



MINISTER FOR THE ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

ORDER

ON AMENDMENT OF ORDER NO D1-901 OF THE MINISTER FOR THE ENVIRONMENT OF THE REPUBLIC OF LITHUANIA OF 10 DECEMBER 2015 APPROVING TECHNICAL REGULATION FOR CONSTRUCTION STR 1.01.04:2015 “ASSESSMENT, VERIFICATION AND DECLARATION OF THE CONSTANCY OF PERFORMANCE OF OPERATIONAL PROPERTIES OF CONSTRUCTION PRODUCTS WITHOUT SUSTAINABLE TECHNICAL SPECIFICATIONS. DESIGNATION OF TESTING LABORATORIES AND CERTIFICATION BODIES. NATIONAL TECHNICAL ASSESSMENTS AND DESIGNATION AND PUBLICATION OF TECHNICAL ASSESSMENT BODIES”

No D1-185 of 8 June 2023
Vilnius

I hereby amend Order No D1-901 of the Minister for the Environment of 10 December 2015 approving Technical Regulation for Construction STR 1.01.04:2015 “Assessment, verification and declaration of the constancy of performance of operational properties of construction products without sustainable technical specifications. Designation of testing laboratories and certification bodies. National Technical Assessments and designation and publication of Technical Assessment Bodies” and I hereby adopt this edition (Technical Regulation for Construction STR 1.01.04:2015 “Assessment, verification and declaration of the constancy of performance of operational properties of construction products without sustainable technical specifications. Designation of testing laboratories and certification bodies. National technical assessments and designation and publication of Technical Assessment Bodies”, Annexes 1 to 3, 6 to 9 are not recast):

‘MINISTER FOR THE ENVIRONMENT OF THE REPUBLIC OF LITHUANIA

ORDER

APPROVING TECHNICAL REGULATION FOR CONSTRUCTION STR 1.01.04:2015 “ASSESSMENT, VERIFICATION AND DECLARATION OF THE CONSTANCY OF PERFORMANCE OF OPERATIONAL PROPERTIES OF CONSTRUCTION PRODUCTS WITHOUT SUSTAINABLE TECHNICAL SPECIFICATIONS. DESIGNATION OF TESTING LABORATORIES AND CERTIFICATION BODIES. NATIONAL TECHNICAL ASSESSMENTS AND DESIGNATION AND PUBLICATION OF TECHNICAL ASSESSMENT BODIES”

Pursuant to Article 8(1)(4), (7) and (8) and Article 21(3) of the Lithuanian Law on Construction, Subparagraph 1.27 of Resolution No 280 of the Government of the Republic of Lithuania of 26 February 2002 on the Implementation of the Law on Construction of the Republic of Lithuania, Resolution No 674 of the Government of the Republic of Lithuania of 4 July 2006 on the Designation of Conformity Assessment Bodies to Carry Out the Conformity Assessment Procedures and Notification Procedures Laid Down in the Technical Regulations

and approving the Designation of Conformity Assessment Bodies to Carry out the Conformity Assessment procedures Laid Down in the Technical Regulations and Subparagraph 3.3 of the Rules on the Supervision of the Activities of Notified Bodies and taking into account the provisions of 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,

I hereby approve Technical Regulation for Construction STR 1.01.04:2015 ‘Assessment, verification and declaration of the constancy of performance of construction products without harmonised technical specifications Designation of testing laboratories and certification bodies National Technical Assessments and designation and publication of Technical Assessment Bodies’ (attached).’

Minister for the Environment

Simonas Gentvilas

APPROVED

By Order

No D1-901 of the Minister for the Environment of
the Republic of Lithuania of 10 December 2015
(Revision of Order No D1-185
of the Minister for the Environment of the
Republic of Lithuania
of 8 June 2023)

TECHNICAL REGULATION FOR CONSTRUCTION

STR 1.01.04:2015

ASSESSMENT, VERIFICATION AND DECLARATION OF THE CONSTANCY OF PERFORMANCE OF OPERATIONAL PROPERTIES OF CONSTRUCTION PRODUCTS WITHOUT SUSTAINABLE TECHNICAL SPECIFICATIONS. DESIGNATION OF TESTING LABORATORIES AND CERTIFICATION BODIES. NATIONAL TECHNICAL ASSESSMENTS AND DESIGNATION AND PUBLICATION OF TECHNICAL ASSESSMENT BODIES

CHAPTER I GENERAL PROVISIONS

1. Technical Regulation for Construction STR 1.01.04:2015 ‘Assessment, verification and declaration of constancy of performance of construction products without harmonised technical specifications – Designation of testing laboratories and certification bodies – National technical assessments and the designation and publication of technical assessment bodies’ (hereinafter referred to as the ‘Regulation’) lays down the requirements for assessment, verification and declaration of constancy of performance for construction products which do not have harmonised technical specifications, the procedure for the designation of testing laboratories [4.3] or certification bodies [4.3] to carry out third party tasks in the assessment and verification of constancy of performance of construction products, basic requirements for the preparation, formalisation, approval, registration, reproduction and publication of national technical assessments (hereinafter referred to as the ‘NTAs’) for construction products, and the procedure for designation, publication, monitoring of their activities and competences, suspension of designation, withdrawal of suspension of designation and withdrawal of designation of technical assessment bodies (hereinafter referred to as the ‘TABs’) wishing to be designated in the Republic of Lithuania in accordance with this Regulation and/or 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 [4.4] (hereinafter referred to as ‘Regulation (EU) No 305/2011’) to prepare and issue the NTAs and/or European technical assessments (hereinafter referred to as the ‘ETAs’) for the preferred area or areas of construction products.

2. The Regulation does not regulate the placing on the market or supplying to the market of construction products with sustainable technical specifications in accordance with Regulation (EU) No 305/2011 [4.4].

3. The Regulation is binding on all construction participants regulated by the Law on Construction [4.1], all legal and natural persons manufacturing and supplying construction products for the market of the Republic of Lithuania, carrying out or participating in the assessment and verification of their constancy of performance, preparing, issuing, commissioning and using NTAs of construction products, and the TABs wishing to be designated and having been designated in accordance with Regulation (EU) No 305/2011 [4.4] to prepare and issue NTAs and/or ETAs for the preferred area or areas of construction products.

CHAPTER II REFERENCES

4. This Regulation contains references to the following instruments:

4.1. Law of the Republic of Lithuania on Construction;

4.2. Law of the Republic of Lithuania on Standardisation;

4.3. Law of the Republic of Lithuania on Conformity Assessment;

4.4. 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, Commission Delegated Regulation (EU) No 568/2014 of 18 February 2014 amending Annex V to Regulation (EU) No 305/2011 of the European Parliament and of the Council as regards the assessment and verification of constancy of performance of construction products [4.4] and Commission Delegated Regulation (EU) No 574/2014 of 21 February 2014 amending Annex III to Regulation (EU) No 305/2011 of the European Parliament and of the Council on the model to be used for drawing up a declaration of performance on construction products [4.4] (hereinafter referred to as the 'Regulation (EU) No 305/2011');

4.5. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (hereinafter referred to as the 'Regulation (EC) No 1907/2006');

4.6. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (hereinafter referred to as the 'Regulation (EC) No 765/2008');

4.7. Resolution No 674 of the Government of the Republic of Lithuania of 4 July 2006 on the appointment of conformity assessment bodies to carry out the conformity assessment procedures set out in the technical regulations and approval of the rules for notification and supervision of notified bodies;

4.8. Resolution No 1688 of the Government of the Republic of Lithuania of 24 December 2003 approving and implementing the categories of state language proficiency;

4.9. Law of the Republic of Lithuania on Administrative Proceedings;

4.10. Law of the Republic of Lithuania on Documents and Archives.

CHAPTER III KEY DEFINITIONS

5. The definitions used for the purpose of the Regulation:

5.1. **Technical assessment** means the assessment of the performance of a construction product with reference to its essential characteristics which concludes with the issuance of a technical assessment.

5.2. **Production control** means continuous internal control of the conformity of production with the requirements of the technical specifications in the factory, in accordance with established procedures, documenting the progress and results.

5.3. Other definitions used in the Regulation correspond to those used in the Law on Construction [4.1], the Law on Standardisation [4.2], the Law on Conformity Assessment [4.3], and Regulation (EU) No 305/2011 [4.4].

CHAPTER IV

ASSESSMENT, VERIFICATION AND DECLARATION OF CONSTANCY OF PERFORMANCE OF CONSTRUCTION PRODUCTS WITHOUT HARMONISED TECHNICAL SPECIFICATIONS

6. Assessment and verification of constancy of performance of construction products must be conducted under one of the systems provided in Section V of this Regulation.

7. A manufacturer, based on the assessments and verifications of constancy of performance conducted under the systems provided in Section V of this Regulation, shall determine a product type and draw up in the official language of the Republic of Lithuania a declaration of performance for that product (Annex 1 to the Regulation) (hereinafter referred to as the 'Declaration of Performance').

8. Where applicable, the declaration of performance shall be accompanied by the safety data sheet referred to in Article 31 of Regulation (EC) No 1907/2006 [4.5] and/or the information referred to in Article 33.

CHAPTER V

SYSTEMS OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE

9. The manufacturer shall determine the product type by means of assessments and verifications of constancy of performance carried out in accordance with the systems listed in Paragraphs 10 to 14 of the Regulation.

10. System 1+, wherein:

10.1. the manufacturer shall:

10.1.1. carry out production control;

10.1.2. carry out tests on samples taken at the factory in accordance with the test plan;

10.2. the certification body shall decide on the issuance, suspension or withdrawal of the certificate of constancy of performance of a construction product on the basis of the results of their own assessments and inspections:

10.2.1. assessment of the performance of a construction product on the basis of tests (including sampling), calculations, values specified in the tables or descriptive product documentation;

10.2.2. initial inspection of factory and production control;

10.2.3. continuous monitoring and assessment of production control;

10.2.4. in agreement with the manufacturer, the sample audit tests taken by the assigned certification body at the factory, the manufacturer's, distributor's storage facility.

11. System 1, wherein:

11.1. the manufacturer shall:

11.1.1. carry out production control;

11.1.2. carry out tests on samples taken at the factory in accordance with the test plan;

11.2. the assigned certification body shall decide on the issuance, suspension or withdrawal of the certificate of constancy of performance of a construction product on the basis of the results of their own assessments and inspections:

11.2.1. assessment of the performance of a construction product on the basis of tests (including sampling), calculations, values specified in the tables or descriptive product documentation;

11.2.2. initial inspection of factory and production control;

11.2.3. continuous supervision and assessment of production control.

12. System 2+, wherein:

12.1. the manufacturer shall:

12.1.1. assess the performance of the construction product on the basis of tests (including sampling), calculations, values specified in tables or descriptive product documentation;

12.1.2. carry out production control;

12.1.3. carry out tests on samples taken at the factory in accordance with the test plan;

12.2. the assigned certification body shall decide on the issuance, suspension or withdrawal of the certificate of conformity of production control on the basis of the results of their own assessments and inspections:

12.2.1. initial inspection of factory and production control;

12.2.2. continuous supervision and assessment of production control.

13. System 3, wherein:

13.1. the manufacturer shall carry out production control;

13.2. the assigned testing laboratory shall assess the performance on the basis of tests of a construction product (based on samples taken by the manufacturer), calculations, the values specified in the tables or descriptive product documentation.

14. System 4, wherein:

14.1. the manufacturer shall:

14.1.1. assess the performance of a construction product on the basis of tests, calculations, values specified in tables or descriptive documentation of the product;

14.1.2. carry out production control.

15. Where a construction product has been issued with an NTA, the designated certification body, testing laboratory and manufacturers shall not carry out the tasks referred to in Subparagraphs 10.2.1, 11.2.1, 12.1.1, 13.2 and 14.1.1.

16. Where the requirements for construction products are laid down in the List of Regulated Construction Products, unless otherwise provided in the orders of the Minister for the Environment regulating this area, certificates of constancy of performance of construction products, certificates of conformity of production control and test reports shall be issued by the designated bodies after carrying out all the actions provided for in the systems for performance assessment and verification.

17. Where a construction product is neither contained in the List of Regulated Construction Products, nor covered by a harmonised standard or a European Technical Assessment, the manufacturer shall choose a technical specification technical specification applicable to the construction product (provided that no other legislation requires the application of a particular technical specification, or sets out any essential characteristics of the product or their performance to be assessed or use of such testing methods, which would result in the application of a particular technical specification). The chosen technical specification must refer to all essential characteristics pertinent to the essential requirements for structures in relation to the product's intended use, and must establish therein a performance constancy assessment and verification system conforming to one of the systems for assessment and verification of the constancy of performance detailed in Section V of this Regulation.

Should the selected technical specification not provide for a system for assessment and verification of the constancy of performance, or if its content does not correspond to one of the systems for assessment and verification of the constancy of performance detailed in Section V of this Regulation, the manufacturer shall choose one of the systems for assessment and verification of the constancy of performance provided for in Section V.

CHAPTER VI

DESIGNATION OF A TESTING LABORATORY OR CERTIFICATION BODY

18. A testing laboratory or certification body (hereinafter referred to as the 'body') wishing to become a designated body shall submit to a public institution the Construction Sector Development Agency (hereinafter referred to as the 'PI Construction Sector Development

Agency') a free-form application to become a designated body, drawn up in the official language of the Republic of Lithuania and signed by the director or authorised representative of the body, shall submit an accreditation certificate issued by the National Accreditation Bureau confirming the accreditation of the body and the scope of accreditation, a copy of the body's civil liability insurance and information on the impartiality of employees.

19. If there is no accredited body in a specific area in Lithuania, a non-accredited body may be designated. In this case, the institution wishing to become a designated body, shall submit to the PI Construction Sector Development Agency an application to become a designated body and documents proving its compliance with the requirements laid down in Chapter VII of the Regulation.

A body which is accredited in the area of construction products subject to requirements set out in the European Assessment Document ('EAD') (or, alternatively, an ETAG used as an EAD) and wishing to become a designated body, provided that products in this area are covered by national technical assessments, may, in lieu of documents proving its compliance with the requirements set out in Section VII of the Regulation, submit its accreditation certificate issued by the National Accreditation Bureau, certifying that the body has been accredited to perform assessment and verification of constancy of performance of such construction products in compliance with the requirements set out in Regulation (EU) No 305/2011 [4.4], as well as a copy of the body's civil liability insurance and information concerning the impartiality of its staff.

20. A body may not be designated to provide only part of the procedures of the system for assessment and verification of constancy of performance.

21. Within 30 working days from the receipt of the documents listed in Paragraphs 18 and/or 19, the PI Construction Sector Development Agency shall examine them and adopt a decision on the designation of the body or a refusal to designate the body and indicating which requirements of Chapter VII of the Regulation the body failed to comply with and send it a copy of the decision within 3 working days.

22. If not all the necessary documents have been submitted to the PI Construction Sector Development Agency or there are any doubts as to the authenticity or completeness of the data submitted, the body shall be informed of the specified time limit for the submission of the missing or revised documents or information. The examination of the application shall be suspended and resumed upon receipt of the missing documents or information. If the institution fails to provide and/or does not specify the required documents or information within the specified time limit, the examination of the application with the documents shall be discontinued and the documents shall be returned to the institution within 5 working days after the expiry of the time limit for rectifying the deficiencies.

23. The PI Construction Sector Development Agency shall, upon receipt of complaints, requests from persons or where there is reasonable doubt that the designated body does not comply with the requirements of Chapter VII of the Regulation, examine the information received. The PI Construction Sector Development Agency, having established that the designated body does not comply with the requirements laid down in Chapter VII of the Regulation and that such non-compliance is not due to failure to comply with the accreditation requirements, taking into account the nature and significance of the non-compliance with the requirements, shall allow the designated body to remedy the irregularities within a specified period, which shall not be less than 10 working days. If the designated body does not eliminate the irregularities within the specified time limit, the PI Construction Sector Development Agency shall adopt a well-informed decision to suspend the designation of the designated body to carry out the activity and shall set a time limit of at least one month and not more than 3 months to remedy the irregularities identified. The PI Construction Sector Development Agency shall send a copy of the decision to the designated body within 5 working days from the date of entry into force of the decision.

24. If the designated body does not eliminate the irregularities detected within the specified time limit and does not provide the PI Construction Sector Development Agency with the documents or information proving the elimination of irregularities, the PI Construction Sector Development Agency shall adopt a decision to withdraw the designation of the designated body.

25. The PI Construction Sector Development Agency shall submit this information to the National Accreditation Bureau within 5 working days after receiving complaints, requests from persons or where there is reasonable doubt regarding the compliance of the designated body with the accreditation requirements and shall adopt a decision on the suspension of the designation of the designated body, the withdrawal of the suspension of the designation or the withdrawal of the designation after receiving the information of the National Accreditation Bureau in writing on the decisions taken by it.

26. The decision on the designation of the institution, the suspension of the designation, the withdrawal of the suspension of the designation, the partial withdrawal of the suspended designation, the withdrawal of the designation shall be formalised by order of the Director of the PI Construction Sector Development Agency.

27. In carrying out the functions specified in this Chapter, the PI Construction Sector Development Agency shall have the right to request state or municipal institutions or bodies, organisations, other natural and legal persons to submit documents, other written and oral information, reports or information from other persons, to use the services of experts or to receive oral explanations from other persons.

CHAPTER VII

REQUIREMENTS APPLICABLE TO DESIGNATED BODIES

28. The designated body must be a legal person established in the Republic of Lithuania and must have its activities insured under civil liability insurance.

29. If the designation of a designated body is withdrawn or the body, in its capacity as a designated body, no longer carries out its activities and there is no successor to its rights and obligations, it shall ensure that documents relating to the areas and functions of the designated body approved by order of the Director of the PI Construction Sector Development Agency are kept in accordance with the procedure laid down in the Law on Documents and Archives of the Republic of Lithuania [4.10] so that the requesting market surveillance authority or the PI Construction Sector Development Agency have access to the documents for at least 10 years from the date of examination or issue of such documents. The designated body shall inform the PI Construction Sector Development Agency of the manner and place of storage of the documents no later than one month after the withdrawal of the designation or the termination of the activities of the designated body.

30. A designated body must be independent from the organisation or the construction product it assesses:

30.1. The designated body, its managers and the personnel responsible for carrying out the tasks of third parties in the assessment and verification of the constancy of performance shall not be the designers, manufacturers, suppliers, installers, purchasers, owners, users or maintenance providers of the construction products they assess, nor shall they be authorised representatives of any of those parties (this shall not prevent the use of the assessed products necessary for the operation of the designated body or for the personal use of the products).

30.2. A designated body, being a member of a business association or trade union representing undertakings involved in the design, production, provision, assembly, use or technical maintenance of construction products which it assesses, may be recognised as such a body on the condition that it proves its independence in the making of decisions regarding assessment of the performance of construction products and the absence of any conflict of interest (a declaration of neutrality shall be submitted).

31. For each system for the assessment and verification of constancy of performance and for each type or category of essential characteristics of construction products and tasks for which it has been designated, a designated body shall possess the following:

31.1. members of staff with professional integrity, technical knowledge and sufficient experience (with appropriate technical and professional training, knowledge of the requirements pertaining to the assessment and verification they carry out) necessary to carry out tasks of third parties;

31.2. the ability to carry out procedures under which the assessment of performance is carried out and their description, ensuring that these procedures are transparent and reproducible;

31.3. the means and equipment necessary for proper performance of technical and administrative tasks.

32. A designated body shall ensure confidentiality of information obtained.

33. Where a designated body subcontracts a third party to carry out tasks to assess and verify constancy of performance or uses a branch of the designated body or subcontractors, it shall ensure that the subcontractor or branch of the designated body complies with the requirements set out in Paragraphs 30 to 32 of the Regulation.

The designated body shall assume responsibility for the tasks performed by subcontractors or any branches of the designated body.

34. The designated body shall inform the PI Construction Sector Development Agency (except in the cases referred to in Paragraph 25) of the suspension, withdrawal of suspension and withdrawal of the accreditation certificate within 10 working days from the decision of the National Accreditation Bureau.

35. The designated body shall publish information on its website concerning the issued, suspended or withdrawn certificates or test reports, therein indicating the number (or reference) of the certificate or report concerned, the manufacturer, the technical specification reference and the name of the product.

CHAPTER VIII PREPARATION OF NTAs

36. National technical assessments shall be prepared in order to allow manufacturers to approve construction products in the Republic of Lithuania in the cases laid down in the Law on Construction [4.1].

37. The preparation of the NTAs is initiated by the manufacturer by submitting an approved application form to the TAB.

38. Taking into account the conditions and/or cases for the preparation of the NTAs as laid down in the Law on Construction [4.1], the product area(s) for which it has been designated in accordance with the Regulation, the TAB shall decide whether it is possible to draw up an NTA.

39. NTAs for construction products or areas thereof must be based on tests, trials, calculations and assessments in accordance with the provisions of national legislation and, as far as suitable in the specific case, those of standards and European assessment documents (or European technical approval guidelines (ETAG)).

40. The manufacturer shall be responsible for ensuring that its construction products comply with the requirements of the NTAs.

41. After assessing the manufacturer's application in accordance with the requirements of Paragraph 42, the TAB shall register it.

42. Applications submitted to TABs by manufacturers shall include:

42.1. the name and address of the manufacturer, the names of the manufacturer's representatives responsible for the assessment of the construction product, telephone number, e-mail, website;

42.2. general description, type and intended use of the construction product;

42.3. technical characteristics and data of the construction product necessary for the assessment of its performance and the declared or planned to be declared performance;

42.4. trade name of the construction product;

42.5. data on the production control of the manufacturer's construction product;

42.6. all construction product production sites;

42.7. information on whether the application was submitted to other TABs and their responses;

42.8. permission for the TAB's experts to visit all production sites as necessary;

42.9. permission to provide information about the application received and its contents to other TABs and to subcontractors involved in the drafting of NTAs; and

42.10. consent to cover technical assessment costs.

43. The manufacturer shall be responsible for providing the required correct information to TABs.

44. The TAB, upon receiving the application, shall examine it within a maximum period of 2 months, take a decision to draw up an NTA or refuse to draw up an NTA and inform the manufacturer in writing of the decision. Following the decision not to prepare the NTA, the TAB shall state the reasons in its letter.

45. Where the manufacturer has submitted an incorrect application to the TAB or there is doubt as to the authenticity or completeness of the data submitted, the manufacturer shall be informed in writing of the time limit for submitting the revised application or information; the examination of the manufacturer's application shall be suspended and resumed upon receipt of the revised application or information. Upon receipt of the manufacturer's reasoned request in writing, the deadline for submission of the revised application or information set by the TAB may be extended. The time limit for submitting the revised application or information shall be fixed or extended in accordance with the principle of reasonableness and shall be at least 5 working days from the date of dispatch of the letter to submit the revised application or missing information. If the manufacturer does not submit and/or correct the application or information within the specified time limit, the application shall no longer be examined and shall be returned to the manufacturer within 5 working days after the expiry of the time limit for rectifying the irregularities.

46. Following the decision of the TAB to prepare the NTA, the procedure for its preparation is initiated:

46.1. the conclusion of the contract for the preparation of the NTA, specifying the subject of the contract, the framework of works and the timetable for its implementation, the value of the works and the settlement procedure, the procedure for the transfer and acceptance of works, the responsibilities of the parties, the conditions for payment for the modification of the NTA and the extension of the NTA validity period, other conditions, the annexes to the contract and the parties' details;

46.2. determination of product characteristics and data needed to assess performance and preparation of a test programme;

46.3. carrying out studies, tests, calculations, evaluation of their results and manufacturer's explanations;

46.4. preparation of a draft NTA, its coordination and approval.

47. The TAB prepares a draft NTA and submits it in writing to the manufacturer who has ordered it. Within 15 working days of receipt of the draft NTA, the manufacturer shall reply in writing to the TAB by submitting comments or suggestions on the draft NTA or its agreement to the draft NTA. Should the manufacturer fail to respond to the TAB within the deadline provided, it shall be considered that it is in agreement with the draft NTA. The draft NTA shall be agreed and approved in accordance with the procedure laid down in Chapter IX of the Regulation no later than 1 month after the expiry of the deadline for the manufacturer to submit comments or suggestions.

48. The TAB shall be responsible for the correctness of its prepared and issued NTA and the confidentiality of the information obtained during the technical assessment of the construction product.

49. TABs shall inform legal and natural persons of the steps of the procedure for the preparation of the NTA referred to in Paragraph 46 of the Regulation and their content.

50. In case of any ambiguities with regard to the technical assessment, technical characteristics or application of a construction product, the manufacturer, upon request of and within the deadline specified by the TAB (which may not be less than 3 working days), must provide the information requested.

51. All costs of NTA preparation shall be paid by the manufacturer.

52. NTAs shall be completed in accordance with the requirements provided in annexes 2 and 3 to the Regulation.

CHAPTER IX

APPROVAL AND REGISTRATION OF NTAs

53. A draft NTA shall be evaluated and submitted for approval or amended by the Board of the TAB (hereinafter referred to as 'the Board'). The membership, rights and obligations of the Board shall be approved by the chief officer of the TAB. Following consideration of the comments and suggestions of the Board, a final version of the draft NTA shall be prepared and submitted to the head of the body for approval. The NTA shall be approved by an Order of the head of the TAB.

54. NTAs shall be registered, and their term of validity shall be determined in adherence to the procedure established by the TAB.

55. The period of validity of the registered NTA shall not exceed 5 years. The period of validity of the NTA may be extended up to 5 years. If the NTA validity period is extended, the following must be assessed: compliance of the construction product for which it is intended with the conditions and/or cases for the preparation laid down in the Law on Construction [4.1]; compliance of the provisions of the NTA with the relevant requirements of legislation, standards and European assessment documents (or ETAG). The results of this assessment must be taken into account, except those concerning current requirements of standards and European assessment documents (or of ETAGs). It is up to TABs to take into account the relevant requirements of standards and European assessment documents (or ETAGs).

56. If a national standard, an international or an adopted European standard has been issued for a construction product covered by the NTA within the defined period of validity of the NTA, the TAB decides whether such NTA shall be replaced or recognised as no longer valid.

57. The NTA is to be withdrawn when the period of general application of a harmonised standard for a construction product expires and the harmonised standard is applied, or at the request of the manufacturer.

58. The right to amend, extend an NTA or recognise it as no longer valid shall lie exclusively with the TAB which approved and registered it, with the exception of cases where such TAB no longer works with the respective area (i.e. the body's designation for the area of construction products covering the product concerned has been withdrawn in accordance with the Regulation, the body has been wound up or bankrupt).

59. Where, in the cases referred to in Paragraph 58 of the Regulation, the TAB no longer carries out its activities and there is no successor to perform its rights and obligations, it shall, within 10 working days of the adoption of the relevant decisions, transmit the documents of the NTA and the registers of the NTA to the PI Construction Sector Development Agency, which shall transmit them to another TAB or other TABs designated under the Regulation or store them until the expiry of the deadline specified in Paragraph 63 of the Regulation. A TAB with its designation withdrawn for only part of the areas of construction products for which it has been

designated in accordance with the Regulation, shall only transmit to the PI Construction Sector Development Agency the documents drawn up and issued for the annulled areas of designation.

60. When, in the cases referred to in Paragraph 58 of the Regulation, TABs no longer carry out their activities, the PI Construction Sector Development Agency shall decide on the withdrawal of the designation of TABs in the area(s) of construction products. No later than 30 working days from the date of adoption of this decision, the PI Construction Sector Development Agency shall send a copy of the decision to the manufacturers to whom the TABs have drawn up and issued the NTAs in the area(s) of designation withdrawn by the TABs and proposals to forward the documents of the NTA to another TAB or other TABs designated under the Regulation (if any), which may, in accordance with the procedure laid down in this Chapter, replace the NTA, extend its validity or recognise it as no longer valid.

61. The manufacturer may request the PI Construction Sector Development Agency in writing to transmit the documents of the NTA to another TAB designated and selected in accordance with the Regulation (when its written consent has been obtained to replace the NTA in accordance with the procedure laid down in this Chapter, to extend its validity or recognise it as no longer valid). The PI Construction Sector Development Agency shall, within 10 working days of receipt of the manufacturer's request, forward the NTA documents to the TAB chosen by the manufacturer.

62. When replacing the NTA, at the request of the manufacturer, a draft amendment to the NTA shall be prepared, approved and registered in accordance with the procedure laid down in Paragraphs 53 to 61 of the Regulation. When the NTA is amended, its reference used in the NTA register shall not change; its amendment date shall be entered next to the date of approval.

63. NTA documentation shall be kept for 5 years from expiry (or withdrawal) of the NTA.

CHAPTER X COPYING OF NTAs AND PUBLICATION OF DETAILS THEREOF

64. The text of an NTA may only be copied and distributed in its entirety (including electronic distribution). Reproduction and distribution of parts of the NTA is possible only upon receiving a written consent of the TAB. The copied and/or distributed part must be clearly marked with the NTA number and commercial name of the product. Text and drawings in any related advertisement publications may not contradict the provisions of the NTA.

65. TABs may publish the text of the NTA in its entirety only with the permission of the manufacturer.

66. The TAB shall publish on its website information on the NTAs approved and recognised as no longer valid.

CHAPTER XI DESIGNATION AND PUBLICATION OF TABs

67. The right to prepare and issue ETAs in the Republic of Lithuania shall lie with TABs which fulfil the requirements laid down in Regulation (EU) No 305/2011 [4.4] and have been designated and published in the manner prescribed by the present Chapter of this Regulation.

68. The right to prepare and issue NTAs in the Republic of Lithuania shall lie with TABs designated in the manner prescribed by the present Chapter of this Regulation, the TABs being legal entities established in the Republic of Lithuania and fulfilling the following requirements laid down in Table 2 of Annex IV to Regulation (EU) No 305/2011 [4.4]: independence, objectivity, staff competence (except for necessary foreign language skills), general administrative procedures, and access to the necessary means and equipment for the assessment of the performance of construction products within the product areas for which it is designated.

69. TABs shall be designated within the construction product areas specified in Table 1 of Annex IV to Regulation (EU) No 305/2011 [4.4]. TABs may be designated within one or more

of the construction product areas specified in Table 1 of Annex IV to Regulation (EU) No 305/2011 [4.4].

70. A TAB wishing to be designated in the Republic of Lithuania in accordance with this Regulation and/or Regulation (EU) No 305/2011 [4.4] for the preparation and issue of NTAs and/or ETAs for the preferred area or areas of construction products (hereinafter referred to as the ‘applicant’) shall submit to the PI Construction Sector Development Agency an application(s) drawn up in the official language of the Republic of Lithuania and signed by the head of TAB in the form set out in Annexes 4 and/or 5 to the Regulation and the following documents confirming compliance with the set requirements:

70.1. a copy of the applicant’s registration certificate;

70.2. a copy of the applicant’s operating regulations or articles of association;

70.3. a document containing information about the owners (shareholders) of the applicant and their share of ownership;

70.4. a document providing for and describing the organisational structure of the applicant, specifically its structural units and whom they report to;

70.5. information on the duties, training and experience of the applicant’s staff involved in the technical assessment of construction products in the product area or areas for which the applicant wishes to be designated (hereinafter referred to as ‘the applicant’s staff’) in relation to the technical assessment (approval) of construction products or the design, tests, studies or quality management of construction products, in accordance with the format set out in Annex 6 to the Regulation;

70.6. CVs of the applicant’s employees, copies of job instructions and proof of education;

70.7. using the form provided in Annex 7 to the Regulation, for each of the applicant’s employees, a declaration of neutrality concerning non-participation in the activities of parties who design, produce, import, distribute, install, purchase or use products the employees assess (except in cases where the applicant’s employees have used or are using such products for personal purposes) or in the activities of parties who provide technical maintenance services for these products, and concerning the non-presence of status an authorised agent of any of the said parties.

70.8. copies of the documents of the applicant’s staff proving their participation in training and training events related to the technical assessment of construction products, design of construction products, their tests, studies or quality management works (qualification improvement courses, training certificates, certificates, protocols) during the last 5 years, and other documents proving qualification improvement;

70.9. applicant wishing to be designated for the first time in accordance with this Regulation and/or Regulation (EU) No 305/2011 [4.4] to draw up and issue NTAs and/or ETAs, must provide a free-form list of its key technical assessments (including technical approval of construction products carried out in accordance with the procedures in force before 1 July 2013), design, tests, studies or quality management of construction products in the area or areas of construction products for which it wishes to be designated (hereinafter referred to as the ‘preferred areas of designation’) over the past 5 years, indicating the developers and briefly describing the results (assessments and calculations carried out, documents drawn up, etc.). If the applicant has not carried out such works, it must provide a free-form list of technical assessments (including technical approval of construction products carried out in accordance with the procedures in force before 1 July 2013), design, tests, studies or quality management of construction products carried out by its employees in the key preferred areas of designation in the last 10 years, indicating the developers of the works and briefly describing the results (assessments and calculations carried out, documents drawn up, etc.);

70.10. a TAB wishing to be designated in the Republic of Lithuania in accordance with Regulation (EU) No 305/2011 [4.4] to prepare and issue ETAs for the preferred area or areas of construction products, must provide Europass language passports indicating the English language proficiency level for all language proficiency categories (reading, listening, oral

communication, oral information, writing) which is higher or equal to the level of advanced user B1 for at least two persons working for the TAB and involved in the technical assessment of construction products;

70.11. where none of the applicant's employees have documents proving their education which would allow determining whether they have attained Category 3 of state language proficiency in accordance with the categories of the state language knowledge as defined in Article 10 of Resolution No 1688 of the Government of the Republic of Lithuania of 24 December 2003 [4.8] (hereinafter referred to as the 'Resolution'), it must provide copies of state language knowledge certificates proving the attainment of Category 3 of state language proficiency in accordance with the categories of the state language knowledge as defined in the Resolution [4.8] for at least two individuals employed by the TAB and involved in the technical assessment of construction products;

70.12. copies of individual or collective labour agreements between the applicant and its employees. Where such agreements fail to provide a clear proof of compliance with the requirement of Table 2 in Annex IV of Regulation (EU) No 305/2011 [4.4] that the salary of TAB employees may not depend on the number of assessments performed or on the results of such assessments, it must provide other documents attesting to the TAB's compliance with this requirement.

70.13. copies of the applicant's and/or its subcontractors' documents proving competence to carry out studies, tests, calculations, evaluations in the preferred areas of designation and copies of the applicant's contracts with subcontractors. If the applicant and/or its subcontractors have been accredited by the National Accreditation Bureau or by other national accreditation bodies in the countries of the European Union (in the cases provided for in Article 7 of Regulation (EC) No 765/2008 [4.6]), copies of the accreditation certificates shall be provided. Where the applicant and/or its subcontractors are accredited to perform research, testing, calculation and/or assessment activities, it must provide copies of the documents certifying the designation of the body and stating the area of designation;

70.14. copies of the applicant's documents stating:

70.14.1. forms for contracts for the protection of trade secrets and confidentiality and confidentiality declarations drawn up to ensure the confidentiality of sensitive information used by the Agency in cooperation with all partners;

70.14.2. a document control system ensuring that all required documents are recorded, processed and stored in order to guarantee their availability;

70.14.3. internal audit and administrative review procedure;

70.14.4. the procedure for the examination of complaints by clients commissioning NTAs and/or ETAs regarding the non-conformity of the TAB's activities to the requirements established by this Regulation and/or by Regulation (EU) No 305/2011 [4.4];

70.15. For a TAB wishing to be designated in the Republic of Lithuania in accordance with Regulation (EU) No 305/2011 [4.4] to prepare and issue an ETA for the preferred area or areas of construction products, a document whereby the TAB undertakes to support the TAB organisation established in accordance with the provisions of Regulation (EU) No 305/2011 [4.4] by providing funding and human resources.

71. The applicant, at its own discretion or upon the PI Construction Sector Development Agency's request, may also provide additional documents to demonstrate its compliance with the set requirements.

72. The documents submitted with the application and copies thereof must be signed by the applicant's manager.

73. TABs designated after 1 July 2013 in accordance with this Regulation and/or Regulation (EU) No 305/2011 [4.4] for the preparation and issuance of NTAs and/or ETAs in the relevant area or areas of construction products but seeking to be designated under this legislation for the development and issuance of NTAs and/or ETAs in a new area(s) of construction products shall be subject to the procedures set out in this Chapter of the Regulation.

In this case, a TAB shall provide to the PI Construction Sector Development Agency the documents listed in Paragraph 70 of the Regulation or copies thereof necessary to assess its compliance with the requirements laid down for a new area of construction products (documents submitted for a valid designation of the TAB or copies thereof not subject to amendment shall not be required).

74. Where a TAB seeks to be designated in the Republic of Lithuania in accordance with both the Regulation and Regulation (EU) No 305/2011 [4.4] for the preparation and issue of the NTAs and/or ETAs for a preferred area or areas of construction products, and there is an overlap of documents or copies thereof to be submitted in the form set out in Annexes 4 and 5 to the Regulation, the applicant shall provide one copy of such documents or copies of the documents.

75. The applicant's compliance with the requirements based on its application and other documents as set out in this Chapter of the Regulation shall be assessed by the commission of the TAB's compliance with the set requirements that also submits to the PI Construction Sector Development Agency proposals with regard to the applicant's designation (hereinafter referred to as the 'Commission'). The Commission's decisions to the PI Construction Sector Development Agency are of advisory nature.

76. The Commission shall consist of at least 5 members. The Commission's composition and rules of procedure shall be approved by the Director of the PI Construction Sector Development Agency. The Commission may also consist of members other than the employees of the PI Construction Sector Development Agency. The rules of procedure approved by the Director of the PI Construction Sector Development Agency shall specify the provisions concerning the impartiality and dissolution of the members of the Commission in the event of a conflict of interest. The Chair of the Commission is an employee appointed by the PI Construction Sector Development Agency. Technical service of the work of the Commission is provided and the secretary is appointed by the PI Construction Sector Development Agency. The Chair of the Commission shall also be its member.

77. Upon receipt of the applicant's request and other documents listed in this Chapter of the Regulation, the PI Construction Sector Development Agency shall, within 5 working days, verify them and:

77.1. if all the necessary documents are submitted and they are valid, they shall be submitted to the Commission in accordance with the procedure laid down in the Rules of Procedure of the Commission approved by order of the Director of the PI Construction Sector Development Agency and a Commission meeting is organised;

77.2. if not all the required documents have been submitted and/or they are invalid, notify the applicant in writing or electronically, specifying a time limit of at least 3 working days within which the missing and/or valid documents must be submitted.

78. When the PI Construction Sector Development Agency receives the missing and/or valid documents, they are submitted to the Commission in accordance with the procedure laid down in the Rules of Procedure of the Commission and a Commission meeting is organised.

79. If the applicant fails to submit the missing and/or valid documents within the time limit set by the PI Construction Sector Development Agency, the applicant's application with the documents is no longer processed and is returned to the applicant within 5 working days after the expiry of the deadline for submitting the missing documents.

80. While examining the documents submitted by the applicant, the Commission shall have the right to request additional information from the applicant if the information in the applicant's documents does not comply with the requirements of the Regulation or raises doubts as to the authenticity or completeness of the data submitted. The time limit within which the documents or information must be revised shall be stated to the applicant. As set out in Paragraph 82 of this Regulation, the examination of the application shall be suspended and resumed upon receipt of the requested information.

81. When examining the documents submitted by the applicant, the Commission shall have the right to apply to state and/or municipal institutions, economic entities, research institutions,

associations, independent specialists, experts and to receive additional information about the applicant, in so far as this does not violate legal acts regulating the protection of personal data, professional or commercial secrets. The applicant shall be informed of such an appeal and of the suspension of the processing of its application referred to in Paragraph 82 of the Regulation and shall be updated until the information requested is received.

82. Upon submission of the application and all the obligatory valid documents to the PI Construction Sector Development Agency, the Commission, within 20 working days, submits an opinion stating one of the following proposals:

82.1. to designate the applicant under this Regulation and/or under Regulation (EU) No 305/2011 [4.4] to prepare and issue NTAs and/or ETAs within the preferred area or areas of construction products, when the applicant meets the requirements of this Regulation and/or of Regulation (EU) No 305/2011 [4.4] for its preferred area or areas;

82.2. to refuse to designate the applicant under this Regulation and/or under Regulation (EU) No 305/2011 [4.4] to prepare and issue NTAs and/or ETAs within the preferred area or areas of construction products, when the applicant does not meet the requirements of this Regulation and/or of Regulation (EU) No 305/2011 [4.4] for its preferred area or areas, or when the applicant fails to submit amended documents or information within the provided term in response to a request by the Commission, or when the submitted revised documents or information do not prove that the applicant meets the requirements of this Regulation and/or of Regulation (EU) No 305/2011 [4.4];

82.3. to designate an applicant in accordance with this Regulation and/or Regulation (EU) No 305/2011 [4.4] to prepare and issue NTAs and/or ETAs for the preferred area or areas of construction products for which the applicant fulfils the requirements of this Regulation and/or Regulation (EU) No 305/2011 [4.4].

83. The decision on the designation of an applicant or refusal thereof in accordance with this Regulation and/or Regulation (EU) No 305/2011 [4.4] shall be taken by the PI Construction Sector Development Agency within 10 working days of the submission of the Commission's proposals to prepare and issue the NTAs or ETAs for the preferred area or areas of construction products, taking into account the proposals of the Commission. The decision to designate the applicant in accordance with Regulation (EU) No 305/2011 [4.4] shall be formalised by order of the Director of the PI Construction Sector Development Agency.

84. Following a decision not to designate an applicant in accordance with this Regulation and/or Regulation (EU) No 305/2011 [4.4] for the preparation and issue of the NTAs and/or ETAs for the preferred area or areas of construction products, or to designate it for the preferred area of construction products or areas for which the applicant fulfils the requirements of Regulation (EU) No 305/2011 [4.4], the PI Construction Sector Development Agency shall inform the applicant in writing and provide the reasons for the decision no later than 5 working days after the adoption of the decision.

85. Following the designation of a TAB to prepare and issue ETAs in accordance with Regulation (EU) No 305/2011 [4.4], the PI Construction Sector Development Agency shall inform the Ministry of Economics and Innovation of the Republic of Lithuania in writing about the designated TAB, specifying its name, address, product area or areas for which it is designated, and provide other necessary information within 5 working days from the adoption of the said decision.

86. Information on the name, address and product area or areas for which a TAB is designated to issue and prepare ETAs under Regulation (EU) No 305/2011 [4.4] and other necessary information shall be provided to the Member States and the European Commission in accordance with the procedure laid down in Resolution No 674 [4.7] of the Government of the Republic of Lithuania of 4 July 2006.

CHAPTER XII

MONITORING OF ACTIVITIES AND COMPETENCE OF TABs, SUSPENSION, WITHDRAWAL OF SUCH SUSPENSION AND WITHDRAWAL OF DESIGNATION

87. At the end of the calendar year, no later than by 31 January of the current year, the TAB designated to prepare and issue NTAs shall provide to the PI Construction Sector Development Agency a written activity report in the form set out in Annex 8 to the Regulation on the NTAs drawn up and issued, amended, extended, recognised as no longer valid last year, as well as on cases where the preparation of the NTA has been refused. This report shall also be used for submitting suggestions on improvements to construction regulation and other information as indicated in the said Annex.

88. At the end of the calendar year, no later than by 31 January of the current year, the TAB designated under Regulation (EU) No 305/2011 [4.4] to draw up and issue an ETA must submit to the PI Construction Sector Development Agency a written activity report in the form set out in Annex 9 to the Regulation on the ETAs drawn up and issued, amended, extended, or recognised as no longer valid last year, as well as on cases where the preparation of ETAs has been refused. This report shall also be used for submitting suggestions on improvements to construction regulation and other information as indicated in the said Annex.

89. In order to verify the compliance of the designated TAB with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4], the PI Construction Sector Development Agency shall have the right to request the designated TAB to provide all information and documents as well as financial documents. The designated TAB must provide the requested information and documents within the time limit set by the PI Construction Sector Development Agency, which may not be less than 3 working days.

90. In the event of a change in the staff (in cases of long-term leave, dismissal and/or recruitment of new members of staff) of a designated TAB involved in the technical assessment activities in the product area or areas for which the body has been designated, the TAB shall, no later than 10 working days after such changes, inform the PI Construction Sector Development Agency of these changes in writing and provide the documents or copies of documents referred to in Subparagraphs 70.5 to 70.12 (where applicable) of the Regulation demonstrating the relevant situation in the TAB.

91. The designated TAB must immediately inform the PI Construction Sector Development Agency in writing of the changes relating to the documents referred to in Subparagraphs 70.1 to 70.4, 70.12 to 70.14 (where applicable) and Paragraph 71 of the Regulation, and information provided therein, and to submit the documents or copies of documents referred to in the aforementioned Paragraphs of the Regulation demonstrating the relevant situation in the TAB.

92. When receiving documents or copies of documents from the designated TAB in the cases referred to in Paragraphs 90 and 91 of this Regulation, the PI Construction Sector Development Agency shall decide whether the designated TAB complies with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4] and whether it should be submitted to the Commission for consideration. Once the PI Construction Sector Development Agency decides to submit the designated TAB to the Commission for consideration with regard to the TAB's compliance with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4], it shall be formalised on behalf of the Director of the PI Construction Sector Development Agency. The decision on the compliance of the designated TABs with the requirements set out in this Regulation and/or in Regulation (EU) No 305/2011 [4.4] shall be adopted in accordance with the provisions of Paragraphs 94 to 108 of this Regulation.

93. Upon receipt of applications regarding complaints from persons regarding the compliance of the designated TAB with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4], requests or in case of any reasonable doubts on the designated TAB's compliance with the requirements laid down in this Regulation and/or

Regulation (EU) No 305/2011 [4.4], the PI Construction Sector Development Agency shall examine the information and decide whether the designated TAB's compliance with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4] should be submitted to the Commission for consideration. Following the decision of the PI Construction Sector Development Agency with regard to the submission to the Commission for consideration of the designated TAB's compliance with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4], it shall be formalised on behalf of the Director of the PI Construction Sector Development Agency. The decision on the designated TAB's compliance with the requirements set forth in this Regulation and/or in Regulation (EU) No 305/2011 [4.4] shall be taken in accordance with the procedure laid down in Paragraphs 94 to 108 of this Regulation.

94. Following the decision of the PI Construction Sector Development Agency with regard to the submission to the Commission for consideration of the designated TAB's compliance with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4], the Chair of the Commission shall convene a meeting of the Commission within 5 working days of the adoption of this decision in accordance with the procedure laid down in the Rules of Procedure of the Commission.

95. The PI Construction Sector Development Agency shall send a copy of the decision with regard to the submission to the Commission for consideration of the designated TAB's compliance with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4] within 5 working days from the date of adoption of this decision to the TAB concerned.

96. The Commission, having examined the compliance of the designated TAB with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4], shall submit to the PI Construction Sector Development Agency an opinion indicating one of the following proposals:

96.1. to maintain the TAB's designation in accordance with this Regulation and/or Regulation (EU) No 305/2011 [4.4] for drawing up and issuing NTAs and/or ETAs for the area or areas of construction products (hereinafter referred to as the 'TAB's designation'), provided that the designated TAB meets the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4];

96.2. if it is established that the designated TAB does not comply with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4], taking into account the nature and seriousness of the irregularities, to suspend the designation of the TAB for the area or areas concerned, indicating the reasons for the suspension and the possible deadline.

97. A decision with regard to the suspension or expiration of the designation of the TAB that, based on the area or areas of its designation, does not comply with the requirements set out in this Regulation and/or Regulation (EU) No 305/2011 [4.4] (hereinafter referred to as the 'Decision on the suspension of the TAB's designation'), taking into account the Commission's proposals and the nature and significance of irregularities, shall be adopted by the PI Construction Sector Development Agency within 10 working days of the submission of the Commission's proposals. The decision on the suspension of the TAB's designation shall be formalised by order of the Director of the PI Construction Sector Development Agency, stating: the suspended area or areas for which the TAB has been designated; the reasons for the suspension of the designation of the TAB in the area or areas concerned; a time limit proportionate to the nature of irregularities, but not exceeding 3 months, for which the designation of the TAB in the area or areas concerned is suspended; an order for the TAB to remedy non-compliances with the requirements laid down in this Regulation and/or Regulation (EU) No 305/2011 [4.4] due to which the TAB's designation was suspended (hereinafter referred to as 'non-compliances') and to provide documents or information proving the elimination of non-compliances to the PI Construction Sector Development Agency.

98. The PI Construction Sector Development Agency shall send a copy of the decision on the suspension of the designation of the TAB within 5 working days from the date of adoption of this decision to the TAB concerned.

99. Upon submission of documents or information proving the elimination of non-compliances by the TAB to the PI Construction Sector Development Agency, the Chair of the Commission shall convene a meeting of the Commission within 5 working days in accordance with the procedure laid down in the Rules of Procedure.

100. Within 20 working days from the receipt of documents or information proving the elimination of non-compliances by the PI Construction Sector Development Agency, the Commission shall submit to that institution an opinion indicating one of the following proposals:

100.1. to withdraw the suspension of the TAB's designation if the TAB has remedied the non-compliances that led to the suspension of the designation;

100.2. to withdraw the suspension of the TAB's designation for the area or areas of construction products where the TAB has eliminated the non-compliances and to withdraw the designation for the area or areas where non-compliances have not been eliminated (hereinafter referred to as the 'partial withdrawal of the suspended designation'); or

100.3. to withdraw the designation of the TAB for that area or areas of construction products for which the designation of the TAB has been suspended (hereinafter referred to as 'withdrawal of the suspended designation') if the TAB has not remedied the non-compliances that led to the suspension of the designation.

101. When examining documents or information proving the elimination of non-compliances, the Commission shall have the right to request additional information from the TAB in case of any doubts as to the authenticity or completeness of the data provided. The deadline for submitting the revised documents or information shall be specified to the TAB. The submission of the Commission's conclusion referred to in Paragraph 100 of this Regulation shall be suspended and updated upon receipt of the requested information.

102. Taking into account the proposals of the Commission, the PI Construction Sector Development Agency shall adopt decisions on withdrawal of the suspension of the TAB's designation, partial or full withdrawal of the suspended designation within 10 working days from the submission of the Commission's proposals. These decisions are formalised by orders of the Director of the PI Construction Sector Development Agency stating the reasons of adopting such decisions.

103. If the decisions referred to in Paragraph 102 of this Regulation are taken after the end of the suspension period of the TAB's designation, that time limit shall be automatically extended until the decision is taken.

104. Copies of the decisions referred to in Paragraph 102 of the Regulation shall be sent by the PI Construction Sector Development Agency to the TAB concerned no later than within 5 working days after the adoption of the decision.

105. If, within the time limit specified in the decision suspending the designation of the TAB, the TAB does not submit any documents or information proving the elimination of non-compliances to the PI Construction Sector Development Agency, the PI Construction Sector Development Agency shall adopt a decision on withdrawal of the TAB's suspended designation.

106. The decision on withdrawal of the TAB's designation in the area or areas of construction products concerned may also be taken by PI Construction Sector Development Agency at the request of the TAB. Such a decision shall be formalised by an order of the Director of the PI Construction Sector Development Agency, which specifies the grounds for withdrawal of the TAB's designation.

107. The PI Construction Sector Development Agency shall send to the TAB a copy of the decision on withdrawal of the TAB's designation for the relevant area(s) of construction products not later than within 5 working days from the adoption of the decision.

108. Following the decision on withdrawal of the TAB's designation in accordance with Regulation (EU) No 305/2011 [4.4] to prepare and issue ETAs for the relevant area or areas of

construction products, the PI Construction Sector Development Agency shall inform thereof the Ministry of Economics and Innovation of the Republic of Lithuania in writing within 5 working days.

CHAPTER XIII FINAL PROVISIONS

109. The PI Construction Sector Development Agency shall publish on its website information on the decisions taken to designate a body to carry out third party tasks in assessing and verifying the constancy of performance of construction products or decisions to suspend or withdraw the designation of the body, to designate TABs in accordance with the Regulation to draw up and issue NTAs for the area or areas of construction products, to suspend the designation of TABs or to withdraw the designation of TABs.

110. A decision not to designate a body to carry out third party tasks in assessing and verifying the constancy of performance of construction products, to suspend or withdraw such designation of a body, not to designate a TAB under this Regulation and/or under Regulation (EU) No 305/2011 [4.4] to draw up and issue NTAs and/or ETAs for its preferred area or areas of construction products, and to suspend or withdraw such designation of a TAB for its preferred area or areas of construction products may be appealed in accordance with the procedure established by the Law of the Republic of Lithuania on Administrative Proceedings [4.9].

111. Any person in violation of the requirements of this Regulation shall be liable in accordance with the procedure defined by the laws and other legislation of the Republic of Lithuania.

**(Application Form for the Designation Under the Regulation to Draw Up and Issue NTAs for
a Preferred Area or Areas of Products in the Republic of Lithuania)**
(to be completed on the institution’s letter form)

PI Construction Sector Development Agency

Document date and registration number

**APPLICATION FOR THE DESIGNATION OF A TECHNICAL ASSESSMENT BODY
UNDER THE TECHNICAL REGULATION FOR CONSTRUCTION STR 1.01.04:2015
“ASSESSMENT, VERIFICATION AND DECLARATION OF THE CONSTANCY OF
PERFORMANCE OF OPERATIONAL PROPERTIES OF CONSTRUCTION PRODUCTS
WITHOUT SUSTAINABLE TECHNICAL SPECIFICATIONS. DESIGNATION OF
TESTING LABORATORIES AND CERTIFICATION BODIES. NATIONAL TECHNICAL
ASSESSMENTS AND DESIGNATION AND PUBLICATION OF TECHNICAL
ASSESSMENT BODIES” TO CARRY OUT AND ISSUE NATIONAL TECHNICAL
ASSESSMENTS**

We hereby request to designate (*name of a TAB*) in accordance with the Technical Regulation for Construction **STR 1.01.04:2015 “Assessment, verification and declaration of the constancy of performance of operational properties of construction products without sustainable technical specifications. Designation of testing laboratories and certification bodies. National Technical Assessments and designation and publication of Technical Assessment Bodies”** to carry out technical assessment of construction products and issue national technical assessments for the following product area(s): (*please specify the preferred areas of construction products listed in Table 1 of Annex IV to 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 [4.4] (hereinafter referred to as ‘Regulation (EU) No 305/2011’) and their codes in brackets*).

We undertake to provide the PI Construction Sector Development Agency with the information necessary to assess and monitor, in the area of its competence, the body’s activities and expertise.

ATTACHED:

1. Copy of incorporation certificate of the TAB for which designation is requested. _____ page(s).
2. A copy of the operating regulations or articles of association of the TAB requested to be designated. _____ page(s).
3. Document stating details of the NTA owners (shareholders) and the portion of their share in the ownership of the NTA. _____ page(s).
4. Document describing the organisational structure of the TAB. _____ page(s).
5. Completed form of Information on the TAB’s staff involved in technical assessment of construction products in the area or areas for which

the TAB is seeking to be designated (hereinafter referred to as the 'TAB employees'), as well as on their education and their experience related to the technical assessment (approval) of construction products or to the design, tests, studies and quality management thereof.

6. Curricula vitae of TAB employees.

_____ page(s).

7. Copies of job descriptions of TAB employees.

_____ page(s).

8. Copies of documents attesting education of TAB employees.

_____ page(s).

9. Declarations of neutrality of TAB employees.

_____ page(s).

10. Copies of documents of TAB employees proving their participation in training related to technical assessment of construction products, design, tests, studies or quality management thereof and qualification development events (qualification development course, training certificates, other certificates, protocols) over the last 5 years, and other documents proving qualification development.

_____ page(s).

11. A free-form list of the key technical assessment tasks (including legal technical approval of construction products under the procedure in force until 1 July 2013) and construction product design, tests, studies and quality management tasks performed by the TAB over the last 5 years within the preferred areas of designation, therein stating the clients and briefly describing work results.

_____ page(s).

Applies to the TAB wishing to be designated for the first time in accordance with the Regulation to draw up and issue NTAs.

12. A free-form list of the key technical assessment tasks (including legal technical approval of construction products under the procedure in force until 1 July 2013) and construction product design, tests, studies and quality management tasks performed by the TAB's employees over the last 10 years within the preferred areas of designation, therein stating the clients and briefly describing work results.

_____ page(s).

Applies to the TAB seeking to be designated for the first time under the Regulation to prepare and issue NTAs, where the TAB concerned has not performed technical assessment (including legal technical approval of construction products under the procedure in force until 1 July 2013), construction product design, testing, research or quality management tasks within the preferred areas of designation over the last 5 years.

13. Copies of state language proficiency certificates for at least two persons employed with the TAB and involved in the technical assessment of construction products, confirming the acquisition of Category 3 of state language proficiency in accordance with Government Resolution No 1688 of 24 December 2003 [4.8] (hereinafter referred to as the 'Resolution').

_____ page(s).

Applies when none of the TAB's employees have documents confirming their education which would allow determining whether they have attained Category 3 of state language proficiency in accordance with Article 10 of the Resolution [4.8].

14. Copies of individual or collective labour agreements between the TAB and its employees.

_____ page(s).

Where it is not clear from such agreements whether the requirement set out in Table 2 of Annex IV to Regulation (EU) No 305/2011 [4.4] that the salary of the TAB employees may not depend on the number of assessments performed or on the results of such assessments is being met, provide other documents attesting to the TAB's compliance with this requirement.

15. Copies of documents proving the competence of the TAB and/or its subcontractors to carry out studies, tests, calculations, assessments in the preferred areas of designation and copies of the applicant's contracts with subcontractors. _____ page(s).

16. Copies of documents with mandatory content referred to in Paragraph 70.14 of the Regulation. _____ page(s).

17. Additional documents, if any, for proving conformity of the TAB to the requirements set out in the Regulation. _____ page(s).

(Role of the head of the TAB)

(signature)

(name, surname)

(date)

(Application Form for the Designation Under Regulation (EU) No 305/2011 to Draw Up and Issue NTAs for a Preferred Area or Areas of Products in the Republic of Lithuania)

(to be completed on the institution's letter form)

PI Construction Sector Development Agency

Document date and registration number

APPLICATION FOR THE DESIGNATION OF A TECHNICAL ASSESSMENT BODY UNDER 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 TO PREPARE AND ISSUE EUROPEAN TECHNICAL ASSESSMENTS

We hereby request to designate (*name of a TAB*) in accordance with 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 [4.4] (hereinafter referred to as 'Regulation (EU) No 305/2011') to carry out technical assessment of construction products and to issue European technical assessments in the following product area(s): (*specify preferred areas of construction products listed in Table 1 of Annex IV to Regulation (EU) No 305/2011 [4.4] and their codes in brackets*).

We undertake to provide the PI Construction Sector Development Agency with the information necessary to assess and monitor, in the area of its competence, the body's activities and expertise.

ATTACHED:

1. Copy of incorporation certificate of the TAB for which designation is requested. _____ page(s).
2. A copy of the operating regulations or articles of association of the TAB requested to be designated. _____ page(s).
3. Document stating details of the NTA owners (shareholders) and the portion of their share in the ownership of the NTA. _____ page(s).
4. Document describing the organisational structure of the TAB. _____ page(s).
5. Completed form of Information on the TAB's staff involved in technical assessment of construction products in the area or areas for which the TAB is seeking to be designated, as well as on their education and their experience related to technical assessment (or approval) of construction products or to the design, tests, studies and quality management thereof. _____ page(s).
6. Curricula vitae of TAB employees. _____ page(s).
7. Copies of job descriptions of TAB employees. _____ page(s).
8. Copies of documents attesting education of TAB employees. _____ page(s).
9. Declarations of neutrality of TAB employees. _____ page(s).

10. Copies of documents of TAB employees proving their participation in training related to technical assessment of construction products, design, tests, studies or quality management thereof and qualification development events (qualification development course, training certificates, other certificates, protocols) over the last 5 years, and other documents proving qualification development. _____ page(s).

11. A free-form list of the key technical assessment tasks (including legal technical approval of construction products under the procedure in force until 1 July 2013) and construction product design, tests, studies and quality management tasks performed by the TAB over the last 5 years within the preferred areas of designation, therein stating the clients and briefly describing work results. _____ page(s).

Applies to the TAB seeking to be designated for the first time in accordance with Regulation (EU) No 305/2011 [4.4] to draw up and issue ETAs.

12. A free-form list of the key technical assessment tasks (including legal technical approval of construction products under the procedure in force until 1 July 2013) and construction product design, tests, studies and quality management tasks performed by the TAB's employees over the last 10 years within the preferred areas of designation, therein stating the clients and briefly describing work results. _____ page(s).

Applies to the TAB seeking to be designated for the first time under Regulation (EU) No 305/2011 [4.4] to draw up and issue ETAs, where the TAB concerned has not performed technical assessment (including legal technical approval of construction products under the procedure in force until 1 July 2013), construction product design, tests, studies or quality management tasks within the preferred areas of designation over the last 5 years.

13. Europass language passports stating English language proficiency of at least independent user (B1) level in all language knowledge categories (reading, listening, oral communication, oral information, writing) for at least two individuals employed by the TAB and involved in construction product technical assessment activities. _____ page(s).

14. Copies of state language proficiency certificates for at least two persons employed with the TAB and involved in technical assessment of construction products, confirming their acquisition of Category 3 of state language proficiency in accordance with Government of the Republic of Lithuania Resolution No 1688 of 24 December 2003 [4.8] (hereinafter referred to as the 'Resolution'). _____ page(s).

Applies when none of the TAB's employees have documents confirming their education which would allow determining whether they have attained Category 3 of state language proficiency in accordance with Article 10 of the Resolution [4.8].

15. Copies of individual or collective labour agreements between the TAB and its employees. _____ page(s).

In cases where it is not clear from such agreements whether the requirement set out in Table 2 of Annex IV to Regulation (EU) No 305/2011 [4.4] that the salary of the TAB employees may not depend on the number of assessments performed or on the results of such assessments is being met, provide other documents attesting to the TAB's compliance with this requirement.

16. Documents confirming the competence of the TAB and/or its subcontractors to carry out studies, tests, calculations, assessments in the

preferred areas of designation and copies of the applicant's contracts with subcontractors. _____ page(s).

17. *Copies of documents with mandatory content referred to in Paragraph 70.14 of the Regulation.* _____ page(s).

18. *Document whereby the TAB undertakes to support the TAB organisation established in accordance with the provisions of Regulation (EU) No 305/2011 [4.4] by providing funding and human resources.* _____ page(s).

19. *Additional documentation to demonstrate the compliance of the TAB with the requirements laid down in Regulation (EU) No 305/2011 [4.4], if available.* _____ page(s).

(Role of the head of the TAB)

(signature)

(name, surname)

(date)