

<b>GNB-CPR</b> <b>GNB-AG</b>	<b>Co-ordination of the Group of Notified Bodies for the Construction products Regulation (EU) No 305/2011</b>	<b>NB-CPR/25-979r1</b> Issued 25 June 2025 <b>Approved Guidance</b>
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## Position paper

### ***Notified bodies' assessment of performance based on Appropriate Technical Documentation using conventionally accepted performance, or test results obtained by another manufacturer or system provider***

## 1 INTRODUCTION

CPR Article 36 allows for several simplified procedures for the assessment of performance.

The simplified procedures allow in certain conditions manufacturers to declare the performance on the basis of

- Levels or classes of performance defined by the harmonised technical specification or by a delegated act, often referred to as “conventionally accepted performance”,
- Test results obtained by a manufacturer of a similar product – often referred to as “shared ITT”,
- Test results obtained by a “system provider” or by a supplier of components, often referred to as “cascading ITT”.

Common to these simplified procedures is that they do not affect the systems of AVCP.

The Commission shall, according to CPR Article 28(2) establish which system or systems to apply to a given product, product family or a given essential characteristic. The system or systems established by the Commission will apply, irrespective of any use of the simplified procedures allowed for by CPR Article 36.

The above means that for products falling under the one of the AVCP systems 1+, 1, or 3, notified bodies need to be able to carry out the assessment of performance, even if the manufacturer applies one or more of the simplified procedures allowed for by CPR Article 36.

The aim of this paper is to provide guidance to notified bodies regarding the assessment of performance when CPR Article 36 applies. The guidance applies only to AVCP system 1+, 1, and 3.

This position paper does not indicate any position as to whether or not the conditions defined by CPR Article 36 also apply to sharing or cascading of results of calculations. Neither does this position paper express any position as to whether or not CPR Article 36 may apply to sharing or cascading of data for the assessment of environmental sustainability performance.

## 2 BASIC CONSIDERATIONS

- 1) The CPR Chapter VI defines several “simplified procedures”.

Preamble recitals Nos. 34, 35, and 36 explain the underlying reasoning, that must be borne in mind when applying the simplified procedures.

2) Recital No. 34 states:

*To avoid the unnecessary testing of construction products for which performance has already been sufficiently demonstrated by stable test results or other existing data, the manufacturer should be allowed, under conditions set up in the harmonised technical specifications or in a Commission decision, to declare a certain level or class of performance without testing or without further testing.*

Though there are no defined one-to-one relationship between the preamble recitals and the articles of the CPR, it seems evident that Recital No. 34 is reflected by CPR Article 36(1)a.

3) Recital No. 35 states:

*To avoid duplicating tests already carried out, a manufacturer of a construction product should be allowed to use the test results obtained by a third party.*

Recital No. 35 seems to be reflected by CPR Article 36(1)b (results obtained by another manufacturer) and CPR Article 36(1)c (results obtained by a provider of a system or a component).

4) Recital No. 36 states:

*Conditions should be defined for the use of simplified procedures for the assessment of the performance of construction products, in order to reduce as far as possible the cost of placing them on the market, without reducing the level of safety. The manufacturers using such simplified procedures should demonstrate appropriately the fulfilment of those conditions.*

Recital No. 36 seems to be reflected in all articles of Chapter VI, namely CPR Article 36, 37 and 38. However, in this context only CPR Article 36 is considered.

5) Application of the simplified procedures defined by CPR Article 36 does not affect the system of AVCP. The system or systems of AVCP chosen by the Commission will apply to the product irrespective of the application of CPR Article 36. Also the roles and responsibilities defined by CPR Annex V, as revised and amended, will remain the same; as will the operational obligations of notified bodies.

6) In line with Recital 36 that clearly indicates that the use of simplified procedures should not endanger the level of safety, notified bodies should carry out their work in a well-balanced manner ensuring the reliability of the assessment of performance.

7) CPR Article 36(1), 1<sup>st</sup> paragraph goes:

“In determining the product-type, a manufacturer may replace *type-testing* or *type-calculation* by Appropriate Technical Documentation demonstrating that...”

The terms “*type-testing*” and “*type-calculation*” are not defined elsewhere in the CPR. However, these terms seem to fit well to the original CPR Annex V in which the “*determination of the product-type on the basis of type testing, type calculation, tabulated values or descriptive documentation of the product*” should be carried out either by the manufacturer or by the notified body, depending on the system of AVCP.

In the current Annex V<sup>1</sup> of the CPR, it has been clarified that the manufacturer is always responsible for the *determination of product-type*<sup>2</sup> and that the responsibility for the assessment of performance will depend on the applicable system of AVCP.

Therefore, the terms *type-testing* and *type-calculation* should be understood to have the same meaning as the *testing* and *calculation* forming basis for the assessment of performance.

- 8) On the basis of the understanding of “*type-testing*” and “*type-calculation*” described under the above No. 7), it seems evident that CPR Article 36 should only apply to products for which the harmonised technical specification defines testing and/or calculation as the method(s) for assessing the performance.

In all systems of AVCP, except AVCP system 3+, the assessment of performance is done on the basis of testing, calculation, tabulated values or descriptive documentation. Replacing the activities of type-testing or type-calculation by Appropriate Technical Documentation would imply that the assessment of performance is done on the basis of Appropriate Technical Documentation (ATD). In that regard, distinction should be kept between the *activity* of testing/calculating and the *results* of the activities. Only the *activity* is replaced.

- 9) Though CPR Article 36(1) explicitly allows, in certain conditions, to replace “*type-testing or type-calculation by Appropriate Technical Documentation*”, the text of litrae a) and b) of that paragraph only speaks about the use of **test results**; it does not explicitly mention results of calculations. It has been suggested to apply the expansive interpretation of CPR Article 36(1) that the conditions defined for the use of test results obtained by another manufacturer or system provider would also apply to the use of **calculation results**. However, until general consensus has been obtained the GNB-CPR would not be in a position to provide guidance to notified bodies in that regard.
- 10) The validity of the assessment of performance of a construction product on the basis of ATD will depend on the consistency of the ATD with the construction product. For the purpose of ensuring consistency between the assessment of performance and the construction product, and for the purpose of ensuring the accuracy and reliability of the assessment of performance, notified bodies should have access to a physical sample of the construction product.
- 11) In 2024, CPR Annex V was amended by Commission Delegated Regulation (EU) 2024/2769 that introduced AVCP system 3+ and defined that system 3+ should apply to *essential characteristics on environmental sustainability*. Different understandings have been expressed as to whether or not the sharing of data to be used for the assessment of environment sustainability performance would be subject to the conditions defined by CPR Article 36(1). Until general consensus has been obtained the GNB-CPR would not be in a position to provide guidance to notified bodies in that regard.
- 12) Though the responsibility for the assessment of performance depends on the system of AVCP, it seems evident that the responsibility should always lie with the manufacturer for drawing up the ATD, and for the correctness of it. If the responsibility had lied with the notified body, the requirement in CPR Article 36(2) to have the ATD verified by a notified body if in AVCP system 1+/1 would not have been meaningful.
- 13) As the CPR defines neither the contents nor the format of the ATD, manufacturers would have a high degree of freedom in that regard. Only the purpose of the Appropriate Technical Documentation is defined, namely demonstrating that the conditions defined under CPR Article 36(1) litrae a), b), or c) are fulfilled.
- 14) For products in AVCP system 1+ or 1, it is required that the notified body *verifies* the ATD. Though neither the method nor the criteria are defined for that verification, it seems evident that the

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<sup>1</sup> See Commission Delegated Regulation (EU) No. 568/2014 as amended by Commission Delegated Regulation (EU) No. 2024/2769.

<sup>2</sup> When determining the product-type, the manufacturer may decide to make a “conservative declaration”, i.e. declare a performance less than allowed for by the assessment of performance.

verification should concern the ability of the ATD to demonstrate fulfilment of the relevant conditions defined under CPR Article 36(1), litrae a), b), or c).

- 15) When the conditions defined by CPR Article 36(1)a are met, the manufacturer would be entitled to base the assessment of performance on the level or class that the product is deemed to achieve, in accordance with the harmonised technical specification or an applicable Commission decision.
- 16) When the conditions defined by CPR Article 36(1)b or CPR Article 36(1)c are met, the manufacturer would be entitled to use *test results* provided by another manufacturer or system provider.

### **3 AGREEMENT WITH THE MANUFACTURER**

NB-CPR 17/722, section 6 applies with the below additions:

In AVCP systems 1+, 1 and 3, in addition to what is specified under NB-CPR 17/722, section 6.1, the agreement shall specify the request from the manufacturer to apply Appropriate Technical Documentation as basis for the assessment of performance.

## **4 APPROPRIATE TECHNICAL DOCUMENTATION “ATD”**

### **4.1 GENERAL**

For notified bodies, the starting point for the assessment of performance is the ATD submitted by the manufacturer.

The ATD shall be drawn up by, or under the responsibility, of the manufacturer.

The notified body shall not be involved in the drawing up of the ATD and shall not provide any consultancy in that regard.

### **4.2 FORMAT AND CONTENT OF THE APPROPRIATE TECHNICAL DOCUMENTATION**

The CPR specifies neither the format nor the content of the ATD. This means that the manufacturer will have a high degree of freedom to define both format and content.

The only requirement of CPR Article 36 is that the ATD must demonstrate that the conditions are fulfilled for applying the simplified procedure.

CPR Article 6(4) requires manufacturers to use the DoP model found in CPR Annex III. As that model requires the indication of the reference number of the ATD, it is assumed that the ATD shall have a unique reference number

For the purpose of integrity and for the notified body to have an unambiguous basis for the assessment of performance, notified bodies shall satisfy themselves that the below information will appear from the ATD:

- A unique reference number of the ATD
- Unambiguous reference to the construction product

- Identification of the manufacturer
- The manufacturing plant(s)
- Which of the simplified procedures to apply (Article 36(1)a, Article 36(1)b, or Article 36(1)c).
- The essential characteristics subjected to simplified procedures.
- As relevant, reference to the test reports provided by the other manufacturer or system provider
- Technical description to demonstrate that the conditions are fulfilled for applying the simplified procedure chosen by the manufacturer.
- Date and Signature on behalf of the manufacturer

### **4.3 VERIFICATION OF APPROPRIATE TECHNICAL DOCUMENTATION (ONLY SYSTEMS 1+ AND 1)**

In systems 1 and 1+, the notified product certification body shall carry out a verification of the Appropriate Technical Documentation submitted by the manufacturer.

The verification shall concern the ability of the Appropriate Technical Documentation to demonstrate that the conditions are fulfilled for applying the simplified procedure chosen by the manufacturer.

The CPR does not define any particular method for the verification of ATD. This means that the notified product certification body will have a high degree of freedom to decide on the method of verification. However, the operational obligations, cf. CPR Article 52 applies as well as the limits defined by the systems of AVCP. Therefore, the notified product certification body shall apply a method that is consistent with the applicable system of AVCP (1+ or 1), and not more rigorous than required.

By the verification of the ATD, the notified product certification body shall assume responsibility for the correctness of the ATD and its applicability as basis for the assessment of performance by the notified product certification body.

Further guidance on the verification is specified in below sections 4.3.1, 4.3.2, and 4.3.3.

#### **4.3.1 ARTICLE 36(1)a “CONVENTIONALLY ACCEPTED PERFORMANCE”**

The verification by the notified product certification body shall confirm that

- for the essential characteristic(s) indicated by the ATD, the conditions set out in the relevant harmonised technical specification or Commission decision are fulfilled for the construction product.

#### **4.3.2 ARTICLE 36(1)b – RESULTS OBTAINED BY ANOTHER MANUFACTURER**

The verification by the notified product certification body shall confirm that:

- The construction product corresponds to the product-type of the other construction product, manufactured by the other manufacturer. The correspondence shall include:
  - o same set of representative performance levels or classes in relation to its essential characteristics,
  - o produced using the same given combination of raw materials or other elements in a specific production process;
- testing by/for the other manufacturer was carried out and reported competently and correctly in accordance with the harmonised standard,
- The manufacturer has obtained the authorisation of the other manufacturer by whom the test results were obtained.

#### **4.3.3 ARTICLE 36(1)c – RESULTS OBTAINED BY ANOTHER MANUFACTURER OR A “SYSTEM PROVIDER”**

The verification by the notified product certification body shall confirm that:

- The construction product, is a system made of components, which the manufacturer assembles duly following precise instructions given by
  - o the provider of that system,
  - o the provider of a component of the system
- The test results apply to the system, or the component provided to the manufacturer.
- Testing by/for the other manufacturer was carried out and reported competently and correctly in accordance with the harmonised standard,
- The manufacturer has obtained the authorisation of the other manufacturer or system provider, by whom the test results were obtained.

## **5 ASSESSMENT OF PERFORMANCE**

### **5.1 GENERAL**

The notified body shall carry out the assessment of performance on the basis of the ATD provided by the manufacturer, and a sample of the construction product.

In AVCP systems 1+ and 1, the assessment of performance shall be done only after the notified body’s own verification of the ATD, as described above in section 4.3.

In AVCP system 3, the notified laboratory is not supposed to carry out any verification of the ATD. However, the notified laboratory shall satisfy itself that there’s consistency between the sample of the construction product and the ATD provided by the manufacturer.

By issuing the report of the assessment of performance, the notified body shall assume responsibility for the accuracy and the reliability of the assessment of performance.

## **5.2 DOCUMENTATION**

The Notified body shall maintain records of the assessment of performance, including copy of the ATD provided by the manufacturer.

The records shall be sufficiently detailed to allow for the reproduction of the assessment of performance.

The records shall also, where relevant, include documentation of the authorisation by the manufacturer or system provider by whom the test results were obtained.

Notified bodies are free to decide on the format of their records and other documentation.

## **5.3 REPORTING**

NB-CPR 17/722 section 7.4 applies with the following addition:

- The report shall include a reference to the ATD drawn up by the manufacturer. The reference shall be unique, e.g. by the indication of the reference number assigned by the manufacturer and that the manufacturer shall indicate in the Declaration of Performance.

In AVCP system 3, the notified body may on a voluntary basis use the “Assessment of Performance Report”, as provided for by the position paper NB-CPR 23/936.

## **6 ROUTE DIAGRAMME**

In Annex II of this document is found a route diagram for the application of CPR Article 36.

## ANNEX I

### Article 36 of the CPR, Regulation (EU) No. 305/2011.

#### ***Use of Appropriate Technical Documentation***

1. In determining the product-type, a manufacturer may replace type-testing or type-calculation by Appropriate Technical Documentation demonstrating that:
  - (a) for one or several essential characteristics of the construction product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out in the relevant harmonised technical specification or a Commission decision;
  - (b) the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised standard. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. The manufacturer may use the test results obtained by another manufacturer only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results; or
  - (c) the construction product, covered by a harmonised technical specification, which the manufacturer places on the market is a system made of components, which the manufacturer assembles duly following precise instructions given by the provider of such a system or of a component thereof, who has already tested that system or that component for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the component provided to him. The manufacturer may use the test results obtained by another manufacturer or system provider only after having obtained an authorisation of that manufacturer or system provider, who remains responsible for the accuracy, reliability and stability of those test results.
2. If the construction product referred to in paragraph 1 belongs to a family of construction products for which the applicable system for assessment and verification of constancy of performance is system 1 + or 1, as set out in Annex V, the Appropriate Technical Documentation referred to in paragraph 1 shall be verified by a notified product certification body as referred to in Annex V



# Annex II: Route diagram for using CPR Article 36

