

EA Communication

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CPR System 3 - Acceptance of test results provided by a Laboratory accredited in the United Kingdom (UK), being also an Approved Body from UK

Based on the position of the EA working group on Accreditation for Notification (WG AfN) coordinated with the European Commission, EA has published a Communiqué dated 8th of December 2021 related to the acceptance of conformity assessment results performed by an Approved Body (AB) in the framework of the UKCA marking for the issuance of certificates by a Notified Body (NB) under the CE Marking scheme.

When one speaks about single tests which form part of a larger conformity assessment activity covered for example by an accreditation according to ISO/IEC 17020 *Conformity assessment — Requirements for the operation of various types of bodies performing inspection* or ISO/IEC 17065 *Conformity assessment — Requirements for bodies certifying products, processes and services*, the situation is clarified.

However, the WG AfN has identified specific issues linked to the Construction Products Regulation (CPR) EU No 305/2011 system 3, a unique accreditation scheme for the purpose of notification for which ISO/IEC 17025 *General requirements for the competence of testing and calibration laboratories* is defined in EA-2/17 *EA Document on Accreditation for Notification Purposes* as the preferred standard.

Annex E of EA-2/17 presents the «Specific aspects of the Construction Product Regulation» including in point 2 the mandatory use of Harmonized Technical Specifications (and related test methods).

In application of the CPR (Annex V § 2-3), the notified testing laboratory measures, examines, tests, calibrates or otherwise determines the characteristics or performance of materials or construction products (the declaration of the performance of the essential characteristics of the construction product being made by the manufacturer which carries out the factory production control - see CPR Annex V § 1.4).

Consequently, the final report on results issued by the laboratory is a standard test report (with some reference to the CPR in order to use the report for CE marking) but with no further decision. The results originating from the UKCA marking scheme or from the EU CE marking system are identical to reports of single tests carried out according to international (and harmonized) technical standards by accredited laboratories based in the UK or in the EU.

As a consequence, considering the 2nd bullet of the above-mentioned EA Communiqué, there will be no specific activity done by the EU notified laboratory for the endorsement of the concerned tests delivered by a UK Approved Body (no real activity for assessment of the results and validation of the reports).

First issue:

Considering the first bullet of the above-mentioned EA Communiqué:

1. There is no equivalence between the UKCA Marking scheme and the CE Marking system. Thus CABs (NBs) cannot base their decisions and certifications in any way on the results and certificates originating from the UKCA Marking scheme.

Should it be concluded that the accredited NB laboratory for system 3 shall not reissue under its own accreditation a testing report containing the results delivered by the UK Approved Body (Laboratory) and not performed by its own?

An accredited NB laboratory cannot reissue under its own accreditation for the purpose of the CPR tests results delivered by a UK Approved Body, since they were obtained for the purpose of the UKCA marking, and the equivalence is not legally established.

The accredited NB may, however, accept accredited test results from an EA MLA (Multilateral Agreement) signatory for testing, conducted against the relevant harmonized standards used for the CPR and include them in its own accredited test report/certificate, once these externally provided test results have been validated by the NB, and the compliance to the requirements applicable to the externally provided services of ISO/IEC 17025 § 6.6 and to the CPR requirements § 45 and § 43 has been demonstrated.

For this demonstration, it should be taken into account that the NB laboratory must be accredited for the test(s) subcontracted - see the CPR § 43-6 “A Notified Body shall be capable of carrying out all the third party tasks in the process of assessment and verification of constancy of performance assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the notified body itself or on its behalf and under its responsibility”.

Restrictions to subcontracting may exist for some activities. For example, in the case of fire testing classification reports, it must additionally be taken into account the GNB (Group of Notified Bodies) CPR Guidance Base Approved item 0306:

“A classification report is based on the results of one or more tests. To ensure coherence between the testing and classification, it is recommended that classification reports are drawn up by the laboratory conducting the tests. Consequently, Notified Bodies should only draw up classification reports on the basis of testing conducted fully or partially by themselves, unless otherwise justified by extraordinary circumstances. Certification bodies subcontracting the testing should also subcontract the drawing up of the classification report to the same laboratory (or laboratories).”

Second issue:

Would it be acceptable that a customer transfers directly to the EU Notified Body for the CPR system 3 accredited test results provided by an EA MLA accredited laboratory, for inclusion in the accredited report to be issued by the EU Notified Body, without any formal subcontracting between the accredited EU Notified Body and the EA MLA accredited laboratory?

If accredited test results provided by the EA MLA accredited laboratory are directly transferred by the customer to the EU Notified Body, this is not covered by the subcontracting requirements from both ISO/IEC 17025 and the CPR (see previous answer) but only by § 7.8.2.2 of ISO/IEC 17025:2017, regarding inclusion of data provided by the customer in the report of results, which states that:

«The laboratory shall be responsible for all the information provided in the report, except when information is provided by the customer. Data provided by a customer shall be clearly identified. In addition, a disclaimer shall be put on the report when the information is supplied by the customer and can affect the validity of results.»

Consequently, the Notified Body cannot issue in that case under its own accreditation a report on the results supplied by the customer.