

GNB-CPR GNB-AG	Co-ordination of the Group of Notified Bodies for the Construction Products Regulation (EU) 305/2011	NB-CPR/16/695r4 Issued 05 July 2017 Approved Guidance
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POSITION PAPER - INFORMATIVE:

Conversion of ETAGs into EADs

1 FOREWORD

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. Now the conversion process is on-going in accordance with an agreement between EOTA and the Commission.

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 the references of ETAGs may be removed from NANDO before the EAD to replace it has been cited in OJEU. 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.

Endorsed ETAGs useable as EADs are listed on NANDO as in the section “European Technical Approval Guidance (ETAGs) previously used under the CPR. Thereby it is made visible to manufacturers which notified bodies they can use for ETAs under the listed ETAGs, and it is made possible for notifying authorities to use the electronic notification tool when appointing notified bodies to operate to the ETAGs used as EADs.

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.

It should however be noticed that any 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

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

3.2 Removal of references from NANDO

When for a particular ETAG, the date indicated in the above-mentioned indicative timetable has passed, the references of the ETAG will be removed from NANDO.

However, the indicative timeline may be subject to revision.

The removal of the references of an ETAG means that it will no longer be possible for notifying authorities to use the electronic tools for the notification of bodies to the ETAG in question. It will also mean that it will be 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.

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

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/ 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.

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

It is assumed that ETApprovals will remain valid during their defined periods of validity irrespective of the conversion of ETAGs into EADs. This applies both to ETApprovals issued on the basis of ETAGs and to ETAs issued without ETAGs (CPD Art. 9(2)).