

A tutti i laboratori di prova accreditati /in corso di accreditamento in ambito CPR

e p.c.

a tutti gli Ispettori/Esperti tecnici DL qualificati in ambito CPR

Loro sedi

OGGETTO **Dipartimento Laboratori di prova**
Circolare informativa DL N° 4/2023 – Accreditamento in ambito CPR: presa in carico Position paper NB-CPR/22-889r3 del 12/12/2022

Gentili Signori,

in data 12 dicembre 2022 è stato pubblicato sulla piattaforma CIRCABC, dal Gruppo di Coordinamento degli Organismi Notificati per i prodotti da costruzione Regolamento (UE) n. 305/2011, il Position paper NB-CPR/22-889r3 che fornisce indicazioni circa le edizioni delle norme di supporto da utilizzare e portare in accreditamento nell'ambito della notifica come Laboratorio sistema AVCP 3.

Alla luce di quanto sopra, si chiarisce quanto segue:

- A- Le specifiche tecniche devono essere riportate sotto accreditamento nella loro edizione armonizzata, quindi spesso superata.
- B- Quando una norma di supporto è richiamata dalla relativa specifica tecnica armonizzata con un riferimento datato, sia per la valutazione della prestazione che per la verifica della costanza della prestazione, i laboratori notificati devono applicare la specifica versione citata. (si veda par. 4.1 NB-CPR/22-889r3)
- C- Quando una norma di supporto è richiamata dalla relativa specifica tecnica armonizzata con un riferimento non datato, sia per la valutazione della prestazione che per la verifica della costanza della prestazione, i laboratori notificati devono applicare l'ultima edizione disponibile. (si veda par. 4.2 NB-CPR/22-889r3)

Si fa presente che, nel caso in cui l'attività di prova sia richiesta per sorveglianza del mercato, potrebbe essere necessario ripetere dei test in accordo con l'edizione della norma di supporto utilizzata a suo tempo per la marcatura CE (norma di supporto con edizione superata). Si invitano pertanto i laboratori a valutare la possibilità di riportare in elenco prove oltre alle norme di supporto in ultima edizione anche quelle superate.

D- Nel caso in cui la norma di supporto richiamata nella specifica tecnica armonizzata sia stata ritirata e:

- nella nuova versione della norma di supporto sia stato tralasciato un metodo di prova, presente nella versione precedente,
- la norma di supporto non sia stata sostituita da altro riferimento,
- sia stata modificata la struttura della norma di supporto, ad esempio suddividendola in diverse parti (XXXX-1, XXXX-2...),
- il vecchio riferimento sia stato sostituito da altra norma di supporto con numero diverso,

il Laboratorio notificato deve sollevare la questione nel gruppo settoriale pertinente, al fine di concordare un approccio comune. Le decisioni prese devono essere comunicate prontamente ad ACCREDIA. Nel caso in cui il gruppo settoriale non si esprimesse, il laboratorio è tenuto ad inviare ad ACCREDIA un documento con la correlazione tra metodo superato e metodo sostitutivo evidenziandone eventuali impatti sui risultati di prova. ACCREDIA, o in occasione di una visita di sorveglianza o a livello documentale, valuterà se accettare o meno la richiesta di accreditare la nuova norma di supporto. (si veda par. 5 NB-CPR/22-889r3)

Si fa presente che nel caso in cui l'attività di prova sia richiesta per sorveglianza del mercato potrebbe essere necessario ripetere dei test in accordo con l'edizione della norma di supporto utilizzata a suo tempo per la marcatura CE (norma di supporto con edizione superata). Si invia pertanto i laboratori a valutare la possibilità di riportare in elenco prove oltre alle norme di supporto in ultima edizione anche quelle superate.

Allegati: *Position paper NB-CPR/22-889r3*

Cordiali saluti

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Direttore Dipartimento
Laboratori di prova



GNB-CPR GNB-AG	Co-ordination of the Group of Notified Bodies for the Construction products Regulation (EU) No 305/2011	NB-CPR/22-889r3 Issued 12 December 2022 Approved Guidance
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Position paper:

Dated and undated references to supporting standards

1 INTRODUCTION

Harmonised technical specifications are required to indicate the methods and criteria for assessing the performance of the construction products covered by them. This goes both for harmonised standards (hENs) and for European Assessment Documents (EADs).

In many cases, the methods and/or criteria are not indicated by the harmonised technical specification itself. Instead, reference is made to supporting standards wherein the methods and/or criteria are found.

The citations of revised harmonised standards in the Official Journal of the European Union (OJEU) have been in a deadlock in the past years. This means that many harmonised standards date back to the first decade of this century. In the meantime, many of the supporting standards called up by the harmonised standard have been revised.

The situation raises questions as to which version of a supporting standard to apply. In this context, it becomes essential to distinguish between “dated” or “undated” references.

This position paper aims to provide guidance to notified bodies regarding the meaning of dated and undated references in different situations.

2 DEFINITIONS

Dated reference

A reference to a supporting standard indicating a specific version of the supporting standard, e.g. in the form

“EN XXXXX:YYYY”,

where “YYYY” indicates the year of issue.

Undated reference

A reference to a supporting standard *not* indicating any specific version of the supporting standard, e.g. in the form

“EN XXXXX”,

without indication of the year of issue.

3 BASIC CONSIDERATIONS

- 1) The referencing of standards in the European legislation follows the principles established as part of European administrative and procedural law. According to those principles, a dated reference means that the specific version referenced shall apply, whilst an undated reference means that the latest version shall apply.
- 2) Literature on the methods of referencing standards in legislation recognise advantages as well as disadvantages of the types of references. An important advantage of dated references would be the legal certainty, while an important advantage of undated references would be the continuous adaptation to technical developments¹.
- 3) Generally, supporting standards are referenced by the harmonised specifications, but not directly referenced by legislation (or delegated acts).
- 4) Both harmonised standards and supporting standards are drawn up by CEN/CENELEC and subject to their internal rules, which follow the same principles as those of European law. In line with that, CEN/CENELEC Guide 36:2020, Guidance on the rules for drafting and presentation of candidate harmonized product standards for construction products, Edition 1, 2020-06, indicates:

For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

- 5) Harmonised standards are indicated by delegated acts as dated references. When a harmonised standard makes an undated reference to a supporting standard, the principles of European administrative law and the internal rules of CEN/CENELEC would point to the understanding that the latest approved version of the supporting standard should apply. Accordingly, if a dated reference is made to a supporting standard, the specific referenced version should apply.
- 6) European Assessment documents, EADs, may also include both dated and undated references to supporting standards. As the internal rules of EOTA do not indicate otherwise the same principles should apply to dated and undated references in EADs.
- 7) Guidance on the meaning of dated and undated references has been made available in the GNB-CPR GuidanceBase. As it is considered relevant to provide more elaborate guidance, this position paper has been drawn up.
- 8) When changes to supporting standards are likely to have an influence on the conformity of construction products with the declared performance, notified bodies should ensure that manufacturers implement the changes. Failure by manufacturers to implement such changes should be considered as non-conformities. In such cases, notified bodies should apply already available GNB guidance, considering the principle of proportionality.

4 GUIDANCE

4.1 Dated references

When a supporting standard is called up by a **dated reference**, both for the assessment of performance and for the verification of constancy of performance, notified bodies shall apply the specific version cited.

¹ "Methods of referencing standards in legislation with an emphasis on European legislation", European Commission, DG Enterprise, 2002.

4.2 Undated references

When a supporting standard is called up by an **undated reference**, both for the assessment of performance and for the verification of constancy of performance, notified bodies shall apply the currently applicable version.

4.3 References to prENs

In some cases, harmonised specifications call up preliminary European standards, prENs². The distinction between dated and undated references shall also apply in that case.

If a prEN is called up by a dated reference, that specified version of the prEN shall be applied, as indicated in section 4.1.

If a prEN is called up by an undated reference, and the prEN has been further developed into a final, published European standard, notified bodies shall apply the currently applicable version of that European standard, as indicated in section 4.2.

5 SECTOR GROUP COORDINATION

In some cases, changes to supporting standards may result in uncertainty as to which version to apply. This may be the case if (non-exhaustive listing):

- a new version of the supporting standard has left out an assessment method, which was provided by the former version;
- the supporting standard is discontinued;
- the structure of the supporting standard is changed, e.g. subdivided into parts;
- a supporting standard is superseded by another standard with a different number.

In such cases, notified bodies should bring up the matter in the relevant sector group in order to agree on a common approach, while observing the above general principles.

As relevant, the Sector Group may consult the relevant CEN/TC, EOTA, and/or the Commission.

² *CEN-CENELEC Internal Regulations do not recommend references to draft standards as such references are considered to provide risks. Nonetheless, some harmonised standards do include references to prENs.*