

Business Advice **Fact Sheet**

Essential Information for Business Success

Construction Products Regulation

- From 1 July 2013, the CE Marking of construction products covered by harmonised European Standards is legally required.
- Manufacturers, importers and distributors have new obligations and responsibilities when placing a construction product in the marketplace.
- Designers, Architects and builders should also be aware and understand the new requirements on construction products.

Introduction

The EU Construction Products Regulation (No. 305/2011) (CPR) lays down the harmonised conditions for the sale and supply of construction products and is directly applicable in its entirety into UK law.

It is therefore essential that all parties in the construction products supply chain understand their legal obligations in order to allow themselves sufficient preparation time to achieve compliance, which could take up to several months to achieve in terms of setting up the required procedures and product approvals. See the European Commission webpage [\(Here\)](#).

This guidance document is aimed at:

- **Manufacturers**
- **Importers**
- **Distributors**
- **Builders, Architects and Designers**

and provides basic information on the CPR for each of these groups to assist in their preparations for 1 July 2013.



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What is a Construction Product?

Construction Products are defined as:

- Any product or kit
- Produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof
- The performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works

The Basic Requirements for Construction works are:

1. Mechanical resistance and stability
2. Safety in case of fire
3. Hygiene, health and the environment
4. Safety and accessibility in use
5. Protection against noise
6. Energy economy and heat retention
7. Sustainable use of natural resources

The basic requirements for Construction works are defined further at annex I of [Regulation \(EU\) No 305/2011](#).

What are the main provisions of the CPR?

The four key areas are:

- A system of harmonised technical specifications
- An agreed system of Assessment of Performance and Verification of Constancy to above
- A framework of notified bodies
- The CE Marking label

What are harmonised technical specifications?

Harmonised technical specifications include **harmonised European standards (hENs)**, generally used for traditional construction products, and **European Assessment Documents (EADs)** usually used for innovative products. These both provide assessment methods for the performance of construction products.

Harmonised European Standards (hENs)

Currently, there are over 400 hENs covering a broad range of construction products. hENs are progressively becoming the normal standard, with conflicting national standards being withdrawn.

All hENs under the CPR have an informative **Annex ZA**. In general, this annex contains 3 parts:

- **ZA.1** - A list of product characteristics as well as the clauses in the standard in which the assessment or test method is set out or referred to. The list represents a compilation of all regulated requirements for the product in question across the EU,
- **ZA.2** - The procedures for conformity assessment, namely the tasks to be carried out by the manufacture and the notified body. This is currently referred to as the

agreed **system of attestation of conformity**, but will be known as the system of **Assessment of Performance and Verification of Constancy (APVC)** under the CPR, and

- **ZA.3** - The process for CE Marking and labelling.

A current list of hENs is available at the following link: [\(hENs\)](#)

As the majority of construction products are covered by hENs, they will become the key documents for:

- Manufacturers when declaring the performance
- Authorities when specifying requirements for construction products in regulations, specifications, public procurement documents etc, and
- Specifiers and designers (architects, engineers, builders etc) when choosing construction products.

European Assessment Documents (EADs)

EADs can be developed for construction products not covered, or not fully covered, by a hEN. An EAD provides the basis on which a European Technical Assessment (ETA) (and CE Marking affixed), as requested by the manufacturer, can be issued. An updated list of references of the final EADs will be published by the Commission in the Official Journal of the European Union

How will CPR affect my trade area?

I am a manufacturer

From 1 July 2013 manufacturers of construction products which are covered by harmonised European product standards (hENs), will be required, when placing a product on the market, to:

- **Make a Declaration of Performance (DoP) for the product**
- **Apply the CE mark**

Annex ZA as found in hENs can under the CPR be used as a checklist for the drawing up of a **Declaration of Performance (DoP)** and affixing the **CE Mark**.

An example product label including the CE mark can be found at the end of this advice document.

All the information supplied with the **DoP** should be obtained by following the methods and criteria specified by the relevant **hEN**. The **DoP** provides information about the **essential characteristics of each product**.

The manufacturer, by drawing up his **DoP**, assumes **the responsibility for the conformity of the construction product** with the declared performance. The application of the **CE mark** follows the **DoP** and effectively certifies that the manufacturer has strictly followed all the applicable procedures in drawing up his **DoP** and that, consequently, the **DoP** is accurate and reliable.

The manufacturer must also:

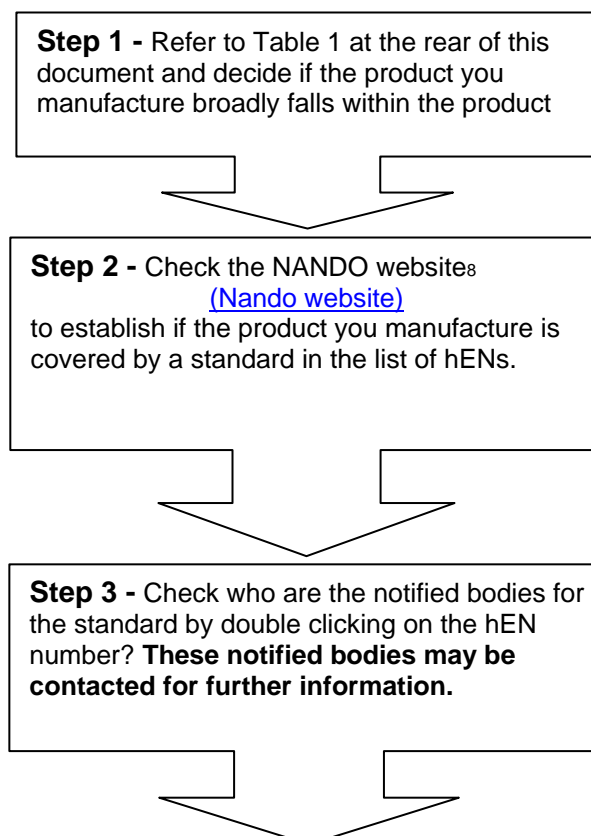
- Keep documentation for 10 years;
- Ensure consistent production;
- Monitor the product on the market;
- Ensure the product is identifiable;
- Indicate a contact point on the product;
- Provide instructions and safety information in the appropriate languages;
- Take corrective measures where necessary, and
- Co-operate with requests from national authorities.

For more information on these responsibilities see Article 11 of Regulation (EU) No. 305/2011 available at the following link: [Regulation \(EU\) No 305/2011](#)

To check if the product you manufacture is covered by a **hEN**, follow the flow chart below. Manufacturers should also check if guidance in the form of a National Annex or a Standard Recommendation exists, which set out appropriate minimum performance levels for specific intended use.

The obligations on manufacturers are clearly set out in the CPR with regard to the products they place on the internal market. Failure to comply with any provision of the CPR would be considered a breach of the Regulation and may give rise to formal action on the part of the relevant enforcement authority.

A manufacturer's checklist



Step 4 - Check Annex ZA of the hEN standard for the product's regulated characteristics, the tasks for the manufacturer and the tasks for the notified body.

CPR and Innovative products

The CPR generally envisages three main groups of products:

1. Products covered by a **hEN**
2. Products not fully covered by a **hEN** (for example where a **hEN** exists but for at least one essential characteristic:
 - The method of assessment is inappropriate
 - There is no assessment method
3. Products which do not fall within the scope of a **hEN**

For products in group 1, a **DoP**, as set out in the appropriate **hEN**, and then consequent CE marking will be required from the 1 July 2013

For group 2 and 3 products, a manufacturer can choose the way in which they produce the information contained in their Declaration of Performance documentation:

- Declare performance against an **European Assessment Document (EAD)** using an **European Technical Assessment (ETA)** issued by a relevant Technical Assessment Body. Performance declared by this route should bear the CE marking. For more information on this method and how a manufacturer can use it is available on the EOTA website ([EOTA](#)).
- Declare performance and have this supported by National Approval (e.g. BBA Agrément Certificate, see [BBA](#))
- Declare performance with or without the support of other information (e.g. a test report) using assessment methods of their choice. However this choice is the least favourable and the relevance of such a method should be considered.

I am an importer

CPR has introduced a 'chain of custody' approach for construction products being placed on the market resulting in a greater legal responsibility for compliance with agents and importers.

To comply with the CPR, importers must:

- Satisfy themselves that the manufacturer has done all that is required to comply with the CPR;
- Ensure their (the importers) name and contact details appear on the product, labelling or associated documents;
- Ensure instructions and safety information is in the appropriate language of the particular market and these are passed on when they make a sale;
- Ensure that products are stored or moved under such conditions that don't alter the products compliance;
- Monitor the product on the market;

- Take corrective measures where necessary; i.e. withholding a product from the market if they believe the product does not conform with the **DoP**.
- Keep documentation for 10 years; and
- Co-operate with requests from national regulatory authorities.

For more information on these responsibilities see Article 13 of [Regulation \(EU\) No 305/2011](#)

If an importer places a product on the market under his trade name, or modifies a product, then he will be treated as the manufacturer.

Importers should also check if additional guidance in the form of a National Annex or a Standard Recommendation exists, which set out appropriate minimum performance levels for specific intended uses of the product.

It is clearly set out in the CPR what responsibilities importers have with regard to the products they trade. Failure to comply with any provision of the CPR would be considered a breach of the Regulation and may give rise to a prosecution.

I am a distributor

Distributors will have similar duty of care as that applicable to importers.

To comply with the CPR, distributors must:

- Take due care that the product is compliant and has all documentation to verify compliance with the CPR;
- Ensure instructions and safety information is in the appropriate language of the particular market and these are passed on when they make a sale;
- Ensure the manufacturer has made the product identifiable and the manufacturers / importers contact details are available;
- Ensure that products are stored or moved under such conditions that don't alter the products compliance;
- Take corrective measures where necessary; i.e. withholding a product from the market if they believe the product does not conform with the **DoP**, and
- Co-operate with requests from national regulatory authorities.

For more information on these responsibilities see Article 14 of [Regulation \(EU\) No 305/2011](#).

If a distributor places a product on the market under his trade name, or modifies a product, then he will be treated as the manufacturer.

Distributors should also check if additional guidance in the form of a National Annex or a Standard Recommendation exists, which set out appropriate minimum performance levels for specific intended uses of the product.

It is clearly set out in the CPR what responsibilities distributors have with regard to the products they trade. Failure to comply with any provision of the CPR would be considered a breach of the Regulation and may give to formal action on the part of the regulatory enforcement agency.

I am an Architect, designer or builder

The transition to harmonised European product standards represents a change for the construction industry. Traditionally, national product standards or British standards were prescriptive in relation to performance and the appropriate uses to which products could be put. The hENs differ in this regard, as they provide harmonised testing methods, declaration methods and conformity assessment rules. The UK, like other Member States, is therefore free to set its own minimum requirements on the performance of building works and construction products incorporated into such works.

Whilst the CPR concerns itself with the conditions which apply when placing a product on the market, clients, specifiers, designers and builders etc should:

- When drawing up specifications, refer to the harmonised technical specifications and specifically to the requirements of individual characteristics when necessary;
- When choosing the products most suitable for their intended use in construction works, review the manufacturer's declaration of performance;
- Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product
- Ensure compliance with the Building Regulations.

I am a Public body

Articles 8.4 and 8.5 of the CPR place obligations on Member States to ensure that the use of construction products bearing CE marking shall not be impeded by rules imposed by public bodies or private bodies acting as a public undertaking. Those acting as such a body, in a monopoly position or under a public mandate should not specify the performance of products other than in accordance with the basic requirements covered by the harmonised section of the **hEN** or **ETA** under which the CE marking is applied.

The obligations placed on public procurers by the CPR also have implications for any industry association or other body drafting an industry wide standard specification or standard that is intended to or hoped to be adopted by public procurers. Authors of such documents must also take account of other legislation that affects public procurers.

Regulators

Building Control Bodies, specifiers, and other practitioners will need to keep abreast of the introduction of **hENs/EADs**, and amendments to Building Regulations and their supporting documents. These will include not only Approved Documents (England and Wales), Technical Handbooks (Scotland) and Technical Booklets (Northern Ireland), but also BS Codes of Practice and other linked documentation.

Responsibility for ensuring that a product has the correct characteristics for a particular application rests with the designers, contractors and local building authorities.

Notified bodies

Notified bodies can certify products, certify factory production controls (fpc) and are testing laboratories considered to be competent to carry out the conformity assessment tasks. Such bodies are first approved by their respective Member States to carry out certain tasks, and then notified to the European Commission and other Member States. They are often referred to as 'approved bodies', 'designated bodies' or 'notified bodies'. They are referred to as 'notified bodies' in this guidance note.

Once a harmonised technical specification is available a manufacturer required to use a notified body will be able to approach any such body in the EEA that has been notified for the appropriate harmonised technical specification, for assessment. They do not have to use a body operating in the same country as the place of manufacture or where the product is to be used.

With respect to the function of notified bodies involved in the Assessment and Verification of Constancy of Performance (AVCP) for construction products, distinction must be made between:

- **testing laboratory:** a notified laboratory which measures, examines, tests, calibrates or otherwise determines the characteristics or performance of materials or construction products
- **factory production control certification body:** a notified body possessing the necessary competence and responsibility to carry out factory production control certification in accordance with given rules of procedure and management
- **product certification body:** a notified body possessing the necessary competence and responsibility to carry out product certification in accordance with given rules of procedure and management.

Technical Assessment Bodies (TAB's)

These are organisations designated by their respective Member States as competent to produce EADs, assess products and, on this basis, to issue **ETAs**. The name and address of each TAB and the product areas for which it is designated are communicated to the European Commission and other Member States.

The process of issuing the **ETA** in the first instance is a separate process from the subsequent AVCP procedures. Hence, once an **ETA** has been issued for a product, where relevant the manufacturer is free to choose another body to carry out the conformity assessment procedures.

Technical Assessment Bodies carry out assessments and issue European Technical Assessments in the product areas (listed in the CPR Annex IV) for which they have been designated.

Further information


Lists of harmonised specifications, notified bodies and TABs can be found on the **NANDO** website. The lists include details of the harmonised specifications and identification

numbers for notified bodies as well as the tasks for which they have been notified for all Member States. The lists are updated regularly.

You may wish to read this guidance along with other published guidance available, such as:

The Construction Products Association guidance [\(Here\)](#) and [\(Here\)](#)

Example Product label

 1234
Manufacturers name + full address 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/cm ² 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

In offering this advice Norfolk Trading Standards Service wishes to make it clear that:

- Legislation may change over time and the advice given is based on the information available at the time the guidance was produced. It is not necessarily comprehensive and is subject to revision in the light of further information.
- Only the courts can interpret statutory legislation with any authority
- This advice is not intended to be a definitive guide to, nor substitute for, the relevant law.
- Independent legal advice should be sought where appropriate.

For more information or advice please telephone **0344 800 8020**

Alternatively you may email us at tradingstandards@norfolk.gov.uk

Did you know that we have a wide range of information and advice for businesses on our website? Log onto www.norfolk.gov.uk/tradingstandards



If you need this advice sheet in large print, audio, Braille, alternative format or in a different language please contact the Customer Service Centre on 0344 800 8020 and we will do our best to help.

Table 1.

Extract from Annex IV of Regulation (EU) No. 305/2011

Code	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).
11	SANITARY APPLIANCES.
12	CIRCULATION FIXTURES: ROAD EQUIPMENT.
13	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
14	WOOD BASED PANELS AND ELEMENTS.
15	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
16	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
17	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
18	WASTE WATER ENGINEERING PRODUCTS.
19	FLOORINGS.
20	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.
21	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
22	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.
23	ROAD CONSTRUCTION PRODUCTS.
24	AGGREGATES.
25	CONSTRUCTION ADHESIVES.
26	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
27	SPACE HEATING APPLIANCES.
28	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
29	CONSTRUCTION PRODUCTS IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
30	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
31	POWER, CONTROL AND COMMUNICATION CABLES.
32	SEALANTS FOR JOINTS.
33	FIXINGS.
34	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
35	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.