



SUB-GROUP #2
“STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES”

OF THE
INFORMAL COMMISSION EXPERT GROUP ON THE CPR TECHNICAL ACQUIS PROCESS

TERMS OF REFERENCE

1. BACKGROUND

DG GROW has set up a group of experts “Commission Expert Group on the CPR Technical Acquis process” (“the group”) in the field of the Construction Products Regulations.

The main group acts as “Steering Group” and several sub-groups according to the product areas defined in the CPR or to thematic issues have been created.

Member States of the EU and of the EEA, Turkey and Switzerland have identified the priorities for reviewing the CPR Acquis on the basis of 8 criteria. The product area code 20 “Structural metallic products and ancillaries” of annex IV to the CPR¹ is resulted as the second priority.

2. SUBJECT MATTER

The sub-group of experts “Structural metallic products and ancillaries” is set up. The subgroup is created mainly to define the high level structure (scope, essential characteristics, requirements, etc.) of future harmonised technical specifications in the product area identified by the name of the sub-group in the Annex IV to the CPR. The sub-group acts under the control of the Steering Group.

3. TASKS

The sub-group’s tasks shall be the following:

- a) to develop definitions of the scope of product area;
- b) to suggest the content of the high level structure of harmonized technical specifications including assessment methods, essential characteristics, expression of test/assessment results (inclusion of classes of performance and/or threshold levels), requirements and regulatory needs;
- c) to implement the procedure established by the Steering Group and respect the work program assigned by the Steering Group;

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0305&from=EN>

- d) to evaluate draft harmonised Technical Specifications to ensure that the final documents are covering the requirements of (b) completely to the extent that no other dedicated procedures prevail.
- e) to provide recommendations to the Steering Group on how to structurally eliminate potential shortcomings of draft harmonised Technical Specifications.
- f) to propose to the Steering Group solutions on issues related to interactions and overlaps.

4. CONSULTATION

DG GROW may consult the sub-group on any matter relating to the CPR Acquis.

5. MEMBERSHIP

1. Members shall be Member States' authorities of the EU and other public authorities of the European Economic Area (EEA), Turkey and Switzerland² (type D and E members)³.
2. Member states' authorities and other public authorities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise. Representatives shall be civil servants or public employees employed in national administrations or in a national designated notified certification body, notified testing laboratory or technical assessment body.

6. CHAIR

The group shall be chaired by a representative of DG GROW.

7. OPERATION

1. The sub-group shall act at the request of its chair with the agreement of DG GROW, in compliance with the horizontal rules⁴.
2. In the first meeting of the year the recurrence of meetings is determined in accordance to the forecasted workload.
3. Meetings of the group shall, in principle, be held remotely.
4. DG GROW shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the sub-group.
5. In agreement with DG GROW, the sub-group may, by simple majority of its members, decide that deliberations shall be public.
6. Minutes on the discussion on each point on the agenda and on opinions delivered by the sub-group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
7. The sub-group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the

² For the duration of the Customs Union with Turkey and the Mutual Recognition Agreement with Switzerland respectively.

³ See Article 7 of the horizontal rules (Commission Decision C(2016)3301).

⁴ See Article 13.1 of the horizontal rules

members. Members who have voted against shall have the right to have a statement summarising the reasons for their position annexed to the opinions, recommendations or reports.

8. INVITED EXPERTS

DG GROW may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the sub-group on an *ad hoc* basis.

9. OBSERVERS

1. Organisations may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations appointed as observers shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise. The DG GROW may refuse the nomination of a representative by an organisation if it considers this nomination inappropriate in light of the horizontal rules. In such case, the organisation concerned shall be asked to appoint another representative.
3. Observers' representatives may be permitted by the sub-group Chair to take part in the discussions of the sub-group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the sub-group.
4. Observers who are no longer capable of contributing effectively to the group's deliberations, who in the opinion of DG GROW do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the sub-group and may be replaced for the remainder of their term of office.

10. RULES OF PROCEDURE

The sub-group shall operate in accordance with the rules of procedure of the Steering group.

11. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the sub-group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443⁵ and 2015/444⁶. Should they fail to respect these obligations, the Commission may take all appropriate measures.

12. TRANSPARENCY

1. The sub-group shall be registered in the Register of expert groups.

⁵ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁶ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

2. As concerns the sub-group composition, the following data shall be published on the Register of expert groups:
 - (a) the name of Member States' authorities;
 - (b) the name of other public entities, including the name of third countries' authorities;
 - (c) the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available *via* a link from the Register of expert groups to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any restriction. In particular, DG GROW shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001⁷.

13. MEETING EXPENSES

1. Participants in the activities of the sub-group shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of sub-group shall not be reimbursed by the Commission.

Done in Brussels, on [date].

⁷ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.