

<p style="text-align: center;"><b>GNB-CPR</b> <b>GNB-AG</b></p>	<p style="text-align: center;"><b>Guidance from the Group of Notified Bodies for the Construction Products Regulation (EU) No. 305/2011</b></p>	<p style="text-align: center;"><b>NB-CPR/19/812r1</b> Issued: 21 February 2010 <b>DRAFT GUIDANCE</b></p>
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## **Draft Position Paper: Transfer of certificates in AVCP systems 1+, 1, and 2+**

### **1. INTRODUCTION**

For various reasons, a manufacturer may wish to have his certificate(s) transferred from one notified certification body to another.

For instance, a notified certification body may cease its activities as notified body, or the manufacturer may want to benefit from a competitive offer from another notified certification body.

The exit of the United Kingdom from the Union may result in an increased number of certificate transfers.

Up to now, no GNB guidance has been drawn up for the transfer of certificates. In the absence of GNB guidance, some notified bodies have applied the IAF document MD2. However, as IAF MD2 is aimed at the transfer of management systems certificates, that document would not be adequate in a CPR context and cannot be applied directly.

The term normally used when a manufacturer moves from one notified certification body to another is “*transfer of certificate*”, even though that term could be misunderstood. In fact, it is not possible to transfer the certificate itself from one notified certification body to another; only the evidence forming basis for the certificate can be transferred and hence serve as basis for a new certificate.

While some kinds of evidence related to the assessment of performance may be rather easy to transfer, e.g. test reports issued by well-reputed 3<sup>rd</sup>-party laboratories, transfer of evidence related to the verification of constancy of performance, e.g. evidence on initial inspection may require a direct contractual relation between the issuing and the accepting notified bodies.

In some circumstances, a notified product certification body may take over existing test results as basis for the assessment of performance without having any direct contractual relationship with the laboratory from which the test results originate.

This position paper aims to provide guidance to notified certification bodies requested by a manufacturer, who already holds a certificate issued by another notified certification body, to issue a new certificate, fully or partially on the basis of the evidence on which the other notified certification body has based the existing certificate.

## 2. DEFINITIONS

This position paper applies the terminology defined by CPR supplemented by the position paper, NB-CPR 18/775.

Additionally, 3 new definitions are introduced:

Transfer of certificate                      The issuance of a new certificate, issued by the accepting notified certification body, on the basis of evidence established by the issuing notified certification body.

Issuing notified certification body                      The notified certification body that issued the first certificate

Accepting notified certification body                      Notified certification body requested to issue a certificate based – fully or partially – on the same basis as a certificate already issued by another notified certification body (the issuing certification body).

## 3. GUIDANCE ON AVCP ACTIVITIES

General guidance on the AVCP activities is found in the position paper NB-CPR 17/722, which also applies to accepting notified certification bodies.

Hence, this section must be read in conjunction with NB-CPR 17/722.

In this section, the *notified certification body* is understood as the “*accepting notified certification body*” In systems 1+ and 1, the accepting notified certification body will be a *notified product certification body*. In system 2+, it will be a *notified FPC certification body*.

### 3.1. CERTIFICATION AGREEMENT

For the certification agreement between the accepting notified certification body and the manufacturer, NB-CPR 17/722 section 6.2 applies with the following additions:

The written agreement shall specify the following (if relevant):

- Evidence provided by the issuing notified certification body to be taken into account by the accepting notified certification body.
- The agreement of the manufacturer to the exchange of information between the issuing and the accepting notified certification bodies.

It is emphasised that neither the issuing nor the accepting notified certification body can initiate the transfer. The request for transfer must come from the manufacturer.

NOTE: If the issuing notified certification body is expected to perform any work as a subcontractor to the accepting notified certification body, that cooperation can be specified in the same written agreement as the transfer of certificates or in a separate one.

### **3.2. ASSESSMENT OF PERFORMANCE**

This section is only relevant in AVCP systems 1+ and 1.

The accepting notified product certification body shall carry out the assessment of performance in accordance with NB-CPR 17/722 section 7.

To avoid unnecessary repetition of work, existing testing and or calculation results provided by the issuing notified certification body may be used, fully or partially, as basis for the assessment of performance.

The use of such testing and/or calculation taken over from the issuing notified certification body presumes that the accepting notified certification body satisfies itself that the testing and/or calculation is adequate with regard to the following criteria, which are further described in the document NB-CPR 19/792:

- Technical correctness
- Competence, impartiality and independency
- Integrity
- Suitability

The accepting notified certification body shall take full responsibility for all test or calculation results it decides to use as basis for the assessment of performance.

Though such results of testing and/or calculation would not be considered “historical assessment data” the principles described by NB-CPR 19/792 would be relevant.

### **3.3. INITIAL INSPECTION**

NB-CPR 17/722 section 8 applies with the following additions.

As an initial inspection would already have been carried out by the issuing notified certification body, the accepting notified certification body may, on the basis of a subcontracting agreement with the issuing notified certification body, choose to replace the initial inspection by evidence of the initial inspection provided by the issuing notified certification body.

Such evidence shall at least include:

- Report of the initial inspection provided by the issuing notified certification body
- Evidence that any non-conformity found in the course of initial inspection have been effectively rectified
- Statement from issuing notified certification body that the report of the initial inspection reflects the current situation and that no subsequent findings would affect the conclusions of the report.
- If continuing surveillance has been carried out by issuing notified certification body, the report(s) of the surveillance visits carried out since the initial inspection shall be included to confirm the conclusion of the initial inspection.

If cooperation with the issuing notified certification body is not established, the accepting notified certification body shall carry out a new initial inspection. However, if found justified the notified certification body may limit the duration of the initial inspection. The justification shall be documented.

### **3.4. CERTIFICATION DECISION**

NB-CPR 17/722 section 9 applies.

It is emphasised that the accepting notified certification body must retain the freedom to make its own assessments and the freedom to decide whether to issue a certificate, require supplementary evidence - or even to reject the manufacturer's application.

Even if the accepting notified certification body is a subsidiary or otherwise closely related to the issuing notified certification body, the accepting notified certification body shall remain independent in its assessments and decisions, for which it will be solely responsible.

It is not permissible for the accepting notified certification body to base a certification decision on the fact that the issuing notified certification body has already issued a certificate.

For construction products in AVCP system 1+, the notified certification body may choose to carry out audit testing before the certification decision is made.

### **3.5. ISSUANCE OF CERTIFICATE**

NB-CPR 17/722 section 10 applies, including its reference to NB-CPR 14/612.

The date of issue (see NB-CPR 14/612 section 2m) shall be the date of the first issue by the accepting notified certification body. The date of the first certificate issued by the issuing notified certification body shall not be transferred.