Guidance Note on the
Construction Products Regulation

Version 3 - October 2014

BBA APPROVAL INSPECTION TESTING CERTIFICATION TECHNICAL APPROVALS FOR CONSTRUCTION

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Revisions to version 2 of Guidance Note on the Construction Products Regulation

a)	Section 1.2	References a new Appendix E on the rules for placing DoPs on websites.
b)	Section 5.1	Names the Delegated Act for placing DoPs on websites giving the date it took effect.
c)	Section 5.2	Names the Delegated Act which gives the revised information for inclusion in a DoP.
d)	Section 6.2	Gives the revised descriptions for the five levels of Assessment and Verification of Constancy of Performance.
e)	Section 6.3	Advises that ETAs can be regarded as the Assessment of Performance for a construction product.
f)	Section 7.9	References the new version of the Blue Guide.
g)	Section 8.7	Provides a link to the Commission's website listing Member States Product Contact Points.
h)	Section 9.1	Updates the descriptions of the various types of Notified Body.
i)	Further Information	Provides the link to read the Commission's FAQs.
j)	Appendices	

- Appendix B has been updated and provides new explanatory text on information to be included in a DoP as per c) above.
- Appendix C has been updated to reflect changes in the tasks allocated to Notified Bodies and manufacturers under the different levels of AVCP.
- Appendix D gives a new link for viewing ETAs.
- Appendix E is a new addition giving the rules for placing DoPs on websites

Guidance Note on the Construction Products Regulation

Version 3 - October 2014

This Guidance Note is to be regarded as a 'live document' which will be updated periodically when additional information clarifying any points becomes available.

1. Purpose of this guide and acknowledgments

1.1 The construction industry is facing the most significant change for a decade in the way in which construction products are sold in Europe. From 1 July 2013, under the Construction Products Regulation 2011[1] (CPR), it became mandatory for manufacturers to draw up a declaration of performance and apply CE marking to any of their construction products which is covered by a harmonised European standard (hEN) or conforms to a European Technical Assessment (ETA) which has been issued for it, when such a product is placed on the market. By definition a construction product is any product or 'kit'[2] which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works. This is a major change as affixing of CE marking under the provisions of the Construction Products Directive (CPD) was voluntary in the UK. For those already CE marking under the CPD the transition should be straightforward.

This publication is intended as a guide to the implications of CE marking under the CPR for manufacturers, importers, distributors, specifiers, certification and test bodies, and regulatory/enforcement authorities. The Regulation is directly applicable in UK law and neither this guide nor its authors purport to offer any definitive legal interpretations.

1.2 The guide has now been expanded with the inclusion of Appendix D offering clarification on some Frequently Asked Questions concerning CE Marking and with the addition of Appendix E giving the Rules for placing Declarations of Performance on websites.

1.3 This guidance note has been prepared by the Construction Products Association (CPA), the British Board of Agrément (BBA), British Standards Institution (BSI) and Building Research Establishment (BRE) in consultation with the Trading Standards Institute (TSI).

2. Key concepts of the CPR

2.1 The CPR builds upon the CPD and aims to break down technical barriers to trade in construction products within the European Economic Area (EEA). To achieve this, the CPR provides for four main elements:

- a system of harmonised technical specifications
- an agreed system of conformity assessment for each product family
- a framework of notified bodies
- CE marking of products.

2.2 The CPR harmonises the methods of assessment and test, the means of declaration of product performance and the system of conformity assessment of construction products, but NOT national building regulations. The choice of required values for the particular intended use is left to the regulators and public / private sector procurers at the national level. However, such required values must be expressed in a consistent manner (technical language) as used in the harmonised technical specifications.

2.3 Some elements of the CPR came into force on 24 April 2011. The first changes apply to notified bodies and technical assessment bodies and the way in which they operate. The full legislation relating to manufacturers, importers and distributors came into force on 1 July 2013, when the CPD was replaced.

2.4 Appendix A contains a guide to some of the terminology.

1 The CPR can be found at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:088:0005:0043:EN:PDF

2 Kit - a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works.

3. Harmonised technical specifications

3.1 Under the CPR, harmonised technical specifications are harmonised European product standards (hENs) established by CEN/CENELEC[3] or European Assessment Documents (EADs) produced by the European Organisation for Technical Assessment (EOTA) as the basis for issuing ETAs for products not covered by hENs. The harmonised technical specification for a product defines EEA-wide methods of assessing and declaring all the performance characteristics required by regulations in any Member State which affect the ability of construction products to meet seven basic requirements for construction works. These cover:

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

3.2 The main route to a harmonised technical specification under the CPR is for hENs to be drawn up and published by CEN/CENELEC. However, if hENs cannot be produced or foreseen within a reasonable period of time, or if a product deviates from the scope of a hEN, an ETA may be issued on the basis of an EAD.

3.3 European product standards also address characteristics not regulated in any Member State, but which have been included for commercial reasons e.g. aesthetic characteristics. Because of this, all hENs under the CPR include an Informative Annex (termed Annex ZA), the first part of which (ZA.1) lists the regulated requirements according to a mandate issued to CEN or CENELEC by the European Commission 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 in the hEN becomes a checklist for CE marking from which the manufacturer can see all the mandatory requirements for their product and how they can be met.

3.4 The parts of the standard which are not required to fulfil the mandate are termed the voluntary or non-harmonised parts. These are not included in, nor relevant to, Annex ZA.1.

3.5 EADs will have a section serving the same function as Annex ZA.1 in a hEN.

3 CEN (Comité Européen de Normalisation) provides a platform for the development of European Standards (ENs). CENELEC (Comité Européen de Normalisation Électrotechnique) is the European Committee responsible for European Standardisation in the area of electrical engineering.

4. CE marking under the CPR

4.1 CE marking enables a product to be placed legally on the market in any Member State. However, as explained below, this does not necessarily mean that the product will be suitable for all end uses in all Member States.

4.2 CE marking indicates that a product is consistent with its Declaration of Performance (DoP) as made by the manufacturer. The declaration varies according to the particular harmonised technical specification covering the product. In general there are three ways in which information can be presented for each relevant characteristic:

- confirmation of achievement of a minimum performance or threshold. This could be by satisfying a Pass/Fail criterion or simply by being eligible to be in the standard.
- the actual performance (a declared value)
- a particular class of performance reached.

As such, decision makers (e.g. designers and specifiers) should understand the relevant performance requirements for the product.

4.3 How CE marking is approached for a specific product is set out in the harmonised technical specifications. For hENs this is set out in Annex ZA.3 and for ETAs in a section in the EAD.

5. Declarations of Performance

5.1 By making a DoP the manufacturer, importer or distributor is assuming legal responsibility for the conformity of the construction product with its declared performance. The information to be contained in them is detailed in Annex ZA of a hEN or in a section of the EAD. DoPs must be supplied either in paper form or by electronic means which includes, by Special Derogation in article 7.3 of the CPR, permission to make them available on a website. The Delegated Act (EU) 157/2014 establishing the rules manufacturers must follow when placing DoPs on websites was published in the Official Journal of the European Union on 30 October 2013. For full details please refer to Appendix E.

5.2 An example of a completed DoP for vertical air/flue terminals using the revised format sanctioned by the Delegated Act (EU) 574/2014 is given in Appendix B along with instructions for completing the document.

5.3 Where minimum or maximum values have been set in the technical specifications, these need not be repeated in the DoP. Classes of performance may be declared within the DoP, with the key to the classes appearing in the technical specification. A detailed knowledge of the technical specification is therefore often needed.

5.4 Where a parameter is covered in the hEN or ETA, it is not permissible to quote any results obtained for that parameter using a different test method or different units.

5.5 Together with the technical specification, the DoP should give all the information needed by specifiers and regulators to judge whether the product meets all relevant regulations in the Member State upon whose market it is to be placed.

5.6 Provided that the manufacturer has met the requirements of at least one characteristic in the declaration of performance they are not required to determine and/or declare values relating to characteristics for which regulations do not exist in the chosen market sector (i.e. Member state/intended use). In these cases, a declaration of 'no performance determined' (NPD) may be made, as provided for in the hEN.

5.7 Where applicable, the declaration of performance should be accompanied by information on the content of hazardous substances in the construction product to improve the possibilities for sustainable construction and to facilitate the development of environment-friendly products. This information must also be supplied via the website along with the Declaration of Performance. This is complicated by the fact that, for many substances, the necessary test methods have yet to be agreed. Initially it should be limited to substances referred under the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

6. Assessment and verification of constancy of performance

6.1 The system of Assessment and Verification of Constancy of Performance[4] (AVCP) is the term applied to define the degree of involvement of third parties in assessing the conformity of the product according to the relevant technical specification(s). For each product family, the system of AVCP is decided collectively by the Member States and the European Commission. They do so on the basis of the implications of the product on health and safety and on the particular nature and production process for the product itself.

To achieve this the CPR uses five main elements:

- Factory production control (fpc) on the basis of documented, permanent and internal control of production in a factory, in accordance with the relevant harmonised technical specifications
- Initial inspection of the manufacturing plant and of fpc
- Continuous surveillance, assessment and evaluation of fpc
- Determination of product type on the basis of type testing, type calculation, tabulated values or descriptive documentation of the product
- Audit testing of samples taken before placing the product on the market.

6.2 The five systems of AVCP and the levels of involvement of notified bodies in each has been clarified under Delegated Act (EU) 568/2014 and is as follows:

- System 1+ Product certification comprising the issuing, restriction, suspension or withdrawal of a certificate of constancy of performance on the basis of testing, calculation, tabulated values or descriptive documentation, initial inspection of the manufacturing plant and the factory production control, continuing surveillance of the latter and audit testing of samples by the notified product certification body
- System 1 Product certification comprising the issuing, restriction, suspension or withdrawal of a certificate of constancy of performance on the basis of testing, calculation, tabulated values or descriptive documentation, initial inspection of the manufacturing plant and of the factory production control, continuing surveillance of the latter by the notified product certification body
- System 2+ Factory production control based on the initial inspection and continuing surveillance together with an initial inspection of the manufacturing plant by the notified factory production control certification body
- System 3 Assessment of the products performance on the basis of testing, calculation, tabulated values or descriptive documentation by the notified laboratory
- System 4 Manufacturer, tasks only

Determination of the product-type is now the responsibility of the manufacturer.

6.3 Notified bodies and manufacturers shall consider a European Technical Assessment (ETA) issued for a construction product as the Assessment of Performance of that product and, therefore, do not have to undertake this specific task.

4 Called Attestation of Conformity under the CPD

6.4 The tasks for the manufacturer and for any notified body for each system are summarised in Appendix C.

6.5 For all systems the manufacturer is required to have a fully documented fpc system. The criteria for this should be included in the harmonised technical specification.

6.6 The procedures for conformity assessment for a product are set out in the relevant technical specification. For standards these appear usually in Annex ZA.2, and for ETAs in a section in the relevant EAD/ETA[5].

6.7 Once all the appropriate conformity assessment tasks have been carried out for the product, the manufacturer is required to complete a DoP which is kept with the technical file concerning the product. This may be supported by a certificate of constancy of performance, certificate of conformity of the fpc, test laboratory reports or certificates, and/or a manufacturer's own test results, depending on the system of AVCP required.

6.8 An outline of the manufacturer's DoP and for the certificate of constancy of performance (if relevant), will be included in Annex ZA.3 of the hEN or in a section in the relevant EAD.

7. Use of CE marking

7.1 As from 1 July 2013, construction products placed on the market in the UK and conforming to Annex ZA of a harmonised standard (hEN) or an ETA will have to be accompanied by a DoP and will need to have the CE marking.

7.2 If an ETA has been issued for a specific product, that manufacturer must draw up a DoP based on the EAD and the CE marking must be affixed when that product is placed on the market. If a product falls within the scope of an EAD, it remains a voluntary decision for the manufacturer whether or not to request an ETA for it, and to this extent CE marking will remain voluntary for such products.

7.3 Drawing up a DoP and affixing the CE marking is the responsibility of the manufacturer or their authorised representative, depending who is placing the product on the market. Products may need to comply with other regulations and laws for them to be used or sold.

7.4 For construction products covered by a hEN which have been individually manufactured or custom-made in a non-series process for a specific order, installed in a single identified construction works, the performance assessment part of the applicable system of AVCP may be replaced by Specific Technical Documentation demonstrating equivalence to the hEN. If the AVCP system is 1+ or 1, the Specific Technical Documentation must be verified by a notified product certification body, therefore the product still has to be CE marked.

7.5 A declaration of performance may not be required for construction products covered by a hEN where the product:

(a) is individually manufactured or custom-made in a non-series process for a specific order, and is installed in a single identified construction work by a manufacturer responsible for its safe incorporation under the direction of those responsible for the execution of the construction works under applicable national rules;

(b) the product is manufactured on the construction site for incorporation in the respective works in compliance with the applicable national rules and under the direction of those responsible for the safe execution of the construction works under the applicable national rules; or

(c) the product is manufactured in a traditional manner, or in a manner appropriate to heritage conservation, and in a non-industrial process for renovating construction works which are officially protected (either as part of a designated environment or because of their special architectural or historic merit), in compliance with the applicable national rules.

5 For reasons of confidentiality only the basics are included, the details are provided only to the notified body involved in AVCP.

7.6 The CPR and innovative products

The CPR generally envisages three groups of product:

1. Products covered by a hEN
2. Products not fully covered by a hEN, ie where a hEN exists but for at least one essential product 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 group 1 products a DoP, as set out in the relevant hEN, and consequent CE marking became mandatory from 1 July 2013.

For group 2 and group 3 products a manufacturer has choices in the way of declaring and supporting claims of performance as follows:-

- declare performance against a EAD using an ETA issued by a relevant Technical Assessment Body. Performance declared by this route should bear the CE marking. More detailed information on this method and how a manufacturer can engage in it will be made available on the EOTA website[6] during 2012. Alternatively a manufacturer can seek further information from a relevant Technical Assessment Body – a list of these will be available on the EOTA and NANDO[7] websites by country and scope
- declare performance and have this supported by a National Approval (e.g. BBA Agrément Certificate). Those bodies who are part of EOTA generally seek to use methodology and a technical language in line with that used by CEN and EOTA, thus allowing progression to route A later
- declare performance with or without the support of other information (e.g. a test report) using assessment methods of their choice. However as the technical language used in regulations and procurement progressively moves towards a common EU-wide system the relevance of such data in the long-term should be considered.

7.7 Voluntary additional marks

Voluntary marks are permitted provided they fulfill a different function from that of the CE marking, are not liable to cause confusion with it, nor should they reduce the CE marking's legibility or its visibility. They should provide added value such as by covering a new characteristic not dealt with in the standard or a higher level of AVCP.

Voluntary marks cannot be used as a means to demonstrate the legal requirements covered by CE marking, neither can they be used as a means of demonstrating compliance. Thus they cannot replace the CE marking. The only mark required to show that a product has been legally placed on the market under the CPR is the CE marking. Therefore, the CE marking is a regulatory mark.

As harmonised technical specifications provide common assessment methods recognised throughout the EU, separate tests are no longer needed for products being sold in more than one Member State. At the same time, the CE marking may reduce the differentiation between products and increase competition on price. Therefore, manufacturers may wish to retain differentiation to protect brand value — voluntary marks are one way of doing this.

6 www.EOTA.eu

7 NANDO (New Approach Notified and Designated Organisations) Information System. http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=directive.annex&dir_id=3&type_dir=CPD

7.8 Manufacturers may use voluntary marks where they add value to the CE marking and do not cause confusion. For example:

- to support information in respect of the 'voluntary' (non-harmonised) part of a hEN
- to include additional third-party involvement above that required by the prescribed system of AVCP, such as durability, installation etc., that is outside of the scope of the harmonised technical specification
- to place the test characteristics in context in the area of use, for example in relation to Building Regulation compliance

7.9 Recital 33 of the CPR states:

… other markings may be used, provided that they help to improve the protection of users of construction products and are not covered by existing EU harmonisation legislation.

General guidance on the physical marking of the products under a voluntary scheme is given in The 'Blue Guide' on the implementation of EU product rules 2014, a copy of which can be obtained from the European Commission's Europa website[8].

In section 4.5.1.7. of the Blue Book it is stated that:

"A product may bear additional markings and marks, provided that they:

- fulfil a different function from that of the CE marking
- are not liable to cause confusion with it, and
- do not reduce its legibility and visibility."

8. Implications

8.1 Manufacturers and other economic operators

Manufacturers, authorised representatives and their trade associations will need to be aware of published harmonised technical specifications and the progress of draft technical specifications which apply to their products, and will need to familiarise themselves with the technical content. They will also need to know what regulatory requirements apply in the relevant part of the UK or target Member State for the chosen intended use. Product Contact Points will be in place by July 2013 to help with this (see 8.7 below). Manufacturers who wish to export will need to determine, for the country of destination, the characteristics whose performance must be declared as required by the regulations of that country for the chosen intended use. If the system of AVCP requires involvement of a certification or test body, the manufacturer will need to commission a notified body to carry out the work. Lists of notified bodies can be found on the NANDO website.

An importer or distributor is considered a manufacturer under the CPR where they place a product on the market under their company name or trademark, or modify a construction product already placed on the market in such a way that conformity with the DoP may be affected.

To reduce the cost to micro-enterprises[9] of placing construction products on the market, simplified procedures have been introduced for products that are not safety critical. Providing consistency of procedures is demonstrated, micro-enterprises manufacturing products covered by a hEN may replace the determination of the product type on the basis of type-testing for systems 3 and 4 with methods different to those in the hEN. Those manufacturers may also treat construction products to which system 3 applies as being in accordance with provisions for system 4.

8 http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic_en.pdf

9 The CPR defines a "micro-enterprise" as per the European Commission's Recommendation of 6 May 2003 - see http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/index_en.htm.

Other important actions for the manufacturer include:

- keeping the technical documentation for a period of 10 years after the construction product has been placed on the market
- keeping a register of all complaints about a product's non-conformance or product recalls, and keeping distributors informed of any product recalls
- adhering to specific marking requirements – see CPR Articles 11.4 & 11.5
- supplying instructions and safety information in the language of the member state in which the product is being sold (e.g. in the UK and Ireland this will be English)
- taking immediate corrective measures if a product is found not to be in conformity with the DoP
- ensuring that the product maintains its conformity with the DoP during storage and distribution
- providing all relevant information about a product if a request is made by a competent national authority
- taking into account changes in the product-type and harmonised technical specifications - see CPR Article 11.3

8.2 Importer and distributor

In the CPD an assumption was made that manufacturers sell their products to the end user. In reality, a manufacturer may well put their product into a supply chain, not knowing the product's destination or end use.

The CPR adds responsibilities to importers and distributors who must assure themselves that the manufacturer has undertaken all that is required. The importer's or distributor's name and contact details must appear on the product, labelling or associated documents. This responsibility may even extend to sample testing and working with enforcing authorities.

Before making a construction product available on the market, distributors must ensure that the product, where required, bears the CE marking and is accompanied by the correct documentation, instructions and safety information. Distributors must also ensure that the manufacturer and the importer have complied with their requirements.

Other important actions for importers and distributors include:

- withholding a product from the market if they believe the product is not in conformity with the DoP
- passing on all relevant documentation whenever they make a sale
- ensuring that the product maintains its conformity with the DoP after storage and distribution
- providing all relevant information about a product if a request is made by a competent national authority.
- being able, for a period of 10 years, to provide the market surveillance authority with the contact details of the economic operator who supplied them with the construction product(s) and the economic operator to whom they supplied the product(s). (Economic operator means the manufacturer, importer, distributor or authorised representative.)

8.3 Regulations/regulators

The CPR is not intended to harmonise member state's building regulations. It harmonises the methods of:

- test
- declaration of product performance
- assessment and verification of constancy of performance.

Enforcement Authorities [Trading Standards (England, Wales and Scotland) and Environmental Health Officers

(Northern Ireland)] will need to be aware of the significance of the CE marking in relation to construction products.

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[10]), 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.

8.4 Public bodies

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.

This guidance only deals with the CPR and public procurers must also take into account other EU legislation affecting them and connected with standards, specifications and procurement.

8.5 Designers/Contractors

Providing local Building Regulations are met, designers, specifiers and users are free to set their own requirements on the performance of the works and, therefore, construction products. The information contained in the DoP should allow them to make comparisons between products as the methods of assessment, test and declaration of results will be the same.

8.6 Insurers

Insurers are generally private bodies and whilst recognising performance declared under the CE marking can thus set their own requirements on performance of products. However if they hold a monopoly position in the supply of their services they should consider the implications of Article 8.5 of the CPR. Their requirements cannot prevent the use of products which carry CE marking.

8.7 Product Contact Points for Construction

In order to assist those affected by the CPR in understanding regulatory requirements in different Member States Product Contact Points for Construction have been established in each country. A list of National Product Contact Points can be downloaded from the Commission website[11].

10 Under devolved government, Wales now has responsibility for developing its own Approved Documents and Guidance Notes which may in time reflect a different view.

11 http://ec.europa.eu/DocsRoom/documents/4170/attachments/1/translations/en/renditions/pdf

9. Service providers

9.1 Notified bodies

Notified bodies are the product certification bodies, fpc certification bodies and laboratories which are considered to be competent to carry out the conformity assessment tasks described in section 6. Such bodies are first approved by their respective Member States to carry out certain designated tasks, and then notified to the European Commission and other Member States. Hence, they are variously called 'approved bodies', 'designated bodies' or 'notified bodies'. They are referred to as 'notified bodies' in this guidance note.

Notified bodies are required to participate in the 'Group of Notified Bodies' (GNB), with their European counterparts, to discuss practical implementation matters to achieve a consistent approach to the tasks. Once a harmonised technical specification is available for their product, 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 and task, for assessment according to the appropriate conformity assessment procedure. 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 AVCP for construction products, distinction must be made between:

- **laboratory**: a body notified, in accordance with Chapter VII, to measure, examine, test, calculate or otherwise assess the performance of construction products
- **factory production control certification body**: a body notified, in accordance with Chapter VII, to carry out factory production control
- **product certification body**: a body notified, in accordance with Chapter VII, to carry out constancy of performance cerfication

Notified bodies will need to check progress of draft hENs (and issued EADs) with a view to notification. Membership of the UK Mirror Group for Notified Bodies will assist in this process. Department for Communities and Local Government (DCLG) guidance gives many of the criteria and procedures for notification. In advance of the introduction of hENs, notified bodies may wish to establish links with relevant manufacturers.

Notified bodies are required to demonstrate competence covering all the third-party tasks in the AVCP process within the relevant scope for which they have been notified.

9.2 Technical Assessment Bodies (TABs)

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.

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

9.3 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.

10. Transition issues

10.1 CE marking on the basis of a hEN

DoPs have to be provided for all construction products covered by a hEN after 1 July 2013 and the CE marking affixed as appropriate, the provisions of the relevant hENs still applying. Where they are involved, advice should be sought from notified bodies on provision of DoPs for hENs that were published prior to 1 July 2013. In due course the Annexes ZA of all hENs published in response to a mandate issued under the CPD will be amended or revised to reflect any updated mandate issued under the CPR.

Construction products which have been placed on the market and have the CE marking affixed in accordance with the CPD before 1 July 2013 are deemed to comply with the CPR. A manufacturer may draw up a DoP on the basis of a Certificate of Conformity or a Declaration of Conformity which has been issued before 1 July 2013.

Some construction products covered by hENs were placed on the UK market before 1 July 2013 without the CE marking, because of the way the CPD was interpreted in the UK. Such products which are already on the shelves will not need to be withdrawn but the same items manufactured after that date will be subject to the CE marking requirements of the CPR.

10.2 CE marking on the basis of a European Technical Approval

Guidelines for European Technical Approval[12] (ETAGs) published before 1 July 2013 in accordance with the CPD may be used as EADs. Manufacturers and importers may use European Technical Approvals issued in accordance with the CPD before 1 July 2013 as European Technical Assessments throughout the period of validity (usually five years from the date of issue) of those approvals. Manufacturers engaging in the process of achieving a European Technical Approval before 1 July 2013 should discuss the specific transition issues related to their case with their Technical Assessment Body.

12 A European Technical Approval Guideline (ETAG) is a document, issued by EOTA, which is used to establish how Assessment Bodies should evaluate the specific characteristics/requirements of a product or family of products which are not covered by a hEN.

11. Further information

Enquiries for further information can be made from:

British Board of Agrément (BBA)
UK spokesbody on EOTA:
Tel: 01923 665412
e-mail: cemarking@bba.star.co.uk

British Standards Institution (BSI)
Customer Services:
Tel: 020 8996 9001
e-mail: cservices@bsigroup.com

Construction Products Association (CPA)
Enquiries:
Tel: 020 7323 3770
e-mail: enquiries@constructionproducts.org.uk

Department for Communities and Local Government (DCLG)
Enquiries:
Tel: 0303 444 0000
e-mail: enquiries.br@communities.gsi.gov.uk

Building Research Establishment Ltd
Enquiries:
Tel: 01923 664341
e-mail: cprinfo@bre.co.uk

Royal Institution of Chartered Surveyors (RICS)
John Parsons:
Tel: 0207 695 1686
e-mail: jparsons@rics.org

European Commission Frequently asked Questions
http://ec.europa.eu/enterprise/sectors/construction/faq/index_en.htm

Appendix A: Terminology

Equivalent terms	
CPD	**CPR**
System of attestation of conformity	System of Assessment and Verification of Constancy of Performance (AVCP)
Declaration of Conformity	Declaration of Performance (DoP)
Essential Requirements	Basic Requirements for Construction Works (BRCW)
Characteristics	Essential characteristics
Initial type-testing	Determination of product type

Abbreviations	
AVCP	Assessment and Verification of Constancy of Performance
BBA	British Board of Agrément
BSI	British Standards Institution
CEN	Comité Européen de Normalisation
CENELEC	Comité Européen de Normalisation Électrotechnique
CPA	Construction Products Association
CPD	Construction Products Directive
CPR	Construction Products Regulation
DoP	Declaration of Performance
DCLG	Department for Communities and Local Government
EAD	European Assessment Document
EEA	European Economic Area
EOTA	European Organisation for Technical Assessment
ETA	European Technical Assessment
fpc	Factory production control
ETAG	Guideline for European Technical Approval
hEN	Harmonised European standard
NANDO	New Approach Notified and Designated Organisations Information System
NPD	No performance determined
TAB	Technical Assessment Body
TSI	Trading Standards Institute

Glossary	
Term	**Meaning**
Manufacturer	Any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under their name or trademark.
Distributor	Any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a construction product available on the market.
Importer	Any natural or legal person established within the Union, who places a construction product from a third country on the Union market.
Authorised representative	Any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks
System of Assessment and Verification of Constancy of Performance (AVCP)	The method for attesting the conformity of construction products to harmonised technical specifications including the amount of involvement from an independent certification body/laboratory
CE symbol	The logo the manufacturer applies to their product when they are satisfied that all the requirements have been met.
CEN	Comité Européen de Normalisation (European Committee for Standardisation). CEN's main objective is to remove trade barriers for European industry and consumers. It provides a platform for the development of European Standards (ENs) and other consensus documents. CEN works in a decentralised way. Its members – the National Standardisation Bodies of the EEA countries – operate the technical groups that draw up the standards; the CEN Management Centre (CMC) in Brussels manages and co-ordinates this system.
EOTA	This organisation comprises the Technical Assessment Bodies nominated to issue European Technical Assessments (ETAs) by EEA member states who have contracted to the European Economic Area Agreement. A construction product with an ETA, satisfying the AVCP provisions, can carry CE marking and can be placed on the market in any of the EEA countries. EOTA is constituted as a legal body under Belgian law. The role of EOTA is primarily to monitor and progress the drafting of European Assessment Documents (EADs) and to co-ordinate all activities relating to the issuing of ETAs. EOTA operates in close co-operation with the European Commission, EFTA, CEN, European trade associations and industrial organisations, who are also present as observers at various EOTA levels.
Basic Requirements for Construction Works (BRCW)	The general and specific criteria with which construction works must comply where this is laid down in Member State regulations.
NANDO	New Approach Notified and Designated Organisations Information System. The NANDO website lists all harmonised technical specifications and Notified Bodies and their designated tasks, and TABs and their designated product areas.
Harmonised European standards	Harmonised European standards (hENs) are the harmonised technical specifications adopted by CEN on mandates given by the European Commission. Harmonised European standards are identified by the inclusion of an Annex ZA.
Harmonised technical specifications	Harmonised European Standards (hENs) and European Assessment Documents (EADs) for construction products developed either by CEN or EOTA.
Notified body	Certification and/or testing body designated by the Notifying Authority of an EEA Member State to perform the Assessment and Verification of Constancy of Performance of products. Minimum requirements for the bodies to be notified are laid down in the CPR. Member States may add requirements for the bodies they notify. Additional requirements can include accreditation, participation in the GNB, restrictions on sub-contracting, etc (additional information can be found in the guidance and position papers of the GNB).

Appendix B: Example Declaration of Performance

DECLARATION OF PERFORMANCE

No. 001CPR2014-05-14

1. Unique identification code of the product-type:

Positive pressure air/flue terminal with metal flue duct for C62- and C63-type gas appliances

T120- P1 – D – Vm-L40045- 050

2. Intended use or uses:

Convey air combustion and the products of combustion from appliances to the outside atmosphere.

3. Manufacturer:

Any Co Ltd,

PO Box 21

B-1050 Brussels

4. Authorised representative:

[to be given by the manufacturer]

5. System/s of AVCP

System 2+

6a. Harmonised standard (if applicable):

EN 14989-1:2009

Notified body/ies: (identification no.)

[to be given by the manufacturer]

6b. European assessment Document (if applicable):

[to be given by the manufacturer]

European Technical Assessment (if applicable):

[to be given by the manufacturer]

Technical Assessment Body (if applicable):

[to be given by the manufacturer]

Notified body/ies (if applicable):

[to be given by the manufacturer]

7. Declared performance

Essential characteristics	Performance	Harmonised technical specification
Compressive strength	**Pass**	**EN 14989-1 : 2007**
Resistance to fire	**050**	
Gas tightness/leakage: - of the flue - of the air supply duct	 **≤ 0.006 l s^{-1} m^{-2}** (under a positive pressure of 200 Pa) **≤ 0.28 l s^{-1} m^{-2}** (under a positive pressure of 40 Pa)	
Flow resistance coefficient: of the flue of the air supply duct	 **1.5** (declared) **2.5** (declared)	
Thermal resistance of air/flue terminal: - with separate air/flue configuration - with concentric air/flue configuration	 **0.5 m²K/W** (declared) **0.35 m²K/W** (declared)	
Thermal shock	**Pass**	
Flexural tensile strength	**NPD**	
Durability: against chemicals against corrosion freeze thaw	 **Pass** **Pass** **Pass**	

8. Appropriate Technical Documentation and/or Specific Technical Documentation (if applicable):

(Optional) Manufacturer's website reference where a copy of this Declaration of Performance is made available:

The performance of the product identified above is in conformity with the set of declared performances. This declaration of performance is issued in accordance with Regulation (EU) No 305/2011, under the sole responsibility of the manufacturer identified above.

Signed for and on behalf of the manufacturer by:

....

[name] **at [place]**

....

[on] **[date of issue]**

.....

[signature]

Instructions for drawing up the Declaration of Performance

Point of the Model DoP	Instruction
No. of the DoP	This is the reference number of the DoP issued by the manufacture. The choice of the number is left to the manufacturer. This may be the same as the unique identification code of the product-type under point 1 of the model.
Point 1	Indicate the unique identification code of the product-type determined by the manufacturer. This will unequivocally identify the product-type using the set of performance levels or classes for the given product as given in the DoP. See CPR Article 6(2)(a).
Point 2	Indicate the intended use, or list the intended uses, as appropriate, for the construction product as foreseen by the manufacturer in accordance with the applicable harmonized technical specification.
Point 3	Indicate the manufacturer's name, registered trade name or registered trade mark and contact address. See CPR Article 11(5).
Point 4	Need only be included and filled in where an authorised representative has been designated. Indicate the authorised representative's name and contact address whose mandate covers the tasks in Article 12(2) of the CPR.
Point 5	Indicate the number of the applicable system or systems of AVCP of the construction product as set out in the Delegated Act to Annex V of the CPR. If there are multiple systems each shall be declared.
Points 6a and 6b	The manufacturer is to fill in only one of these alternatives depending on whether the DoP has been drawn up based on a harmonised European Standard (hEN) or a European Technical Assessment (ETA) issued for that construction product. In the case of point 6a, when the DoP is based on a hEN, the manufacturer shall indicate: (a) The reference no. of the hEN and its date of issue, and (b) The identification no. of the notified body/ies. This to be provided in the original language, without translation to the other languages. In the case of 6b, when a DoP is based on a ETA issued for that product, the manufacturer shall indicate: (a) The no. of the European Assessment Document (EAD) and its date of issue (b) The no. of the ETA and its date of issue (c) The name of the Technical Assessment Body (TAB) (d) The identification no. of the notified body/ies

Instructions for drawing up the Declaration of Performance	
Point 7	The DoP shall include: (a) The list of essential characteristics as determined in the harmonised technical specification for the intended use(s) indicated under point 2, and (b) For each essential characteristic, give its level or class or a description or, where no performance is declared for any characteristic, the letters "NPD", (No Performance Determined). A table may be used for this purpose linking the harmonised technical specification and the system of AVCP applied to each performance or each of the essential characteristics for that product. The performance must be expressed as a clear value, a level or class. It cannot be a formula which the recipient has to apply or by inserting references to the documents were the level or class is given. The performance, notably of structural behaviour, may be expressed by referring to the respective production documentation or structural design calculations. Here, the relevant documents shall be attached to the DoP.
Point 8	This is only to be included and completed if Appropriate Technical Documentation and/or Specific Technical Documentation have been used to indicate the requirements with which the product complies. See CPR Articles 36 – 38. If completed, the DoP shall indicate: (a) The reference no. of the Specific and/or Appropriate Technical Documentation used, and (b) The requirements with which the product complies.
Signature	Replace the spaces indicated between square brackets by the relevant information and the signature.

Appendix C: Assessment of conformity tasks

System type	Responsibility	Type of notified body	Tasks
System 1+	Notified body	Product certification body	• Assessment of products performance based on testing, calculation, tabulated values or descriptive documentation • Initial inspection of the manufacturing plant • Initial inspection of the fpc system • Continuing surveillance of the fpc system • Audit testing • To issue, restrict, suspend or withdraw a certificate of constancy of performance
	Manufacturer		• Factory Production Control and further testing of samples • Determination of the product-type
System 1	Notified body	Product certification body	• Assessment of products performance based on testing, calculation, tabulated values or descriptive documentation • Initial inspection of the manufacturing plant • Initial inspection of the fpc system • Continuing surveillance of the fpc system • To issue, restrict, suspend or withdraw a certificate of constancy of performance
	Manufacturer		• Factory Production Control and further testing of samples • Determination of the product-type
System 2+	Notified body	Factory production control certification body	• Initial inspection of the manufacturing plant • Initial inspection of the fpc system • Continuing surveillance of the fpc system • To issue, restrict, suspend or withdraw a certificate of constancy of performance
	Manufacturer		• Assessment of products performance based on testing, calculation, tabulated values or descriptive documentation • Factory Production Control and further testing of samples • Determination of the product-type
System 3	Notified body	Notified Laboratory	• Assessment of products performance based on testing, calculation, tabulated values or descriptive documentation
	Manufacturer		• Factory production control • Determination of the product-type
System 4	Manufacturer	No independent involvement	• Assessment of products performance based on testing, calculation, tabulated values or descriptive documentation • Factory Production Control • Determination of the product-type

Appendix D: Specific information on CE marking

a) Is my product a construction product under the CPR?

Definitions	Steps to deciding if a product must carry CE marking	
	Step	**Action**
Construction Product: A product or 'kit' which is produced and placed on the market for permanent incorporation in construction works, and whose performance influences at least one of the basic requirements for works.	**Step 1** Decide if product is a construction product as defined under the CPR.	See definition of what a construction product is.
Kit: A construction product placed on the market as a set comprising at least two separate components which need to be put together so that the kit can be incorporated into the construction works.	**Step 2** Check if a Harmonised Technical Specification exists for the product.	**(i)** Follow the link below to the Europa website to check if a Harmonised European Standard (hEN) exists: http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/construction-products/index_en.htm If a hEN exists, then the product needs to carry the CE marking. **(ii)** If no hEN exists, check if a European Technical Approval Guideline (ETAG) exists under the CPD or a European Assessment Document (EAD) exists under the CPR. Follow the link below: - http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=cp.etagart66&cpr=Y An ETAG or EAD arises from a mandate issued by the European Commission and EFTA. This means that other manufacturers have made application for an ETA [European Technical Approval (CPD) or European Technical Assessment (CPR)] and have the same or similar product on the market which carries the CE marking. Companies now have to decide whether or not to apply for an ETA enabling them to apply their CE marking. If a product falls within the scope of an EAD, it remains a voluntary decision for the manufacturer whether or not to request an ETA for it and to that extent, CE marking will remain voluntary for such products.
Construction Works: A building or civil engineering construction.		
Basic Requirements for Construction Works: A set of requirements that a construction works must satisfy over an economically reasonable working life, subject to normal maintenance being undertaken.		
Harmonised Technical Specification: This can take two forms: - **(i)** A harmonised European Standard (hEN) **(ii)** European Assessment Document (EAD) Both will give information on the regulated characteristics that a product must satisfy to enable CE marking to take place.	**Step 3** If the product is not covered by a hEN or an ETA.	CE marking is not possible unless on a voluntary basis the manufacturer request the development of an EAD and hence an ETA for any construction product.

b) Who is responsible for applying the CE marking - an explanation of some common commercial situations?

CE Marking of Construction Products

Who is responsible for applying the CE marking – an explanation of some common commercial situations?

The following commercial situations are not uncommon but for those new to CE marking they require an explanation of the interpretation with regard to who is responsible for applying the CE marking. Companies must not overlook the possibility of products manufactured in countries outside of the European Economic Area (EEA) being imported into the EEA. These examples represent the Construction Products Association's own assessment of the rules and should not be taken as a definitive legal interpretation.

In the following examples, the term CE mark includes all the manufacturers declared values as given in the CE mark itself and its accompanying documentation.

1) A company purchases construction products which physically have the CE mark applied to the product itself. These are then cut into smaller size before selling them on.

Examples: - **(a)** Wood-based panel products

(b) Copper tubing to manufacture bends etc.

(c) Doors are not panel products, therefore, it is not acceptable to shorten/alter doors beyond normal trimming for fit and carpet clearance

In this instance, the CE marking will only appear on one part of the product while the other pieces will not have a CE mark showing.

In this situation, because the product has not had any of its declared performance values altered, the accompanying information (declaration of performance, instructions for use and safety information) must still be supplied (by paper or electronic means) when each product or batch is made available on the market.

2) A company buys in non-CE marked products and wants to CE mark them with their own details and label the product with their own brand name. (These products may well have been supplied by a 'third country' outside of the EEA.)

Examples: - **(a)** Self-supporting sandwich panels (double skin metal faced insulating panels) imported from a 'third country outside of the EEA.

(b) An external wall insulation systems manufacturer purchases a non-CE marked base slab and combines it with other components which are CE marked to form a complete insulating system. The manufacturer then applies CE marking under their European Technical Assessment.

Here the company has purchased products from a manufacturer who has not CE marked them. The significant factor here is that the manufacturer may not have a written factory production control (FPC) system, which is a compulsory requirement for all manufacturers who want to CE mark products, irrespective of the system of Assessment and Verification of Constancy of Performance being used.

As the company wishes to apply the CE marking under their own trade name and/or their own product name and will be using its own name and address on the CE mark, they will be classed as placing the product on the market and therefore, are categorised as being a manufacturer. In this situation, the company should contract with the original manufacturer to ensure that the product meets the declared characteristics and that the product is produced under a FPC system with surveillance that is in conformity with Annex ZA of the appropriate harmonised technical specification. This may well include a requirement to undertake sample testing to ensure conformity of the product as part of the company's own Quality Assurance system and product specific Quality Control plan in their warehouse. In addition, the company will need certification by a Notified Body for characteristics where the system of AVCP dictates.

Exemption to this rule:

In example, (a) above - hEN 14509 clearly states that the importer/eventual supplier shall take full responsibility for demonstrating conformity for the product and if the manufacturer has no factory production control system in place, then the importer/supplier has to operate a Quality Assurance system which is equivalent to the manufacturers FPC system and incorporates their own Quality Control plan for the product.

3) A company purchases complete products from a manufacturer that are labelled with the purchasing company's own trade name and product information and are CE marked with the purchasing companies own details.

Examples: - **(a)** Pre-packed multi-packs.

(b) Insulation companies buying in product from other manufacturers which contains the purchasing companies own CE marking.

(c) Imported door hardware carrying the UK purchasing companies own CE marking and details ("badge engineered").

Under this situation the original manufacturer is acting as a sub-contractor and produces products directly for the purchasing company under contract. This contract will ensure that the products meet the declared characteristics, are produced under a FPC system with surveillance that is in conformity with the Annex ZA of the harmonised European standard and gives authorisation to the purchasing company to use the original manufacturer's test results.

Under the CPR, the purchasing company is taking on the role of the manufacturer and part of this responsibility may require them to carry out sample testing to ensure conformity of the product as part of their own Quality Assurance system plus a product specific Quality Control plan within their warehouse.

The original manufacturer will require permission from the Notified Body to cascade their test reports for use by the purchasing company.

The original manufacturer labels these products with the purchasing company's name and product details and applies the CE mark containing the purchasing company's details as outlined in the contract between the two companies.

4) A company buys in products that are already CE marked with the original manufacturer's details with a view to using them as components of a final product which will be labelled with that company's own trade name and product details and will CE mark the final product with their own name and address.

Examples: - **(a)** Precast concrete stairs, beams or blocks.

(b) Emergency exit devices for use on fire doors.

(c) A company buys in unglazed window frames and glazing from separate suppliers and produces finished window assemblies for placing on the market

(d) Company A purchases a series of components which are individually CE marked to make up kits for small industrial or farm buildings. The kits are then placed on the market with a new CE mark applied by the company selling the kit building.

(e) Plasterboard bearing the CE mark of the manufacturer, Company A, is bought in by Company B and is bonded to an insulation product before being CE marked by Company B and then placed on the market.

The purchasing company buys in CE marked component, puts them through a manufacturing process and eventually places the new product on the market under their own trade name etc.

The role of the purchasing company in this case is already that of a manufacturer and needs, therefore, to take on the legal responsibility for CE marking the system as a new product in its own right i.e. determination of product type, factory production control, involvement with a Notified Body where the system of Assessment and Verification of Constancy of Performance dictates.

CE Marking of Construction Products
5) A company buys in products that are already CE marked with the original manufacturer's details. They then modify the products before relabeling them to include their own CE mark and own details.
Examples: - **(a)** Addition of fire retardants or preservative treatments to wood-based panels. **(b)** Tongue & groove profiling of wood-based panels for flooring. **(c)** A manufacturer produces clear float glass to hEN 572-9 and applies the CE mark. His customer then toughens the glass therefore altering the original manufacturer's declared performance values and so must apply their own CE marking. **(d)** Plasterboard bearing the CE mark of the manufacturer, Company A, is bought in by Company B and is bonded to an insulation product before being CE marked by Company B and then placed on the market. Here the company has clearly changed some or all of the original performance characteristics and must, therefore, now be designated a manufacturer and take on the full responsibilities of a manufacturer i.e. all required testing, sampling etc. The company is now responsible for all the tests but has to only test for the changed characteristic. To accomplish this, the company should have a contract with the original manufacturer that ensures the product meets the declared characteristics (other than those that are modified), the product is produced under a FPC system with surveillance that is in conformity with Annex ZA of the hEN and gives authorisation to the company to use the original manufacturers' test results. The company modifying the products may also have to undertake sample testing to ensure conformity of the product as part of their own Quality Assurance system and product specific Quality Control plan in their warehouse or distribution centre. In addition, the company will need certification by a notified body for characteristics where the system of AVCP dictates. Also, the original manufacturer will need the permission from the notified body to cascade their reports for use by others.
6) A company buys in products that are not CE marked and modifies them before labelling them with that company's own details and are CE marked accordingly.
Examples: - **(a)** Plastics for producing prefabricated roof lights. **(b)** Flexible facing material for use in the production of flexible faced insulation products. In this situation the company must CE mark according to the harmonised standard for that product as if they were the original manufacturer.

c) What effect will the change from Essential Requirements of the CPD to the Basic Requirements for Construction Works (BRCW) under the CPR have on harmonised technical specifications and CE marking?

The Construction Products Regulation introduces seven Basic Requirements for Construction Works (BRCW) which replaces the original six Essential Requirements of the Construction Products Directive. The text introduces new requirements which may give rise to new provisions for construction products and these will eventually be included in the individual product standards and the harmonised technical specifications. These new requirements may well change the status of some construction products such that they will now be categorised as requiring CE marking for the first time once the appropriate mandate has been issued by the European Commission.

An example of construction products which may well have to be CE marked in the future are locks/latches for doors and windows. Under the existing harmonised standard, BS EN 12209:2003, only hardware which is fire rated is covered. However, under BRCW No. 4, Safety and Accessibility in Use, the requirement for resistance to burglary has been introduced together with consideration being given for accessibility and use for disabled persons. This highlights for industry the ramifications that this difference in text will eventually have on the information given in the Declaration of Performance (DoP) supplied with CE marked products.

The tables provide a comparison of the text used for the Essential Requirements of the CPD and the Basic Requirements for Construction Works under the CPR. The differences in actual text are highlighted in blue. Within BRCW Nos. 3, 4, 6 & 7, a summary of the subject matters which will change the harmonised technical specification have been highlighted in red.

WHEN DO I NEED TO TAKE ACTION?

In most cases, no immediate action is necessary as no EC mandates have yet been issued amending the existing legislation. However, it is essential that businesses understand that the CPR is the main legislative document governing the introduction of construction products to the market and which may change the status quo so it is essential that they keep abreast of the situation, either directly or through their sector Association and appreciate the time scales involved for any new testing of their products which may become necessary.

There are two activities external to your company which will affect the procedures for construction products and eventual CE marking:

(i) Actions taken by the UK regulator(s) to legislate for these new requirements in the building regulations of England and the devolved governments. It is by no means certain that any of these changes will be reflected in UK building regulations.

(ii) Amendments made to the specific product standard and the appropriate harmonised technical specifications.

If a harmonised technical specification is revised and includes new characteristics to meet a new regulatory requirement somewhere in the EU, then unless and until a UK regulator includes this as a new requirement in the building regulations, there would be no regulatory need for this to be tested for under the harmonised technical specification. Thus, no major changes would be necessary, apart from having to indicate a "No Performance Determined" (NPD) classification in the CE marking documentation.

The decision to utilise the NPD classification depends on the market into which the product is being placed. Regulators in the various countries may have legislated for different characteristics and so manufacturers will have to declare different performance characteristics for their products depending upon which EEA country the product is being placed. In the future, the same situation could well arise within the UK due to the system of devolved government. If the building regulations in one devolved country include a characteristic not required elsewhere within the UK, then the term NPD will no longer be applicable and a value or a pass/fail designation will be required.

The procedure involved for amending product standards, harmonised European standards (hENs), European Technical Approval Guidelines (ETAG) or eventually a European Assessment Document (EAD), means that the time scale is uncertain. Firstly it requires a single Member State to amend its own national regulations before the European Commission (EC) can issue either amendments to or new mandates instructing CEN/EOTA to update appropriate standards and assessment documents. This procedure may well involve the development of new test methodologies.

With specific regards to harmonised technical specifications which take the format of an ETAG or eventually an EAD, it is the manufacturer who may well decide to include a new requirement within their specific ETA and, therefore, they will have to set in motion a process for testing which will need to be approved before it is included within the ETAG or EAD.

IT IS ESSENTIAL THAT COMPANIES BE AWARE HOW THESE CHANGES COULD AFFECT THEIR PARTICULAR BUSINESS BEARING IN MIND THE TIME SCALES FOR COMPLETING APPROPRIATE NEW TESTING AND CERTIFICATION.

CPD Essential Requirements	CPR Basic Requirements for Construction Works
1. Mechanical resistance and stability The construction works must be designed and built in such a way that the loadings that are liable to act on it during its constructions and use will not lead to any of the following: **(a)** collapse of the whole or part of the work **(b)** major deformation to an inadmissible degree **(c)** damage to other parts of the works or to fittings or installed equipment as a result of major deformation of the load-bearing construction **(d)** damage by an event to an extent disproportionate to the original cause.	**1. Mechanical resistance and stability** The construction works must be designed and built in such a way that the loadings that are liable to act on them during their constructions and use will not lead to any of the following: **(a)** collapse of the whole or part of the work **(b**) major deformation to an inadmissible degree **(c)** damage to other parts of the **construction** works or to fittings or installed equipment as a result of major deformation of the load-bearing construction **(d)** damage by an event to an extent disproportionate to the original cause.
CPD Essential Requirements	**CPR Basic Requirements for Construction Works**
2. Safety in case of fire The construction works must be designed and built in such a way that in the event of an outbreak of fire: **(a)** the load-bearing capacity of the construction can be assumed for a specific period of time **(b)** the generation and spread of fire and smoke within the works are limited **(c)** the spread of the fire to neighbouring construction works is limited **(d)** occupants can leave the works or be rescued by other means **(e)** the safety of rescue teams is taken into consideration.	**2. Safety in case of fire** The construction works must be designed and built in such a way that in the event of an outbreak of fire: **(a)** the load-bearing capacity of the construction can be assumed for a specific period of time **(b)** the generation and spread of fire and smoke within the **construction** works are limited **(c)** the spread of fire to neighbouring construction works is limited **(d)** occupants can leave the **construction** works or be rescued by other means **(e)** the safety of rescue teams is taken into consideration.

CPD Essential Requirements	CPR Basic Requirements for Construction Works
3. Hygiene, health and the environment The construction work must be designed and built in such a way that it will not be a threat to the hygiene or health of the occupants or neighbours, in particular as a result of any of the following: **(a)** the giving-off of toxic gas **(b)** the presence of dangerous particles or gases in the air **(c)** the emission of dangerous radiation **(d)** pollution or poisoning of the water or soil **(e)** faulty elimination of waste water, smoke, solid or liquid wastes **(f)** the presence of damp in parts of the works or on surfaces within the works.	**3. Hygiene, health and the environment** The construction works must be designed and built in such a way that **they** will, **throughout their life cycle**, not be a threat to the hygiene or health **and safety of workers**, occupants or neighbours, **nor have an exceedingly high impact, over their entire life cycle, on the environment quality or on the climate during their construction, use and demolition**, in particular as a result of any of the following: **(a)** the giving-off of toxic gas **(b) the emissions of dangerous substances, volatile organic compounds (VOC), greenhouse** gases or dangerous particles into **indoor or outdoor** air **(c)** the emission of dangerous radiation **(d) the release of dangerous substances into ground water, marine waters**, surface waters or soil **(e) the release of dangerous substances into drinking water or substances which have an otherwise negative impact on drinking water** **(f)** faulty **discharge** of waste water, **emission of flue gases or faulty disposal** of solid or liquid waste **(g)** dampness in parts of the construction works or on surfaces within the construction works. **Summary of subject areas which may change the harmonised technical specification:** - **Safety of workers** - **No exceedingly high impact on environmental quality or on the climate during construction, use and demolition** - **Emissions of dangerous substances, volatile organic compounds, green house gases to either indoor or outdoor air** - **Water is subdivided into ground water and drinking water**
CPD Essential Requirements	**CPR Basic Requirements for Construction Works**

4. Safety in use The construction work must be designed and built in such a way that it does not present unacceptable risks of accidents in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion.	**4. Safety and accessibility in use** The construction works must be designed and built in such a way that **they** do not present unacceptable risks of accidents **or damage** in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion **and burglaries. In particular, construction works must be designed and built taking into consideration accessibility and use for disabled persons.** **Summary of subject areas which may change the harmonised technical specification:** - **Damage** - **Burglaries** - **Accessibility and use by disabled persons**
CPD Essential Requirements	**CPR Basic Requirements for Construction Works**
5. Protection against noise The construction works must be designed and built in such a way that noise perceived by occupants or people nearby is kept **down** to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions.	**5. Protection against noise** The construction works must be designed and built in such a way that noise perceived by the occupants or people nearby is kept to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions.
6. Energy economy and heat retention The construction works and its heating, cooling and ventilation installations must be designed and built in such a way that the amount of energy required in use shall be low, having regard to the climatic conditions of the location and the occupants.	**6. Energy economy and heat retention** The construction works and **their** heating, cooling, **lighting** and ventilation installations must be designed and built in such a way that the amount of energy they require in use shall be low, when account is taken of the occupants and of the climatic conditions of the location. **Construction works must also be energy-efficient, using as little energy as possible during their construction and dismantling.** **Summary of subject areas which may change the harmonised technical specification:** - **Now covering light** - **Use as little energy as possible during construction and demolition**

CPD Essential Requirements	CPR Basic Requirements for Construction Works
	7. Sustainable use of natural resources **The construction works must be designed, built and demolished in such a way that the use of natural resources is sustained and in particular ensure the following:** **(a) Reuse or recyclability of the construction works, their materials and parts after demolition;** **(b) Durability of the construction works** **(c) Use of environmentally compatible and secondary materials in the construction works.** **Summary of subject areas which may change the harmonised technical specification:** **- Reuse or recyclability of the works and materials after demolition** **- Durability of the works** **- Use of environmentally compatible materials**
IT IS ESSENTIAL THAT COMPANIES BE AWARE HOW THESE CHANGES COULD AFFECT THEIR PARTICULAR BUSINESS BEARING IN MIND THE TIME SCALES FOR COMPLETING APPROPRIATE NEW TESTING AND CERTIFICATION	

Appendix E: Rules for placing Declarations of Performance on Websites

General Concept
• The Delegated Act does not change the responsibility of the manufacturer or other stake holders • It only covers the way in which the DoP is provided • The obligation to supply a paper copy of the DoP, if requested, remains • Contracting parties should agree on the procedures to be followed when supplying the DoP
Specific Requirements
• The unique identification code included in the DoP must link the information included in the document to every product • Instructions must be provided on how to access the online information • Once uploaded the DoP cannot be changed • The DoP must remain accessible for a minimum of 10 years after the construction product was first placed on the market • The website hosting the DoPs should be monitored and maintained such that it is kept available and accessible • Access to the website must be free of charge
Language
• The DoP must be supplied in the language(s) required by the Member State(s) where the product is being made available
Format
• The DoP should be displayed preferably using sematic web technologies (e.g. XML) but also making sure that it is displayed in a humanly readable format (e.g. HTML and PDF). Furthermore it is suggested that use of a standardised, machine readable format also be considered to allow interoperability with architectural tools – for Building Information Modelling (BIM)
Other accompanying documents on the website
• Other documents requested by the CPR to accompany the DoP must also be considered for supply through the website. These will include information relating to REACH, installation instructions and safety information.

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