

Validity of NB certificates

Dear Notifying Authorities, dear Chairs of Notified Bodies Groups, dear Chairs of Administrative Cooperation groups, dear colleagues,

In the context of the current COVID-19 outbreak, we understand that the activities of notified bodies may be affected. Due to the exceptional circumstances we are facing, we already provided for certain flexibility and specific guidance on this issue, in particular where the difficulty to currently perform visits to manufacturers' premises affected the conformity assessment activities.

We understand that the current exceptional circumstances may also delay the renewal of existing certificates issued by Notified Bodies and due to expire in the coming days. It may be that Notified Bodies are not in a position to carry out all the necessary tests and activities to deliver the new certificates. To the extent that Notified Bodies cannot carry out their tasks in view of the confinement measures taken at Member States level, Notified Bodies could exceptionally extend the validity of such certificates about to expire for a maximum period of 6 months. Certain pieces of Union harmonization legislation set a specific duration for such certificates, such as 5 or 10 years. In those cases the Notified Body can envisage to issue a new temporary certificate of maximum 6 months for the same product or model, based on the examination done for the current certificate.

As mentioned in our previous email, Notified Bodies are encouraged to continue to carry out their tasks as far as possible. Notified Bodies are required to act responsibly when analysing the situations where certificates may have to be extended beyond their foreseen period of validity. Notified Bodies should also act with full transparency, informing affected clients of any change in the procedures and keeping records justifying the decisions taken.

We would like to recall that these flexibility arrangements should however not put at risk the health and safety of persons or other aspects of public interest protection in the EU by affecting the conformity of the products concerned to the relevant EU harmonisation legislation, and in particular the role that Notified Bodies play in conformity assessment to that legislation. Notified Bodies are requested to inform the relevant authorities of any relevant issues relating to possible non-conformity of products, including where such certificates may need to be exceptionally extended for a limited time period as described above.

Kind regards,

European Commission

DG for Internal Market, Industry, Entrepreneurship and SMEs

Goods in the Single Market and Enforcement

Unit B1 Free movement of goods

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