

CPE Position Paper EOTA answer – Implementation of the CPR

In response to the CPE Position Paper of 06th October 2014 the EOTA Association has consulted its Members and Organisational Authorities. It is an important goal of EOTA to support all designated Technical Assessment Bodies (TABs) to ensure a consistent approach in the development of European Assessment Documents (EADs). This is the base for the issuing of European Technical Assessments (ETAs) for products not covered or not fully covered by a harmonised standard.

This is, on the one hand, required by the conditions given in Art. 20 of the Regulation (EU) No 305/2011, and on the other hand, it is also fully supported by the relevant means within EOTA (Statutes, Internal Regulations, Guidance Documents). EOTA Technical Board Workshops are dedicated to this issue.

EOTA understands and appreciates the CPE proposals and is grateful for contributions on further improvements, expressed in its Paper, dated 6 October 2014.

Furthermore, EOTA favors a constructive and good co-operation with CPE. Hence we would like to emphasise that EOTA offers the following possibilities in line with the conditions given in the Regulation (EU) No 305/2011:

Development and adoption of EADs

Transparency and confidentiality

1. EOTA has already agreed on the involvement of European organisations in the **development of EADs based on ETAGs** (“Conversion of ETAGs into EADs”). The first conversions have already been initiated on the level of EOTA Technical Board and in the concerned Working Groups. Further representative industry support for this conversion exercise continues to be welcome.

2. For the **development and adoption of (“new”) EADs**, Annex II of the Regulation (EU) No 305/2011 determines the conditions. In particular, for the individual request for an ETA the commercial secrecy and confidentiality issues of the manufacturer (applicant) need to be considered carefully as stated in cl. 1 of this Annex II. Following that and the conditions of Annex II, it needs to be stated that the involvement of external manufacturing associations is very limited due to the reasons mentioned above. It should be noted that the issues expressed in the Regulation (EU) No 305/2011, Annex II, cannot be overruled by a confidentiality agreement signed by individual experts. *Remark: EOTA has already expressed this situation in the concerned statement of EOTA to CPE, dated 24 October 2013.*

3. Nevertheless, the possible **consideration of technical issues for product groups on a more general level** – i.e. not related to individual ETA requests - might be a subject for consideration of the concerned Working Group with participation of the industry, operating as observer. For example, this may apply in order to consider new aspects of general interest, not in conflict with individual requests, and to meet the current state of the art for such product families. Items explained above might be e.g.

specific aspects for which the input of the industry is welcomed in order to cover innovation and related further development of already available and published EADs.

4. In addition, EOTA co-operates with all European Organisations in the field of buildings and civil engineering for whose members the work of EOTA may be of relevance and whose involvement can in turn support the work of EOTA. This is going to be ensured by means of regular meetings of the **Stakeholder Advisory Group**.

Parallel development of EADs:

EOTA has already established rules on the level of the EOTA Technical Board for possible co-operation of the involved TABs in case of having received ETA requests for similar products. In order to save time in the development of the EAD and to have a common approach for the EAD, the appropriate handling of parallel ETA requests depends on the co-occurrence of the content of the ETA applications (intended use envisaged by the manufacturer, set of essential characteristics agreed on EOTA level, and with the concerned manufacturer) and to be checked during the consultation on EOTA TB level. It is envisaged to summarize all these rules, when having sufficient experience with them, in an EOTA Guidance Document and to make it available publicly.

Nevertheless, the commercial secrecy and confidentiality of the individual applications need to be respected. It seems that for this issue the conditions of the Annex II of the Regulation (EU) No 305/2011 may sometimes be contrary to the openness sought. EOTA continues to try to resolve such issues in an appropriate way, whereas the equivalent consideration of the individual applications is of high priority.

Furthermore, it should be noted that in the Technical Board meeting in December 2014 in agreement with the EC the parallel use of EADs, adopted according to the Regulation (EU) No 305/2011, Annex II cl. 7, by TABs for further ETA requests covered by such an EAD was concluded. With this approach it should be possible to minimize the administrative burden to the industry for the development of (additional but equivalent) EADs essentially. Further consideration on this issue is foreseen for the upcoming EOTA Technical Board meeting(s).

Development of EADs based on CUAPs:

It is to be confirmed that at this time the conversion of CUAPs into EADs is an ongoing process with high priority for EOTA and the TABs. Due to the fact that the development of EADs needs to follow the conditions given in Annex II of the Regulation (EU) No 305/2011, the initiatives for this work are to be based on concerned ETA requests, taking into account the commercial secrecy and confidentiality of the individual application.

Design methods:

The proposal to publish design methods as complementary Technical Reports needs further consideration and is related to the concerns of EOTA according to its Statutes.

Use of ETAGs and quality assessment

The entry into force of the CPR and the additional agreements required to initiate the assessments of products (use of ETAG as EAD) has caused delays and problems for the manufacturers using the ETA route. It seems that TABs are taking different approaches when using ETAG in the context of the CPR.

The role and content of ETA, requested by the applicant, is clearly different from the past ETA focus and may lead to misunderstanding in the market. Manufacturers are keen to support EOTA and TABs in order to improve the system.

Maybe the best example of inconsistency in the ETA is safety factors that are integrated in some ETAs whilst other ETAs do not provide this information (even for the same product). Like others, a common approach is required in this particular case and is being envisaged.

Safety factors differ according to the applicable regulations (National Determined Parameters for Member States using Eurocodes or others if they use national laws). Therefore, any document containing such information is useful for the whole industry but may mislead manufacturers if not kept updated.

EOTA supports the TABs in the preparation of ETAs using a consistent approach. Observations like mentioned above are very helpful in this respect. Therefore, this will be once more highlighted to all TABs and will support an improvement of the outcome. In order to enhance the achievement of a consistent approach, it has been agreed on EOTA Technical Board level to have a consultation of draft ETAs amongst the group of designated TABs. We emphasize that the Regulation (EU) No 305/2011 and other related provisions do not foresee such activities and, therefore, it is a voluntary action agreed by the EOTA members. Such actions are not financed by the EC. Finally, the issuing of an ETA is under the full responsibility of the granting TAB (the so called RTAB).

Declared performance in ETA

The possible use of comprehensive tables for the expression of the performances of a product in the ETA depends on the type of product and concerned appropriate expression of its performances by means of numeric values (level), classes (range of levels), descriptions. Although the Commission Implementing Regulation (EU) No 1062/2013 ("ETA Format") does not require such comprehensive tables for the expression of the performances (see cl. 10 in the Annex of the ETA Format), the concerned EOTA Guidance Document does include such guidance. The CPE observation will be used in order to highlight the benefit of such comprehensive tables.

Conclusions

CPE: Encourages EOTA to further involve manufacturers in the development of EADs and offers the expertise of its CPR Working Group to coordinate such actions.

EOTA: On the 13th of March 2015 EOTA is organizing the Technical Stakeholders Advisory Board for the first time and has invited some 88 industry associations.

CPE: Supports a change in the approach of EOTA to guarantee confidentiality while keeping the required process transparency.

EOTA: EOTA complies with the CPR and is further bound by the applicable laws on confidentiality and makes sure available information is transparently shared at the levels of Body meetings, intranet and public webpage.

CPE: Requests a solution from EOTA to speed up the process to transform CUAP into EAD in order to prevent “discontinuous” CE marking of products.

EOTA: EOTA is in compliance with the CPR and the speed is determined by the market.

CPE: Suggests the publication and frequent update of technical reports containing the information missing in EADs (design methods, safety factors, etc.).

EOTA: EOTA webpage has been renewed and updated accordingly.

CPE: Recommends that EOTA takes the responsibility of the quality assessment of the documents developed by TABs, in particular when there is a specific request from the stakeholders.

EOTA: Although a voluntary issue EOTA undertakes the efforts to liaise with stakeholders at its own expense.

CPE: Encourages the use of tables that include the declared performance in ETAs.

EOTA: EOTA has included such guidance in the concerned EOTA Guidance Document.

Acronyms

- CPD – Construction Products Directive – [link](#)
- CPR – Construction Products Regulation – [link](#)
- CUAP – Common Understanding of Assessment Procedure (CPD)
- DoP – Declaration of Performance
- EAD – European Assessment Document (CPR)
- EOTA – European Organization for Technical Approvals / Assessments (CPD / CPR) – [link](#)
- ETA – European Technical Approval / Assessment (CPD / CPR)
- ETAG – European Technical Approval Guidelines (CPD)
- TAB – Technical Approval / Assessment Body (CPD / CPR)