

<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/08/354r2</b> Issued: 17 March 2009 <b>APPROVED Minutes</b>
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## **Approved minutes 24th Advisory Group (AG) meeting of the Group of Notified Bodies (GNB) for the Construction Products Directive (CPD)**

***Brussels, 7 October 2008 at Fondation Universitaire***

**Chair:** Mr J Sobola (TZÚS) - President of the Group of Notified Bodies for the CPD

### **Attendees:**

#### **Members**

AT	Mr W Höhnl	ÖN - Österreichisches Normungsinstitut
BE	Mr E Winnepenninckx	Belgian Building Research Institute
CH	Mr A Bossenmayer	Bundesamt für Bauten und Logistik (BBL)
DE	Prof. M Gierloff	DIBt - Deutsches Institut für Bautechnik
	Mr Gerlach	Universität Karlsruhe (TH)
DK	Mr A Elbek	DTI - Danish Technological Institute
ES	Mr R Pascual	AENOR
FI	Mr M T Virtanen	SFS-Inspecta Certification
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
	Mr D Agalbato	IGQ
LT	Mr R Encius	SPSC
NL	Mr M Lagendijk	SBK - Stichting Bouwkwaliiteit
NO	Mr J Karlsen	KR - Kontrollrådet for Betongprodukter
PL	Dr J Fangrat	ITB
PT	Mr A Lopes	CERTIF
SE	Mr J-Å Grändås	Vattenfall Research and Development AB
SK	Mr R Kyška	TSÚS
SI	Mr M Japelj	ZAG Ljubljana - Nat. Building & Civil Engineering Inst.
TR	Mr H Ergin	Turkish Standards Institute
UK	Mr J Rigg	BSI

#### **Observers and guests**

CEC	Mr Tapani Mikkeli	European Commission
CEC	Mrs Ima Gómez López	European Commission
HR	Ms M Zamolo	Institut Građevinarstva Hrvatske
CEN	Mr A da Costa	CEN Management Centre (CEN/MC)
EOTA	Mr P Caluwaerts	EOTA
FIEC	Mr F Faraday	FIEC
UEPC	Mr J Haynes	NHBC
AT	Mr R Jobstl	Center LTC Graz (NB 2103)
CPD TechSec	Mr T Newman	FBE Management Limited
	Mr C Newman	FBE Management Limited
Admin Sec	Ms Cécile Zemmoura	Cecoforma

## 1 Welcome and introduction

The President welcomed new and returning members to the GNB-CPD Advisory Group (AG), and introduced the new Administrative Secretariat, for whom Ms Cécile Zemmoura will be the main contact for the GNB-CPD.

## 2 Approval of the draft Agenda

**NB-CPD/08/343r3**

Mr Elbek's report on the AdCo meeting he had attended on behalf of the GNB-CPD was taken as the first item under "Any other business".

## 3 Draft Minutes of 23rd Advisory Group meeting

**NB-CPD/08/319**

No changes were made to the draft minutes uploaded following the previous meeting. The minutes were approved.

## 4 Matters arising from minutes not dealt with on the Agenda and actions still outstanding after 23rd Advisory Group meeting

**NB-CPD/08/335**

All actions on CPD TechSec had been completed. Chris Newman gave a résumé of progress on actions that did not appear elsewhere on the agenda.

Under the 23rd AG agenda item 7E, CPD TechSec had been expecting to attend a meeting with CEN and the Commission on proposed requirements for sharing ITT results in EN 1279-5 (Insulating glass units) and EN 14351-1 (Windows and external pedestrian doorsets without resistance to fire and/or smoke leakage characteristics), but was told the meeting had been cancelled and that the issue would be considered at a meeting of CEN/TC 33 "Doors, windows, shutters, building hardware and curtain walling", not open to non-members such as CPD TechSec.

Mr da Costa reported that the meeting with the Commission had in fact taken place, but it had not reached a consensus. An amendment to EN 14351-1 has been drafted, but the amendment only deals with cascading, not sharing. Mr da Costa said he would arrange another meeting soon, and that CPD TechSec and/or other experts from the GNB-CPD will be invited.

<b>ACTION</b>	- Matter arising from Item 7E of the 23 <sup>rd</sup> AG meeting: CEN to arrange a further meeting with the Commission to reach a consensus on tasks and responsibilities for sharing ITT. CPD TechSec and experts from the GNB-CPD to be invited.
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## 5 Confirmation of President of the GNB-CPD

**NB-CPD/08/344**

The President welcomed Mrs Gómez López (representing the Commission) back to Advisory Group.

The President left the room and Mrs Gómez López informed AG members that the current President (Jiří Sobola) was the only candidate nominated for the post. Mrs Gómez López proposed the motion that Mr Sobola should continue as President for a further two year term and the motion was agreed unanimously by AG members.

## 6 Dates of next meetings

**CONCLUSION**

- The next (25th) GNB-CPD AG meeting was confirmed as Tuesday 10 March 2009, and will be held in Prague, after events on the afternoon and evening of Monday 9 March.
- The 26th GNB-CPD AG meeting was set provisionally for Tuesday 6 October 2009, and will be held in Brussels.
- Mr Lemoigne will investigate whether CSTB wishes to offer to host the 27<sup>th</sup> AG meeting (Spring 2010) in Paris.

## 7 Report on SCC and Commission matters

### 7A Position on the New Internal Market Package for Goods NB-CPD/08/331, NB-CPD/08/332, NB-CPD/08/333

Mr Mikkeli stated that the New Legal Framework legislation had been published in the OJEU 13 August 2008 (L 218 Volume 51, starting pages 21, 30 and 82). The legislation comprises:

- REGULATION (EC) No 764/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC;
- REGULATION (EC) No 765/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;
- DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL DECISION No 768/2008/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC.

There will be a presentation on Regulation 764/2008 at the next meeting of the Standing Committee on Construction, to be held 10-11 November 2008.

Regulation 765/2008 sets a framework for accreditation and market surveillance. Under Article 18, all Member States are expected to prepare a programme for market surveillance of construction products. The Commission will provide guidance. However, Member States are expected to provide sufficient resources, after approving with the adoption of this Regulation their responsibilities in this respect. The Regulation opens the possibility of Community financing for activities such as the work of the Administrative Co-operation (AdCo) Groups of market surveillance experts.

Mr Mikkeli stated that adoption of the New Legal Framework legislation and the CPR was expected to take place in four phases:

- Regulation 765/2008 entered into force 20 days after its publication in the OJEU;
- it was hoped that the CPR would come into force in the Autumn of 2009;
- the main parts of Regulation 765/2008 would be applied from 1 January 2010;
- the bulk of the CPR should be applied by mid 2011.

In these circumstances, the opportunity of bringing some parts of the CPR, such as market surveillance, into action from 1 January 2010, together with Regulation 765/2008, might be worth being explored as helpful for the NBs.

Mr O'Byrne asked how the changed requirements for market surveillance would apply in Member States where CE marking was not compulsory. Mr Mikkeli replied that the prevailing conditions in the Member States would apply; the Commission wanted to see all parts of the Regulations come into force, unlike the implementation of the present CPD, for which notoriously all Member States do not share the Commission's view on the mandatory use of CE marking subject to the conditions prescribed in the CPD.

Prof. Gierloff asked how the equivalence of market surveillance would be affected by the different approaches adopted by Member States. He also asked whether it would be appropriate for NBs to participate in market

surveillance. Mr Mikkeli replied that the Commission would provide guidance on market surveillance, but would not force a particular approach on Member States. Nevertheless, Member States were to provide sufficient resources for this purpose. Member States' provisions would also determine whether NBs could be involved in market surveillance, without blurring the efficient undertaking of their main tasks and responsibilities.

Mr Vinci asked whether market surveillance should require manufacturers to register their declarations of performance. Mr Mikkeli explained that the Commission has included this in the CPR proposal, quite in accordance with Decision 768/2008, but that during the application of the CPD the previous practices of dealing with the accompanying information to CE marking would prevail.

On Decision 768/2008, Mr Mikkeli stated that the Commission has the intention to incorporate it fully into the CPR where appropriate.

## **7B(i) Progress on the revision of the CPD as a Regulation**

## **7B(ii) GNB-CPD comments on the proposed Regulation**

### **NB-CPD/08/324, NB-CPD/08/345, NB-CPD/08/350**

Both parts of Item 7B were taken together.

On the CPR, Mr Mikkeli thanked the GNB-CPD for its support and previous comments, and for its latest comments that had been discussed at a meeting on 6 October between the Commission, the GNB-CPD President, Technical Secretariat and Mr Winnepeninckx.

The Commission's proposal for the CPR was published 26th May, and a series of meetings with the Council Working Group have started. Parliament had chosen its rapporteurs. Their work was proceeding well and their two reports were expected in December and January. He hoped most issues would be resolved in time for a first reading with the European Parliament early next Spring, before the European Parliamentary elections, and was optimistic that the CPR will be adopted next year.

Mr Mikkeli highlighted controversial issues which were:

- Declarations based on STDs, particularly for micro-enterprises;
- the use of ETAs for products within the scope of hENs, which is likely to be omitted;
- the use of national marks - the Commission sees them as a means of keeping markets segregated, but some MEPs appeared to have a desire for allowing their continuous use.

He said that cumulative attestation systems had been discussed at the meeting 6 October, together with revised conditions for witness testing. The Commission is now considering whether to retain cumulative attestation systems, or round up to the highest of the cumulating systems for the combination of product and intended use.

In response, Mr Winnepeninckx pointed out that existing attestation of conformity Decisions would have to be changed if cumulative attestation was not retained. Mr Mikkeli agreed with this general statement of fact, adding that certain overarching changes to these Decisions would anyhow seem necessary after the adoption of the CPR.

Mr Lemoigne commented that the main goal was to improve the CPD, and the GNB-CPD had said for a long time that its position papers needed an official status. Mr Mikkeli set out the hierarchy of the roles of the various parties. In principle, already now it would be possible to bring, if appropriate, some issues included in GNB-CPD papers through the SCC, since this would entail the views of Member States.

Mr Haynes raised concerns over the lack of participation by many NBs in Sector Groups, and commented that the position papers were important for credibility. Mr Mikkeli stated that the Commission was committed to raising the credibility of the GNB-CPD, but believed that the position papers should develop as "soft law" as a result of their regular implementation. Obviously, a full consensus should be achieved on the need to respect, amongst the NBs themselves, what had been commonly agreed to be included in these documents.

The President called for proposals for changes to the CPR to be sent to CPD TechSec by 15 October for inclusion in the comments being prepared for the Commission.

#### **ACTION**

- AG members to send to CPD TechSec any proposals for inclusion in a consolidated document proposing changes to the CPR, by 15 October 2008.

- CPD TechSec to prepare a consolidated document proposing modified text for several key passages in the CPR, and send this to the Commission by 21 October 2008.

*(Post-meeting note: NB-CPD/08/353 "GNB-CPD comments for the Commission on the proposed CPR" was sent to the Commission 21 October 2008)*

## **7C Mutual recognition of Swiss notified bodies under Directive 89/106/EEC (Construction Products)**

Mrs Gómez López explained that under the mutual recognition agreement with the EU established in 2002 (OJEU 30.04.2002, L 114/369), and revised in 2006 (Decision 2006/958/EC), five Swiss notified bodies and one approval body have now been designated for construction products. These are shown on the Commission's Europa website [http://ec.europa.eu/enterprise/international/switz\\_en.htm](http://ec.europa.eu/enterprise/international/switz_en.htm) under the 'List of approved conformity assessment bodies designated by Switzerland', Chapter 16 'Construction Products'. Mr Bossenmayer was present at this AG meeting, representing Swiss NBs.

## **7D Progress on the availability of a record of timescales for CE marking previously published on NANDO**

Mrs Gómez López explained that, following the decision of the Standing Committee on Construction (CONSTRUCT 07/800) not to publish co-existence periods for harmonized standards in the OJEU but only on NANDO, the Commission recognized the need to make a permanent record of historic decisions on co-existence periods available. The New Legal Framework Decision 768/2008/EC, Articles R23 and R24 make the use of NANDO "official", as does the Commission's proposal for the CPR. However, superseded information is currently not retained within NANDO. The issue will have to be considered for the future development of NANDO.

Mr Agalbato commented that NANDO is not official and asked for it to be more official. Mrs Gómez López said that it is planned that NANDO should become legally recognized around 2010-2011.

Mr Winnepenninckx asked whether AG could be informed when changes were made to the information on NANDO. Mrs Gómez López stated that the Commission prepares a "News item" document for the Standing Committee on Construction (SCC) announcing any changes to the citation of harmonized technical specifications on NANDO. The file will be sent to CPD TechSec. CPD TechSec will then upload the "News item" documents onto CIRCA.

### **ACTIONS**

- The Commission will consider providing a historic record within NANDO as part of its future development.
- Whenever the Commission prepares a new "News item" announcing changes to the citation of harmonized technical specifications on NANDO, it will send the file to CPD TechSec. CPD TechSec will upload "News item" files onto CIRCA.

*(Post-meeting note: Four items, NB-CPD/M07-001 to 004, have since been uploaded to the 'GNB-CPD Monitoring reports' folder on CIRCA.)*

## **7E Article 5(1) cases**

Tony Newman explained that the SCC's "Preparatory Group" (whose role is to discuss technical issues in preparation for the next meeting of SCC) would meet the following day (8 October 2008). On the agenda will be to discuss a spreadsheet of all standards for which Member States had reservations, and proposals for meeting these concerns. He added that a new mandate had been prepared for EN 10080 'Steel for the reinforcement of concrete'. However, Mr da Costa stated that CEN had not yet received this new mandate.

Mrs Gómez López raised three standards on fire protection, EN 12416-1, EN 12416-2 and EN 13565-1. Several bodies have been notified against two of the standards. However, the standards have since been

revised without an Annex ZA. Yet there had been no decision in SCC for these to cease to be harmonized standards. Mrs Gómez López needs to know whether any NBs have issued certificates for products under these standards, to help decide how to resolve their status.

Mr da Costa explained the procedures for preparing harmonized standards. However, it is now understood that there are no barriers to trade for the systems covered by the standards in question, and the procedures for CE marking are considered impractical. Possibly the mandate will be modified and the standards will cease to be harmonized.

## **7F New Administrative Secretariat for granting access to CIRCA**

Chris Newman pointed out that because the GNB-CPD now has a new Administrative Secretariat, Cecoforma SA, new members of the GNB-CPD must contact Cécile Zemmoura at Cecoforma, to be granted access to the GNB-CPD area of CIRCA. ECTA were no longer involved in the work.

<b>ACTION</b>	- AG national representatives to note that new NB members who have self-registered on CIRCA must ask Cecoforma for access to the GNB-CPD area. (Contact Cécile Zemmoura, <a href="mailto:cecile@cecoforma.com">cecile@cecoforma.com</a> .)
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## **8 Development of AG guidance and agreed viewpoint**

### **8A The consequences for NBs of corrigenda, amendments and revisions to harmonized European standards NB-CPD/06/213r6**

Chris Newman introduced this latest draft for a position paper NB-CPD/06/213r6 ‘*The consequences for NBs of corrigenda, amendments and revisions to harmonized European standards*’.

Mrs Gómez López pointed out that the CPD was not clear on the treatment of amendments and corrigenda, and said that the Commission had not yet discussed the content of this draft position paper. She believed it was appropriate to regard the certificate as the manufacturer’s property.

There were comments that certificates were the NBs’ property and responsibility, and that certificates should refer to national implementations of standards rather than the CEN reference number. However, Mr Höhn pointed out that AG had previously agreed to use the CEN reference number of standards for certificates for Community-wide acceptance, partly because national implementation dates could vary.

After discussion, it was agreed that the document was approved as an AG Horizontal Position Paper, and the GNB-CPD model certificates should be modified to refer to any applicable amendments and corrigenda. However, Mr Lemoigne wished the minutes to include the strong disagreement of French notified bodies to including details of amendments and corrigenda in certificates.

<b>ACTION</b>	- NB-CPD/06/213r6 “The consequences for NBs of corrigenda...” to be published as an AG Horizontal Position Paper, and GNB-CPD model certificates to be modified to refer to any applicable amendments and corrigenda. This to be minuted as subject to strong disagreement by French notified bodies.
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### **8B Recommended procedure for NBs for suspending or withdrawing a certificate NB-CPD/08/337**

The draft horizontal position paper on the consequences for NBs of amendments had been discussed at the previous, 23<sup>rd</sup> AG meeting. At that meeting, CPD TechSec had been requested to develop the material in Annex B, setting out the recommended procedure for NBs for suspending or withdrawing a certificate, as a separate draft position paper. This new paper was presented as NB-CPD/08/337.

AG decided that as there are no common European procedures, NB-CPD/08/337 should not be published as a position paper, but merely retained for general information.

However, Mr Agalbato pointed out that the system of certification is not transparent. Many members shared his concern that there is currently no straightforward method to determine whether a manufacturer's declaration of conformity was supported by a valid certificate if the AoC system required one, or for a NB to check that a manufacturer was not continuing to claim that his product or production was certified if the NB had suspended or withdrawn its certificate. Prof. Gierloff said that German industry shared the same concerns.

Mrs Gómez López pointed out that this is a market surveillance issue. A NB could contact the authorities if it thought another body was not following the rules.

Most AG members considered that a publicly available database of manufacturers' declarations of conformity would offer the best solution. The President asked CPD TechSec to prepare a justification to the Commission requesting it to host a site listing all manufacturers' declarations of conformity for construction products. This was also seen as something that should be included in the CPR, as an improvement over the CPD.

Mr Faraday, for FIEC, agreed with the principle of providing an open list, but had reservations about website provision of declarations of performance.

(Post-meeting note: in response to the action on this item published in NB-CPD/08/352 "*Actions arising from 24th AG meeting of the GNB-CPD (7 October 2008)*", the Commission has expressed strong reservations regarding both the funding of such a database, and a means of enforcing the deposition of declarations.)

<b>ACTION</b>	- CPD TechSec to prepare a justification for the Commission to host a database listing all valid declarations of conformity, for discussion with the Commission, and seek AG approval for the justification. (Development of NB-CPD/08/337 "Recommended procedure for NBs for suspending or withdrawing a certificate" will cease.)
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## 8C Revision of NB-CPD/AG/03/004 FPC checklist

NB-CPD/08/336

At the previous, 23rd Advisory Group meeting, it was agreed to cease development of the draft 'GNB model inspection report'. AG proposed instead that the approved horizontal position paper NB-CPD/AG/03/004 'Checklists for initial inspection of factory and factory production control and continuous surveillance of factory production control' could form the basis for inspection reports. CPD TechSec was asked to review the paper and draft a revised version, taking into account any proposals for change that were submitted by others.

Mr Lemoigne requested clarification of the proposed note to Q2 in the lists.

Mr Legendijk reported that NBs in the Netherlands agreed it is their responsibility to do an excellent job for their clients. The NB should execute the inspection based on relevant skills, knowledge, facilities and experiences, related to the case or product. A checklist with prescribed control points will not help to secure a thorough inspection. The listed points are the minimum, and the checklist should not be obligatory.

CPD TechSec had proposed the deletion of Q14 "*Are the products duly marked with the CE marking?*" from the continuous surveillance list, because checking CE marking was not set out as a responsibility of NBs under the CPD. However, written comments had been submitted rejecting this proposal. Whilst Prof. Gierloff considered that CE marking was solely the responsibility of the manufacturer, the prevailing view within the meeting was that NBs should be expected to check whether a manufacturer was CE marking his products correctly.

It was also generally agreed that Q13 in both lists, relating to checking the manufacturer's procedures for customer complaints, which CPD TechSec had also proposed for deletion as not a responsibility of NBs under the CPD, should be retained.

<b>ACTION</b>	- CPD TechSec to redraft NB-CPD/08/336, revision of NB-CPD/AG/03/004 "FPC checklist", in the light of comments at the meeting.
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## **8D Attendance of SG meetings by representatives of manufacturers' associations**

### **NB-CPD/08/339**

At the previous, 23<sup>rd</sup> AG meeting, following concerns that a high proportion of the attendees at some Sector Group meetings were representatives of manufacturers' associations, CPD TechSec had been requested to review the rules for attendance. This review was presented as NB-CPD/08/339.

The President suggested that whilst representatives of manufacturers associations were welcome to make their points, they should not be present when decisions were being made.

Mr Lemoigne also proposed that the minutes or list of attendees of Sector Group meetings should always give the membership status of those attending.

AG agreed that CPD TechSec should modify the rules for Sector Group meetings to reflect these requirements.

<b>ACTIONS</b>	<ul style="list-style-type: none"><li>- CPD TechSec to modify NB-CPD/03/032r6 "Terms of Reference for Sector Groups of Notified Bodies for the CPD" to require associate members to leave the room when full (NB) members attempt to finalise consensus.</li><li>- CPD TechSec to request the secretariats of GNB-CPD Sector Groups to list the membership category of attendees in the minutes or an attendance list.</li></ul> <p><i>(Post-meeting note: NB-CPD/SGs-08/017 "Changes to the working practices of GNB-CPD Sector Groups" uploaded 10 October 2008.)</i></p>
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## **9 SG matters**

### **9A General update including SG workplans and state of play of GNB documents**

**NB-CPD/M02 Aug 2008, NB-CPD/08/342r1, NB-CPD/M03 Aug 2008**

Chris Newman introduced item 9A, and mentioned that the chairman of Sector Group 18 "Structural timber products" had expressed great frustration, on behalf of notified bodies and manufacturers, over frequent late postponement of the end of co-existence periods.

The President raised his concerns that only about half of Sector Groups had submitted an annual workplan for inclusion in NB-CPD/08/342r1, and proposed that CPD TechSec should send a letter to other SG chairmen requesting them to produce annual workplans, or alternatively to state that they had no current need to change any position papers they may have produced.

Mr Gerlach, as a Sector Group leader, considered that workplans were only of use within the relevant SG, but the meeting was generally supportive of the President's proposal.

<b>ACTION</b>	<ul style="list-style-type: none"><li>- CPD TechSec to write to SG chairmen that did not submit an annual plan, requesting them to do so.</li></ul>
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### **9B SH02 position paper calling for age warning on reports**

**NB-CPD/08/341**

Horizontal Sector Group SH02 "Fire" proposed that NB's reports on fire tests or classifications should all include a cautionary statement advising users to check the relevance of reports at five yearly intervals. However, SH02 is seeking the views of the AG as the matter has relevance to other Sector Groups.

The general opinion of the meeting was that users of test reports would recognize that reports apply only to the samples tested at the time of testing, and to the test method used. Whilst the product and test method remain unchanged the report remains valid. It is the manufacturer's responsibility to seek a new test if his product changes, although manufacturers sometimes fail to realize the significance of minor changes to the materials used in their products. Fire laboratories may, if they wish, contact manufacturers if test methods

change, but this should not be anticipated in test reports. AG agreed that the SH02 proposal should be submitted to the Commission's Expert Group on Fire for their opinion.

<b>ACTION</b>	- CPD TechSec to submit the SH02 proposal to require an age warning on reports, NB-CPD/08/341, to the Commission's Expert Group on Fire.
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## 9C SG02 questions on general restrictions in position papers

### NB-CPD/08/340

Mr Rigg, who in addition to being an AG member is also the chairman of SG02, covering cement and associated products, raised three issues. These had been proposed for inclusion in position papers from SG02 and various other Sector Groups, which CPD TechSec, when scrutinizing the papers, had advised as being contrary to guidance on the CPD.

#### SG02 question 1: coverage of certificates

*"The SG02 Position paper for cements requires that all notified bodies acting in the field of cements (AoC system 1+) should issue a separate EC certificate of conformity for each product from a factory. Is this acceptable or is it possible to cover more than one product, and further, more than one factory making the same cement, on the one certificate of conformity?"*

The discussion on this issue revealed a range of opinions on what constituted good practice. The consensus view of AG was that SG position papers must not forbid manufacturers and NBs from coming to a mutually satisfactory agreement on the scope of their certificates, provided that the certificate makes clear to market surveillance authorities which products and plants it covers. However, the SG may recommend what it considers to be best practice for particular circumstances.

#### SG02 question 2: availability of lists of certificates

*"SG02 discussed whether certification bodies should be required to make available lists of certificates, as there is no apparent requirement for this within the requirements given in Commission Guidance Paper 'D' (GP 'D' §5.1 requires that "the certificate of conformity, if appropriate, must only be made available by the manufacturer or his authorised representative in response to a substantiated request, e.g. national authorities responsible for market surveillance").*

*Could the AG therefore advise SG02 as to whether a list of certificates held by a certification body has to be made available on request to the certification body?"*

After some discussion it was agreed that SG position papers must not require NBs to make lists of their certificates generally available. (Commission Guidance Paper 'D' §5.1 requires certificates to be made available only to the appropriate authorities.)

#### SG02 question 3: are NBs responsible for checking CE marking?

*"Could the AG please advise whether CE marking and the accompanying information (including labelling and CE marking of the product) is only the responsibility of the producer or whether Notified Bodies should check this. Commission Guidance Paper 'K' §4.2.1 (3) includes "The assessment of FPC concerns all of the elements, requirements and provisions adopted by the producer to fulfil his requirements under the CPD." Does this mean that the tasks of the notified bodies may include inspection and surveillance of the CE marking and labelling?"*

*However, in the case of AoC system 2+, the annex ZA requirements within the product standards clearly include that the activities of the certification bodies should be restricted to the FPC.*

*As it appears that there may be some contradiction (under system 2+) between GP 'K' and the Annex ZA's as to where notified bodies should restrict their activities in this respect, it was considered that SG02 should raise this with the Advisory Group for a clear interpretation."*

Mr Rigg pointed out that the substance of this question was identical to that discussed under Item 8C, FPC checklists, Q14 "Are the products duly marked with the CE marking?". Mr Winnepenninckx and Mr Rigg asked for more clarification of this issue in the CPR. Prof. Gierloff and Mr Rigg considered that the CE

marking was not the responsibility of NBs. Mr Caluwaerts and Mr Haynes considered that the certificate attested that the product was in conformity with the technical specification, whilst the CE marking was applied afterwards. However, the prevailing view of the meeting remained that FPC should cover all activities at the factory, and it was acceptable for SG position papers to require NBs to check the CE marking.

- CONCLUSIONS**
- SG position papers must not have a requirement that NBs must issue a separate certificate for each product and factory.
  - SG position papers must not have a requirement that NBs make lists of their certificates generally available.
  - SG position papers may require NBs to check the CE marking on products.

## 10 National Mirror Group matters

No issues were raised under this item.

## 11 EOTA matters

Mr Caluwaerts reported that SH02 "Fire" has started a procedure to endorse a resolution proposing a deviation from a test method set in an endorsed ETAG. This should not happen; the correct procedure would be to suggest to the technical specification writers that an amendment is needed urgently.

CPD TechSec was asked to contact the SH02 secretariat.

- ACTION**
- CPD TechSec to contact the SH02 secretariat in response to a comment from the EOTA Technical Board that SH02 is drafting a proposed procedure to deviate from the assessment method set in an endorsed ETAG.
- (Post meeting note: Ruth Boughey, secretary of SH02, noticed the above action in NB-CPD/08/352 "Actions arising..." and contacted CPD TechSec, who referred her to Mr Caluwaerts for details of which procedure was causing concern.)*

## 12 CEN matters

Mr da Costa stated briefly that some standards had been published with clauses that allowed CE marking information to be supplied from a website. These needed to be amended or corrected before the standards could be cited. There were also some work programs still under discussion with the Commission.

## 13 Any other business

### 13A AdCo (Administrative Co-operation) group for the CPD

On behalf of the GNB-CPD, Mr Elbek attended the meeting of AdCo-CPD (Administrative Co-operation Group for market surveillance experts) held 30 September 2008 in Copenhagen. He gave a verbal report to AG.

At the meeting, Mr Elbek gave a presentation on the GNB-CPD, and invited collaborative use of the GNB-CPD's technical expertise. He invited AdCo to study the GNB-CPD position papers, or address queries to CPD TechSec, to be forwarded to the most appropriate part of the GNB-CPD. He did not receive a formal response, but AdCo seemed to be interested

Mr Elbek was asked to address the GNB-CPD concerns about misleading certificates. Report NB-CPD/08/338 on misleading certificates had been circulated at the AdCo meeting, and Mr Elbek tabled an example of a misleading certificate that he had received. AG was asked whether it was appropriate for a test report to bear the CE mark. Mr Mikkeli, attending for the Commission, had said that he did not think it was appropriate.

AdCo is now coordinating market surveillance, and investigating the resources necessary for proactive surveillance.

The President proposed that we should invite the chairman of AdCo to future GNB-CPD meetings, and this was agreed.

<b>ACTION</b>	- CPD TechSec to invite Ms Mette Dybkjaer, the chairman of AdCo to become an Associate Member of the GNB-CPD Advisory Group and attend future meetings.
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### **13B Analysis of misleading certificates**

**NB-CPD/08/338**

Discussion under this item focussed primarily on what action should be taken with misleading certificates and similar documents. The AdCo chairman had requested that the GNB-CPD should supply copies of the documents addressed in NB-CPD/08/338. However, AG agreed that distributing such documents was not a responsibility of the GNB-CPD. The Commission has copies of the documents addressed in NB-CPD/08/338, which it can forward to AdCo if it considers that is appropriate.

The advice for NBs on finding inappropriate documents is to send them to their national authorities, and also to send a copy to CPD TechSec, to be passed to the Commission and also held for reference.

<b>ACTION</b>	- NBs finding misleading certificates are advised to send them to their Member State authorities for action, with copies to CPD TechSec that will be forwarded to the Commission and also retained confidentially.
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### **13C UEPC Sustainability Charter**

**NB-CPD/08/351**

Mr Haynes introduced the UEPC sustainability charter, which was issued on the 50<sup>th</sup> anniversary of the UEPC. He said the sudden introduction of regulations demanding the use of products that can be shown to have been produced in a sustainable manner has led to problems in the supply chain. UEPC had appealed to other organizations in the supply chain to work with it to approach the issue in a co-ordinated way.

## **14 Closing of the meeting**

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

## Annex 1 - Actions arising from minutes of the 24<sup>th</sup> AG meeting

By whom	Agenda item	Action
Administrative Secretariat	6	<ul style="list-style-type: none"> <li>The next (25<sup>th</sup>) GNB-CPD AG meeting was confirmed as Tuesday 10 March 2009, and will be held in Prague, after events on the afternoon and evening of Monday 9 March.</li> <li>The 26<sup>th</sup> GNB-CPD AG meeting was set provisionally for Tuesday 6 October 2009, and will be held in Brussels.</li> </ul>
AG members, Administrative Secretariat	7F	<ul style="list-style-type: none"> <li>AG national representatives to note that new NB members who have self-registered on CIRCA must ask Cecoforma for access to the GNB-CPD area. (Contact Cécile Zemmoura, <a href="mailto:cecile@cecoforma.com">cecile@cecoforma.com</a>.)</li> </ul>
AG members, CPD TechSec	7B(ii)	<ul style="list-style-type: none"> <li>AG members to send to CPD TechSec any proposals for inclusion in a consolidated document proposing changes to the CPR, by 15 October 2008.</li> <li>CPD TechSec to prepare a consolidated document proposing modified text for several key passages in the CPR, and send this to the Commission by 21 October 2008.</li> <li><i>Post meeting note: NB-CPD/08/353 "GNB-CPD comments for the Commission on the proposed CPR" was sent to the Commission 21 October 2008</i></li> </ul>
All GNB-CPD members, CPD TechSec	13B	<ul style="list-style-type: none"> <li>NBs finding misleading certificates are advised to send them to their Member State authorities for action, with copies to CPD TechSec that will be forwarded to the Commission and also retained confidentially.</li> </ul>
CEN	4	<ul style="list-style-type: none"> <li>Matter arising from Item 7E of the 23<sup>rd</sup> AG meeting: CEN to arrange a further meeting with the Commission to reach a consensus on tasks and responsibilities for sharing ITT. CPD TechSec and experts from the GNB-CPD to be invited.</li> </ul>
Commission	7D	<ul style="list-style-type: none"> <li>The Commission will consider providing a historic record within NANDO as part of its future development.</li> </ul>
Commission, CPD TechSec	7D	<ul style="list-style-type: none"> <li>Whenever the Commission prepares a new "News item" announcing changes to the citation of harmonized technical specifications on NANDO, it will send the file to CPD TechSec.</li> <li>CPD TechSec to upload "News item" files onto CIRCA.</li> <li><i>Post meeting note: Four items, NB-CPD/M07-001 to 004, have since been uploaded to the 'GNB-CPD Monitoring reports' folder on CIRCA.</i></li> </ul>
CPD TechSec	8A	<ul style="list-style-type: none"> <li>NB-CPD/06/213r6 "<i>The consequences for NBs of corrigenda...</i>" to be published as an AG Horizontal Position Paper, and GNB-CPD model certificates to be modified to refer to any applicable amendments and corrigenda. This to be minuted as subject to strong disagreement by French notified bodies.</li> </ul>

By whom	Agenda item	Action
CPD TechSec (continued)	8B	- CPD TechSec to prepare a justification for the Commission to host a database listing all valid declarations of conformity, for discussion with the Commission, and seek AG approval for the justification. (Development of NB-CPD/08/337 "Recommended procedure for NBs for suspending or withdrawing a certificate" will cease.)
	8C	- CPD TechSec to redraft NB-CPD/08/336, revision of NB-CPD/AG/03/004 "FPC checklist", in the light of comments at the meeting.
	9B	- CPD TechSec to submit the SH02 proposal to require an age warning on reports, NB-CPD/08/341, to the Commission's Expert Group on Fire.
	11	- CPD TechSec to contact the SH02 secretariat in response to a comment from the EOTA Technical Board that SH02 is drafting a proposed procedure to deviate from the assessment method set in an endorsed ETAG.  <i>Post meeting note: Ruth Boughey, secretary of SH02, noticed the above action in NB-CPD/08/352 "Actions arising..." and contacted CPD TechSec, who referred her to Mr Caluwaerts for details of which procedure was causing concern.</i>
	13A	- CPD TechSec to invite Ms Mette Dybkjaer, the chairman of AdCo to become an Associate Member of the GNB-CPD Advisory Group and attend future meetings.
CPD TechSec, SG chairmen	8D	- CPD TechSec to modify NB-CPD/03/032r6 "Terms of Reference for Sector Groups of Notified Bodies for the CPD" to require associate members to leave the room when full (NB) members attempt to finalise consensus.  CPD TechSec to request the secretariats of GNB-CPD Sector Groups to list the membership category of attendees in the minutes or an attendance list.  <i>(Post-meeting note: NB-CPD/SGs-08/017 "Changes to the working practices of GNB-CPD Sector Groups" uploaded 10 October 2008.)</i>
	9A	- CPD TechSec to write to SG chairmen that did not submit an annual plan, requesting them to do so.
Mr Lemoigne	6	- Mr Lemoigne will investigate whether CSTB wishes to offer to host the 27th AG meeting (Spring 2010) in Paris.