

## POSITION PAPER

# Increase in inspection audit frequencies for structural metal products

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### ➤ Background

hEN 1090-1, *Execution of steel structures and aluminium structures – Part 1: Requirements for conformity assessment of structural components*, permits, in its Annex B, that the frequency of Factory Production Control (FPC) audits may be extended to one visit every three years. The Sector Group of the Group of Notified Bodies (GNB) responsible for this standard, SG17, has put forward a position<sup>1</sup> stating that visits have to take place at least once per year.

A large number of SMEs are involved in structural metal product fabrication. A three-fold increase in the cost of audit visits will be challenging for many SMEs, especially those with relatively low volumes of production or which are involved in the production of one-off products. The suggested frequency increase, if accepted, would place an even greater relative burden on SME manufacturers of structural metal products playing a minor structural role.

### ➤ Analysis

There are procedural, legal and technical aspects to this case. At the procedural level, general guidance from the GNB in document GNB 17/722rev, *Guidance to notified bodies on the Assessment and Verification of Constancy of Performance under the Construction Products Regulation* states:

“A position paper [from the GNB] should not contradict a harmonised technical specification unless serious errors have been found in the technical specification, and the relevant technical committee has agreed that the position paper conforms to an anticipated revision of the technical specification.”

This provision has not been respected in two important ways. Firstly, the three-year frequency is not an error, it is the results of considerations, within CEN TC135, of what level of intervention is appropriate to ensure the performance declaration of structural metal products. Secondly, there is no agreement within CEN TC135 to change EN 1090-1 to correspond to the GNB position.

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<sup>1</sup> NB-CPR/SG17-17/110r1, Issued: 29 August 2018, Draft Guidance, *Frequencies for surveillance to EN 1090-1:2009+A1:2011*.

Also at procedural level, most notified bodies demonstrate their technical competence prior to notification by being accredited. Some bodies within SG17 have claimed that their national accreditation body insists on one inspection visit per year as a condition of accreditation. SBS contends that, by doing this, accreditation bodies are getting involved in questions of product conformity, where they have no remit, instead of limiting themselves to their role of assessing the competence of the notified body itself.

At the legal level, CPR Article 28.2 states that:

“The Commission shall choose the least onerous [AVCP] system or systems consistent with the fulfilment of all basic requirements for construction works.”

SBS does not, in principle, contest the allocation of AVCP System 2+ to most structural metal products covered by hEN 1090-1, provided that the implementation of this system does not become onerous. SBS does, however, believe that the substantial cost increase for many SME structural metal product fabricators, imposed by the increased inspection frequency suggested by SG17, would lead to the system becoming very onerous.

At the technical level, SBS observes that no market surveillance activity indicates problems with product performance, nor with inspection frequencies, of structural metal products. Among those Member States who reported specific market surveillance activities for 2018, only Austria is focussing on EN 1090-1 but this is because Austria focuses on different product groups each year; it does not indicate any specific concerns (Turkey did the same in 2017). Finland reports activity related to EN 1090-1 but this is related to confusion over whether CE marking is compulsory or not, rather than to the performance of the products themselves. Of 110 construction products listed on the RAPEX database, only one structural metal product (a window balcony) appears. The reason for the defect (too short fixing screws, voluntarily corrected by the manufacturer) would not have been identified by FPC visits of any frequency.

SBS, and EMU representing the EU structural metal industry, states that there is no evidence that a once in 3 years frequency has led to any structural metal products on the market which do not have the performance levels declared of them. Consequently the tightening of frequencies is not *technically* justified.

With these considerations in mind, SBS makes the following recommendation:

**Recommendation**

SBS asks the GNB and SG17 to withdraw its guidance proposing annual FPC inspection visits, and calls on the European Commission to support this position.

Further information on the subject in this paper can be obtained from the SBS Secretariat at [info@sbs-sme.eu](mailto:info@sbs-sme.eu).

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