

<b>GNB-CPD</b> <b>AG</b>	<b>Co-ordination of the Group of Notified Bodies for the Construction Products Directive</b> <b>89/106/EEC</b>	<b>NB-CPD/11/453</b> Issued: 4 May 2011 <b>Draft Minutes</b>
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**PLEASE NOTE:**  
Any comments should be sent to CPD TechSec ([newmanc@mgt.fbe.co.uk](mailto:newmanc@mgt.fbe.co.uk)) please, before 2 July 2011.

## **Draft minutes 29th Advisory Group (AG) meeting of the Group of Notified Bodies (GNB) for the Construction Products Directive (CPD)**

***22 March 2011 at Savoy Hotel, Rome***

**Chair:** Mr D Agalbato IGQ - President of the Group of Notified Bodies for the CPD

### **Attendees:**

#### **Members**

AT	Mr N Glantschnigg	BVFS
BE	Mrs M Vandendoren	BOSEC
BG	Prof. R Guglev	Bulgarian Building Research Institute
CH	Mr F Deillon	S-Cert AG
CZ	Mr J Sobola	TZÚS
DE	Mr L Gerlach	Universität Karlsruhe (TH)
DK	Mr A Elbek	DTI - Danish Technological Institute
ES	Mr R Pascual Galán	AENOR
FI	Mrs K Riipola	VTT Expert Sevices
FR	Mr Y Lemoigne	CSTB
IR	Mr F O'Byrne	NSAI
IS	Mr R Gíslason	The Innovation Centre of Iceland
IT	Mr R Vinci	ITC-CNR
LT	Mr R Encius	SPSC
NL	Mr H Verster	SBK - Stichting Bouwkwaliteit
NO	Mr E Aasheim	NTI - Norsk Treteknisk Institutt
PL	Dr J Fangrat	ITB
PT	Mrs. H Ferreira	APCER
SE	Mr B Wolgast	Certifieringskontoret SWEDCERT AB
	Mr A Andalen	SP Certification
SI	Mr M Japelj	ZAG Ljubljana - Nat. Building & Civil Engineering Inst.
TR	Mr H Ergin	Turkish Standards Institute
UK	Mr J Rigg	BSI
UK	Mrs J Glasspool	SATRA Technology Centre

#### **Observers and guests**

CEN Mr A da Costa CEN Management Centre (CEN/MC)

EOTA	Mr P Caluwaerts	EOTA
AdCo	Dr R Mikulits	AdCo Chairman / OIB
UEPC	Mr J Haynes	UEPC
CEN /TC 226	Prof. M Anghileri	Technical University of Milan
GNB-CPD SG06	Mr U Sieberath	IFT Rosenheim
CPD TechSec	Mr C Newman	FBE Management Limited
	Dr A Walker	FBE Management Limited
Admin Sec	Mrs V Zakharevitch	Cecoforma
Romanian NB 2232	Mr R Voiculescu	All Cert Product

### **Apologies:**

CEC	Mrs I Gómez López	European Commission
PT	Mr P Pontífice	LNEC
PT	Mr A Lopes	CERTIF
SK	Mr R Kyška	TSÚS
HR	Ms M Zamolo	Institut Građevinarstva Hrvatske

## **1 Welcome and introduction**

The President welcomed new and returning members to the GNB-CPD Advisory Group (AG). Members attending for the first time were: Prof. Roumen Guglev, the first formal member for Bulgaria, Mrs Helena Ferreira, attending for Portugal, Mrs Jacqueline Glasspool attending as Alternate member for the UK to gain experience before becoming its full member, Mr Ulrich Sieberath attending on behalf of GNB-CPD SG06, Mr Razvan Voiculescu from Romanian NB 2232 and Prof. Marco Anghileri from the Technical University of Milan and CEN /TC 226 (to give a presentation under Item 14A). Mrs Kirsti Riipola, representing Finland, and Mr Anders Andalen attending as Alternate member for Sweden were welcomed back after a long period since they last attended.

## **2 Approval of the draft Agenda**

**NB-CPD/11/438r3**

The Agenda was approved.

## **3 Draft Minutes of 28th Advisory Group meeting**

**NB-CPD/10/429**

No comments on the minutes were received, but CPD TechSec reported that the wording of the text in the action on Item 14A needed to be corrected. The minutes were approved subject to this correction.

## **4 Matters arising from minutes not dealt with on the Agenda and actions still outstanding after 28th Advisory Group meeting**

**NB-CPD/11/439**

Most actions on CPD TechSec had been completed.

Under Item 7B, Mr Sobola reported that the Commission wished to discuss the content of the 'Joint CEPMC and GNB-CPD protocol on ownership of certificates, reports of audits and test made by Notified Bodies'. Issues to be discussed with the Commission are grouped under Item 6A of these minutes.

Also under Item 7B, the President commented that, because the CPR has special provisions for micro-enterprises, the GNB-CPD should continue to try to open a dialog with UEAPME and encourage them to

become members of AG and attend the meetings. The President added that because the CPR sets out responsibilities for importers and distributors in addition to manufacturers and their authorized representatives, the GNB-CPD should seek to open a dialog with Euro Commerce.

Under Item 10A, the President stated that he had spoken to Mr Bedotti (CEN Consultant) whilst at the recent SCC meeting. Mr Bedotti stated that in the case of dated references to superseded standards, as are found in Annex ZA of EN 1317-5, it is for Member State authorities to decide whether they require the use of current standards, the versions cited in the relevant Annex ZA, or accept assessments made using either current or cited versions.

**CONCLUSION** - If the Annex ZA of a harmonized standard (eg EN 1317-5:2007) gives a dated reference to a standard that has since been superseded, in principle it is not illegal to use either the superseded or the current standard. However, Member States may require that a particular version is used.

**ACTIONS**

- CPD TechSec and the President should continue to try to open a dialog with UEAPME and encourage them to become members of AG and attend the meetings.
- CPD TechSec and the President should contact Euro Commerce to open a dialog and encourage them to become members of AG and attend the meetings.

## 5 Dates of next meetings.

The next (30<sup>th</sup>) GNB-CPD AG meeting was confirmed as Tuesday 11 October 2011, in Brussels.

The 31<sup>st</sup> GNB-CPD AG meeting was set provisionally for **Wednesday** 28th March 2012 in Milan, after a joint conference or seminar with the Italian NMG in the evening of Tuesday 27th March.

**CONCLUSIONS**

- The next (30th) GNB-CPD AG meeting was confirmed as Tuesday 11th October 2011, in Brussels.
- The 31st GNB-CPD AG meeting was set provisionally for **Wednesday** 28th March 2012 in Milan, after a joint conference or seminar with the Italian NMG in the evening of Tuesday 27th March.

## 6 Report on SCC, Commission and other matters

### 6A GNB-CPD President's Report discussed at 71st SCC NB-CPD/M08 Feb 2011, NB-CPD/11/440

The President attended the 71<sup>st</sup> SCC meeting, 17-18 February 2011, supported by Mr Sobola as the outgoing President.

The GNB-CPD report to the 71<sup>st</sup> SCC meeting, NB-CPD/M08 Feb 2011, included four questions for SCC.

At the meeting there was no useful discussion of the first two questions, regarding anomalous AoC systems found in two standards and the difficulty of implementing the Commission Guidance Paper 'K' requirement that only one NB shall be responsible for all testing relating to any one essential requirement.

The third question was "*Is it mandatory for component parts of products to be CE marked?*". At SCC, Mr Leoz for the commission was clear that the CPD did not apply to component parts, and thus there was no requirement for them to be CE marked. However, the representatives of some Member States considered that components should be CE marked to meet their own national requirements.

At AG, Mr Mikulits supported the Commission's interpretation that components supplied to another manufacturer for incorporation as part of a final product were not placed on the market, and so need not be CE marked. (Of course the components must fulfil the provisions of any standards they are required to meet.) Mr Elbek pointed out that Position Paper NB-CPD/AG/07/008r1 already addresses the procedures a NB needs to take, as components would be key subcontracted parts of the final product.

The GNB-CPD President requested members to ask whether their national authorities require component parts of construction products to be CE marked when those components are required to conform to a harmonized standard (for example hardware to be used on a doorset for emergency exit). All AG national members are requested to inform CPD TechSec of their national positions by the end of July.

The fourth question addressed maintaining the CE marking of products following updating of harmonized standards. Mr Leoz confirmed that, in the opinion of the Commission, if a manufacturer commenced CE marking a type of product which met all the requirements of the version of the harmonized standard cited at that time, the manufacturer should be able to continue CE marking that product into the future without being required to modify the product or process to demonstrate conformity with subsequent versions of that standard. The intention of the Commission was to minimize the burden on manufacturers. (But if the earlier version of standard was withdrawn for safety reasons, the safeguard procedures might require future CE marking to be to the revised standard.) However, the discussions at SCC did not address how NBs could legitimately carry out their duties towards certifying products or FPC systems if those products or systems were not in accordance with versions of harmonized standards for which NBs could currently be notified.

Mr da Costa suggested that SCC was not a suitable forum for discussing such questions, and that the GNB-CPD President and Technical Secretariat should request a meeting with Mr Leoz to discuss such issues.

The President explained that at SCC, France had again raised the issue of whether NBs should check the CE marking on products. Mr Leoz reiterated that this was the manufacturer's responsibility, for them to check. Mr Agalbato had raised NB's concerns regarding their NB number being associated with products that might be wrongly CE marked. Mr Leoz said that if necessary this could be covered in the NB's contract with the manufacturer, but in any case the CE marking was solely the responsibility of the manufacturer, not the NB.

Mr Lemoigne reminded AG that in France NBs are required to check CE marking as part of their duties. France also requires a declaration of conformity under all AoC systems. (For the future, the CPR will require a declaration of conformity under all AoC systems.)

Mr Mikulits added that at SCC it was pointed out that NBs can inform manufacturers if they notice that the CE marking is wrong, but they should not offer to check it. If the manufacturer would not correct his CE marking, the NB should contact the market surveillance authorities. Market surveillance must always be undertaken by the Member State authorities, not by NBs.

The President asked for the support of CEN when raising this and other issues with the Commission.

Mr Elbek commented that the notified bodies are the technical experts. The GNB-CPD should set out what it considers to be right, and allow others such as the Commission to challenge it if they wish.

The President summed up by pointing out that although NBs were the experts, the Commission controlled the process according to the requirements of the Member States. The GNB-CPD should identify the problems, propose solutions and discuss them.

**CONCLUSION** - The GNB-CPD President noted that at the 71st SCC meeting, he understood Mr Leoz to state for the Commission that it is not necessary to CE mark components supplied from one manufacturer to another for incorporation into construction products.

**ACTIONS**

- **AG members are requested to ask whether their national authorities require component parts of construction products to be CE marked when those components are required to conform to a harmonized standard** (for example hardware to be used on a doorset for emergency exit). Please inform CPD TechSec of the national position **by the end of July**.
- When Mrs Gómez López is back, the President and CPD TechSec should seek a meeting with the Commission and CEPMC to discuss:

- the '*Joint CEPMC and GNB-CPD protocol on ownership of certificates, reports of audits and test made by Notified Bodies*';
- is it mandatory for component parts of products to be CE marked?;
- if a manufacturer may continue CE marking a product without taking into account changes to the harmonized standard, how can NBs legitimately carry out their duties towards certifying products or FPC systems if those products or systems are not in accordance with versions of harmonized standards for which NBs could currently be notified?
- questions relating to the CPR and the transition from CPD to CPR identified by the GNB-CPD CPR Task Group, including how and when the GNB-CPD should be transformed into the GNB-CPR (see Item 7A, below).

## **6B Progress on the revision of the CPD as a Regulation NB-CPD/AII-11/088a, NB-CPD/AII-11/088b**

The President explained that Mr Renzi, the Italian representative at SCC, had been asked by the Commission to describe the CPR and its implications for AG. He gave a presentation on the CPR at the preceding conference, 21 March, but was unable to attend Advisory Group. Dr Walker gave a presentation on the transition to the Construction Products Regulation, based on the same slides as he had shown at the conference the previous evening. Both presentations will be uploaded with these minutes.

The CPR is a Regulation, whilst the CPD was a Directive. As a Regulation, the CPR will apply directly to EU Member States, but other states such as those in EFTA, and Turkey, will need to incorporate it into their own legislation.

Harmonized standards will continue to apply under the CPR, but European Technical Approvals will be replaced by European Technical Assessments (retaining the initials ETA). The attestation of conformity (AoC) levels remain the same, except that AoC 2 has been dropped from the CPD and is not included in the CPR. The levels are 1+, 1, 2+, 3 and 4.

It is expected that MS notification authorities will need to reconsider the notifications of NBs. However, this need not take place before the end of June 2013. The situation is expected to be discussed at the next SCC meeting, which may be in November 2011, and is planned to comprise one day on the CPD and a separate meeting the next day on the CPR.

From 1 July 2013 manufacturers will be required to update the information accompanying their CE marking, which under the CPR must include the number of the declaration of performance drawn up in accordance with the CPR. The transitional period for this is expected to be discussed at the next SCC meeting.

The six Essential Requirements (ERs) under the CPD will be extended to seven, now called Basic Requirements (BRs). Under the CPD, ER3 '*Health, hygiene and the environment*' covers occupants and the indoor and immediate environment. BR3 has been extended to cover also the construction phase, demolition, and the wider environment. The additional BR7 is '*Sustainable use of natural resources*'.

Under the CPD, some simplified procedures were introduced by means of guidance papers. The CPR sets out simplified procedures for:

- circumstances where testing need not be undertaken for the ITT because the product is agreed to be of a type that achieves a known performance or is identical to a product that has already been tested;
- micro-enterprises, and;
- products that are individually manufactured or custom-made in a non-series process in response to a specific order for a single identified construction.

The CPR places responsibilities within the supply chain on importers and distributors, who were not addressed by the CPD. This is in line with the New Legal Framework legislation.

Under the CPR the criteria for the notification of notified bodies and technical assessment bodies are more detailed than under the CPD. (Approval bodies under the CPD will be replaced by technical assessment bodies under the CPR.)

Under the CPR, Member States are required to designate product contact points that must provide information on how to meet the Basic Requirements within the Member State.

There was discussion of when the organization should start working as the GNB-CPR. The President pointed out that it was for the Commission to direct coordination of NBs according to Article 55. AG should just make clear to the Commission that we are ready.

There was also discussion of how much change would be needed to current position papers, and how the need for change should be identified. It was agreed that some papers, particularly AG's horizontal position papers, may contradict the CPR and so may need to be modified.

The CPR will come into force 20 days after it is cited in the OJEU.

Mr Rigg asked about the precise meaning of Article 43 (3) "*A notified body shall be a third-party body independent from the organisation or the construction product it assesses.*" The general opinion was that this clause would make it difficult to notify a body owned by a manufacturer to assess the products of that manufacturer. However, it was pointed out that this was not an issue for AG to determine.

The President pointed out the increased importance of accreditation for notification to the CPR compared to the position with the CPD. He commented that, at his request, CPD TechSec had approached EA asking whether the organization wish to become a member of AG and attend our meetings.

Dr Walker's presentation will be uploaded with these minutes.

**CONCLUSION** - It is expected that MS notification authorities will need to reconsider the notifications of NBs. However, this need not take place before the end of June 2013.

**ACTION** - CPD TechSec and the President should continue to encourage EA to become a member of AG and attend the meetings

**Post meeting note:** The CPR was published in the OJEU 4.4.2011, L 88/5 as Regulation (EU) No 305/2011, and so will come into force 24<sup>th</sup> April 2011, with the exception of those provisions that apply from 1 July 2013.

## **6C CERTIF 2009-06 rev6 - Cross border accreditation activities NB-CPD/11/435**

The President introduced Dr Walker's presentation on Cross border accreditation and CERTIF 2009-06 rev6. The paper concerns the interpretation of the cross border accreditation policy of Article 7 of Regulation (EC) 765/2008 in relation to multinational conformity assessment bodies. Some multinational NBs based within the EU had been under pressure to have accreditations from each of the Member States they operated within. There was concern that this was placing them at a disadvantage to NBs that were established outside the EU, which could request accreditation within the Member State of their choice.

The interpretation given in CERTIF 2009-06 rev6 is that multinational NBs based within the EU can have all their branches in various Member States accredited by the accreditation body for their head office, provided that they operate under the same quality system and management, and all certificates are signed by and issued under the responsibility of the head office.

Mr Elbek raised concerns that this enables multinational bodies, but not bodies working in a single country, the opportunity to establish where they think it will be cheapest and easiest to do so. AG cannot change this, but it can point out the risks and urge the accreditation authorities to maintain high equivalent standards.

Mr Gerlach asked which bodies we will have under CPR and which accreditation standards will apply. The President stated that the relevant accreditation standards would be EN ISO 17021 (*Requirements for bodies providing audit and certification of management system*), EN ISO 17065 (*Requirements for bodies providing certification of products (including services) and processes*; still to be published but broadly similar to EN ISO 17021) and EN ISO 17025 (*General requirements for the competence of testing and calibration laboratories*). Mr Mikulits added that the CPR (Annex V) only recognizes 3 types of NB: product certification body; factory production control certification body, and; testing laboratory. Mr Elbek added that if inspection bodies cannot be notified, this will make it more clear that the certification body is responsible for its subcontractors.

Dr Walker's presentation will be uploaded with these minutes.

## 6D Change from CIRCA to CIRCABC

The GNB-CPD Secretariats noticed by 25 January that the GNB-CPD area of CIRCA was not available. Cecoforma contacted the CIRCA support unit, which stated on 31 January that our area of CIRCA had been closed because it was being migrated to CIRCABC (Communication and Information Resource Centre for Administrations, Businesses and Citizens). We were then informed that the GNB-CPD area would be available on CIRCABC by the end of the first week of February. However, that deadline passed, and CIRCA seemed to be working normally again, and so the Secretariats resumed using CIRCA.

CPD TechSec understands that when the GNB-CPD area is migrated to CIRCABC, it will be possible for the Secretariats to send a message to all users of the GNB-CPD area explaining that the site has moved to CIRCABC. We believe it will be necessary for everyone to set themselves a new password as part of the logging on process. A CIRCABC User Guide is available on the CIRCABC website without needing to log on.

## 7 Development of AG guidance and agreed viewpoint

### 7A Use of task groups to develop Advisory Group position papers

The President noted that developing and agreeing documents at AG was often a long process. He proposed to make use of task groups to develop some documents in future. He considered the name "task group" more appropriate than "working group" as each group would be disbanded once it had completed its task.

All AG members with a strong interest in the subject of a task group would be encouraged to join, particularly those holding the most divergent views. Each task group will have a convenor, possibly appointed at AG when the task group is set up, or possibly agreed within the group. It is hoped that each task group will be able to work primarily or entirely by remote, electronic means, with few if any meetings. If the task group can reach consensus on a document covering its subject, that document will be submitted to the full AG. AG will be requested either to approve the document as it stands, or to submit comments requesting changes to the task group for further consideration.

Mr Sobola proposed that a task group be set up to prepare the GNB-CPD for the transition to the CPR, and to identify conflicts between AG documents and the CPR.

The President supported this proposal, but stressed that current versions of GNB-CPD documents should remain valid until 1 July 2013; the CPR Task Group should prepare modified documents to be used from that date.

Mr Vinci proposed that one of the first tasks of the CPR Task Group should be to prepare questions relating to the CPR ready for the intended meeting with the Commission (see Item 6A, above).

Mr Lemoigne proposed that GNB-CPD sector groups should be encouraged to follow a similar approach to check their current position papers against the requirements of the CPR.

Mr Sobola and Mr Elbek volunteered to participate in the CPR Task Group, together with Mr Verster from the 2nd half of 2011. Additional volunteers will be welcome. No convenor has yet been selected.

#### **ACTION**

- A task group (TG) will be set-up to review the implementation of the CPR. The first task will be to prepare a list of questions to present to the Commission. Communication between TG members will be mainly by electronic means.

Members already volunteering:

Mr Sobola

Mr Elbek

Mr Verster (from 2nd half 2011)

A volunteer to be the convenor is needed.

**Other AG national members willing to participate should inform CPD TechSec.**

## **7B Revision of NB-CPD/AG/03/003r5 ‘Revised Examples of EC Certificates of Conformity’ NB-CPD/10/431r1**

Mr Newman reminded the meeting that EOTA had requested some changes to the GNB-CPD example EC Certificates of Conformity before the 28th AG meeting. These were to give the period of validity of the ETA, and refer readers to the ETA for detailed information on the performance characteristics of the product. These changes were agreed in principle at the 28th AG meeting. Document NB-CPD/10/431 incorporated these changes by providing separate example certificates for hENs and ETAs, together other minor improvements to the guidance on using the draft certificates, and was circulated for approval via CIRCA. The approval procedure raised some additional proposals for improvements, which were included in NB-CPD/10/431r1.

The text of NB-CPD/10/431r1 was agreed except for the proposal in the last paragraph of each example certificate to replace “*significantly*” with “*in a way which invalidates one or more aspects of an existing certificate*”.

As Mr da Costa explained that no products were now subject to AoC system 2 (see Item 12, below), the example AoC system 2 certificate will be omitted.

The President pointed out that at SCC he had raised the need for accurate translations of the example certificates into all relevant languages. When national or regional authorities are purchasers, they usually require to see certificates in their own language. However, it is not yet clear whether the Commission Services will fund translations. To facilitate translation, he requested that a version of the example certificates be produced identifying phrases taken from the CPD. Those translating the example certificates could then copy the relevant text from the official text of the CPD in that language. The President requested that once translations are available, AG members should check them carefully, and potentially ask their Member State authorities whether the translations are correct, and whether they would accept certificates based on them.

<b>ACTIONS</b>	<ul style="list-style-type: none"><li>- CPD TechSec to modify NB-CPD/10/431r1, accepting all proposed changes except the alternative text for “<i>significantly</i>”, and to publish it as the revised approved position paper NB-CPD/AG/03/003r6 ‘Example certificates’.</li><li>- CPD TechSec also to prepare a version of NB-CPD/AG/03/003r6 ‘Example certificates’ that identifies text from the CPD, indicating which sections of text from translations of the CPD should be incorporated when translating certificates.</li></ul>
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**Post meeting note:** The Europa website 8 April 2011 stated “*The European Union has 23 official and working languages. They are: Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish.*” There are further languages for non-EU states that have agreed to implement the CPD.

## **7C Revision of NB-CPD/03/003 ‘Changes to the working methods of the GNB’ NB CPD/11/437a, NB CPD/11/437b, NB CPD/11/437c, NB CPD/11/437d**

Mr Newman explained that at the previous Advisory Group meeting, members had decided to elect the new President using a different procedure to that set out in the current terms of reference (NB-CPD/03/003 rev.2). It seemed necessary to revise the terms of reference to reflect preferred methods. CPD TechSec had identified other parts of the document where change seemed appropriate. Also, for clarity CPD TechSec proposed splitting the contents of NB-CPD/03/003 rev.2 into two documents, one covering ordinary membership of the GNB CPD, and the other giving the Terms of Reference for Advisory Group.

To make these documents more prominent, CPD TechSec proposed to put them, and the two documents that already cover the working of the sector groups, into a series called IR, for internal rules. This required some

minor alterations to the documents setting out the terms of reference and working methods of the sector groups, to change their references, and rearrange some material that would be more appropriate in another document in the series.

The President proposed that in these documents the term "Member States" should be expanded to include the European Economic Area and other countries with bodies notified to the CPD operating under a mutual recognition agreement or relevant decision.

Mr Vinci commented that there is no longer a formal status of pre-notified bodies. Mr Newman explained that the formal term used in the previous version of the document was "*provisionally notified*". CPD TechSec's understanding is that although "*provisional notification*" is no longer possible, some Member States recognize a pre-notification stage for bodies seeking notification to a standard that has not yet been cited. However, the term will be omitted from these documents. Mr da Costa pointed out the importance of allowing bodies with expertise in areas where standards have not yet been harmonized to participate in GNB-CPD procedures. Wording that permits this will be retained.

Mrs Riipola pointed out that CIRCABC was wrongly given as CIRABC in some of the documents.

Dr Fangrat asked for the annex to IR/3 to be updated to show that building limes are now at AoC 2+.

**ACTION** - CPD TechSec to modify NB-CPD/10/437a-d as discussed at the meeting, and to publish them as Internal Rules documents IR/1 to IR/4.

## 7D NBs' responsibilities at AoC 2+

The President introduced Mr Elbek, who gave a presentation on '*Tasks of the notified bodies under Attestation of conformity system 2+*'.

Mr Elbek explained that there was continuing uncertainty about the extent of an NB's task when certifying factory production control, particularly regarding issues such as ITT, checking the CE marking, customer complaints and other aspects outside the "FPC clauses to apply" listed in the relevant harmonized standard. One approach was a legalistic one that believed NBs should only check those things that were set out in the harmonized technical specification or the Commission Guidance Papers. The alternative approach was that NBs were the experts on certification, and so the GNB-CPD itself should determine what is the best practice taking into account rules, accreditation standards, available guidance and the expectations of other stakeholders, provided that it does not contradict the CPD. The GNB-CPD might then clarify for stakeholders what they could expect from NBs.

In addition, some Member States currently set requirements for NBs that go beyond the minimum requirements of the CPD and Commission guidance as a condition of their notification. Requiring NBs to check the CE marking is correct is an example of this.

Mr Mikulits commented that the Commission had a strong position on fixing the boundaries for NB's work as only covering the FPC. Mr Vinci agreed that at AoC 2+ it was not the NB's task to investigate the ITT. Mr Rigg also agreed that there are lines that NB's must not cross, and he considered some of Mr Elbek's suggestions went beyond these lines. Mr Haynes said he was inclined towards the legalistic approach. The best practice should be set out in the harmonized standards, following consultation between the CEN/TC and the relevant GNB-CPD sector group.

The President proposed that a task group on NBs' responsibilities at AoC 2+ should be set up to discuss these issues. He appointed Mr Elbek as the convenor. He also commented that it would be helpful if the harmonized standards gave more detail about what was required for FPC.

Mr da Costa asked for all three CEN consultants to be invited to join the task group. The President welcomed this proposal.

Mr Elbek's presentation will be uploaded with these minutes.

**ACTIONS** - A TG will be set-up to review NBs' responsibilities at AoC 2+ with Anders Elbek as convenor. Communication between TG members will be mainly by electronic means.

Members already volunteering:

Mr Elbek (convenor)

**Other AG national members willing to participate should inform Mr Elbek.**

- CPD TechSec to invite all three CEN consultants to join the TG considering NBs' responsibilities.

## **8 SG matters: General update including state of play of GNB documents NB-CPD/M02 Mar 2011, NB-CPD/M03 Feb 2011**

This item was not addressed due to lack of time.

## **9 Probable GNB-CPD Conference on the CPR**

This item was not addressed at the meeting due to lack of time.

**Note:** The background is that CPD TechSec consider it would be appropriate to hold a GNB-CPD conference on the CPR, and the transition from CPD to CPR. The President understands from the recent SCC meeting that the Commission intends to hold an event on behalf of SCC devoted to the CPR. Thus the President proposes to ask the Commission if their planned event could become a joint GNB-CPD conference or otherwise be open to attendance by a large number of notified bodies. It will in any case be vital to have the Commission representation for a successful GNB-CPD conference on the CPR.

## **10 National Mirror Group matters**

This item was not addressed due to lack of time.

## **11 EOTA matters**

Mr Caluwaerts raised three ongoing concerns:

- 1 EOTA still receives reports of certification and inspection bodies working without a copy of the control plan. They cannot do their work properly without this document. (NB-CPD/AG/03/002r2 states "*If certifying ... to an ETA, the notified ... certification body shall require the manufacturer to provide a copy of the ETA including its confidential control plan, and any other relevant documentation, before starting its work towards attestation of conformity.*")
- 2 Improved liaison is needed between sector groups, including SH02 'Fire', and EOTA working groups. If there are problems interpreting the guidelines in an ETA, the first step should be to consult the EOTA WG.
- 3 A body must be notified appropriately for any work it undertakes. This includes notification for AoC tasks envisaged in ETAs produced under CPD Article 9.2 (CUAP: Common Understanding of Assessment Procedure). If the AoC work is not done by the Approval Body, being itself a notified body, after having issued the ETA, then manufacturers are sometimes unable to find bodies notified for performing the AoC tasks envisaged in their ETA. In this case, a manufacturer might wish to prompt a suitable body to seek notification for performing these AoC tasks envisaged in its ETA.

## **12 CEN matters NB-CPD/M09 (current edition)**

Mr da Costa listed the points that CEN will need to take into account before the change to the CPR. However, he considered that two years should allow plenty of time.

Mr Rigg had asked under item 6B for an explanation of when the transition of building limes to EN 459-1 from AoC system 2 to AoC 2+ would take effect. Mr da Costa considered that Decisions such as 2010/683/EU

must be taken into account even if they are not yet incorporated in the relevant standards. Thus building limes should now be assessed according to AoC system 2+.

CEN has so far received three mandates covering the assessment of dangerous substances in products, but these need to be modified.

Mr Vinci asked how CEN was addressing the seventh Basic Requirement under the CPR, '*Sustainable use of natural resources*'. However, Mr da Costa replied that CEN would not start work on this requirement until it was given mandates by the Commission, which were not expected until about 2017.

**CONCLUSION** - Conclusion: Decision 2010/683/EU of 9 November 2010, published 11.11.2010, raising the AoC system for building limes from 2 to 2+ is effective from its date of publication and overrules the AoC system 2 set in EN 459-1:2001. (In any case EN 459-1:2010 states the AoC system to be 2+; the coexistence period between EN 459 1:2001 and EN 459-1:2010 begins 01/06/2011 and ends 01/06/2012.)

### **13 AdCo-CPD Group and market surveillance**

**NB-CPD/11/441**

Mr Mikulits gave a brief resume of progress at AdCo-CPD, as explained in his presentation circulated as document NB-CPD/11/441.

A topic for discussion at the next AdCo meeting, expected to be in May, is the request to report to SCC on whether market surveillance authorities are allowed to make checks on construction sites. The possibility of requesting an AdCo secretariat, similar to the GNB-CPD Technical Secretariat, will also be discussed.

The SCC meeting was postponed, and the Commission was unable to hold an AdCo meeting before the last SCC meeting. Thus it has been agreed that Austria will retain the chairmanship of AdCo until the end of the year, so as to cover two meetings as usual. The next chairman will be from Cyprus.

### **14 Any other business**

#### **14A How to assess the competency of a NB and its expert(s) to carry out calculations?**

Item 14A was taken early in the afternoon as Prof. Anghileri was not involved in the other business of the meeting.

The President introduced Prof. Anghileri of the Technical University of Milan, who gave a presentation on the use of computer modelling to supplement crash testing of vehicle restraint systems to EN 1317-5, amongst other applications. Currently a barrier must be subjected to two impact tests, one with a light car and the other with a heavy lorry. The cost of each such test is around €50,000 to €100,000. Computer modelling can be used to identify worst cases, etc to make the most effective use of these expensive tests. However, at present it is still considered necessary to use real tests to calibrate the computer models. Computer modelling is a skilled procedure, and risks giving misleading results in the hands of inexperienced users.

NBs have the responsibility for crash testing to EN 1317-5. NBs should seek third party expertise if they do not have their own expertise in computer modelling. CEN/TC 226 WG1 is the group responsible for considering the use of computer modelling to supplement crash testing. The Group is hoping to co-operate with GNB-CD SG04 '*Circulation fixtures*' towards developing ways to determine whether potential users have the appropriate competency and skills.

Prof. Anghileri's presentation will be uploaded with these minutes.

### **15 Closing of the meeting**

The President thanked members for attending, and closed the meeting.

**Post meeting note:** The presentations given at the meeting and preceding conference were uploaded into the 29<sup>th</sup> AG folder as NB-CPD/11/441, NB-CPD/11/446, NB-CPD/11/447, NB-CPD/11/448, NB-CPD/11/449, NB-CPD/11/450, NB-CPD/11/451 and NB-CPD/11/452

Chris Newman  
CPD TechSec

email: [newmanc@mgt.fbe.co.uk](mailto:newmanc@mgt.fbe.co.uk)

## Annex A – Actions arising from minutes of the 29<sup>th</sup> AG meeting

By whom	Agenda item	Action
AG national members	7A	<p>- A task group (TG) will be set-up to review the implementation of the CPR. The first task will be to prepare a list of questions to present to the Commission. Communication between TG members will be mainly by electronic means.</p> <p>Members already volunteering:            My Sobola            Mr Elbek            Mr Verster (from 2<sup>nd</sup> half 2011)</p> <p>A volunteer to be the convenor is needed.</p> <p><b>Other AG national members willing to participate should inform CPD TechSec.</b></p>
	6A	<p>- <b>AG members are requested to ask whether their national authorities require component parts of construction products to be CE marked when those components are required to conform to a harmonized standard</b> (for example hardware to be used on a doorset for emergency exit). Please inform CPD TechSec of the national position <b>by the end of July.</b></p>
Mr Elbek, AG national members	7D	<p>- A TG will be set-up to review NBs' responsibilities at AoC 2+ with Anders Elbek as convenor. Communication between TG members will be mainly by electronic means.</p> <p>Members already volunteering:            Mr Elbek (convenor)</p> <p><b>Other AG national members willing to participate should inform Mr Elbek.</b></p>
CPD TechSec and GNB-CPD President	4	<p>- CPD TechSec and the President should continue to try to open a dialog with UEAPME and encourage them to become members of AG and attend the meetings.</p>
		<p>- CPD TechSec and the President should contact Euro Commerce to open a dialog and encourage them to become members of AG and attend the meetings.</p>

By whom	Agenda item	Action
CPD TechSec and GNB-CPD President	6A	<ul style="list-style-type: none"> <li>- When Mrs Gómez López is back, seek a meeting with the Commission and CEPMC to discuss: <ul style="list-style-type: none"> <li>- the '<i>Joint CEPMC and GNB-CPD protocol on ownership of certificates, reports of audits and test made by Notified Bodies</i>';</li> <li>- is it mandatory for component parts of products to be CE marked?;</li> <li>- if a manufacturer may continue CE marking a product without taking into account changes to the harmonized standard, how can NBs legitimately carry out their duties towards certifying products or FPC systems if those products or systems are not in accordance with versions of harmonized standards for which NBs could currently be notified?</li> <li>- questions relating to the CPR and the transition from CPD to CPR identified by the GNB-CPD CPR Task Group, including how and when the GNB-CPD should be transformed into the GNB-CPR.</li> </ul> </li> </ul>
	6B	<ul style="list-style-type: none"> <li>- CPD TechSec and the President should continue to encourage EA to become members of AG and attend the meetings.</li> </ul>
CPD TechSec	7B	<ul style="list-style-type: none"> <li>- CPD TechSec to modify NB-CPD/10/431r1, accepting all proposed changes except the alternative text for "significantly", and to publish it as the revised approved position paper NB-CPD/AG/03/003r6 '<i>Example certificates</i>'.</li> </ul>
		<ul style="list-style-type: none"> <li>- CPD TechSec also to prepare a version of NB-CPD/AG/03/003r6 '<i>Example certificates</i>' that identifies text from the CPD, indicating which sections of text from translations of the CPD should be incorporated when translating certificates.</li> </ul>
	7C	<ul style="list-style-type: none"> <li>- CPD TechSec to modify NB-CPD/10/437a-d as discussed at the meeting, and to publish them as Internal Rules documents IR/1 to IR/4.</li> </ul>
	7D	<ul style="list-style-type: none"> <li>- All three CEN consultants are to be invited to join the TG considering NBs responsibilities.</li> </ul>