

# Guidance Note on the **Construction Products Regulation**

Version 1 - April 2012



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## Version I - April 2012

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

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## 1. Purpose of this guide and acknowledgments

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- 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<sup>1</sup> (CPR), it will become mandatory for manufacturers to apply CE marking to any of their products which are covered by a harmonised European standard (hEN) or European Technical Assessment (ETA). This is a major change as affixing of CE marking under the provisions of the existing Construction Products Directive (CPD) is currently 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 This guidance note has been prepared by the Construction Products Association (CPA), the British Board of Agrément (BBA), British Standards Institution (BSI) and FBE Management Limited in consultation with the Trading Standards Institute (TSI).

## 2. Key concepts of the CPR

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- 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 approval bodies and the way in which they operate. The full legislation relating to manufacturers, importers and distributors comes into force on 1 July 2013, when the CPD will be replaced.

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

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

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### 3. Harmonised technical specifications

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- 3.1 Under the CPR, harmonised technical specifications are harmonised European product standards (hENs) established by CEN/CENELEC<sup>2</sup> or European Assessment Documents (EADs) produced by the European Organisation for Technical Approvals (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.

### 4. CE marking under the CPR

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- 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.

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<sup>2</sup> 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.

- 
- 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

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- 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 publicly available.
- 5.2 An example of a completed DoP for vertical air/flue terminals is given in Appendix B.
- 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 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).

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## 6. Assessment and verification of constancy of performance

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6.1 The system of Assessment and Verification of Constancy of Performance<sup>3</sup> (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 level of involvement of notified bodies in each is as follows:

System 1+ product certification comprising the issuing of a certificate of constancy of performance with determination of the product-type, continuous surveillance and audit testing by a notified product certification body

System 1 product certification comprising the issuing of a constancy of performance with determination of the product-type and continuous surveillance by a notified product certification body

System 2+ factory production control certification with continuous surveillance by a notified factory production control certification body

System 3 determination of product type by a notified testing laboratory

System 4 manufacturer's tasks only.

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

6.4 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.

6.5 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<sup>4</sup>.

6.6 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.

6.7 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.

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<sup>3</sup> Called Attestation of Conformity under the CPD

<sup>4</sup> For reasons of confidentiality only the basics are included, the details are provided only to the notified body involved in AVCP.

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## 7. Use of CE marking

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- 7.1 As from 1 July 2013, construction products placed on the market in the UK and covered by 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 I+ or I, 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.
- 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 will be mandatory from 1 July 2013.

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

- A. 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<sup>5</sup> 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<sup>6</sup> websites by country and scope
- B. 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
- C. 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

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.

## 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.

Full guidance on the physical marking of the product under a voluntary scheme is given in the Guide to the implementation of directives based on the New Approach and the Global Approach (the Blue Book), a copy of which can be obtained off the European Commission's Europa website<sup>7</sup>.

In section 7.4 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."

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<sup>5</sup> [www.EOTA.eu](http://www.EOTA.eu)

<sup>6</sup> 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](http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=directive.annex&dir_id=3&type_dir=CPD)

<sup>7</sup> [http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic\\_en.pdf](http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic_en.pdf)



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## 8. Implications

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### 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<sup>8</sup> 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.

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
- adherence 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 after storage and distribution
- providing all relevant information about a product if a request is made by a competent national authority.

### 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 placing a construction product on the market, distributors must ensure that the product, where

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<sup>8</sup> 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](http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/index_en.htm).

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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.

### 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<sup>9</sup>), 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.

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<sup>9</sup> Under devolved government, Wales now has responsibility for developing its own Approved Documents and Guidance Notes which may in time reflect a different view.

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## 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 will be established in each country.

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# 9. Service providers

## 9.1 Notified bodies

Notified bodies are the product certification bodies, fpc certification bodies and testing 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:

- **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.

Notified bodies will need to check progress of draft hENs (and issued EADs for production control bodies) 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

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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 (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.

## 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

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## 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<sup>10</sup> (ETAGs) published before 1 July 2013 in accordance with the CPD may be used as EADs.

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<sup>10</sup> A European Technical Approval Guideline (ETAG) is a document, issued by EOTA, which is used to establish how Approval Bodies should evaluate the specific characteristics/requirements of a product or family of products which are not covered by a hEN.

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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 Approval Body/Technical Assessment Body.

## 11. Further information

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Enquiries for further information can be made from:

**British Board of Agrément (BBA)**

UK spokesperson on EOTA:

Tel: 01923 665412

e-mail: [cemarking@bba.star.co.uk](mailto:cemarking@bba.star.co.uk)

**British Standards Institution (BSI)**

Customer Services:

Tel: 020 8996 9001

e-mail: [cservices@bsigroup.com](mailto:cservices@bsigroup.com)

**Construction Products Association (CPA)**

Enquiries: Tel: 020 7323 3770

e-mail: [enquiries@constructionproducts.org.uk](mailto:enquiries@constructionproducts.org.uk)

**Department for Communities and Local Government (DCLG)**

Tel: 0303 444 0000

e-mail: [enquiries.br@communities.gsi.gov.uk](mailto:enquiries.br@communities.gsi.gov.uk)

**FBE Management Limited**

**CPR consultants**

Enquiries:

Tel: 01923 664311

e-mail: [cprinfo@bre.co.uk](mailto:cprinfo@bre.co.uk)

**Royal Institution of Chartered Surveyors (RICS)**

John Parsons:

Tel: 0207 695 1686

e-mail: [jparsons@rics.org](mailto:jparsons@rics.org)

## 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	Type-testing

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

## Glossary

Term	Meaning
<b>Manufacturer</b>	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.
<b>Distributor</b>	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.
<b>Importer</b>	Any natural or legal person established within the Union, who places a construction product from a third country on the Union market.
<b>Authorised representative</b>	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
<b>System of Assessment and Verification of Constancy of Performance (AVCP)</b>	The method for attesting the conformity of construction products to harmonised technical specifications including the amount of involvement from an independent certification body/laboratory
<b>CE symbol</b>	The logo the manufacturer applies to their product when they are satisfied that all the requirements have been met.
<b>CEN</b>	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.
<b>EOTA</b>	<p>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.</p> <p>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.</p> <p>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.</p>
<b>Basic Requirements for Construction Works (BRCW)</b>	The general and specific criteria with which construction works must comply where this is laid down in Member State regulations.
<b>NANDO</b>	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.
<b>Harmonised European standards</b>	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.
<b>Harmonised technical specifications</b>	Harmonised European Standards (hENs) and European Assessment Documents (EADs) for construction products developed either by CEN or EOTA.
<b>Notified body</b>	Certification, inspection 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).

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## Appendix B: Example Declaration of Performance

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### DECLARATION OF PERFORMANCE

**No. 001CPR2013-07-14**

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- O50**

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

**[to be given by the manufacturer]**

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

**convey air for combustion, and the products of combustion from appliances to the outside atmosphere.**

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

**Any Co Ltd,  
PO Box 21  
B-1050 Brussels**

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

**[to be given by the manufacturer]**

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

**System 2+**

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

**EN 14989-1: 2007**

**Name and identification No. 5678 (of the notified body as given in the DoP) performed the initial inspection of the manufacturing plant and of factory production control and the continuous surveillance, assessment and evaluation of factory production control, and issued the certificate of constancy of conformity of the factory production control.**



8. Declared performance

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

9. The performance of the product identified in points 1 and 2 is in conformity with the declared performance in point 8.

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)**

## Appendix C: Assessment of conformity tasks

System type	Responsibility	Type of notified body	Tasks
System 1+	Notified body	Product certification body	Initial Inspection of the fpc system Continuous Surveillance of the fpc system Determination of product type Audit testing
	Manufacturer		Factory Production Control and further testing of samples
System 1	Notified body	Product certification body	Initial Inspection of the fpc system Continuous Surveillance of the fpc system Determination of product type
	Manufacturer		Factory Production Control and further testing of samples
System 2+	Notified body	Factory production control certification body	Initial Inspection of the fpc system Continuous Surveillance of the fpc system
	Manufacturer		Factory Production Control and further testing of samples Determination of product type
System 3	Notified body	Test Laboratory	Determination of product type
	Manufacturer		Factory Production Control
System 4	Manufacturer	No independent involvement	Factory Production Control Determination of product type



26 Store Street  
London WC1E 7BT  
t. 020 7323 3770  
f. 020 7323 0307

[www.constructionproducts.org.uk](http://www.constructionproducts.org.uk)

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