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Operating Instruction

GUIDE TO SUBMIT AN APPLICATION FOR CERTIFICATION BASED ON REBRANDING

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1. SCOPE

Within the scope of the activities of Assessment and Verification of the Constancy of the Performance carried out by the Laboratorio Prove Materiali as Notified Body (NB) no. 1777 pursuant to Regulation (EU) no. 305/2011, this Operating Instruction aims to provide manufacturers with the guidelines for filling a certification request based on rebranding, using the form LPM/ MOD.00.207, and for drafting the relevant annexes.

2. REFERENCES

- Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC Text with EEA relevance
- LPM/DOC.00.007 Rules for the Assessment and Verification of the Constancy of Performance as per Reg. (EU) No 305/2011
- LPM/IOP.00.012 Modalità di gestione del processo di certificazione in caso di Rebranding

Where not specified, the above references are intended in the edition/revision in force.

3. DEFINITIONS

For the purpose of this Instruction, the following definitions apply:

Manufacturer: any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under its name or trademark [ref. Reg. (EU) no. 305/2011, art. 2(19)]

The Manufacturer draws up the Declaration of Performance (DoP).

Rebranding Manufacturer: A Manufacturer [ref. Reg. (UE) no. 305/2011, art. 2(19)] who does not himself physically produce the rebranded construction products he places on the market under its own name or trademark.

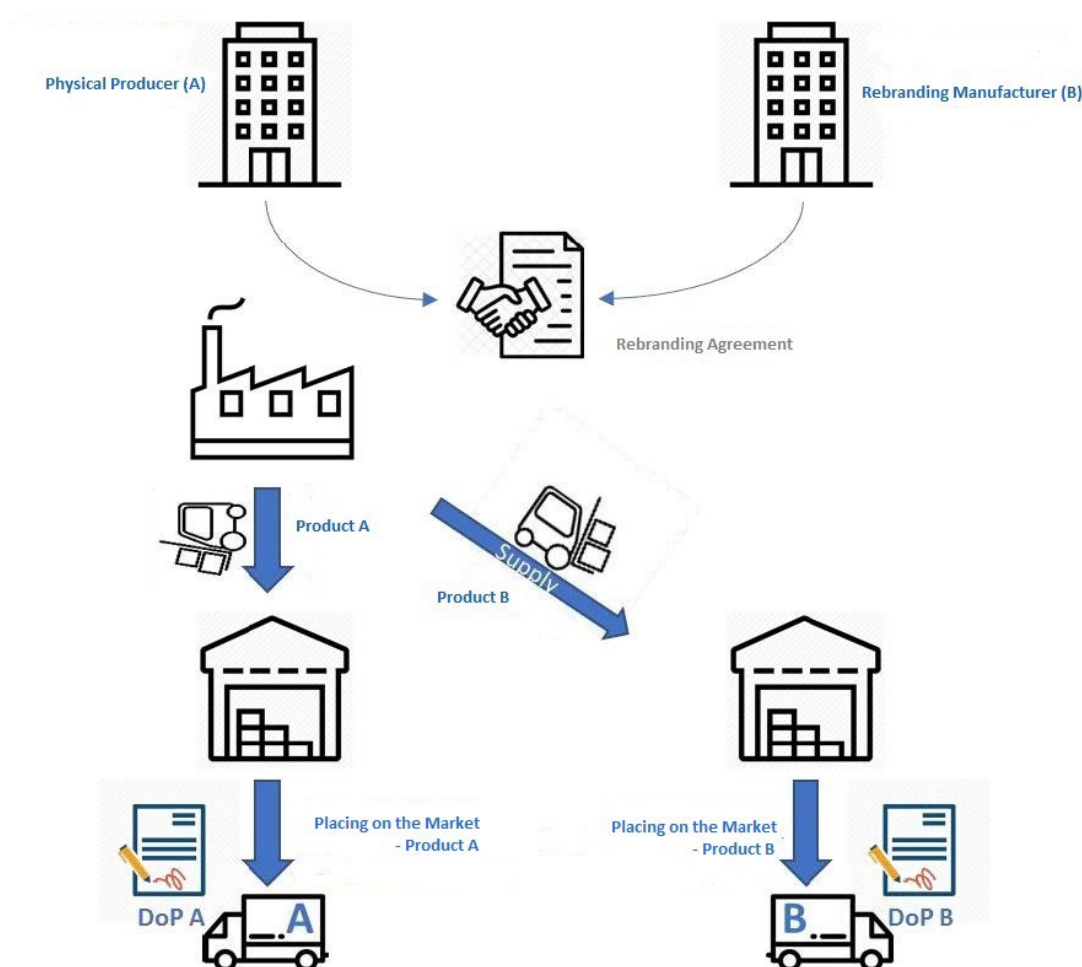
NOTE: An importer or distributor who modifies a construction product already placed on the market in such a way that conformity with the declaration of performance may be affected is not considered a rebranding manufacturer but a manufacturer in the normal sense.

Physical Producer: Any natural or legal person who manufactures a product intended to be placed on the market as a rebranded construction product under the name or trademark of a rebranding manufacturer. In case of rebranding, the physical producer is not the manufacturer as defined by Reg. (EU) no. 305/2011, art. 2(19)

NOTE: A physical producer may be placing similar construction products on the market under its own name or trademark. For these similar construction products, he is considered the manufacturer according to Reg. (EU) no. 305/2011, art. 2(19).



4. INTERACTION BETWEEN PHYSICAL PRODUCER AND REBRANDING MANUFACTURER



The above figure shows the interaction between the Physical Producer (company A) and the Rebranding Manufacturer (company B) in a Rebranding case.

Products A and B are to be meant as identical (same production plant, same materials and specifications, same machinery and FPC system, etc.) and differ only in the tradename and markings. Both products are manufactured by company A, but while product A is placed on the market by company A (in capacity of manufacturer), product B is placed on the market by company B.

The necessary condition to allow this, is the conclusion of an agreement between the physical producer and the rebranding manufacturer on the basis of which company A supplies company B with a "clone" of Product A that may be placed on the market by Company B under the trade name of Product B. Both products are CE marked and accompanied by the Declaration of performance issued by their respective manufacturers.

Rebranding may take different forms:

- The Rebranding Manufacturer B has a warehouse where he receives the products from Physical Producer A, affixes its own marking and delivers them to the final customer



- The Rebranding Manufacturer B receives from the Physical Producer A the construction products already complete with marking B and delivers them to the final customer
- The Physical Producer A affix the marking of Rebranding Manufacturer B on construction products and delivers the products directly to the customers of the Rebranding Manufacturer, without them passing through the warehouse of B.

5. COMPLETION OF THE FORM LPM/MOD.00.207

The submission of an Application for Assessment and Verification of the Constancy of the Performance of construction products based on Rebranding shall take place using the specific format LPM/MOD.00.207, to be filled in by the Rebranding Manufacturer according to the indications given below for each of the items provided in the module:

1. Application for the release of:

Select the type of certification required according to the Assessment and Verification of the Constancy of the Performance (AVCP) system provided for in the related harmonised technical specification:

- Certificate of Constancy of Performance of the product
for AVCP systems 1 and 1+
- Certificate of Conformity of the factory production control
for AVCP system 2+

The option

- Extension of Certificate

shall be selected, as an alternative to the previous ones, in the event that the rebranding manufacturer already holds a certificate and requests the extension of its scope due to the introduction, for example, of a new supplier or a new product range.

2. Manufacturer

Provide the information of the Rebranding Manufacturer requesting certification

3. Applicant – Authorized Representative

Fill in the section only if the Rebranding Manufacturer has given a written mandate to an agent to submit the request and to carry out other tasks specified in the mandate itself on its behalf [ref. Reg. (EU) no.305/2011 art.12]

4. Physical Producer

Provide the information related to the physical producer, specifying in particular the location of the production plant/factories where the products that will be rebranded are manufactured.

5. Is the Rebranding Manufacturer's Quality Management System certified according to ISO 9001?

Provide details of any certifications that the Rebranding Manufacturer holds that are relevant to the scope of the application.



Is the Physical Producer's Quality Management System certified according to ISO 9001?

Provide details of any certifications that the Physical Producer holds that are relevant to the scope of the application.

6. Construction product subject of the application

- Select the reference harmonized technical specification of the product and the related AVCP system
- Indicate the trade name that the Rebranding Manufacturer intends to assign to the product
- Indicate the product type among the different types provided for in the reference harmonised technical specification
- Indicate the main characteristics of the product for each of the models covered by the application (load capacity, movement capacity, dimensions, velocities, etc.)

7. Outsourced processes

In the event that the Physical Producer referred to in paragraph 5.4. has entrusted external suppliers with one or more activities (including design, control and FPC testing) related to the production process of the products covered by the certification application, provide supplier references.

8. Assessment of the performance of the construction product

Report the references of the laboratory where the tests to determine the product type for the product being rebranded were carried out.

9. Reference of the certificate of constancy of performance/ certificate of conformity of factory production control held by the Physical Producer

Indicate the references and validity status of the certificate, relating to the product subject to rebranding, which is owned by the Physical Producer.

6. DRAFTING OF THE ATTACHMENTS TO THE FORM LPM/MOD.00.207

The Application for Assessment and Verification of the Constancy of Performance of construction products based on Rebranding is considered complete only if accompanied by the required annexes, detailed below.

Annex 1: attach an update copy of the extract from the Commercial Register

Annex 2: only if the Rebranding Manufacturer has identified the representative referred to in the paragraph 5.3, attach a copy of the mandate specifying the AVCP tasks that the representative is authorised to perform.

Annex 3: only if the certification request is not signed by the legal representative of the Rebranding Manufacturer, attach delegation of signature.

Annex 4: attach a Rebranding Agreement between the Rebranding Manufacturer and the Physical Producer signed by both parties.



The Rebranding Agreement shall contain, in addition to the activities that are subject to collaboration, the following minimum contents:

- **Identification of the construction product under rebranding** (including any model specifications/product range) **with reference to the certificate** of constancy of performance / conformity of factory production control held by the Physical Producer
- Physical Producer's authorization to the Rebranding Manufacturer to use the results of type tests performed on the construction product under rebranding [*ref. Reg. (EU) no.305/2011, art. 36(1.b)*]
- **Physical Producer's commitment to:**
 - a) provide the Notified Body identified by the Rebranding Manufacturer with a copy of the documentation relating to the determination of the product type (type test reports);
 - b) provide the Notified Body identified by the Rebranding Manufacturer with documentation and procedures relating to the FPC (factory production control) system implemented;
 - c) make the documentation referred to in points (a) and (b) available for inspection by the Notifying Authority, the Accreditation Body and the National Surveillance Authorities in case of request;
 - d) keep FPC records relating to the production of construction products subject to rebranding for at least 10 years [see Reg. (EU) No. 305/2011 art. 11] and to make them available to the Notified Body identified by the Rebranding Manufacturer and to the National Surveillance Authorities that request them for 10 years, even in case of termination of the rebranding agreement;
 - e) allow the Notified Body identified by the Rebranding Manufacturer to access its production site in order to carry out the Initial Inspection and the Surveillance Inspections required for the purpose of issuing and maintaining certification;
 - f) Notify the Notified Body identified by the Rebranding Manufacturer of any variation in its production process that may invalidate the tests for determining product type referred to in point a);
 - g) Notify the Notified Body identified by the Rebranding Manufacturer of any variation in the FPC system implemented that may have an impact on the characteristics of the products covered by certification;
 - h) provide the Rebranding Manufacturer, for each construction product supplied under the rebranding agreement, the information necessary for issuing a Declaration of Performance and a declaration of conformity of products with the requirements of the reference harmonised technical specification;
 - i) Inform the Rebranding Manufacturer of any changes to its FPC system with reference to the reference harmonised technical specification for the product;
 - j) keep the certificate issued by its Notified Body valid (or promptly communicate any changes/suspensions/withdrawal to the Rebranding Manufacturer);
 - k) inform the Rebranding Manufacturer of any non-conformity, whether internal or issued by its Notified Body, that may affect the products subject to rebranding;
 - l) Inform Rebranding Manufacturer of any complaints that impact the products being rebranded;



- **Specify how the product is stored and delivered** to the final customer, that is:
 - the products subject to rebranding are shipped by the Physical Producer to the warehouse of the Rebranding Manufacturer, who affixes its own marking and delivers them to the final customer
 - the products subject to rebranding are shipped by the Physical Producer to the warehouse of the Rebranding Manufacturer already complete with the latter's marking which delivers them to the final customer
 - the Physical Producer affixes the Rebranding Manufacturer's marking to the construction products and ships the products directly to the Rebranding Manufacturer's final customers, without them passing through the latter's warehouse.

If more than one of the above-mentioned modalities is adopted, all shall be reported.

- **Period of validity** of the rebranding agreement.

Annex 5: Attach technical documentation describing the product.

In particular:

- Copy of the certificate of constancy of performance/ certificate of conformity of factory production control held by the physical producer, including any technical annexes that explain the range of products covered by the certification.
- copy of the type test reports issued by the notified laboratory for the determination of the product type.

In general, for the sharing of test results [see Reg. (EU) no.305/2011, art. 36(1.b)] between Physical Producer and Rebranding Manufacturer, it is appropriate that the latter has a copy of the complete test reports (type tests and possible internal control tests), as he must be responsible for the CE marking of its products and, in case of dispute, should be able to demonstrate what is stated, as well as being able to ascertain for example the test conditions and tested samples.
- Appropriate technical documentation drafted by the Rebranding Manufacturer demonstrating the correspondence of the rebranded product (product B) with the product-type of product A.

Annex 6: attach a flow chart of the production flow for the products under rebranding including all processes (from design to machinery, FPC testing, storage and affixing of the CE marking), indicating the location where they are performed and any outsourcers involved.