

GNB-CPR GNB-AG	Coordination of the Group of Notified Bodies for the Construction Products Regulation (EU) No 305/2011	NB-CPR/22/900 Operational conclusions Issued 12 May 2022
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Draft Operational conclusions of the 51st meeting of the GNB-CPR

22 March 2022, (Virtual meeting)

Chair: Mr. Marjan Japelj, ZAG - President of the Group of Notified Bodies for the CPR

Attendants:

Full Members

Representatives of the Notified Bodies of:

- Austria (2 representatives)
- Belgium (1 representative)
- Bulgaria (1 representative)
- Cyprus (1 representative)
- Czech Republic (1 representative)
- Denmark (1 representative)
- Finland (1 representative)
- France (2 representatives)
- Germany (2 representatives)
- Italy (2 representatives)
- Lithuania (1 representative)
- Netherlands (1 representative)
- Norway (1 representative)
- Poland (2 representatives)
- Portugal (1 representative)
- Romania (1 representative)
- Slovenia (1 representative)
- Slovakia (1 representative)
- Spain (1 representative)
- Sweden (1 representative)
- Switzerland (1 representative)
- Turkey (1 representative)

Observers and guests

Representatives of:

- Institute IMS, Serbia (1 observer)
- Notified body No. 437, Greece (1 observer)
- Notified body No. 1415, Hungary (1 observer)
- Notified body No. 2728, Romania (1 observer)
- Construction Products Europe (1 observer)
- EOTA (1 observer)
- Small Business Standards, SBS (1 observer)
- European Commission Services (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
- Estonia
- 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)
- Luxembourg
- Malta (No notified bodies appointed for CPR)

1. Welcome and introduction

The President welcomed the participants and informed that the meeting would be recorded for the purpose of supporting the minuting.

The members introduced themselves

TechSec mentioned that the list of officials (monitoring report M/02 found in the library on CIRCABC) was not updated to correctly reflect the current members of the GNB Advisory Group. To enable TechSec to update the list of officials, members not correctly indicated by the list of officials were kindly asked participants to fill out an expression of consent and send it to TechSec. The template, NB-CPR ALL-18-166, is found on CIRCABC.

Action

Members not listed in the NB-CPR M02 Officials of the GNB-CPR to submit an “expression of consent” (NB-CPR ALL 18-166) to TechSec.

2. Approval of the draft agenda

The draft agenda, NB-CPR 22/887r2 was approved.

3. Draft Operational conclusions of the 50th GNB Advisory Group meeting

The draft operational conclusions, NB-CPR 21/885 were approved.

4. Matters arising from minutes not dealt with on the Agenda and actions still outstanding after the 49th GNB Advisory Group meeting

TechSec informed that the agreed actions for TechSec indicated in Annex 1 of the draft operational conclusions of the 50th meeting had been completed, except for the following:

- Item 1: Very few members had submitted an “expression of consent” regarding processing of personal data. Hence, TechSec had been unable to fully update the list of officials (NB-CPR M02)
- Item 6C, Only the Danish Mirror Group had submitted examples of questions and problems in relation to accreditation used as basis for accreditation. The Danish input are found in the “explanatory note”, document NB-CPR 22/888r2.
- Item 9: No feedback has been received from the Spanish accreditation body, ENAC

Regarding item 1, TechSec agreed to send the form for the “expression of consent” to members from whom consent had not been received.

Regarding item 9, the Spanish representative agreed to kindly ask ENAC to forward a written statement.

The French representative acting as liaison to the European Accreditation mentioned that EA had indicated that they would be responsive to input from the GNB.

On behalf of the French Mirror Group, a statement was made regarding the position paper NB-CPR 21/872, which had been approved in accordance with the agreement made at the 50th meeting.

The French Mirror Group considers that despite comments forwarded by the French mirror group, the position paper holds a number of mistakes:

- Section 2, No. 13, speaks about restrictions at Member State level. According to the French Mirror Group, restrictions are not only imposed by Member States. Also, the country in which the manufacturing plant is located may impose restrictions. As may the manufacturer, transportation services or the notified bodies themselves. For instance, China has imposed restrictions, but is not a Member State.
- Section 3.1 indicates that the notified body's own business interests may not be considered to provide a valid justification for deviating from the normal procedural requirements. The French Mirror Group wishes to remark that notified bodies must have legal personality, they have to act independently, and they compete with each other. Therefore, the French Mirror Group considers that notified bodies in fact do have business interests of their own to consider.

Based on the above, the French representative who brought forward the views of the French Mirror Group considered that it might be relevant to consider the possibility of national annexes to position papers.

Action

TechSec to send the form for the "expression of consent" to members from whom consent had not been received.

The Spanish representative to ask ENAC for a written statement on its position in relation to historical assessment data.

5. Dates of next meetings.

A 52nd meeting

Date: 18 October 2022

Venue: Slovenia

B 53rd meeting

Date: 28 March 2023

Venue: Brussels

The President suggested the above-mentioned dates and venues.

If the circumstances will allow for it, the 52nd meeting will be held in Slovenia. Alternatively, if required by circumstances, the meeting may be held as a virtual meeting or a hybrid meeting. The President will announce the decision in August 2022.

In addition to the above dates, the President mentioned the possibility of having an extraordinary meeting for the purpose of providing GNB comments on the expected Commission proposal for a revised CPR.

Action:

Administrative Secretariat and President to arrange for the 52nd meeting to be held on 18 October 2022 in Slovenia, alternatively as a virtually or a hybrid meeting, depending on the circumstances.

POST MEETING NOTE: An extraordinary meeting has been called for on 12 May 2022 for the purpose of providing comments on the Commission proposal for a revised CPR. As that meeting is numbered as the 52nd meeting of the GNB Advisory Group, meeting in October 2022 will be the 53rd meeting, and the one in March 2023 will be the 54th.

6. Work of GNB-CPR

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

The President introduced the subject by expressing the hope that the pandemic would soon be over. It had nonetheless to be recognised that the pandemic was not over yet and that it still affects the work of notified bodies.

The position paper on initial inspections during the pandemic had been finalised and approved in accordance with the agreement made at the 50th meeting. That position paper will expire on 30 April 2022. Prior to the meeting, the Belgian Mirror Group had suggested an extension to the validity of the position paper. The President found that suggestion reasonable and proposed that the validity should be prolonged until 31 October 2022.

The President also invited Members to share their experience and views on the matter.

On behalf of the German Mirror Group, it was suggested to delete the expiry date. The German representative emphasised the responsibility of the individual notified certification bodies, and that situations are different from country to country.

On behalf of the Belgian Mirror Group, support was expressed for the German position, but the President's proposal was also found satisfactory. The Belgian representative mentioned that not only the COVID but also the current war situation in Ukraine could make it relevant to apply remote auditing techniques.

The President recalled that the expiry date was introduced to accommodate a wish from the French notified bodies. A French representative confirmed that the French Mirror Group considers it necessary to have an expiry date defined for that particular position paper.

The German representative expressed flexibility and willingness to accept an expiry date, since the French Mirror Group considered it important to have one.

On behalf of the Commission, it was recalled that the basis for the position paper on initial inspection during the COVID was the communication from the horizontal Unit B1 of DG Grow. That communication is related **only** to the COVID pandemic. Therefore, a position paper based on that communication cannot be stretched to cover other situations like for instance the war - even though that situation is both very serious and very sad.

The President concluded that the validity of the position paper shall be prolonged until 31 October 2022 with the possibility of a further prolongation at the 52nd meeting, should it still be relevant.

Action:

TechSec to upload a revised version of the position paper NB-CPR 21/872 indicating expiry on 31 October 2022.

B Competence of notified bodies – Status of initiative

TechSec informed about the series of webinars, which were held in November and December 2021.

Notified bodies had shown an overwhelming interest in the webinars as generally more than 400 people participated to each webinar. This was actually a surprising high number.

After the webinars, TechSec has put efforts into preparing the materials used for the webinars for translation.

For each webinar, a package has been made consisting of

- A presentation in PowerPoint format,
- A manuscript for the oral speech to accompany the presentation,
- Questions and answers used for the webinars,

Text documents are prepared in MS Word format with the original text in one column and a second column for insertion of the translated text.

The document NB-CPR 22/894 describes further the documents and the terms applicable for the translation.

TechSec explained that those wishing to translate the materials should make a request to TechSec.

TechSec considered it important to avoid “competing translations”. Therefore, for instance the German speaking Mirror Groups should cooperate to have a single translation into German language. As the translation may also involve a substantial workload, such cooperation may also be mutually beneficial.

Several members expressed their satisfaction with the work done by TechSec.

However, a member informed that some notified bodies taking part in the webinars had considered some of the explanations given in the webinars contrary to approved position papers. Therefore, it was considered important to have the documents available for translation as soon as possible, and in editable file formats.

A member had noticed that part of the conditions for translation is that the documents shall not be commercially exploited. The question was raised if that would prevent the individuals translating the documents from receiving a fee for the translation.

TechSec explained that the intention was to avoid commercial reproduction of the documents, but not to prevent reasonable fees for those doing the translation work.

Questions were raised about the distribution of the original educational materials in English language, as some Mirror Groups might wish to use the original documents in untranslated form. TechSec agreed to send the original English documents on request.

A representative of the Polish notified bodies asked if it would be possible for national Mirror Groups to use the Mentimeter application, which was used in the webinars. TechSec was not able to tell if the Mentimeter application would be available free of charge. TechSec's reason for using the Mentimeter application was that it's possible to use it online. For training sessions with physical presence other options exist. However, TechSec will look into the possibilities, if any, for sharing the Mentimeter polls directly.

On behalf of the Commission, TechSec was asked if the educational materials could be made directly accessible on CIRCABC.

TechSec had not considered that possibility but did not see any particular reason not to make the materials available. However, the file format would have to be one protected against unintended modifications. It may also be relevant to add a kind of statement that the materials are only for educational purposes and not for commercial reproduction.

Finally, TechSec expressed that preparing and conducting the webinars had been both demanding work and an enriching experience.

Though the possibilities for dialogue with the participants were limited due to the high attendance, both the Mentimeter polls and the concluding discussions gave a picture of the

questions that notified bodies are struggling with. For instance, in the webinar about the basics of the CPR the feedback seemed to indicate that notified bodies find it difficult to understand the meaning of the “Basic Works Requirements”.

TechSec also asked the members if they would consider the webinar format useful for future work of the GNB.

The President considered that webinars indeed would be useful, for instance when a revised CPR is to be introduced.

A representative of the French notified bodies expressed that indeed webinars would be an interesting tool, as would other remote measures as they would make the participation less costly and thereby more accessible to notified bodies.

Action:

- TechSec to upload the educational materials in English with an appropriate indication of the conditions for use,
- Members wishing to translate the materials or use them in the original form to forward their request to TechSec
- TechSec to clarify the conditions for using the Mentimeter application.

7. Development of AG guidance and agreed viewpoint

A Draft position paper on dated and undated references to supporting standards – NB-CPR 22/889

Prior to the meeting, comments on the draft position paper had been received from the Austrian, the Belgian, and the Slovenian Mirror Groups. These comments are found in the document NB-CPR 22/893.

To incorporate the comments received, TechSec had drawn up a revised draft, NB-CPR 889r1, which had been uploaded on 11 March 2022.

TechSec introduced the revised draft and explained the background for it.

In the 50th meeting, a discussion took place about the meaning of dated and undated references and the existing guidance base items on the matter, Nos. 0033 and 0309. In the 50th meeting, a wish was expressed to make that guidance more visible. Therefore, it was agreed that TechSec should draw up a proposal for a position paper.

A representative of the Austrian Mirror Group informed about a discussion in the Austrian Mirror Group about cases where it's not obvious if a new standard is the successor of a referenced standard. For instance, some harmonised standards refer to EN 206-1. Then it seems unclear if the more recent EN 206 should be understood to supersede EN 206-1. The Austrian Mirror Group would tend not to think that EN 206 should be considered the successor of EN 206-1.

TechSec explained that the revised draft had been elaborated a bit further, notably to indicate that such cases of doubt should be dealt with by the relevant sector group, in the said case SG13.

On behalf of the Belgian notified bodies, it was said that some standards indicate themselves as superseding other standards with different numbers. It may however be disputed if such indications would have any particular legal significance.

On behalf of the Portuguese notified bodies it was mentioned that actually EN 206 indicates that it supersedes both EN 206-1 and EN 206-9.

On behalf of the Commission, it was mentioned that the general position of the Commission is that undated references should be avoided. It needs however to be recognised that many existing harmonised standards have undated references to supporting standards. Therefore, for some time we'll have to live with these undated references.

The following explanations were provided:

- Cases of doubt need to be resolved case by case. Sector Groups would be one relevant forum, but also the Commission would be willing to consider concrete cases. Also CEN would be relevant to consult.
- When contemplating whether a particular standard should be considered to supersede another standard, several indicators should be considered. Firstly, if the numbers and titles are the same it would be strong indication that the latter of the two should be considered to supersede the older one. In some cases however, even if numbers and titles are different, the later one may supersede an older standard. This may be the case if the newer standard indicates that it supersedes a particular older standard. However, it may also be taken into account whether or not the newer version would be suitable to serve the purpose for which it is referenced by the harmonised standard.

On behalf of the Italian notified bodies, it was recalled that standards developed by CEN are "traceable" in the sense that the history behind them is always documented.

On behalf of the Slovenian notified bodies a question was raised regarding the authority to decide which standard to apply in case of doubt.

TechSec said that in case of doubt, the Sector Group would be the obvious place to seek clarification. Thereby a common approach can be achieved, but in case of a dated reference, the Sector Group cannot decide to apply a different version than the version referenced.

A representative of the French notified bodies suggested that the examples mentioned in section 3.1 of the revised draft should be deleted as the text before the examples is quite clear. Therefore, the examples may cause confusion rather than clarification.

The representative of the Slovenian Mirror Group questioned the value of the position paper if approved. In the view of the Slovenian Mirror Group, the position paper is only explaining something that has been clear to most people for a long time.

On behalf of the Belgian Mirror Group, it was mentioned that in some sectors discussions about which versions to use keep popping up. In the precast concrete industry, many manufacturers want to use the newest versions, even though older versions are indicated by dated references. This may put notified bodies under pressure. Therefore, it would be helpful for notified bodies to have a position paper explaining the principles.

On behalf of the French notified bodies, who in the first place expressed the need for a position paper, it was said that the deadlock in the standardisation emphasises the need for clarity. For the sake of clarity, at least the current content of the GuidanceBase items on the matter should be included in the position paper.

On behalf of the Slovenian notified bodies, it was suggested that the position paper should only indicate the basics, i.e. the definitions of dated and undated references and their general meaning. If more details are added, new questions may come up.

On behalf of the Commission, it was acknowledged that issues brought up were both relevant and serious. However, not all of these issues could be solved by the GNB. For instance, in the written comments on the draft position paper, the Belgian notified bodies have mentioned that public procurers may refer to more recent versions of standards than those referenced by harmonised standards. Also, it seems not possible for the GNB to define transitional periods. It seems however important that cases of doubts are discussed, e.g. in the relevant sector group.

The President concluded that the content of the position paper should be limited to only 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.

On behalf of the Slovenian notified bodies, it was suggested that the position paper should also address prENs with dated and undated references.

Action:

TechSec to revise the draft position paper to only 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.

B GNB-CPR Guidance Base – New items

TechSec introduced the topic by recalling that at the 50th meeting it was decided that the Belgian mirror Group should make a proposal for a revision of item 0295 on "no room for deviation" from test methods defined by harmonised standards. In line with that agreement, the Belgian representative had forwarded a proposal, which is found in document NB-CPR 22/895 together with related comments by TechSec.

Compared to the existing Item No. 0295, the main difference identified by TechSec are:

- It covers also EADs, whereas the existing item covers hENs only,
- It adds that manufacturers may have a certain room for deviations with regard to their FPC testing.

As the text of the answer proposed by the Belgian Mirror Group is longer than the allowed maximum of 500 characters, it would be necessary to rework the proposal to make it fit into the GuidanceBase.

TechSec further explained that it would seem difficult to define a room for manufacturers to deviate from the methods defined by the harmonised standards, as such a room would be based on a kind of inherited practice rather than on the CPR.

Moreover, as the Commission proposal for a revised CPR would possibly strengthen the obligations for notified bodies it would make sense to await the Commission proposal before revising the GuidanceBase item.

The Belgian representative reiterated that the reason for proposing the revision of GuidanceBase item 0295 is that it seems to be interpreted too strictly. However, the Belgian representative would not insist on an urgent revision.

A German representative found the existing item 0295 satisfactory.

The President reminded that in some cases, harmonised standards do allow for alternative methods or deviations from methods defined by supporting standards. Such alternative methods and deviations from supporting standards are *not* considered as deviations from the harmonised standards.

On behalf of the Commission, it was recalled that the concept of common assessment methods is one of the corner stones of the harmonisation for construction products.

The President concluded that for the time being GuidanceBase Item 0295 will remain as it is.

8. SG matters – General update including state of play of GNB documents.

TechSec informed that issues have been raised in relation to two sector groups

Regarding SG17, the Austrian Mirror Group had forwarded to TechSec a request for having a SG17 meeting arranged.

TechSec informed that the last meeting of SG17 was held in April 2019. A meeting was planned in April 2020, but that meeting was cancelled because of the COVID pandemic.

The chairman of SG17 had not wanted to have virtual meetings but preferred to wait for physical meetings to become feasible again.

TechSec is in contact with the SG17 chairman and hopes soon to be able to inform about time and venue for the next meeting.

The President recalled that an SG17 representative has been appointed for the CPR Acquis sub-group on structural metallic products. Therefore, feedback would be most welcome regarding the time and venue for the next SG17 meeting.

Prior to the meeting, the SG06 chair had forwarded a request for clarification. The technical committee CEN/TC33 has decided to progress a new version of the harmonised standard EN 12209, but without any Annex ZA. Hence, potentially a new, non-harmonized, version of EN 12209 without an Annex ZA may be released by CEN.

SG06 would like to know what implications that would mean for notified bodies.

On behalf of the Commission, it was said that such standards had not been presented to the Commission for citation.

The SG06 chairman, who is also a member of the GNB Advisory Group, replied that evidently the Commission would not be asked to consider such a standard for citation. The question would rather be if the release of a new version of EN 12209 without Annex ZA would mean that the harmonised standard would be withdrawn from of the list of harmonised standards.

The Commission representative informed that there were no such plans.

Action:

TechSec to stay in contact with the SG17 chair in order to have a meeting scheduled.

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

Prior to the meeting, requests had been received from the mirror groups of Belgium, Denmark and France.

On behalf of the Belgian Mirror Group, a question was raised in the context of the situation around Ukraine.

The Belgian representative explained that some Belgian notified bodies have clients in Russia, Belarus, and Ukraine.

These notified bodies have concerns regarding whether or not they should continue these activities, and also concerns with regard to the safety of their personnel.

The President mentioned that similar questions had come from several sides. He asked the Commission to explain.

On behalf of the Commission, it was explained that 3 issues had to be considered separately, namely *safety of inspectors*, travel restrictions, and sanctions.

1. Safety of inspectors is dealt with at the level of Member States. In that regard, notified bodies should rely on recommendations by their Member States. Such issues are not dealt with at union level.
2. If travel to the manufacturing plant is not possible, the proceeding will depend on whether the purpose is initial inspection or surveillance.

Initial Inspections cannot be done remotely. The position paper NB-CPR 21/872 on initial inspections during the pandemic cannot be applied by analogy. The reason is that the basis for that position paper, namely the March 2020 communication from the horizontal unit of DG Grow, is exclusively aimed at the COVID pandemic. The GNB would have no possibility to expand the coverage of that communication.

For surveillance inspections however, notified bodies may consider applying by analogy the position paper on maintenance of certificates, NB-CPR 20/852.

3. At the time of the meeting, the sanctions adopted at Union level would not concern imports to the Union, only exports to Russian and Belarus. Services of notified bodies would not currently be subject to sanctions. However, notified bodies should keep themselves up to date. Notified bodies should also be aware that some payments may be subject to sanctions. If new sanctions are adopted, the Commission will inform the GNB.

POST MEETING NOTE: On 2nd of May 2022 the Commission issued a document recommending notified bodies to ensure that sanctions are complied with and to consider terminating their services to operators in Russia and Belarus. The document is found in the "communications to all members" section on CIRCABC and is numbered NB-CPR All 22/194

Representatives from Poland and Latvia informed that most of the certificates issued to manufacturers in Russia and Belarus have been invalidated due to the impossibility of visiting the manufacturing plants. In that regard, the location of the manufacturing plant would be decisive – not the nationality of the ownership. The decisions about invalidations have been taken in full understanding with the national authorities.

The President summarised that

- There are no rules at the level of the Union as to the maintenance or invalidation of certificates or as to whether or not plants can be visited,
- Rules and recommendations may be found at Member State level.

The Danish representative recalled that at the 50th meeting of the GNB-AG, National mirror groups were invited to bring forward problems arising from the use of accreditation as basis for notification. Prior to the meeting, the Danish mirror group informed that the Danish national accreditation body, DANAK, has indicated the following:

- 1) Irrespective of the GNB position paper NB-CPR 18/772, DANAK will require Danish notified laboratories to obey the resolution taken by European Accreditation to forbid reissuance of test reports to include information not available at the time of the testing.
- 2) Danish notified laboratories not complying with the EA resolution will lose their notified body status.

The Danish representative explained that in Denmark, the accreditation body is also conducting the notifications on behalf of the notifying authority.

TechSec mentioned that according to CPR Article 50(1), the basis for withdrawing a notification would be either the notified body's non-fulfilment of CPR Article 43 or its serious failure to meet its obligations under the CPR. Hence, it seems that non-fulfilment of accreditation rules or even the withdrawal of an accreditation could not itself be the reason for a withdrawal of a notification.

On behalf of the Italian notified bodies, it was recalled that previously the Commission had indicated that rules of the EA would not apply to notified bodies.

The French representative acting as liaison to the EA suggested that further discussions should be taken with the EA. It was also recalled that comments from the GNB had already been incorporated in the document EA 2/17. Further comments could be taken to the EA.

The Commission representative informed about a recent meeting with representatives of the EA where, among other issues, the status of EA resolutions were discussed. The position of the Commission is that EA resolutions are NOT binding for notified bodies. Such resolutions may apply to the national accreditation bodies and thereby also indirectly impact accredited bodies.

The position indicated by the Danish accreditation body seems to have its basis in EA rules, but it may be questioned if it is in line with the CPR. In the said meeting, the EA representatives expressed willingness to learn more about the CPR specificities and they also expressed a wish for observer status in the GNB Advisory Group and for access to GNB documents. The Commission representative emphasised the importance of the continued dialogue between the GNB and the EA.

About the position of the Danish accreditation body, the Commission representative suggested that this should be clarified with the Danish notifying authority, as the notifying authority is responsible for ensuring that the notified bodies are being assessed and monitored in accordance with the rules of the CPR.

On behalf of the French notified bodies, concerns were expressed over the work of working group 8 of Sector Group 6, which was understood as working to revise the rules for extended application of fire testing in relation to fire doors. It was suggested that TechSec should ensure that sector groups will not conduct standardisation work.

The chairman of SG06 explained that Working Group 8 would definitely not seek to revise the standards for extended application as that would not be the role of a sector group.

He further explained that it had been suggested that Sector Group 06 should draw up a position paper to provide guidance on cases which were not covered by any existing EXAP rules. That, he considered as a being fully in line with the GNB role.

TechSec confirmed that neither the sector groups nor any other parts of the GNB are supposed to carry out standardisation work and that it indeed is considered part of the role of TechSec to prevent that from happening. Further, the information was provided that TechSec had taken part in meetings of SG06 and of its WG8 without observing any work that could be characterised as standardisation work.

TechSec recognised that apparently different opinions did exist and that TechSec would need to pay particular attention to ensuring that sector group will not carry out any work that would be considered as standardisation work.

A French representative added that the role of the sector group would be to interpret the existing provisions rather than developing new provisions. If the existing EXAP rules are not complete, maybe it could be left to EOTA to fill the gaps, but in the opinion of the French representative it would not be the role of the GNB.

The President recalled that the role of the sector groups is to achieve a common approach. If something is not clear in a harmonised technical specification, it is the role of the sector group to find a common position. In this way, the harmonisation will work better.

The SG06 chairman who is also a representative of the Italian notified bodies mentioned that experience from many sector groups shows that the general working methods of sector groups seem brought into doubt in relation to fire performance.

A representative of the German notified bodies emphasised the need for sector groups to liaise with the relevant CEN/TC to have their interpretations confirmed.

The President considered that there's a common understanding that sector groups shall not carry out standardisation work. However, in some cases a sector group may be working close to the line between GNB coordination and standardisation work. The President also confirmed that in one way fire performance is special because of the existence of standards for the extended application, which are not mentioned anywhere in the CPR.

A French representative reiterated that when EXAP rules have not been defined by CEN, the GNB should not establish such rules. The French representative also considered that EXAP standards are part of the harmonised structure as they are part of the chain of standards linked to harmonised standards.

The SG06 chairman shared an excerpt of the harmonised standard for fire doors, EN 16034, which allows for the grouping of products, characteristic by characteristic, and which is a general rule also applying to resistance to fire. On the other hand, the EXAP rules are not clearly referenced, and their legal basis seems weak. SG06 is striving to find a common way to work to the harmonised standard, and that should not be considered standardisation work.

The President concluded that SG06 should continue its work whilst being aware of the limits to the field of work of a sector group. Eventually, the outcome of the work will be tabled for the GNB Advisory Group, which will then have the opportunity to ensure that the limits are respected.

On behalf of the French notified bodies, it was noticed that on matters related to the fire performance, a sector group should liaise not only with the relevant technical committee of CEN, but also with the Fire Sector Group.

On behalf of the French notified bodies, a question was raised about an inquiry sent out by the Commission Services. The inquiry concerned the experience of conformity assessment bodies regarding remote inspections. The French notified bodies asked for further information about that inquiry.

The Commission representative was not informed of any details of the said inquiry, which was sent out by unit D3 dealing with market surveillance.

The Commission representative will look into the matter and share information as relevant.

The president informed that he had been invited to a workshop on the New Legislative Framework (NLF). The background for the workshop was a study on the functioning of the NLF. Generally, it was recognised that the NLF has a positive impact on the functioning of the common market, and that it increases the protection of public interests. Problems were identified in relation to harmonised standards in general; not only for construction products. It was also identified as a problem that accreditation procedures are not harmonised amongst the Member States; neither are requirements for the notification. The consequences are that the level of functioning of conformity assessment bodies and notified bodies is not uniform.

As opportunities for improvement were identified digital marking of products, remote auditing, and provisions related to circular economy.

The President considered that a potential future conflict might be between product safety and the promotion of circular economy.

10. Report on SCC, Commission, and other matters

On behalf of the Commission, the below information was provided:

Regarding the CPR Acquis process: On 15 March 2022, the Steering Group had a meeting.

The two first sub-groups, precast concrete, and structural metallic products have reached their first milestones and will start defining essential requirements. These two groups are expected to finalise their work by the end of 2022.

Three new sub-groups will be launched: Doors and windows, prestressing/reinforcing steel, and environmental sustainability.

The three new sub-groups are planned to start their work in April, but possibly with minor delays.

Since last meeting, only a single candidate harmonised standard has been presented for assessment by the Commission, namely EN 1463. That standard is still under scrutiny.

On 07 March 2022, a package of 10 EADs were cited. A new package is expected to be cited before the summer break.

Regarding the CPR revision, the Commission proposal is expected to be released on 30 March 2022 together with the Sustainable Products Initiative. The proposal will be publicly available.

When the proposal has been translated into all official languages, all stakeholders will have 8 weeks to submit comments on the proposal.

In that context, the GNB will also be very welcome to provide comments.

After the end of the commenting period, the Commission will summarise the feedback. The further process will be managed by the Parliament and the Council.

Though members were very interested in the content of the proposal, the Commission representative was not in a position to reveal any of it.

The President suggested that when the dates of the commenting period were published, an extraordinary meeting could be scheduled.

Action

TechSec and president to study the Commission proposal and then if relevant prepare for a virtual meeting.

11A. AdCo-CPR Group on Market Surveillance

No AdCo representative present.

11B. CEN

No CEN representative present.

11C. Construction Products Europe (CPE)

The CPE representative informed that the CPE was eagerly awaiting the proposal from the Commission. In that context, CPE had heard that certain products would be categorised as “energy intensive”. CPE expressed its concerns over what consequences such categorisation would have.

For the time being, CPE is putting much effort into promoting the “Smart CE Marking”.

11D. EOTA

Unfortunately, the EOTA representative had to leave the meeting before this item was dealt with.

11E. European Accreditation (EA)

No EA representative present.

11F. Small Business Standards (SBS)

Unfortunately, the SBS representative had to leave the meeting before this item was dealt with..

12. Any other business

No remarks

13. Closing of the meeting

The president thanked the participants

DRAFT

ANNEX 1: LIST OF AGREED ACTIONS

By whom	Agenda item	Status	Action and/or conclusion
Members	1		Members not listed in the NB-CPR/M02 Officials of the GNB-CPR to submit an “expression of consent” (NB-CPR ALL 18-166) to TechSec.
TechSec	4		TechSec to send the form for the “expression of consent” to members from whom consent had not been received.
ES representative	4		The Spanish representative to ask ENAC for a written statement on its position in relation to historical assessment data.
Administrative Secretariat and President	5		Administrative Secretariat and President to arrange for the 52nd meeting to be held on 18 October 2022 in Slovenia, alternatively as a virtually or a hybrid meeting, depending on the circumstances.
TechSec	6A		TechSec to upload a revised version of the position paper NB-CPR 21/872 indicating expiry on 31 October 2022
TechSec	6B		<ul style="list-style-type: none"> - TechSec to upload the educational materials in English with an appropriate indication of the conditions for use, - TechSec to clarify the conditions for using the Mentimeter application.
Members	6B		Members wishing to translate the materials to forward their request to TechSec
TechSec	7A		TechSec to revise the draft position paper to only include: <ul style="list-style-type: none"> - 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.
TechSec	8		TechSec to stay in contact with the SG17 chair in order to have a meeting scheduled.
TechSec and President	10		TechSec and president to study the Commission proposal and then if relevant prepare for a virtual meeting.