



**OPERATIONAL DOCUMENT**

**ECS 012**

**Procedure  
for dealing with European Mark licences  
in the transitional phase from old to new standards**

~~(former OD CIG 012)~~

**Draft**

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# PROCEDURE FOR DEALING WITH EUROPEAN MARK LICENCES IN THE TRANSITIONAL PHASE FROM OLD TO NEW STANDARDS

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## 1. INTRODUCTION

The running of a given certification scheme by several Certification Bodies implies that certain rules are to be strictly followed to avoid negative consequences which may jeopardise the whole system.

Even if the CCA is not a certification scheme, there are some sensitive aspects related to it which make advisable the application of these rules even at the national level when Certification Bodies run their respective national certification schemes.

Among other rules, the need has been recognised of having correct criteria to apply with regard to the date as from which certification may be granted in cases where there is a new Standard or where an existing licence has to be modified or withdrawn because the relating Standard is superseded or withdrawn.

*In line with CEN CENELEC Internal Regulations Part 2 (July 2020) and following as far as applicable its criteria and definitions, complementary rules are given hereafter. Paragraphs in italics are direct quotes from CEN CENELEC Internal Regulations Part 2.*

## 2. SCOPE

This Procedure applies to the following European certification schemes:

- CCA (with the reservation mentioned);
- ENEC Mark;
- ~~Keymark EMS 01;~~
- CCA-EMC Mark.

## 3. DEFINITIONS

Within the scope of this document the following definitions apply.

### **New European Standard:**

A completely new EN or HD or a revised version of an existing EN or HD, either in the form of a new edition of the Standard, or in the form of an amendment which together with the existing EN or HD forms the revised document.

### ***Date of ratification (dor):***

*Date when the Technical Board notes the approval of an EN (and HD for CENELEC) from which time the Standard may be said to be adopted.*

~~Note 1: CENELEC has agreed that, although strictly speaking dor is the date when the Technical Board notes the approval of an EN or HD, the formal dor date is for administrative reason taken as the first day of the month following the Technical Board decision.~~

~~Note 2: The CENELEC General Assembly, through decision AG291030, has "...confirmed that European Standards are deemed to be acknowledged rules of technology, giving the European state-of-the-art and may be put to use as from their date of ratification."~~

**Date of availability (dav):**

*date when the definitive text in the official language versions of an approved CEN/CENELEC publication is distributed by the CEN-CENELEC Management Centre*

**Date of withdrawal (dow):**

*Latest date by which national Standards conflicting with an EN (and HD for CENELEC) have to be withdrawn.*

~~Note 3: The CENELEC Technical Board, through decision D971015, has decided that the procedure to be followed for fixing the dow of CENELEC Standards is as follows:  
In principle for all Standards:  $dow = dor + 36$  months, with the following two exceptions:  
i) when a deviation from the 36 months is necessary, the Technical Body will formulate the required justification for another period to be mentioned on the voting form;  
ii) in the case of parallel voting the dow on the voting form will always be  $dor + 36$  months, but BT will fix the final dow in the light of the comments received and of the advice of the relevant Technical Body.~~

~~**Date of cessation (doc) of presumption of conformity of the superseded Standard:**~~

~~The date as from which a given product or "family of products" Standard is no longer presumed to be in conformity with the essential requirements of the directive(s) applicable to it and under which a "standardisation" mandate was issued by the European Commission and the EFTA Secretariat. Normally, this date corresponds to the dow, but there are exceptional cases in which it can be otherwise.~~

~~Note 4: When draft Standards are prepared in the framework of the Low Voltage Directive or in the framework of an approved work programme in response to a mandate issued by the European Commission and the EFTA Secretariat for New Approach directives, their relation to the European directives is acknowledged at the moment of their ratification by the Technical Board of CENELEC.~~

~~Note 5: In the case of the Low Voltage Directive, the presumption of conformity with the essential requirements is provided by "harmonised" Standards and arises at the moment of national publication of Standards (ref. LVD Article 5 - § 2). The listing of the references of these Standards in the Official Journal of the European Communities (OJEC) is for information only.~~

**4. HARMONISED CRITERIA FOR FIXING THE DATES WHICH ARE RELEVANT FOR CERTIFICATION PURPOSES**

It is fundamental to all European Mark Schemes within the scope of this Procedure that the licence to use a Mark is based on a European Standard that has not been withdrawn, and that where a European Standard is harmonised a product which carries a Mark is given the presumption of conformity to the essential requirements of the relevant Directive.

With the aim of ensuring a common understanding among Certification Bodies and in the market place of the meaning of the Marks, the following harmonised criteria should be followed by the Certification Bodies who are signatories to a certification Agreement which is based on the use of European Standards (EN or HD) issued by CENELEC.

Note 6: According to the ECS rules, it is the responsibility of each Agreement to decide whether the implementation (even partially) of these harmonised criteria is needed or not.

#### **4.1 DATE AS FROM WHICH A CERTIFICATE ACCORDING TO A NEW STANDARD MAY BE GRANTED**

~~The date as from which a certificate according to a new Standard may be granted is the date of ratification (dor).~~

The date as from which a certificate according to a new Standard may be granted is the date of availability (dav)

#### **4.2 DATE UNTIL WHICH A CERTIFICATE ACCORDING TO AN OLD STANDARD MAY BE GRANTED**

The date until which a certificate according to an old Standard or a Standard which is being superseded may be granted is the date of withdrawal (dow).

It is however advisable that, in the aforementioned cases, Certification Bodies:

- inform their relevant licensees 12 months in advance of the need to update to the new Standard;

the above case implies that if an amendment does not affect a particular type/model, then the licence can be renewed on an administrative basis, i.e. without further testing, etc.;

- abstain from granting new certificates in the 3 months' period before the dow;

as an exception to the above, the updating of existing licences is possible until 15 days before the date of withdrawal (dow) in cases of limited constructive modifications or justified replacement of up to two components in the relevant component list, provided that the expiry date of the licence does not extend beyond the date of withdrawal (dow).