

Technical Bulletin

CE marking: from 1st July 2013

- **New regulation**
- **New obligations**
- **Same CE mark**

We are facing the most significant change for a decade in the way that construction products are manufactured and sold in the European Union (EU). Most affected will be the UK, Ireland and Sweden where CE marking has been voluntary.

The new Construction Products *Regulation*¹ (CPR) that replaces the Construction Products *Directive*² (CPD) makes CE marking mandatory across the entire European Union (EU), for products defined by the harmonised European Product Standards.

The Regulation does not radically change the practical processes for CE marking of products already established in all Member States. But it addresses some perceived problems with the text of the Directive and the ways in which it has been implemented.

This bulletin summarises the key points that the construction industry must address by 1st July 2013.

For more detailed advice, contact BM TRADA at the address shown on the back page.

Intended for:

- Manufacturers of construction products
- Importers of construction products
- Distributors of construction products
- Designers
- Specifiers
- Builders.

Contents

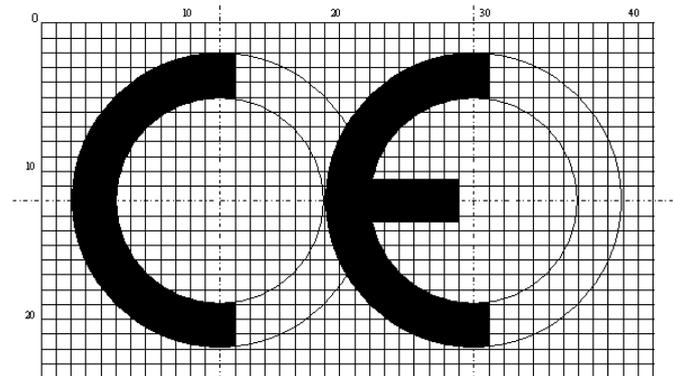
- Purpose of the CPR
- What the CPR does
- Harmonised Technical Specifications
- Assessment and Verification of Constancy of Performance
- Declaration of Performance
- Obligations in the construction industry.

Purpose of the CPR

The fundamental principles of the CPR are the same as the CPD:

- to break down technical barriers to trade in construction products
- to provide for a system of harmonised technical specifications that have reached the end of the co-existence period
- to establish harmonised rules for expressing the performance of construction products
- to set up a framework of Notified Bodies (bodies accredited by the EU to perform testing and certification)
- to enable the CE marking of products.

The building regulations in Member States still apply. The CPR does not affect the specification of actual construction works because the public and private sectors are free to set their own requirements for the performance of buildings and construction works and therefore the performance of construction products. However, once a CE marked product is specified, specifiers can be confident that supplied products will consistently meet minimum performance standards.



What the CPR does

The new Regulation aims to:

- simplify and clarify the existing CPD framework, especially in the areas where no harmonised Standards exist
- improve transparency and effectiveness of the existing measures and hence improve the credibility of the legislation
- reduce the financial burden on manufacturers, in particular small- and medium-sized enterprises
- clarify the obligation to apply a CE mark and the resulting consequences of non-compliance
- improve enforcement of the legislation.

Timescales

The initial effects of the CPR, about how Notified Bodies and Technical Approval Bodies operate, came into force in April 2011. The full legislation relating to **manufacturers, importers and distributors** will come into force on **1st July 2013**.

Any construction products manufactured from this date, which are covered by a published harmonised European Product Standard, will need to be CE marked.

Changes in terminology

CPD terms	CPR terms
Attestation of Conformity (AoC)	Assessment and Verification of Constancy of Performance (AVCP)
Construction Products Directive (CPD)	Construction Products Regulation (CPR)
Declaration of Compliance	Declaration of Performance (DoP)
European Technical Approval (ETA)	European Technical Assessment (ETA)
European Technical approval Guideline (ETAG)	European Assessment Document (EAD)

Harmonised Technical Specifications (hEN)

Under the CPR, harmonised Technical Specifications are:

- harmonised European Product Standards (hENs), or
- European Assessment Documents (EADs).

The European Organisation for Technical Approvals (EOTA) produces EADs for products not covered by hENs.

The harmonised Technical Specification defines methods of assessing and declaring all the performance characteristics. These characteristics, required by regulations in any Member State, affect the ability of construction products to meet seven basic requirements for construction works:

- mechanical resistance and stability
- safety in case of fire
- hygiene, health and environment
- safety and accessibility in use
- protection against noise
- energy economy and heat retention
- sustainable use of natural resources.

Harmonised Product Standards

Currently, there are more than 400 hENs covering a broad range of construction products. All hENs include an Annex ZA.

The first part, **ZA.1**, lists the regulated requirements and the clauses in the Standard in which they are addressed. Some of these clauses may in turn refer to separate supporting documents such as test standards. In this way, Annex ZA.1 is a checklist for CE marking from which the Manufacturer can see all the mandatory requirements for their product and how they can be met.

The second part, **ZA.2**, provides the procedures for conformity assessment, namely, 'who does what' between the Manufacture and the Notified Body. This is the **Assessment and Verification of Constasy of Performance (AVCP)**, formerly known as the System of Attestation of Conformity (AoC) in the CPD.

The third part, **ZA.3**, describes the process for CE marking and labelling.

European Technical Assessment (ETA)

A European Technical Assessment (ETA) can be issued for any construction product not covered or not fully covered by a harmonised standard or for which the performance in relation to its essential characteristics cannot be entirely assessed according to an existing harmonised standard.

ETAs can be issued if at least one of these applies:

- the product does not fall within the scope of any existing harmonised product standard
- the assessment method provided for in the harmonised standard is not appropriate for at least one essential characteristic of that product
- the harmonised standard does not provide for any assessment method in relation to at least one essential characteristic of that product.

Assessment and Verification of Constasy of Performance (AVCP)

AVCP defines the extent of third party involvement in assessing the conformity of the product according to the relevant Technical Specification.

For each product family, the system of AVCP is decided collectively by the Member States and the European Commission. This depends on the implications of the product on health and safety, and on how the product is made.

To achieve this, the CPR uses five AVCP systems (System 4 - System 1+) and six tasks, as shown in Table 1.

Declaration of Performance (DoP)

The Manufacturer must make a declaration of performance (DoP) of the product before placing that product on the market. The Manufacturer, Authorised Representative or Trader must then take responsibility for the conformity of the construction product.

The DoP must express the performance of the construction product in relation to the essential characteristics as specified in the harmonised Technical Specification(s) and should contain the following information:

- the reference of the product type
- the system or systems of AVCP
- the reference number and date of issue of the hEN or ETA used for the assessment of each essential characteristic
- where applicable, the reference number of the specific technical documentation used and the requirements with which the manufacturer claims the product complies
- the intended use or uses for the construction product, in accordance with the applicable harmonised Technical Specification

Table 1: Third party involvement according to AVCP system

	Degree of Third Party Involvement in System of Assessment of Verification of Constasy of Performance (AVCP)				
	None				Complete
Task	System 4	System 3	System 2+	System 1	System 1+
Factory Production Control	Manufacturer	Manufacturer	Manufacturer	Manufacturer	Manufacturer
Factory Sample Tests	-	-	Manufacturer	Manufacturer	Manufacturer
Initial Type Testing	Manufacturer	Notified Body	Manufacturer	Notified Body	Notified Body
Initial FPC Inspection	-	-	Notified Body	Notified Body	Notified Body
Ongoing FPC Surveillance	-	-	Notified Body	Notified Body	Notified Body
Audit Testing	-	-	-	-	Notified Body

- the list of essential characteristics, as determined in the harmonised Technical Specification for the declared intended use or uses
- the performance of at least one of the essential characteristics of the construction product, relevant for the declared intended use or uses
- where applicable, the performance of the construction product (by levels or classes, or in a description) if necessary based on a calculation in relation to its essential characteristics
- the performance of those essential characteristics of the construction product which are related to the intended use or uses
- for the listed essential characteristics for which no performance is declared, the letters NPD (meaning no performance determined)
- when an ETA has been issued for CE marking that product, the performance (by levels or classes, or in a description) of the construction product in relation to all essential characteristics contained in the corresponding ETA.
- ensure that their construction product(s) bear a type, batch or serial number or any other element, for identification
- indicate their name, registered trade name or registered trade mark and their contact address on the product or on its packaging or in an accompanying document
- ensure that the product is accompanied by instructions and safety information
- take immediate corrective measures to bring a product into conformity or, if appropriate, to withdraw or recall it should there be reason to believe that the product does not comply with the DoP
- when requested, provide National Authorities with all the information and documentation necessary to demonstrate the conformity of the construction product with the DoP and compliance with other applicable requirements.

Authorised Representatives

The CPR allows for Manufacturers to appoint Authorised Representatives, by mandate. Although not responsible for preparing technical documentation, the Authorised Representative is responsible, due to the chain of custody, for the compliance of products supplied.

The Authorised Representative must:

- keep the DoP and other technical documentation
- when requested, provide National Authorities with all the information and documentation necessary to demonstrate the conformity of the construction product with the DoP and compliance with other applicable requirements
- when requested, co-operate with National Authorities on any action taken to eliminate the risks posed by construction products covered by the mandate.

Importers

The chain of custody imposes a greater legal responsibility for compliance on Agents and Importers. To comply with the CPR, Importers must place on the market only those construction products that comply with applicable requirements.

Furthermore, importers must:

- ensure that the AVCP for the product has been carried out by the manufacturer before placing it on the market
- ensure that the manufacturer has prepared the technical documentation
- ensure that the product bears the correct CE marking and is accompanied by the required documentation

Obligations in the construction industry

The CPR is based on a ‘chain of custody’ approach for construction products being placed on the market. The following obligations apply from 1st July 2013.

Manufacturers

Manufacturers of construction products covered by harmonised European Product Standards (hENs) must:

- make a DoP and affix the CE mark
- prepare technical documentation for the product describing all the relevant elements related to its system of AVCP
- keep the technical documentation and the DoP for a period of 10 years after the construction product has been placed on the market
- put procedures in place to ensure that series production maintains the declared performance
- carry out sample testing of construction products placed or made available on the market where deemed appropriate to ensure the accuracy, reliability and stability of the declared performance
- investigate and keep a register of complaints, non-conforming products and product recalls, and keep distributors informed of any such monitoring

- not place on the market products that do not meet the DoP until conformity is achieved
- inform the Manufacturer or market surveillance authorities where they believe the product presents a risk
- indicate THEIR name, registered trade name or registered trade mark and their contact address on the product or on its packaging or in an accompanying document
- ensure that the product is accompanied by instructions and safety information
- while a construction product is in their care, ensure that storage or transport conditions do not jeopardise its conformity with the DoP
- carry out sample testing of products placed or made available on the market to ensure the accuracy, reliability and stability of the declared performance
- keep a register of complaints of non-conforming products and of product recalls
- take immediate corrective measures if they consider or have reason to believe that the product does not comply with the DoP
- keep a copy of the DoP and make this available to authorities upon request.

Distributors

Distributors have a duty of care when placing a product on the market. Before placing the product on the market, distributors must:

- ensure that the product bears the CE marking and is accompanied by the required documentation and also by instructions and safety information
- not place on the market products that do not comply with the DoP until conformity is achieved
- inform the Manufacturer or market surveillance authorities where they believe the product presents a risk
- ensure that while a construction product is under their responsibility, storage or transport conditions do not jeopardise its conformity with the DoP
- take immediate corrective measures or withdraw the product if they consider or have reason to believe that it does not comply with the DoP
- When requested, provide authorities with all product information and documentation necessary to demonstrate that the product complies with the DoP and with other applicable requirements.

Cases in which obligations of Manufacturers may apply to Importers and Distributors

An Importer or Distributor will be considered to be a Manufacturer and will be subject to the obligations of the Manufacturer if they place a product on the market **under THEIR name or trademark or modify** a construction product already placed on the market in such a way that affects its conformity with the DoP.

Further help

TRADA members may contact the Members’ Helpline for free on: 01494 569601

BM TRADA is a notified body and ETA issuing body for the Construction Products Directive and can provide CE certification services where required.
t: 01494 569671
www.bmtrada.com

European Commission:

This is the website of the European Commission and is useful for looking up Notified bodies and assessment bodies.
<http://ec.europa.eu/enterprise/newapproach/nando>

CEN

This is the website of CEN and is useful for checking progress on harmonised standard activity.
www.cen.eu/cen

NANDO

‘NANDO’ is the acronym for New Approach Notified and Designated Organisations and provides useful information on Notified Bodies, Standards, etc.
<http://ec.europa.eu/enterprise/newapproach/nando>

EOTA

EOTA is the European Organisation for Technical Approvals and comprises of the Approval Bodies nominated to issue European Technical Approvals (ETAs) by EU Member States and EFTA States who have contracted to the European Economic Area Agreement.

This website is useful for looking up valid ETAs and ETA issuing bodies.
www.eota.be

Acknowledgements

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References

1. Construction Products Regulation 305/2011/EU
2. Construction Products Directive 89/106/EEC as amended by Directive 1993/68/EEC

Certification services for construction products

We offer two types of certification:

- CE marking
- BM TRADA Q-Mark.

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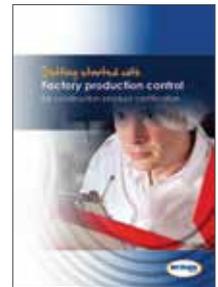
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