ~~04 March 2022~~09 September 2022 (See Commission implementing decision (EU) 2022/1517)-
If available, information to be provided about the coming citations of harmonised standards and EADs in OJEU.

- Progress of the CPR Technical Acquis work.
- Status of the Commission proposal for a revised Construction Products Regulation.
 - Further process.
 - Expected timeline.

On 14 September 2022, DG Grow Unit D.3, Market Surveillance, issued a note for the attention of market surveillance authorities and notifying authorities regarding certain voluntary certification schemes for products, which are subject to specific harmonisation legislation.

The note emphasises that notified bodies shall abstain from using their notification in a misleading way. In particular, notified bodies shall not indicate their status of notified body, e.g. by referring to their NB ID number, in connection with activities outside scope of notification. Please see document No. NB-CPR 22/909.

The document is found to be well in line with current guidance of the GNB-CPR:

- GuidanceBase item No. 0273 clearly indicates that notified laboratories can only use their NB ID in direct connection with the assessment of performance under AVCP system 3.
- GuidanceBase item No. 0274 clearly indicates that notified certification bodies can only use their NB ID in direct connection with AVCP activities in systems 1+, 1, and 2.
- Position Paper NB-CPR 14/612 indicates that on certificates notified certification bodies shall apply no other logos than their own logo, and, if required, an accreditation logo. Hence, the CE logo is not supposed to appear on certificates issued by notified bodies for the CPR.

However, it needs to be emphasised that the note from Unit D.3 is based on the New Legislative Framework (NLF) from which the CPR departs at numerous points. In this context, it is emphasised that CPR sets even stricter limits to the use of national and private marks, including national/private certification schemes. The Commission has addressed that in their FAQ on CPR, Nos. 19 and 21.