GNB-CPR GNB-AG	**Co-ordination of the Group of Notified Bodies for the Construction products** **Regulation (EU) No 305/2011**	**NB-CPR/17-743r4** Issued 29 November 2017 **Approved Guidance**

GNB-CPR position paper

Basic conditions for notified certification bodies in relation to rebranding and subcontract manufacture

1 FOREWORD

For several years, it has been recognised that GNB guidance is needed regarding the work of notified certification bodies when dealing with economic operators who do not themselves physically manufacture the construction products they place on the market but who in legal terms are considered as manufacturers according to CPR

The need for guidance arises from the observation that notified certification bodies have different practices. Market surveillance authorities have also expressed a need for a reference describing common practices for notified certification bodies.

Moreover, variations in the understanding of the obligations of such economic operators considered as manufacturers are also demonstrating the urgent need of guidance for notified certification bodies in order to provide a harmonised application.

In October 2015 the GNB Advisory Group formed a task group to develop guidance on 'rebranding'.

As the matter has shown to be more complicated than expected, after working more than one and a half year the task group has not yet been able to present a final proposal.

As an interim measure, this position paper intends to outline some basic conditions which notified certification bodies should take into consideration when working for manufacturers who do not themselves physically manufacture the construction products they place on the market.

When more elaborate guidance is available, this position paper may be withdrawn.

2 DEFINITIONS

For the purpose of this guidance, the below definitions apply:

- *Manufacturing plant*
  Location where *significant manufacturing processes* take place; commonly referred to as *factory*.

  NOTE: A location where processes take place after the construction product is placed on the market is not considered (part of) the *manufacturing plant.*

- *Notified certification body*
  Body notified in accordance with CPR Art. 48 to function in AVCP systems 1+, 1, or 2+.

- *Physical producer*
  Any natural or legal person who manufactures a product intended to be placed on the market as a rebranded construction product under the name or trademark of a rebranding manufacturer. In case of rebranding, the *physical producer* is not the manufacturer as defined by CPR.

  NOTE: A physical producer may be placing similar construction products on the market under his own name or trademark. For these similar construction products, he is considered the manufacturer according to CPR Article 2(19).

- *Rebranded construction product*
  Construction product placed on the market by a *rebranding manufacturer* under his name or trademark.

- *Rebranding Manufacturer*
  A manufacturer (see CPR Article 2(19)) who does not himself physically produce the *rebranded construction products* he places on the market under his own name or trademark.

  NOTE: An importer or distributor who modifies a construction product already placed on the market in such a way that conformity with the declaration of performance may be affected is not considered a *rebranding manufacturer* but a manufacturer in the normal sense.

- *Significant manufacturing process*
  Process of which the controlling is likely to have a significant influence on the conformity of the construction product with the declared performance.

  NOTE: A process taking place after the construction product is placed on the market is not considered a *significant manufacturing process.*

- *Making available on the market*
  Definition from CPR Art. 2(16): 'Making available on the market' means any supply of a construction product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

- *Placing on the market*
  Definition from CPR Art. 2(17): 'Placing on the market' means the first making available of a construction product on the Union market;

3 Basic conditions

Below is listed a number of conditions which are considered basic for notified certification bodies serving rebranding manufacturers. The list is not considered exhaustive.

3.1 *Rebranding* and subcontract manufacture may be arranged in many different ways but will always be based on contracts defining the conditions for the cooperation between *physical producers* and *rebranding manufacturers*. These contracts will also form part of the basic conditions for the assessments and verifications to be done by the notified bodies to whom knowledge of the content of the contracts is therefore necessary.

3.2 Products[1] supplied by a *physical producer* to a *rebranding manufacturer* for the purpose of rebranding are not considered 'placed on the market' by the *physical producer*.

---

[1] Distinction is kept between *construction products* placed on the market and *products* supplied for the purpose of rebranding.

3.3 A notified body certificate covers only construction products placed on the market by the manufacturer to whom the certificate is issued.

3.4 In CPR, the term "*placing on the market*" refers to individual units – not to a product type. Construction products are considered placed on the marked individually, unit by unit, when supplied for distribution or use. Products held in stock by the manufacturer are not considered placed on the marked until they are supplied for distribution or use.

3.5 Based on above points 3.2, 3.3, and 3.4, the *physical producer* cannot refer to a notified body certificate for products supplied for the purpose of rebranding.

3.6 A *rebranding manufacturer* cannot in a DoP or a CE marking make reference to a notified body that issued a certificate to the *physical producer*. Hence, for construction products in AVCP systems 1+, 1, or 2+, the *rebranding manufacturer* will need a notified body certificate of his own.

3.7 *Notified Bodies* should always strive at avoiding unnecessary repetition of work. As far as justifiable and reasonable, work already done should be taken into account. In this respect, notified bodies should seek cooperation.

3.8 *A notified certification body* issuing a certificate to a *rebranding manufacturer* shall assume full responsibility for all assessments and verifications the outcome of which is forming basis for the certificate in accordance with CPR Annex V. The assessments and verifications include:

- Assessment of performance (systems 1+ and 1, for product under hENs)
- Initial inspection (systems 1+, 1 and 2+)
- Continuing surveillance (systems 1+, 1 and 2+)
- Audit testing (system 1+)

3.9 A *notified body* shall observe professional secrecy with regard to all information gained in carrying out its tasks for any manufacturer. Unless appropriate agreements are in place with the manufacturer(s) to whom the information relates a notified body cannot exchange information with another notified body.