GNB-CPR AG	Co-ordination of the Group of Notified Bodies for the Construction Products Regulation 305/2011/EU	NB-CPR/14/594r2 Issued 17 November 2014 **Approved Guidance**

This position paper was approved by the GNB Advisory Group on 07 October 2014.

POSITION PAPER:

Use of facilities outside the testing laboratory of the notified body.

This paper replaces the document NB-CPD 03/005r2.

1 Foreword

Article 46 of CPR allows under certain conditions notified bodies to carry out tests using testing facilities outside the testing laboratory of the notified body.

One of the conditions is that the notified body shall be specifically designated as competent to work away from their own accredited test facilities. Therefore, this guidance is only relevant for notified bodies designated as competent by their member states.

CPR does not define any criteria for the assessment of such competence and does not require compliance with any specific accreditation standard. Therefore, the bodies designated under CPR article 46 are not limited to accredited testing laboratories but does also comprise notified certification bodies.

This guidance defines that notified bodies shall adhere to the accreditation standard for testing laboratories, EN/IEC/ISO 17025 when conducting testing away from their own premises.

For notified testing laboratories accredited to EN/IEC/ISO 17025, compliance with that standard is assumed to be an integral part of their system and practices. Therefore, the guidance to follow EN/IEC/ISO 17025 is primarily directed at non-accredited notified bodies and notified bodies accredited to other standards.

However, all notified bodies should be aware that regarding independency, CPR has more strict requirements than EN/IEC/ISO 17025.

CPR article 45 defines requirements for notified bodies subcontracting (part) of their tasks. Practical experience has shown a need for guidance on the distinction between subcontracting according to CPR article 45 and the use of facilities outside the testing laboratory of the notified body according to article CPR 46.

2 Scope

This paper aims at giving guidance to notified bodies which have been designated as competent according to article 46(1).

The designation of notified bodies according to CPR article 46 is the responsibility of the notifying authorities of the member states. This paper is not intended to provide guidance to notifying authorities on the designation of bodies as competent according to article 46.

3 Reference standard

The harmonized accreditation standard for testing laboratories, EN/IEC/ISO 17025, is applicable as well to testing conducted at the permanent facilities of the laboratory as to testing conducted at sites away from the permanent facilities[1].

The use of facilities outside the testing laboratory of the NB must not in any way compromise the NB's compliance with EN ISO/IEC 17025.

Clauses of which the notified body should be particularly aware when using facilities outside the testing laboratory of the notified body are:

§5.2.1 (competence of personnel);

§5.2.3 (supervision and competence of additional personnel);

§5.3 (accommodation and environmental conditions);

§5.5 (equipment), and;

§5.6 (measurement traceability).

4 Request and justification

CPR article 46(1) allows for the use of facilities outside the testing laboratory of the NB only on request of the manufacturer.

Therefore, the notified body shall keep records of the manufacturer's request.

CPR article 46(1) mentions possible justifications for conducting tests outside the testing laboratory of the NB:

Technical reasons

or

Economic reasons

or

Logistic reasons

The notified body shall keep records of the reasons justifying the use of facilities outside the testing laboratory of the NB.

[1] See EN ISO/IEC 17025 clause 4.1.3.

5 Independency and impartiality

The requirements of CPR regarding independency (art. 43(3)) and impartiality (art. 43(5)) do always apply to notified bodies - also when operating away from their own premises.

When subcontracting specific tasks, the notified body is responsible for ensuring that the subcontractor meets the same requirements.

Conformity with EN/IEC/ISO 17025 allows for a presumption of conformity with the requirements on impartiality in article 43(5) which states:

> *A notified body and its personnel shall carry out the third party tasks in the process of assessment and verification of constancy of performance with the highest degree of professional integrity and requisite technical competence in the specific field and* ***must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities.***

When operating away from their own premises, the notified bodies shall have its own procedures and practices in place to ensure that independency and impartiality is maintained.

The notified bodies shall ensure that working at external facilities and possibly assisted by personnel not belonging to their own organization will not compromise the impartiality.

Hence, the notified body shall take measures to ensure that representatives of the manufacturer and members of the staff of the manufacturer assisting the notified body or conducting testing activities under the supervision of the notified body will not have any possibility of influencing the assessments and test results.

Such measures shall include:

- Ensuring that results are not affected by unauthorised access to the locations where testing is conducted and where equipment and test samples are stored.
- Monitoring of all activities with a potential to influence the results
- Measurement results read and recorded only by personnel of the notified body.

6 Distinction between Subcontracting and use of facilities outside the testing laboratory of the notified body

It is emphasised that a clear distinction shall be kept between *subcontracting* (according to CPR article 45) and the *use of facilities outside the testing laboratory of the notified body* (according to CPR article 46).

Notified bodies may subcontract specific tasks in accordance with CPR article 45. Article 45(1) requires the notified body to ensure that the subcontractor meets the requirements of article 43.

When assessing the compliance of subcontractors with article 43, notified bodies shall be particularly aware of the independency requirements in article 43(3) as these requirements go beyond the requirements of EN/IEC/ISO 17025. Therefore, an accreditation to EN/IEC/ISO 17025 does not allow for a presumption of conformity with CPR article 43(3).

The below cases (non-exhaustive list) are considered subcontracting and thereby requiring a subcontracting agreement in accordance with CPR article 45:

- Testing carried out without personnel of the notified body present at all times to manage and/or supervise the testing activities.

- Reporting done by personnel that are not part of the organisation of the notified body and with whom the notified body has no contract.

NOTE: Normally, subcontracting specific tasks to the manufacturer would not be an option as manufacturers would normally not meet the requirements on independency in CPR article 43(3).