

Implementation and involvement of Notified Bodies (NB) in new AVS 3 Different understanding by NB

1 Background

EuroWindoor members have learned that different Notified Bodies (NB) in different Member States (MS) have different understanding of the tasks of NB according to Annex IX No. 5, "System 3" of the new CPR (Regulation (EU) 2024/3110):

- (b) The notified body shall decide on the issuing, restriction, suspension or withdrawal of the certificate of performance and of conformity of the product on the basis of:
 - (i) an assessment of the performance on the basis of testing performed by a notified testing laboratory (based on sampling carried out by the manufacturer), calculation, tabulated values or documentation describing the product;
 - (ii) confirmation that the product type and the product category were correctly determined.

When it comes to practical implementation, a very strict understanding of the task of NB could pose serious challenges, particularly for small and medium-sized enterprises (SMEs) in the window and door industry.

2 Deviation in Notified Bodies understanding of new AVS 3

We have learned that there are different readings and therefore also different expectations on how this is going to be implemented, between different Notified Bodies.

2.1 A very strict understanding

The understanding from one NB is that each single product type placed on the market needs to be confirmed by a NB including issuing a certificate of performance and of conformity.

The definition of 'product type' leads to a de facto 'single-item declaration' for highly customized, project-specific configured products (such as windows and doors). Since windows are usually configured specifically for each project and there are almost always deviations in individual characteristics, even if the windows look almost identical, this almost always results in a new product type and thus a need for a new DoPC. This challenge is further amplified by the large number of essential characteristics (currently 51 technical characteristics are proposed in the 4th draft of the Standardisation Request), which can be combined in numerous ways depending on project requirements. This results in several million potential product types.

Due to the changed assessment and verification systems (AVS) 3 in the new CPR, it will be necessary in future to involve a Notified Body (NB) for each new product type. Around 76 million windows are sold in Europe every year. Almost as many DoPCs have to be created for product types which all need to be confirmed before.

This understanding will result in many SME's having difficulties in as well setting up procedures, collecting data and not least carrying the economic burden of the involvement of a NB.

2.2 A pragmatic understanding

The understanding for another NB is according to Annex IX No. 5 (b) not related to single items placed on the market but related to "product categories" (*abstract model of individual products*), based on Type Testing. Accordingly, the confirmation of the product type by an NB, including the issuance of a certificate of performance and conformity, is limited to the type test of the product category determined by the representative test sample.

This approach, being economically similar to the practice of today, will be within most SME's economic capabilities.

3 Need for clarification

As explained, one NB interprets that each individual product type must be confirmed by a NB and another NB, however, understands the confirmation to apply only to product categories represented by tested samples, not to every individual variant. Clarification is of highest importance to the industry, we hope the Commission will be able to inform which of the two above-mentioned understandings is intended.

About EuroWindoor AISBL – EuroWindoor AISBL was founded as an international non-profit Association, in order to represent the interests of the European window, door and facade (curtain walling) sector. Our 20 national associations speak for European window, door and facade manufacturers that are in direct contact with consumers, and thereby having large insights on consumers' demands and expectations. We are at the forefront interacting with dealers, installers and consumers buying windows and doors, and the companies behind the associations cover selling all over Europe.