

<b>GNB-CPR</b> <b>GNB-AG</b>	<b>Co-ordination of the Group of Notified Bodies for the Construction products Regulation (EU) No 305/2011</b>	<b>NB-CPR/22-889r2</b> Issued 31 August 2022 <b>DRAFT Guidance</b>
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## Revised DRAFT GNB-CPR position paper:

### *Dated and undated references to supporting standards*

## 1 INTRODUCTION

Harmonised technical specifications are required to indicate the methods and criteria for assessing the performance of the construction products covered by them. This goes both for harmonised standards (hENs) and for European Assessment Documents (EADs).

In many cases, the methods and/or criteria are not indicated by the harmonised technical specification itself. Instead, reference is made to supporting standards wherein the methods and/or criteria are found.

The Official Journal of the European Union (OJEU) citations of revised harmonised standards have been in a deadlock in the past years. This means that many harmonised standards date back to the first decade of this century. In the meantime, many of the supporting standards called up by the harmonised standard have been revised.

The situation raises questions as to which version of a supporting standard to apply. In this context, it becomes essential to distinguish between “dated” or “undated” references.

This position paper aims to provide guidance to notified bodies regarding the meaning of dated and undated references in different situations.

## 2 DEFINITIONS

### *Dated reference*

A reference to a supporting standard indicating a specific version of the supporting standard, e.g. in the form

“EN XXXXX:YYYY”,

where “YYYY” indicates the year of issue.

### *Undated reference*

A reference to a supporting standard *not* indicating any specific version of the supporting standard, e.g. in the form

“EN XXXXX”,

without indication of the year of issue.

## 3 BASIC CONSIDERATIONS

- 1) The referencing of standards in the European legislation follows the principles established as part of European administrative and procedural law. According to those principles, a

dated reference means that the specific version referenced shall apply, whilst an undated reference means that the latest version shall apply.

- 2) Literature on the methods of referencing standards in legislation recognise advantages as well as disadvantages of the types of references. An important advantage of dated references would be the legal certainty, while an important advantage of undated references would be the continuous adaptation to technical developments<sup>1</sup>.
- 3) Generally, supporting standards are referenced by the harmonised specifications, but not directly referenced by legislation (or delegated acts).
- 4) Both harmonised standards and supporting standards are drawn up by CEN/CENELEC and subject to their internal rules, which follow the same principles as those of European law. In line with that, CEN/CENELEC Guide 36:2020, Guidance on the rules for drafting and presentation of candidate harmonized product standards for construction products, Edition 1, 2020-06, indicates:

*For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.*

- 5) Harmonised standards are indicated by delegated acts as dated references. When a harmonised standard makes an undated reference to a supporting standard, the principles of European administrative law and the internal rules of CEN/CENELEC would point to the understanding that the latest approved version of the supporting standard should apply. Accordingly, if a dated reference is made to a supporting standard, the specific referenced version should apply.
- 6) European Assessment documents, EADs, may also include both dated and undated references to supporting standards. As the internal rules of EOTA do not indicate otherwise the same principles should apply to dated and undated references in EADs.
- 7) Guidance on the meaning of dated and undated references has been made available in the GNB-CPR GuidanceBase. As it is considered relevant to provide more elaborate guidance, this position paper has been drawn up.
- 8) When changes to supporting standards are likely to have an influence on the conformity of construction products with the declared performance, notified bodies should ensure that manufacturers implement the changes. Failure by manufacturers to implement such changes should be considered as non-conformities. In such cases, notified bodies should apply already available GNB guidance, considering the principle of proportionality.

## 4 GUIDANCE

### 4.1 Dated references

When a supporting standard is called up by a **dated reference**, both for the assessment of performance and for the verification of constancy of performance, notified bodies shall apply the specific version cited.

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<sup>1</sup> "Methods of referencing standards in legislation with an emphasis on European legislation", European Commission, DG Enterprise, 2002.

## 4.2 Undated references

When a supporting standard is called up by an **undated reference**, both for the assessment of performance and for the verification of constancy of performance, notified bodies shall apply the currently applicable version.

## 4.3 References to prENs

In some cases, harmonised specifications call up preliminary European standards, prENs. The distinction between dated and undated references shall also apply in that case.

If a prEN is called up by a dated reference, that specified version of the prEN shall be applied, as indicated in section 4.1.

If a prEN is called up by an undated reference, and the prEN has been further developed into a final, published European standard, notified bodies shall apply the currently applicable version of that European standard, as indicated in section 4.2.

# 5 SECTOR GROUP COORDINATION

In some cases, changes to supporting standards may result in uncertainty as to which version to apply. This may be the case if (non-exhaustive listing):

- a new version of the supporting standard has left out an assessment method, which was provided by the former version;
- the supporting standard is discontinued;
- the structure of the supporting standard is changed, e.g. subdivided into parts;
- a supporting standard is superseded by another standard with a different number.

In such cases, notified bodies should bring up the matter in the relevant sector group in order to agree on a common approach, while observing the above general principles.

As relevant, the Sector Group may consult the relevant CEN/TC, EOTA, and/or the Commission.