

## **Construction Product Regulation - Questions & Answers for Clients**

### **Introduction**

The existing Construction Products Directive (CPD) will be withdrawn on the 30<sup>th</sup> June 2013. From April 2011 it has been in the process of being replaced by the Construction Products Regulations (CPR). The CPR will require all construction products with harmonised European standards in Europe to affix the CE marking to this Regulation.

As a BSI client you need to be aware of the differences between CPD and CPR and what you have and have not to do by 30<sup>th</sup> June 2013.

### **What is the Declaration of Performance (DoP)?**

This is the key document you need to complete for your product. This takes the place of the Declaration of Conformity under the CPD. The format of the Declaration of Performance (see attached) must follow the Model within the Construction Products Regulation Annex III.

You need to give this document a unique identifier. This may be alpha, alpha/numeric or numeric. This is very important as it links in your CE Marking.

The DoP can be stored on a website but this should be linked to the CE Marking. If requested you must be able to supply this as a paper document.

On this document under item 7 you can refer to your EC certificate with its current number e.g. 0086-CPD-555555. The notified body number for BSI being 0086.

From April 2011 you have been able to create a DoP. However, you must issue a DoP by 30<sup>th</sup> June 2013 to affix CE Marking to your product

### **Do I need to have my current EC Certificates issued by BSI changed to the Certificates detailed in the CPR?**

There is no legal reason required for you to change an EC Certificate issued against the CPD from BSI as this will be still valid under the CPR. The EC Certificate will be valid until such a time as your product changes, the standard changes, or your manufacturing location changes, or your Factory Production control systems changes in such a way as to require recertification.

### **What is the earliest time BSI can issue certificates to the CPR?**

Like all notified bodies in the European Union, BSI can only issue Certificates under the CPR from 1 July 2013. From this date BSI Certificate numbers will follow the number designation e.g. 0086-CPR-555555. From this date (1 July 2013), BSI can no longer issue new certificates under the CPD. When your EC certificate needs changing from 1 July BSI will issue the certificate under the CPR and hence change the number (i.e. change the CPD to the CPR in the number) and certificate to the CPR.

### **How do I Affix CE Marking?**

From April 2011 you have been allowed to affix CE Marking on your product following the CPR. From the 1 July 2103 all products placed on the market must follow the CPR Article 9 which has been reproduced below:

#### *Article 9*

### **Rules and conditions for the affixing of CE marking**

1. The CE marking shall be affixed visibly, legibly and indelibly to the construction product or to a label attached to it. Where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents.
2. The CE marking shall be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity, the unique identification code of the product-type, the reference number of the declaration of performance, the level or class of the performance declared, the reference to the harmonised technical specification applied, the identification number of the notified body, if applicable, and the intended use as laid down in the harmonised technical specification applied.
3. The CE marking shall be affixed before the construction product is placed on the market. It may be followed by a pictogram or any

other mark notably indicating a special risk or use.

The major changes from the CPD are:

- 1) Use of the DoP number as the number on the CE Marking
- 2) The option of use an identification mark allowing identification of the name and address of the manufacturer easily and without any ambiguity.
- 3) Removal of the requirement to use the Certificate number issued by a notified body
- 4) The year now relates to the year of first affixing the CE Marking under the CPR and not as the CPD which related to the particular year the product was placed on the market
- 5) The identification of the notified body through use of their number which for BSI is 0086

You may find Distributors of your product requiring you to use CE Marking under the CPR before 1 July 2013 to lower their legal risks.

### **How can I use The BSI Kitemark™ ?**

From 1 July 2013 all your products and your competitors will have to bear CE Marking for the manufacturer's use against the intended use of the manufacturer as defined within the ZA Annex of the harmonised technical specification.

This will make it hard for consumers and specifiers to distinguish between products on the market by quality.

The BSI Kitemark™ can help you differentiate your products. For example if you want to meet the uses of the consumer and claim different characteristics in addition to the essential characteristics in the ZA Annex. The BSI Kitemark™ can also be used if you wish to claim a higher level of Assessment and Verification of Constancy of Performance than given within the standard.

The Kitemark™ is a very powerful certification mark and can give you access to markets beyond the European Union such as the Middle East, China and Australia. BSI also provides Benchmark certification for the Australian market which is the equivalent of The Kitemark™.

If you have any further question please ask your BSI Certification Manager and they will be happy to help.

Contact us at +44 (0)8450 765 606 or go to [bsigroup.com/cpr](http://bsigroup.com/cpr)

**SAMPLE DECLARATION OF PERFORMANCE**

No. ....

1. Unique identification code of the product-type:  
.....

2. Type, batch or serial number or any other element allowing identification of the construction product as required pursuant to Article 11(4):  
.....

3. Intended use or uses of the construction product, in accordance with the applicable harmonised technical specification, as foreseen by the manufacturer:  
.....

4. Name, registered trade name or registered trade mark and contact address of the manufacturer as required pursuant to Article 11(5):  
.....

5. Where applicable, name and contact address of the authorised representative whose mandate covers the tasks specified in Article 12(2):  
.....

6. System or systems of assessment and verification of constancy of performance of the construction product as set out in Annex V:  
.....

7. In case of the declaration of performance concerning a construction product covered by a harmonised standard:  
.....

(name and identification number of the notified body, if relevant)  
performed by ..... under system .....  
(description of the third party tasks as set out in Annex V)

and issued  
.....

(certificate of constancy of performance, certificate of conformity of the factory production control, test/calculation reports – as relevant)

8. In case of the declaration of performance concerning a construction product for which a European Technical Assessment has been issued:  
.....

(name and identification number of the Technical Assessment Body, if relevant)  
issued  
.....

(reference number of the European Technical Assessment)  
on the basis of  
.....

(reference number of the European Assessment Document)

performed ..... under system .....  
(description of the third party tasks as set out in Annex V)  
and issued  
.....

(certificate of constancy of performance, certificate of conformity of the factory production control, test/calculation reports – as relevant)

9. Declared performance  
Notes to the table.

1. Column 1 shall contain the list of essential characteristics as determined in the harmonised technical specifications for the intended use or uses indicated in point 3 above.

2. For each essential characteristic listed in column 1 and in compliance with the requirements of Article 6, column 2 shall contain the declared performance, expressed by level or class, or in a description, related to the corresponding essential characteristics. The letters 'NPD' (No Performance Determined) shall be indicated where no performance is declared.

3. For each essential characteristic listed in column 1, column 3 shall contain:

(a) dated reference of the corresponding harmonised standard and, where relevant, the reference number of the Specific or Appropriate Technical Documentation used;

or

(b) dated reference of the corresponding European Assessment Document where available and reference number of the European Technical Assessment used. Essential characteristics (see Note 1)

Performance (see Note 2)

Harmonised technical specification (see Note 3)

Where pursuant to Article 37 or 38 the Specific Technical Documentation has been used, the requirements with which the product complies:  
.....

10. The performance of the product identified in points 1 and 2 is in conformity with the declared performance in point 9.

This declaration of performance is issued under the sole responsibility of the manufacturer identified in point 4.

Signed for and on behalf of the manufacturer by:  
.....

(name and function)  
.....

(place and date of issue) (signature)