

GNB-CPR	Co-ordination of the Group of Notified Bodies for the Construction Products Regulation No (EU) 305/2011	NB-CPR/20/835 Issued: 21 February 2020 DRAFT REVISED Internal rules
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DRAFT REVISED NB-CPR/IR/2, 4th -edition:
Terms of Reference for the GNB-CPR Advisory Group

0. Content of internal rules of GNB-CPR

The internal rules of GNB-CPR consist of:

- NB-CPR/IR/1: Membership of GNB-CPR
- ***NB-CPR/IR/2: Terms of reference for GNB-CPR Advisory Group - (This document)***
- NB-CPR/IR/3: Terms of reference for Sector Groups (SGs)

1. Name of the GNB-CPR Advisory Group

The GNB-CPR Advisory Group will be known in full as the “Advisory Group of Notified Bodies¹ for the Construction Product Regulation (EU) 305/2011”. The shortened form that should be used internally within the Group of Notified Bodies is GNB-CPR Advisory Group or GNB-AG- In these internal rules the form GNB-CPR Advisory Group is used.

Together with the Sector Groups (SGs) and the individual members, the GNB-CPR Advisory Group forms the “Group of Notified Bodies for the CPR”, often shortened to GNB-CPR.

2. Aims and objectives of the GNB-CPR Advisory Group

The GNB-CPR Advisory Group is the senior and general coordination group within the GNB-CPR, and the sector groups are responsible to it. The GNB-CPR Advisory Group will advise on the structure and scope of the sector groups.

According to CPR article 55, The Commission shall ensure that appropriate coordination and cooperation between notified bodies are put into place and properly operated in the form of a group of notified bodies.

Managing the sector groups, the aims and objectives of the GNB-CPR Advisory Group will be:

- to achieve a consistent conduct of the tasks related to Attestation and Verification of Constancy of Performance (AVCP tasks) as defined by CPR Annex V.

¹ In the framework of these Terms of Reference, "Notified Bodies", are bodies notified pursuant to CPR article 39.

- to ensure that the guidance documents and administrative decisions necessary for consistent conduct of AVCP tasks assigned to notified bodies.

The GNB-CPR Advisory Group will consider general issues raised by the sector groups, by full members and associate members of the GNB-CPR Advisory Group itself, or by the Commission. The Chairman may set up task groups to examine specific issues.

Issues dealt with by sector groups will be specific to the interests of that particular industry sector. (Examples are: application of standards for the relevant product family, practical application of Commission guidance papers, practical equivalence of procedures, and so on.)

3. Membership

The GNB-CPR Advisory Group will comprise full members, associate members and observers. Alternate members may substitute for principal members.

3.1. Full members

Full members shall be members of notified bodies or other organisations which have been designated by Member States or designated by notified bodies in their respective Member States². Notified bodies from Member States with up to 30 bodies notified under the CPR may be represented on GNB-CPR Advisory Group by one full member. Notified bodies from Member States with more than 30 bodies notified under the CPR may be represented on GNB-CPR Advisory Group by up to two full members.

NOTE: Member States or Notified bodies within a Member State may wish to set up a National Mirror Group, to reflect and consult at national level on activities within the GNB-CPR Advisory Group. The National Mirror Group might then become the organisation that selects the GNB-CPR Advisory Group member(s) representing that Member State.

3.2. Associate members

The GNB-CPR Advisory Group may invite associate members. For example, associate members may represent any appropriate Europe-wide organisation. GNB-CPR Advisory Group may decide to co-opt representatives from certain sector groups if they are felt to be under-represented. The associate member shall have a legitimate interest in the work of the GNB-CPR Advisory Group, and in the opinion of full members, be able to contribute positively to the work of the GNB-CPR Advisory Group. Any organisation wishing to be represented by an associate member should express its particular interest in a letter of motivation to the Chair of the GNB-CPR Advisory Group. The full members of the GNB-CPR Advisory Group will then consider the application. The decision will be by majority vote of members present.

3.3. Observer members

Those who have the right to attend or are invited to attend by the Chair of the GNB-CPR Advisory Group, to contribute to the discussion or to support the meeting, but neither represent a country's bodies notified under the CPR nor organisations eligible to appoint associate members, are classed as observer members. Observers may include the Technical Secretariat, nominated representatives from candidate countries, etc.

² In this document, provisions which apply to Member States can be assumed to apply to all countries in the European Economic Area and any other countries with bodies notified under the CPR operating under a Mutual Recognition Agreement or relevant Decision.

3.4. Observer members from candidate countries

The European Union recognises certain States as candidate countries for EU Membership.

Every candidate country may nominate a single representative from one of its national organisations to participate in the GNB-CPR Advisory Group. The candidate country's nomination shall be made by its notifying authority or SCC observer, and addressed in writing to the Chairman of the GNB-CPR Advisory Group (the request may be sent via the Technical Secretariat). The nominated representative will have observer status.

3.5. Principal and alternate members

One alternate member may be nominated in addition to each principal member. The purpose of nominating an alternate member is that he or she may be available to take the place of the principal member if the principal member cannot attend a meeting, comment on a document, etc.

NOTE: Inexperienced alternate members may be permitted to attend GNB-CPR Advisory Group meetings together with their respective principal members but as observers, in order to gain experience, at the discretion of the Chairman.

4. President of the GNB-CPR and Chairman of GNB-CPR Advisory Group

4.1. Role of the President

The role of the President of the GNB-CPR is to:

- act as Chairman to GNB-CPR Advisory Group and chair meetings of the GNB-CPR Advisory Group;
- fix meeting dates and places in consultation with the Commission Services and the Technical and Administrative Secretariats;
- establish the agenda, taking into account requests from notified bodies and in consultation with the Commission Services and Technical Secretariat;
- co-ordinate the elaboration of working documents and recommendations;
- direct the work and the discussions within the GNB-CPR Advisory Group, aiming at consensus amongst the members;
- review and finalise the reports of meetings of the GNB-CPR Advisory Group
- set up and direct any task groups required to examine specific issues, and where appropriate draft reports or position papers addressing the issues, and;
- represent the Group of Notified Bodies for the CPR in meetings organized by the Commission Services.
- represent the Group of Notified Bodies for the CPR in communications with other stakeholders (e.g. Commission Services, notifying authorities, EA, EOTA, CEN).

4.2. Election of the President

The President will normally hold the position for a period of two years. This may be extended for one further term of two years.

- The Technical Secretariat will place a call on CIRCABC for distribution to all 'notified members' for nominations, which should include a brief curriculum vitae (CV). The call should allow at least 3 months for nominations be received by the Technical Secretariat. To avoid calls during the summer holiday, calls should not be uploaded in July or August.
- Any representative of a notified body can nominate themselves for the position of President.
- The Technical Secretariat will announce the result of the call for nominations and organize an election at the next GNB-CPR Advisory Group meeting. The Technical Secretariat will upload an announcement of the election, giving the CVs of the candidates. The election may be held by secret ballot³.
- If the election is to be held electronically, at least 3 weeks notice shall be given.
- The candidate with the largest number of votes will be elected.
- If two candidates have the same number of votes the winner will be drawn by random.

5. Technical and Administrative Secretariats

The Technical and Administrative Secretariats of the GNB-CPR Advisory Group are appointed on contracts by the Commission. The tasks of the Secretariats are defined by the contract between the Commission and the provider.

6. Voting and the electorate of GNB-CPR Advisory Group

The only matters on which it is appropriate for the GNB-CPR Advisory Group to vote are the election of the President of the GNB-CPR, and the selection of additional members of the GNB-CPR Advisory Group. All other matters should as far as possible be decided by consensus of full members.

If consensus on a particular matter is considered not to be obtainable and if considered necessary to reach a decision, the chairman may decide to have a vote amongst the members.

When a vote by GNB-CPR Advisory Group is necessary, only one vote may be cast on behalf of the notified bodies of each Member State. If no member is able to attend to represent a Member State, a vote may be cast electronically (by notifying the Technical Secretariat well in advance), or a proxy may be appointed. Any member appointing a proxy must provide either his/her proxy or the Technical Secretariat with a signed document stating the identity of the proxy. Associate members and observers have no voting rights in the GNB-CPR.

7. Method of working of the GNB-CPR Advisory Group

7.1. General

The GNB-CPR Advisory Group will meet at intervals which it decides necessary to conduct its business. Day to day work will, as far as possible, be conducted making use of the CIRCABC website. All members of the GNB-CPR Advisory Group shall have E-mail and Internet facilities.

On all matters, the GNB-CPR Advisory Group shall strive at consensus. If full consensus is not obtained discussions and negotiations should be conducted to aim at the highest obtainable degree of consensus.

In some circumstances, for example issues of policy, the GNB-CPR Advisory Group may need to refer questions to the Commission Services for resolution.

The President or a deputy appointed by him, and/or the Technical Secretariat, will attend meetings of the Standing Committee on Construction to report on activities of the GNB-CPR Advisory Group and the Sector Groups.

At each meeting, the Technical Secretariat will report on the progress that has been made since the previous meeting.

Fundamental objections (or proposals) shall be submitted by reference to the document concerned, but shall also contain explanation, justifying the objections (or proposals) made and suggesting solutions (if any).

The GNB-CPR Advisory Group will produce position papers and administrative decisions on issues of relevance to several or all product families. Position papers, administrative decisions, minutes, and other relevant documents will be made available to members on CIRCABC .

7.2. Document procedures for GNB-CPR Advisory Group meetings

The working language of the GNB-CPR Advisory Group will be English.

Suggestions from GNB-CPR Advisory Group members for items to be placed on the Agenda should be made in writing to the GNB-CPR Advisory Group chairman, copied to the Technical Secretariat, at least 7-8 weeks before an GNB-CPR Advisory Group meeting.

The first draft agenda of the GNB-CPR Advisory Group meeting should be uploaded onto CIRCABC at least 6-7 weeks before the meeting. Other Documents subject to decision at the GNB-CPR Advisory group meeting papers, notably draft position papers and draft administrative decisions. should also be uploaded at least 7-6 weeks before a meeting. This will allow time for consideration and consultation of the issues at a national level.

Members are requested to report wishing to raise fundamental objections over documents subject to decision shall submit their objections to the Technical Secretariat in writing as soon as possible, and at least 7-2 weeks days before the meeting. The Technical Secretariat will at least one week before the meeting report on comments received, and may propose actions to take them into account.

Members are not supposed to raise fundamental objections orally in the meeting, unless the objections have been reported in writing as described above.

7.3. Working of task groups

Task groups may be set up by the GNB-CPR Advisory Group Chairman to examine specific issues, and where appropriate draft reports or position papers addressing the issues. The task group members may be drawn from GNB-CPR Advisory Group, but other individuals with relevant expertise may be invited to join. The intention is that each task group will complete its task within a limited period of time, and then be disbanded.

It is expected that any task groups will conduct most of their work by email or by other remote means. Dedicated folders within the GNB-CPR Advisory Group area of CIRCABC may be

created. Some meetings may be required, but these should be kept to a minimum to save time and costs.

8. Administrative decisions and documents produced as a work result of GNB-CPR

Guidance from GNB-CPR will normally consist of the below kinds of administrative decisions and work results:

- Administrative decisions
- horizontal position papers (GNB-CPR Advisory Group position papers);
- vertical position papers related to specific products or product families (Sector Group position papers)
- horizontal position papers related to specific technical issues (horizontal sector groups position papers).
- Question and answer list(s)

In all cases, these documents will be working documents until they have been approved by the GNB-CPR Advisory Group.

8.1. Administrative decisions

On behalf of the Group of Notified Bodies, The GNB-CPR Advisory Group may decide on 'administrative decisions' regarding issues of relevance to the coordination of all Notified Bodies for the CPR.

Subject to administrative decisions may include but is not limited to:

- content and format of certificates
- exchange of information between notified bodies

8.2. Horizontal position papers (GNB-CPR Advisory Group Position Papers)

The GNB-CPR Advisory Group may develop position papers dealing with matters of relevance to the general conduct of notified bodies tasks.

8.3. Vertical position papers (Sector Group Position Papers)

Sector Groups may develop position papers related to specific products or product families.

NOTE: Vertical position papers should avoid incorporating horizontal issues under the responsibility of the GNB-CPR Advisory Group, unless there is no horizontal guidance at the moment of approval by the GNB-CPR Advisory Group, or in case the guidance that is available is not appropriate for their products. Horizontal issues in GNB-CPR Advisory Group documents should be referenced in Sector Group documents.

8.4. Horizontal position papers related to specific issues (Horizontal Sector Group Position Papers)

Horizontal Sector Groups may develop position papers related to specific technical issues.

8.5. Questions and answers database –“GNB-CPR GuidanceBase”

The GNB-CPR Advisory Group may provide guidance in the form of a questions and answers database – the GNB-CPR GuidanceBase.

Questions and answers may cover horizontal issues, vertical issues (see 8.3) and horizontal-specific issues (see 8.4). For vertical issues and horizontal-specific issues the consent of the relevant sector group is required.

8.6. General scope and limitations

The purpose of GNB-CPR guidance is to help NBs work on common understanding basis and equivalent practices in relation to their key tasks.

GNB-CPR Guidance may include as well direct guidance that notified bodies are supposed to follow as information considered useful for notified bodies.

Guidance is intended to supplement and make practical for NBs the relevant harmonised technical specifications. Guidance should not contradict nor extend the scope of the work and role of a NB, nor impose additional burdens on the manufacturer, for NBs so that they can work equivalently.

NOTE: As all notified bodies are responsible for their own compliance with CPR irrespective of any guidance from GNB-CPR and as GNB-CPR cannot take over that responsibility, GNB-CPR guidance should not provide any direct legal interpretations of CPR.

8.7. Historical guidance

Historical guidance consist of

- Guidance developed and approved within the CPD framework and which have not been withdrawn or updated.
- Guidance developed with reference to superseded harmonised technical specifications and not withdrawn or updated.

Historical guidance are informative documents expressing the consensus of GNB-CPR on their subjects at the time the guidance was issued.

Notified bodies are expected to consider and follow historic guidance only when not in contradiction with CPR, current harmonised specification and more recent guidance from GNB-CPR.

8.8. GNB-CPR Advisory Group approval process

8.8.1. Development and approval of GNB-CPR Advisory Group position papers and administrative decisions

Formal GNB-CPR Advisory Group documents such as position papers and administrative decisions may be initiated at a GNB-CPR Advisory Group meeting, or by the Commission Services, GNB-CPR Advisory Group members, sector group officials or the GNB-CPR Advisory Group chairman. In general, the Technical Secretariat will develop the draft formal document in close collaboration with the GNB-CPR Advisory Group Chairman.

A draft of the formal document will be uploaded onto CIRCABC for comments, normally for a period of at least 6 weeks. Usually the document will then be discussed and approved, subject

to any agreed changes, at the next meeting of the GNB-CPR Advisory Group, unless proposals for major changes require additional rounds of comment and/or discussion before final approval. However, documents that are required urgently, or documents not likely to be contentious, such as revisions to existing documents, may be approved solely via CIRCABC.

Changes that are unlikely to be contentious, such as a minor revision to a position paper to reflect a revision of the document addressed by that position paper, may be agreed between the President and Technical Secretariat without circulating a draft on CIRCABC. (If a full GNB-CPR Advisory Group member considers a revision that was made without an opportunity for comment to be controversial, the member can demand a discussion process to reconsider the changes.)

The regulatory or notifying authorities of countries recognized as working to, and/or notifying bodies under the CPR, may submit comments on documents that are available for GNB-CPR Advisory Group approval on CIRCABC.

8.8.2. Approval of sector group position papers

Sector group position papers are developed by a sector group and agreed by consensus.

NOTE: The Technical Secretariat shall scrutinize the draft sector group position paper for:

- *compliance with the Harmonized Technical Specification, the CPR, Commission and GNB-CPR Advisory Group guidance, and;*
- *any paragraphs covering horizontal issues which are adequately addressed by GNB-CPR Advisory Group documents, removing the relevant paragraphs and replacing them by references to GNB-CPR Advisory Group documents.*

This shall be done in close consultation with the sector group chairman. Where sector group papers are not in accordance with GNB-CPR Advisory Group general guidance, then this shall be brought to GNB-CPR Advisory Group's notice and its approval sought.

Further details of the process for developing sector group position papers, and approving them within the sector group, are given in NB-CPR/IR/3

The approval of a sector group position paper should be undertaken at GNB-CPR Advisory Group meetings only where the paper is thought to raise fundamental objections that should be discussed at a meeting. Otherwise, GNB-CPR Advisory Group approval should be sought via CIRCABC.

Once a draft has been agreed by a sector group, the Technical Secretariat shall upload the document within the relevant GNB-CPR Advisory Group document folder on CIRCABC for comment and approval for a period of at least 6 weeks. In addition to uploading the document onto CIRCABC, a copy shall be uploaded within the "What's New" folder of the relevant sector group and any relevant sector working group. Also, copies shall be sent by email to:

- Commission Services;
- The relevant CEN or EOTA Consultant;
- CEN Management for forwarding to relevant CEN/TC secretary(s) and national standards bodies as appropriate, or EOTA management as appropriate, and;
- The relevant sector group secretariat.

Where no fundamental objections are received before the deadline, the document is considered approved. Depending on the comments received, the approval may be conditional. For example the sector group could be asked to monitor particular aspects to see if the issues raised in the approval process arise in practice and report back to GNB-CPR Advisory Group at a specific time³.

If fundamental objections are received, the GNB-CPR Advisory Group Chairman shall decide whether to:

- bring the issue up for discussion at the following GNB-CPR Advisory Group meeting, or;
- return it to the relevant sector group for further development, or;
- have the Technical Secretariat, in close consultation with the sector group chairman, revise the document and upload the revised version onto CIRCABC for a 6-week consultation period.

A sector group position paper will only be considered to be approved when there have been no fundamental objections during a 6-week consultation period on CIRCABC, or it has been approved at a GNB-CPR Advisory Group meeting.

8.8.3. Approval of questions and answers in the GNB-CPR GuidanceBase

For questions and answers in the GNB-CPR GuidanceBase, the approval process is:

- The President (in cooperation with TechSec) may propose new and revised horizontal items.
- Sector Group Chairmen (in cooperation with TechSec) may propose new and revised vertical and specific horizontal items
- New and revised items shall be uploaded in 'packages' of proposed items not more frequent than every 2nd month.

After upload of a package of proposed items, GNB-AG members will have 6 weeks to forward their comments to TechSec. If no fundamental comments are received, the proposed items are considered approved.

8.8.4. Withdrawal of GNB-CPR Advisory Group position papers and administrative decisions

Position Papers and administrative decisions are withdrawn in the below cases:

- When superseded by a new approved version of the same document (same document number, different revision number).

³ An example of this would be an objection raised on a largely hypothetical point the sector group consider unlikely to happen or unlikely to create problems in practice. The sector group may be asked to log instances of it occurring and report back to Advisory Group

- By the approval of a new position paper or administrative decision which explicitly indicates that it replaces one or more already existing position paper(s) or administrative decision(s).
- If withdrawal has been decided by the GNB Advisory Group
- If a ruling of the European Court of Justice or a statement from the Commission makes it clear that the application of a position paper or an administrative decision would be contrary to the current understanding of CPR, the President may decide to withdraw that position paper or administrative decision.

8.8.5. Withdrawal of sector group position papers

Sector group position papers are withdrawn in the below cases

- When superseded by a new approved version of the same document (same document number, different revision number).
- If the sector group decides that the position paper should be withdrawn
- If the GNB Advisory decides that the position paper should be withdrawn
- If a ruling of the European Court of Justice or a statement from the Commission makes it clear that the application of a position paper or an administrative decision would be contrary to the current understanding of CPR, the President may decide to withdraw that position paper.