

## Proposals for the Revision to CPR Annex V – Assessment and Verification of Constancy of Performance (AVCP)

Very little has been forthcoming about the delegated act to change the text of Annex V of the CPR covering the systems of assessment and verification of constancy of performance (AVCP). Below is a brief of the main proposals which the Group of Notified Bodies has put forward for consideration.

### **1. Determination of the product-type**

#### **a) Responsibility for determination of the product-type (System 3)**

The current Annex V requires Notified Bodies to carry out the determination of the product-type on the basis of type testing (based on sampling carried out by the manufacturer), type calculation, tabulated values or descriptive documentation of the product.

Under AVCP system 3 a manufacturer may well use more than one Notified Body to determine different essential characteristics and performance for their product(s). It is now considered that determination of the product-type should be a process encompassing all relevant aspects of the product's performance. As a testing laboratory or a calculation body is unlikely to have the expertise covering all aspects of the product, it is unreasonable to expect them to determine the product-type based on test reports covering areas they are not familiar with. Also, determination of the product-type is not a task within the normal competence of either of these types of organisation. Therefore, it is proposed that this should now be undertaken by the manufacturer as they are the only ones having the full oversight of the product.

#### **b) Sampling (Systems 2+ and 4)**

The manufacturer carries out the type testing under both system 2+ and system 4. Under system 2+ the manufacturer has to “determine the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product”. However, system 4 makes no mention of sampling. Sampling is referenced in all the other systems and as such, the inclusion of sampling for the manufacturer under system 4 needs to be added.

### **2. Inspection, surveillance and audit testing**

#### **a) Continuous surveillance (Systems I+, I and 2+)**

These three systems call for continuous surveillance which implies the activity is carried out 24/7 if the manufacturing plant runs continuously. In practice, surveillance consists typically of annual visits.

The proposal is to either drop the word “continuous” and just use the term “surveillance” or to change the term to read “continuing surveillance”.

**b) Description of Inspection and surveillance tasks (Systems I+, I and 2+)**

The current wording in Annex V calls for “*initial inspection* of the manufacturing plant and of the factory production control” and for “*continuous surveillance*, assessment and evaluation of the factory production control”. It is felt that there is no reason why the initial inspection should omit “assessment and evaluation”. Accordingly, the proposal is to align both tasks by including “assessment and evaluation” during the initial inspection.

**c) Timing of surveillance and audit testing (Systems I+, I and 2+)**

The current text requires the issuing of the initial certificate of constancy of performance to be based on surveillance or audit-testing depending upon the AVCP system. However, these activities take place after the certificate has been issued. This needs to be corrected.

**d) Description of audit testing (System I+)**

At present, the audit testing of samples is taken before placing the product on the market. This has led to the unintended interpretation that these samples must be taken before the product-type is placed on the market. It is proposed, therefore, that the text be reworded to read “audit testing of samples taken from the manufacturing plant or storage facilities used by the manufacturer”.

**3. On-going testing by the manufacturer (Systems I+, I and 2+)**

Under systems I+ and I, the manufacturer is required to carry out “further testing of samples taken at the factory in accordance with the prescribed test plan”, however, under system 2+ the word “further” is omitted. Also, the Articles in the CPR generally refer to the “manufacturing plant” rather than the “factory”. Both these issues need amending.

**4. Bodies involved in the Assessment and Verification of Constancy of Performance (AVCP)**

**a) Name of the Factory Production Control (FPC) certification body**

Annex V, clause 1.3(b) refers to the “notified production control certification body”, while Annex V clause 2.(2) uses the phrase “factory production control certification body”. It is proposed that the latter is the correct form and the text under clause 1.3(b) be amended.

**b) Definitions of bodies**

For the CPR, NANDO follows the practice used for the CPD of distinguishing between a “Testing Laboratory” and a “Calculation body”. It is thought that Annex V should mirror this. However, there needs to be some overlap in the definitions of these bodies because determining the performance of a product by testing usually requires some calculation, whilst determining performance by calculation may require some measurement of the product.

The way the definitions of “product certification body” and “factory production control certification body” are expressed needs to be aligned. Also, that the definition of a “testing laboratory” should be aligned in a similar way to the certification bodies.

**c) Which bodies may be notified for Systems I+ and I**

From the current Annex V it can be inferred that only product certification bodies may be notified for systems I+ and I. However, many product certification bodies sub-contract some or all type testing. By permitting the notification of testing laboratories and calculating bodies for the testing and calculation required under systems I+ and I this would help the certification body find suitably qualified subcontractors and simplify the certification body's task of ensuring that the subcontractor meets the requirements set out in Article 43 (Requirements for Notified Bodies) of the CPR. Permitting such notification might be achieved simply by adding the relevant systems in parenthesis to the definitions of the bodies.

Table 1 below gives a comparison between the existing text for Annex V and the text which may arise following acceptance of these proposals.

**Table I: Comparison of text between the current Annex V and that with proposed changes**

Current Annex V	Proposed Changes to Annex V
<p><b>SYSTEM OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE</b>  <b>System I+</b>  Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out : <ul style="list-style-type: none"> <li>(i) factory production control;</li> <li>(ii) further testing of samples taken at the factory in accordance with the prescribed test plan;</li> </ul> </li> <li>(b) the notified product certification body shall issue the certificate of constancy of performance of the product on the basis of: <ul style="list-style-type: none"> <li>(i) determination of the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product;</li> <li>(ii) initial inspection of the manufacturing plant and of factory production control;</li> <li>(iii) continuous surveillance, assessment and evaluation of factory production control</li> <li>(iv) audit-testing of samples taken before placing the product on the market.</li> </ul> </li> </ul>	<p><b>SYSTEM OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE</b>  <b>System I+</b>  Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out : <ul style="list-style-type: none"> <li>(i) factory production control;</li> <li>(ii) further testing of samples taken at the <b>manufacturing plant</b> in accordance with the prescribed test plan;</li> </ul> </li> <li>(b) the notified product certification body shall issue the certificate of constancy of performance of the <b>construction</b> product on the basis of: <ul style="list-style-type: none"> <li>(i) determination of the product-type on the basis of type-testing (including sampling <b>and supported by type classification or extended application where applicable</b>), type calculation, tabulated values or descriptive documentation of the <b>construction</b> product;</li> <li>(ii) initial inspection of the manufacturing plant and <b>assessment and evaluation</b> of factory production control;</li> </ul> </li> <li>(c) <b>the notified product certification body shall verify the continuous validity of its certificate of constancy of performance of the construction product on the basis of:</b> <ul style="list-style-type: none"> <li>(iii) <b>surveillance of the manufacturing plant and assessment and evaluation of factory production control:</b></li> <li>(iv) <b>audit-testing of samples taken from the manufacturing plant or storage facilities used by the manufacturer.</b></li> </ul> </li> </ul>

Current Annex V	Proposed Changes to Annex V
<p><b>System I</b></p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out: <ul style="list-style-type: none"> <li>(i) factory production control;</li> <li>(ii) further testing of samples taken at the factory by the manufacturer in accordance with the prescribed test plan;</li> </ul> </li> <li>(b) the notified product certification body shall issue the certificate of constancy of performance of the product on the basis of: <ul style="list-style-type: none"> <li>(i) determination of the product type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product;</li> <li>(ii) initial inspection of the manufacturing plant and of factory production control;</li> <li>(iii) continuous surveillance, assessment and evaluation of factory production control.</li> </ul> </li> </ul>	<p><b>System I</b></p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out: <ul style="list-style-type: none"> <li>(i) factory production control;</li> <li>(ii) further testing of samples taken at the <b>manufacturing plant</b> in accordance with the prescribed test plan;</li> </ul> </li> <li>(b) the notified product certification body shall issue the certificate of constancy of performance of the product on the basis of: <ul style="list-style-type: none"> <li>(i) determination of the product-type on the basis of type testing (including sampling <b>and supported by type classification or extended application where applicable</b>), type calculation, tabulated values or descriptive documentation of the construction product;</li> <li>(ii) initial inspection of the manufacturing plant <b>and assessment and evaluation</b> of factory production control;</li> </ul> </li> <li>(c) <b>the notified product certification body shall verify the continuing validity of its constancy of performance of the construction product on the basis of:</b> <ul style="list-style-type: none"> <li>(iii) <b>surveillance of the manufacturing plant and assessment and evaluation of factory production control.</b></li> </ul> </li> </ul>

Current Annex V	Proposed Changes to Annex V
<p><b>System 2+</b></p> <p>Declaration of performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out: <ul style="list-style-type: none"> <li>(i) determination of the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product;</li> <li>(ii) factory production control;</li> <li>(iii) testing of samples taken at the factory in accordance with the prescribed test plan;</li> </ul> </li> <li>(b) the notified production control certification body shall issue the certificate of conformity of the factory production control on the basis of: <ul style="list-style-type: none"> <li>(i) initial inspection of the manufacturing plant and of factory production control;</li> <li>(ii) continuous surveillance, assessment and evaluation of factory production control.</li> </ul> </li> </ul>	<p><b>System 2+</b></p> <p>Declaration of performance of the essential characteristics of the construction products by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out: <ul style="list-style-type: none"> <li>(i) determination of the product-type on the basis of type testing (including sampling <b>and supported by type classification or extended application where applicable</b>), type calculation, tabulated values or descriptive documentation of the construction product;</li> <li>(ii) factory production control;</li> <li>(iii) further testing of samples taken at the <b>manufacturing plant</b> in accordance with the prescribed test plan;</li> </ul> </li> <li>(b) the notified <b>factory</b> production control certification body shall issue the certificate of conformity of the factory production control on the basis of: <ul style="list-style-type: none"> <li>(i) initial inspection of the manufacturing plant and <b>assessment and evaluation</b> of factory production control;</li> </ul> </li> <li>(c) <b>the notified factory production control certification body shall verify the continuing validity of its certificate of conformity of the factory production control on the basis of:</b> <ul style="list-style-type: none"> <li>(ii) <b>surveillance of the manufacturing plant and</b> assessment and evaluation of factory production control.</li> </ul> </li> </ul>

Current Annex V	Proposed Changes to Annex V
<p><b>System 3</b></p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out factory production control;</li>   <li>(b) the notified testing laboratory shall carry out determination of the product-type on the basis of type testing (based on sampling carried out by the manufacturer), type calculation, tabulated values or descriptive documentation of the product.</li> </ul>	<p><b>System 3</b></p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out: <ul style="list-style-type: none"> <li>(i) factory production control</li>   <li>(ii) determination of the product-type on the basis of: <ul style="list-style-type: none"> <li>- type testing (based on sampling carried out by the manufacturer <b>and supported by type classification or extended application where applicable</b>) <b>or</b> type calculation, carried out and reported under the responsibility of a notified testing laboratory <b>or a notified calculation body</b>;</li>   <li>- tabulated values or descriptive documentation of the construction product carried out by or under the responsibility of a notified testing laboratory <b>or a notified calculation body</b>;</li> </ul> </li> </ul> </li> </ul>

Current Annex V	Proposed Changes to Annex V
<p><b>System 4</b></p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out: <ul style="list-style-type: none"> <li>(i) determination of the product-type on the basis of type testing, type calculation, tabulated values or descriptive documentation of the product;</li> <li>(ii) factory production control</li> </ul> </li> <li>(b) no tasks for the notified body.</li> </ul>	<p><b>System 4</b></p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <ul style="list-style-type: none"> <li>(a) the manufacturer shall carry out: <ul style="list-style-type: none"> <li>(iii) determination of the product-type on the basis of type testing, (including sampling and supported by type classification or extended application where applicable), type calculation, tabulated values or descriptive documentation of the product;</li> <li>(iv) factory production control</li> </ul> </li> <li>(b) no tasks for the notified body.</li> </ul>

Current Annex V	Proposed Changes to Annex V
<p><b>BODIES INVOLVED IN THE ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE</b></p> <p>With respect to the function of notified bodies involved in the assessment and verification of constancy of performance for construction products, distinction shall be made between:</p> <ul style="list-style-type: none"> <li>(1) <i>product certification body</i>: a government or non-governmental notified body, possessing the necessary competence and responsibility to carry out a product certification in accordance with given rules of procedure and management;</li> <li>(2) <i>factory production control certification body</i>: a notified body, governmental or non-governmental, possessing the necessary competence and responsibility to carry out factory production control certification in accordance with given rules of procedure and management;</li> <li>(3) <i>testing laboratory</i>: a notified laboratory which measures, examines, tests, calibrates or otherwise determines the characteristics or performance of materials or construction products.</li> </ul>	<p><b>BODIES INVOLVED IN THE ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE</b></p> <p>With respect to the function of notified bodies involved in the assessment and verification of constancy of performance for construction products, distinction shall be made between:</p> <ul style="list-style-type: none"> <li>(1) <i>product certification body</i>: a government or non-governmental notified body, possessing the necessary competence and responsibility to carry out a product certification in accordance with given rules of procedure and management (systems I+ and I);</li> <li>(2) <i>factory production control certification body</i>: a government or non-governmental notified body possessing the necessary competence and responsibility to carry out factory production control certification in accordance with given rules of procedure and management (system 2+);</li> <li>(3) <i>testing laboratory</i>: a governmental or non-governmental notified body possessing the necessary competence and responsibility to measure, examine, test, calculate, calibrate or otherwise determine the characteristics or performance of materials or construction products, primarily by means of measurement and testing (systems I+, I and 3).</li> <li>(4) <i>calculation body</i>: a governmental or non-governmental notified body possessing the necessary competence and responsibility to determine the characteristics or performance of materials or construction products, primarily by means of calculation (systems I+, I and 3+)</li> </ul>

Current Annex V	Proposed Changes to Annex V
<p><b>CASES OF ESSENTIAL CHARACTERISTICS WHERE REFERENCE TO A RELEVANT HARMONISED TECHNICAL SPECIFICATION IS NOT REQUIRED</b></p> <ol style="list-style-type: none"> <li>1. Reaction to fire</li> <li>2. Resistance to fire</li> <li>3. External fire performance</li> <li>4. Noise absorption</li> <li>5. Emissions of dangerous substances</li> </ol>	<p><b>CASES OF ESSENTIAL CHARACTERISTICS WHERE REFERENCE TO A RELEVANT HARMONISED TECHNICAL SPECIFICATION IS NOT REQUIRED</b></p> <ol style="list-style-type: none"> <li>1. Reaction to fire</li> <li>2. Resistance to fire</li> <li>3. External fire performance</li> <li>4. Sound insulation</li> <li>5. Sound absorption</li> <li>6. Emissions of dangerous substances</li> </ol> <p>["Noise absorption" is not an appropriate technical term and should be replaced by two categories – "Sound absorption" and "Sound insulation".]</p>