

<p style="text-align: center;">GNB-CPR GNB-AG</p>	<p style="text-align: center;">Co-ordination of the Group of Notified Bodies for the Construction Products Regulation (EU) 305/2011</p>	<p style="text-align: center;">NB-CPR/16/695r6 Issued 12 November 2019 Approved Guidance</p>
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REVISED POSITION PAPER - INFORMATIVE:

Conversion of ETAGs into EADs

1 FOREWORD

According to CPR Article 66, as a transitional provision ETAGs drawn up under CPD can be used as EADs for the issuing of an ETA (see www.eota.eu -> Latest News of 19.03.2014). Given the nature of transitional provisions it lies implicit that the ETAG cannot be used forever and that over time they will be converted into EADs.

The Commission has indicated that as of 01 July 2018, no new ETAs are supposed to be issued on the basis of ETAGs used as EADs.

This Position Paper is intended to provide information to Notified Bodies about the conversion process and the particular circumstances notified bodies should be aware of.

Notified bodies should be aware that as of 24 September 2018, references of ETAGs have been removed from NANDO. Consequently, as of 24 September 2018 it is no longer possible for notifying authorities to encode new notifications to ETAGs.

Notified bodies should also be aware that they have a responsibility to raise a flag if the conversion causes substantial¹ changes to the assessment methods and/or criteria. In such cases notified bodies might not be able to verify the constancy of performance.

2 GENERAL CONSIDERATIONS

In the CPR regime, the adopted EADs are the harmonised technical specifications forming basis for the ETAs. ETAGs are not harmonised specifications but where the performance of the product can appropriately be assessed with methods and criteria already established in the ETAGs, as a transitional arrangement, an ETAG may – in the absence of any relevant EAD – be used as basis for ETAs.

However, the Commission has indicated that as of 01 July 2018, no new ETAs are supposed to be issued on the basis of ETAGs used as EADs.

Up to September 2018, endorsed ETAGs useable as EADs were listed on NANDO in the section “European Technical Approval Guidance (ETAGs) previously used under the CPR.

¹ As substantial changes are considered any change to the assessment method/criteria that would invalidate the verification of constancy of performance. In other documents, the word “significant” is used with the same meaning.

Thereby it was made visible to manufacturers which notified bodies they could use for ETAs under the listed ETAGs, and it was made possible for notifying authorities to use the electronic notification tool when appointing notified bodies to operate to the ETAGs used as EADs. As of 24 September 2018, all references to ETAGs useable as EADs have been removed, leaving the section “European Technical Approval Guidance (ETAGs) previously used under the CPR” empty.

It should however be noticed that the removal of the references of an ETAG from NANDO does not mean that bodies notified to that ETAG are no longer notified; it only means that the notification is no longer directly visible.

3 THE CONVERSION PROCESS

3.1 Timeline for the conversion

EOTA and the Commission have made an agreement regarding the conversion process. As part of that agreement, the existing ETAGs are divided into the categories “A”, “B” and “C” and general time frames for the conversion have been set.

If reasonable, preference is given to a purely editorial conversion to the new EAD format.

More details including an indicative timetable for the conversions are found on the EOTA website (see www.eota.eu -> Latest News of 23.04.2014) and on NANDO. See link: http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=cp.hs_pdf&etag=2&dummy=74&view=1

In the Autumn 2018, the Commission assessed that due to the technological developments, no ETAGs would be useable any longer. Notably the publication of the new horizontal method standard EN 16516 Construction products - Assessment of release of dangerous substances - Determination of emissions into indoor air, has made the assessment methods described in the ETAGs obsolete.

Therefore, the abovementioned indicative timeline cannot be relied upon anymore.

The new EADs to replace the ETAGs are being developed in accordance with CPR Annex II.

3.2 Removal of references from NANDO

As mentioned above, all references to ETAGs have been removed from NANDO.

The removal of the references of an ETAG means that it is no longer possible for notifying authorities to use the electronic tools for the notification of bodies to any ETAGs . It also means that it has become less easy for manufacturers to find notified bodies for the ETAG in question.

However, the removal of the references of an ETAG does not mean that bodies already notified to that ETAG will need to cease their activities; only their status as notified body to that ETAG will not be visible at NANDO.

For all notified bodies, NANDO indicates their scope of notification. In the current versions, no ETAGs are included. However, in the historical versions, until October 2018, notifications to ETAGs are included. Therefore, notified bodies wishing to demonstrate that have been

notified to a particular ETAG can find evidence in the historical versions of their notification scope.

NANDO does no longer provide any possibility to search for bodies notified to a particular ETAG.

Therefore, it is important that notified bodies notified to ETAGs satisfy themselves that it is with the consent of their notifying authority that they maintain certificates issued to ETAssessments based on ETAGs and continue to conduct the related surveillance activities.

It is emphasised that the removal of ETAG references from NANDO has no effect on the status of existing notifications to ETAGs. Generally, a notified body may presume that its notification to an ETAG will remain valid unless it is withdrawn by the notifying authority.

A notified body may be requested to confirm that it is notified to a specific ETAG. For that purpose, the notified body may refer to the historical versions of its notification scope and, if relevant, a confirmation from the notifying authority that the notification has neither been restricted, suspended nor withdrawn.

4 RESPONSIBILITIES REGARDING ALREADY ISSUED ETAS

4.1 Responsibilities of the manufacturer

CPR and general principles of procedural law require the manufacturer always to apply the current harmonised specification for his product.

CPR Article 11(3) 1st paragraph reads:

Manufacturers shall ensure that procedures are in place to ensure that series production maintains the declared performance. Changes in the product-type and in the applicable harmonised technical specifications shall be adequately taken into account.

A change of harmonised specification is considered to take place when the references of an EAD are published in OJEU.

An ETA is always based on the EAD (or ETAG used as EAD) current at the time when the ETA is issued. The assessment of performance indicated by the ETA is conducted using the assessment methods and/or criteria defined by that EAD (or ETAG used as EAD).

If the EAD is subsequently substantially changed, i.e. that the assessment methods/criteria are changed in a way that would adversely affect the declared performance, it is the responsibility of the manufacturer to ensure that any changes in the assessment methods/criteria are taken into account; e.g. by having a revised ETA drawn up by a TAB.

In some cases, the conversion of an ETAG into an EAD may include changes to the assessment methods/criteria.

The above means that even though ETAs are issued without any expiry dates ETAs may become non-applicable if the EAD is subsequently changed. This may also be the case if the ETA is based on an ETAG used as EAD that is subsequently converted into an EAD.

4.2 Responsibilities of the notified certification body

As described above, the manufacturer is responsible for taking into account any change to the EAD (or ETAG used as EAD).

However, for products falling under systems 1+, 1 or 2+, the notified bodies have a role in the continuing verification of constancy of performance in accordance with the relevant section of CPR Annex V. The notified bodies shall always observe their operational obligations in that regard.

CPR Article 52(4) reads:

Where, in the course of the monitoring activity aiming at the verification of the constancy of performance of the manufactured product, a notified body finds that a construction product no longer has the same performance to that of the product-type, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw its certificate if necessary.

From the above it should be clear that if the conversion of an ETAG into an EAD causes substantial changes to the assessment methods and/or criteria it would not be possible for the notified body to verify the constancy of performance that was assessed using the previously applied assessment methods/criteria.

In such cases, the notified body should make the manufacturer aware of the changed assessment methods/criteria. The manufacturer may then decide on the further steps, e.g. to request a revised ETA from a TAB, and inform the NB thereof.

If the manufacturer considers that the product does no longer conform to the ETA issued on the basis of the ETAG used as EAD, and if he does not request a revised ETA, maintaining the certificate would be irrelevant.

Notified bodies should be aware that for products covered by an ETA the assessment of performance is the responsibility of the TAB. Therefore, NBs cannot conduct the assessment (testing, calculation, tabulated values or descriptive methods) in case of changed methods/criteria. If one or more changes will no longer allow for the verification of constancy of performance, it is also the duty of the notified body to suspend or withdraw the certificate (as appropriate).

In particular, notified bodies should be aware that maintaining a certificate to an ETA for which the constancy of performance cannot be verified due to changes in the assessment methods/criteria might involve potential liabilities.

5 ETA-APPROVALS

On 30 June 2018, the last ETApprovals expired. Accordingly, as of 01 July 2018 it is no longer possible for a notified certification body to maintain a certificate to an ETApproval.