What is the Construction Products Regulation?

Andrew R Walker, Technical Secretariat for the Group of Notified Bodies

20 September 2012
Who we are......

- Technical Secretariat for the Group of Notified Bodies for the Construction Products Directive (GNB-CPD)
  - Participate in European meetings for NBs
  - Represent the GNB-CPD at European level
  - Write GNB guidance for notified certification bodies and testing labs
  - Answer queries

- Based at BRE Garston (Watford).
Where notified bodies to the CPD exist (European Economic Area, Switzerland and Turkey)
The Construction Products Regulation (CPR)
The Construction Products Regulation (EU) 305/2011 was introduced to:

- **clarify** when and for what CE marking is mandatory
- **simplify** the process of CE marking
- **improve credibility**
- **strengthen** sustainability requirements

Is designed to break down barriers to trade like its predecessor the Construction Products Directive (CPD) which it repeals (89/106/EEC and 93/68/EEC).
Current position under the CPD

**Basic requirements:**
- Mechanical resistance and stability
- Safety in the case of fire
- Hygiene, health and environment
- Safety and accessibility in use
- Protection against noise
- Energy economy and heat retention

**Harmonised technical specifications:**
- Covered by Mandates issued by the Commission
- Over 460 harmonised European product standards expected
- Around 1500 supporting European standards (mainly test standards)
- Around 1300 European Technical Approvals (ETAs) issues
- Almost 35 European Technical Approval Guidelines (ETAGs) issued
Where the CPR should apply from 01 July 2013
(European Union, Iceland, Norway, Switzerland and Turkey)

The CPR can also apply in countries outside the EU that have been authorised to implement the Regulation.
Obligations on the supply chain (Manufacturers – Article 11)

Manufacturers’ responsibilities include:

- Drawing up declarations of performance for their products
- Affixing the CE marking
- Keeping documentation for 10 years
- Ensuring series production maintains the declared performance
- Ensuring products (or packaging) bear identification marks and a contact address
- Providing instructions & safety information with their products
- Taking corrective action where products are not in conformity with declarations of performance

- May have an Authorised Representatives (Article 12).
Obligations on the supply chain (Importers – Article 13)

- **Importers’ responsibilities** include

  - placing on the EU market only products that are compliant with the CPR
  - ensuring that storage or transport conditions do not jeopardise the conformity of products with declarations of performance
  - taking corrective action where products are not in conformity with declarations of performance
Obligations on the supply chain (Distributors – Article 14)

- **Distributors’ responsibilities** include

  - ensuring that, where required, products bear the CE marking and are accompanied by the necessary documents

  - ensuring that storage or transport conditions do not jeopardise the conformity of products with declarations of performance

  - taking corrective action where products are not in conformity with declarations of performance

- **Note** that an importer or a distributor who markets a product under his name, or modifies a product, takes on the responsibilities of a manufacturer (See Article 15).
Obligations for member states

- To set-up:
  - A Notifying Authority (Article 40)
    - For notifying notified bodies and designating Technical Assessment Bodies.
  - A Product Contact Point (Article 10)
- Carry out market surveillance (Article 56)
Obligations for market surveillance authorities

- Market Surveillance Authorities’ responsibilities include

  - Evaluate construction products against their declared performance
  
  - If negative evaluation of declared performance inform:
    • manufacturer and notified body (if involved)
    • Commission and other member state authorities (if effected)
  
  - Can prohibit, recall or restrict the making available of the construction product on a national market. But must inform Commission and other MSs.
    • RAPEX and ICSMS.
Elements of CE Marking
CE marking under the CPR harmonises the 4 elements that create technical barriers to trade.

Depends upon:

1. a harmonized system of technical specifications
2. an agreed system of assessment and verification
3. a framework of notified bodies (and TABs)
4. harmonised presentation of technical data (i.e. the manufacturer’s declaration and CE marking)
1. A harmonized system of technical specifications

- European Standards (EN)
  (replace national standards)

or

- European Technical Assessments (ETAs)
  (replace national approvals)
  (replace European Technical Approvals in CPD)

The technical specifications provide common tools for meeting different regulations in Member States (MSs)
2. An agreed system of assessment and verification of constancy of performance (AVCP)

Harmonized requirements in MSs for third party involvement in evaluation of conformity:

<table>
<thead>
<tr>
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<tr>
<td>◐ product certification</td>
<td>1+/1</td>
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<tr>
<td>◐ fpc certification with surveillance</td>
<td>2+</td>
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<tr>
<td>◐ determination of product-type</td>
<td>3</td>
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<tr>
<td>◐ manufacturer’s tasks only</td>
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</table>

Notes.
1. AoC (Attestation of Conformity) replaced by AVCP
2. No more System 2.
3. Initial type testing replaced by determination of product-type.
3. A framework of Notified Bodies

β Product certification, fpc certification and test laboratories

β Notified to the Commission and other MSs

   · Competence assessed by their Member States

   · Are approved to perform the Assessment and Verification of Constancy of Performance of construction products

   · NBs to be re-notified for the CPR

β Group of Notified Bodies

   · Over 760 Notified Bodies from 29 countries / member states
Structure of Group of Notified Bodies of the CPD (GNB-CPD)

ADVISORY GROUP
President: Dario Agalbato

SH01
Dangerous substances

SH02
Fire

SG01
Building finishes

SG06
Doors and windows

SG09
Glass

SG........
18 other vertical Sector Groups

Notes:
1. Of the 23 Sector Groups only 2 inactive (i.e. has no chairman).
2. Future need for new hor. SG, Sustainable Use of Resources.
3. Work of the GNB aided by a Technical Secretariat.
GNB-CPD Advisory and Sector Group Guidance
- 9 AG and over 90 SG PPs

GNB-CPD AG
Guidance from the Group of Notified Bodies for the Construction Products Directive 89/106/EEC
Issue: 12 November 2009
APPROVED – GUIDANCE

GNB-CPD SG07
Guidance from the Group of Notified Bodies for the Construction Products Directive 89/106/EEC
Issue: 27 January 2009
APPROVED – GUIDANCE

GNB-CPD position paper
Guidance to notified bodies on the attestation of conformity under the Construction Products Directive 89/106/EEC

General scope, limitations and aim of this guidance for notified bodies
This position paper contains guidance for notified bodies (NBs) involved in the attestation of conformity of construction products or their FPC to harmonized technical specifications. The purpose is to help NBs work equivalently and come to common judgments. This guidance contains informative material (which NBs should or may follow) and/or normative guidance (which NBs shall follow or at least work equivalently to as circumstances demand).

This guidance is thought necessary to provide clarity and completeness for NBs so that they can work equivalently. It supplements and makes practical for NBs the relevant harmonized technical specifications, and Standing Committee guidance in the form of QPs, which also apply – unless otherwise explicitly stated in this guidance. This position paper should not contravene nor extend the scope or role of a NB, nor impose additional burdens on the manufacturer, beyond those laid down in the CPD and the relevant technical specifications.

The guidance should be considered valid until guidance from the Commission or SCC has changed on relevant matters. Whereupon, the paper should be considered for withdrawal/revision and be replaced by new guidance as necessary.

This position paper was considered approved in its original form by Advisory Group on 7 April 2001 and in its revised form on 6 October 2006.

This is an interim revision of the position paper to remove superseded versions of GNB-CPD example certificates, which are now available in the latest version of NBN-CPD/AG/03/0025/03. A further, substantial revision to update and extend the horizontal guidance provided by AG is in progress and will be considered at forthcoming Advisory Group meetings.

1 Introduction
It has to be clear from the beginning that the systems of attestation of conformity are described in Annex III-2 of the Construction Products Directive 89/106/EEC and that the bodies involved in the attestation have to comply with all requirements laid down in Annex III-2 of the Directive.

The hierarchy of the documents used in the procedures of attestation is as follows: the Treaty, the CPD and eventually other relevant Directives from the Council, the Decisions of the Commission (for example the annex to the CEN, the harmonised part of the technical specifications (Annex ZA, ZB, etc.) and the guides of notified bodies, which are not harmonized.

GNB-CPD position paper from SG07 - EN 14604:2005
Certification of Smoke alarm devices

General scope, limitations and aim of this guidance for Notified Bodies (NBs)
This position paper contains guidance for Notified Bodies (NBs) involved in the attestation of conformity of smoke alarm devices according to EN 14604:2005. The purpose is to help NBs work equivalently and come to common judgments. This guidance contains informative material (which NBs should or may follow) and/or normative guidance (which NBs shall follow or at least work equivalently to as circumstances demand).

This guidance is thought necessary to provide clarity and completeness for NBs so that they can work equivalently. It supplements and makes practical for NBs the harmonized standard EN 14604:2005, approved Advisory Group guidance, and Standing Committee guidance in the form of QPs, which also apply – unless otherwise explicitly stated in this guidance. This position paper should not contravene neither extend the scope of the work and role of a NB, nor impose additional burdens on the manufacturer, beyond those laid down in the CPD and EN 14604:2005.

This guidance should be considered valid until the relevant standards are amended to include the guidance as thought fit by the CEN/TC, or until guidance from Commission, SCC, and AG has changed on relevant matters. Whereupon, the paper should be considered for withdrawal/revision and be replaced by new guidance as necessary.

This position paper was considered approved by SG07 on 3 September 2006 and by Advisory Group on 24 January 2009.

Question
Is it acceptable to undertake conformity assessment procedures including the issue of an EC Certificate of conformity for smoke alarm devices incorporating a radio link?

Background to the question
Currently, the European standard EN 14604 exists in three official versions (German, English and French).

In the scope of the standard in French and English, the 3rd paragraph stipulates that 'Smoke alarms with special features, such as radio monitoring or special characteristics and developed for specific risks, are not covered by this document.'
New Approach Notified and Designated Organisations Website (NANDO)

Nando (New Approach Notified and Designated Organisations) Information System

Notification is an act whereby a Member State informs the Commission and the other Member States that a body, which fulfils the relevant requirements, has been designated to carry out conformity assessment according to a directive. Notification of Notified Bodies and their withdrawal are the responsibility of the notifying Member State.

The Member States, EFTA countries (EEA members) and other countries with which the EC has concluded Mutual Recognition Agreements (MRAs) and Protocols to the Agreement on Conformity Assessment and Acceptance of Industrial Products (PCAs) have designated Notified Bodies, established per directive. Lists of Notified Bodies can be searched on the NANDO website. The lists include the identification number of each notified body as well as the table for which it has been notified, and are subject to regular update.

NB: The lists of notified bodies are given for information only and are valid at the date indicated. Information is made available as provided by the designating authorities of the Member States.

Any comments concerning the information contained in the lists should be addressed by the notified bodies themselves directly to the relevant competent authorities in the Member States which are responsible for the designation of the bodies.

We are continually working on the further development of this database. Please keep us informed of any problems.

Last update date: 26/05/2012
About this website: Help
## Bodies

**Search criteria:**

- **Legislation:** 89/106/EEC Construction products
- **Technical specification:** EN 14331-1:2006+A1:2010

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4. Harmonised presentation of technical data  
(Declaration of Performance)

Notes.
1. Manufacturer’s ‘Declaration of Conformity’ in CPD becomes ‘Declaration of Performance’ in CPR
2. DoP should be accompanied by information on the content of hazardous substances
4. Harmonised presentation of technical data
(CE Marking)

CPR (CEN GD dated 2012-13-04)

| CE marking, consisting of the "CE"-symbol |
| Identification number of the product certification body |
| name and the registered address of the manufacturer, or identifying mark |
| Last two digits of the year in which the marking was first affixed |
| Reference number of the DoP |
| No. of European standard applied, as referenced in OJEU (see note 14) |
| Unique identification code of the product-type |
| Intended use of the product as laid down in the European standard applied |
| Level or class of the performance declared |

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| AnyCo Ltd, PO Box 21, B-1050, Brussels, Belgium |
| 13 |
| 00001-CPR-2013/05/12 |
| EN 123 - 5: 2009 |
| Product A |
| intended to be used in (e.g. curtain walling, fire compartmentation, etc.) |
| essential characteristic 1: 50N/cm² |
| essential characteristic 2: Pass |
| essential characteristic 3: Class A1 |
| essential characteristic 4: RE 60 |
| essential characteristic n: xxx |
| Durability of essential characteristic 1: expressed as indicated in the DoP |
| Durability of essential characteristic n: expressed as indicated in the DoP |
| Dangerous substance X: Less than 0.2 ppm |

[see note 15]
Dangerous substances
Dangerous Substances?

Increasing concern to eliminate substances that may affect hygiene, health and the environment. e.g.

- Toxic gases/liquids
- VOCs
- Greenhouse gases
- Particulates
- Ionising radiation
- Contamination of ground and water
EU Initiatives on Dangerous Substances

**Commission Expert Group on Dangerous Substances (EGDS)**
Group of experts set-up to advise European Commission on regulatory matters

**CEN Technical Committee TC 351**
“Construction Products: Assessment of release of dangerous substances”
Working to Commission Mandate M366 to develop horizontal test methods

**Commission Database on Dangerous Substances**
Database listing Regulations on dangerous substances in each MS.
Commission Section shows European Directives.

**Commission Report on Dangerous Substances** – End 2014
New sustainability requirements

- List of Basic Requirements for Construction Works now includes a new requirement on the **sustainable use of natural resources**

- The basic requirement on the **emissions of dangerous substances** now relates to the **whole life cycle** of construction works

- **Data required under REACH** now has to be provided alongside the Declaration of Performance
Sustainable use of natural resources – Future requirements?

**CPD**
No requirements.

**CPR**
Recital (56) of the CPR requires the assessment of sustainability and of environmental impact of construction works to use *Environmental Product Declarations (EPDs)* when available.

Standards published:
EN ISO 14025:2010 Environmental labels and declarations. Type III environmental declarations. Principles and procedures
BS EN 15804:2012 Sustainability of construction works. Environmental product declarations. Product category rules

Several questions:
Can you use EPDs immediately from 01 July 2013 or will EPDs need to be incorporated into hENs from 01 July 2013? And will NBs need to verify EPDs?
Current Guidance on the CPR
How to draft clauses on Assessment and Verification of the Constancy of Performance (AVCP) in harmonized standards for construction products

Foreword


(2) This document gives the principles behind writing clause 6 as “Evaluation of conformity” in the mandated harmonized standardization work carried out in the framework of Council Directive 98/83/EC repealed by the above-mentioned Regulation.

(3) Clause 2 of this document provides the framework setting out the structure, for drafting and presentation of the AVCP clauses. The document gives the layout to be used by all Technical Committees when drafting/revising/amending the AVCP clauses (previously defined in the CPD as “Evaluation of conformity”) in new, revised or amended harmonized product standards which are submitted to EN/ISO (Stage 56.20.000), after 1st July 2013.

(4) The numbering of paragraphs in clause 2 of this document follows the framework indicated in the model product standard.

NOTE in the framework:

The text given in square brackets using blue characters represents notes, instructions, items to be filled in or other comments, not to be included in the standard.
The Construction Products Regulation (CPR) will require all construction products covered by a harmonised European Standard to have a declaration of performance (DoP) drawn up and to be CE marked (European conformity marked). Construction products covered by this regulation will not be able to be legally sold in the UK or within the rest of the European Economic Area if they do not comply (with some limited exceptions). This comes into effect on 23 July 2013.

CE marking of construction products has been possible for over a decade and is a legal requirement in much of Europe. However, it has hitherto only been voluntary for products sold in the UK. This means that this regulation is likely to have a significant impact on those UK manufacturers who do not currently affix the CE Mark to their products.

This Information Paper gives guidance on the CPR and on CE marking. Those issues are important for manufacturers, specifiers, importers and distributors of construction products based in the UK or used in the UK. The guidance provided in this country may vary from that provided in other countries where CE marking is voluntary or required. Those affected by the regulation should be able to adapt their procedures accordingly in order to comply with the latest regulation.

INTRODUCTION
The Construction Products Directive (CPD) of 1996 has introduced a common framework for regulations on building and construction works and to ensure free movement of safe construction products within the European Union. It sets requirements for construction products, known as the essential requirements, and provides for CE marking of construction products. The CPD, a self-certification mark based on supporting evidence from verified bodies, is required that can be affixed to construction products in order to demonstrate compliance with the essential requirements. Products with CE marking may be sold legally within the European Economic Area (EEA). Under the CPD, CE marking is compulsory on all EEA member states, except for the UK, Ireland, Finland and Sweden, where CPD is voluntary. The CPD was implemented in the UK in 1998.

The Directive has now been updated in four stages. First, the Construction Products Regulation (CPR) was published in 2011. It will replace the CPR and will strengthen and clarify the existing framework in order to improve the transparency and effectiveness of its implementation.

The CPR has been developed in line with the EU Construction Products Regulation, which has been in place since 2013. The regulation aims to ensure the free movement of construction products within the EEA, while maintaining high safety standards.
Thank you for listening