Manufacturers, importers and distributors have new responsibilities under the CPR to ensure consistent production, to cooperate with requests from national authorities. When specifying construction products on the market, stakeholders must be aware of and understand the new requirements on construction products.

This information paper is aimed at:

• Manufacturers
• Importers, including agents and distributors
• Architects and other specifiers and designers

This information paper was prepared by the Building Materials Federation, in consultation with the following key stakeholders:

- Department of the Environment, Community and Local Government
- Irish National Standards Authority (ENSA)
- Building Materials Federation
- Office of Public Works, and the
- National Roads Authority.

It is important to note that this paper does not purport to be a legal interpretation of the EU Regulation. More comprehensive information on the EU Regulation is available on the European Commission’s website.

What are the main provisions of the CPR?
The general objectives and main instruments of the Construction Products Regulation (CPD) are largely unchanged under the CPR. The CPD, as an internal market Directive, aims to:

- overcome the technical barriers to trade which arise where different countries in Europe have different standards, testing and labelling approaches for the same construction products.
- ensure that products on the market meet the essential safety requirements of the European Union.

The CPR shares this goal and is intended to clarify, simplify and improve the credibility of the system. The CPR will allow the use of instruments developed for the CPD, but introduces stricter and more transparent requirements and amends some of the terminology in order to be more precise.

The four key instruments are:

1. A system of harmonised technical specifications,
2. An agreed system of Assessment and Verification of Conformity (see paragraph 3 below),
3. A framework of notified bodies,
4. The CE Marking label (refer to Figure 2).

What are harmonised technical specifications?
The system of harmonised technical specifications mentioned above include harmonised European standards (hENs), generally for construction products, and European Assessment Documents (EADs), usually for innovative products. These both provide assessment methods for the performance of construction products. However, there are over 420 hENs covering a broad range of construction products. hENs are progressively becoming the norm as conflicting national standards (e.g. Irish and British Standards commonly used here) are being withdrawn.

All hENs under the CPD have an informative Annex ZA. In general, this annex contains:

- ZA.1: A list of product characteristics as well as the clauses in the standard in which the assessment or test method is set out or referred to.
- ZA.2: The process for CE Marking and labeling,
- ZA.3: The product’s regulated characteristics, the tasks for the notified body.

Conformity of Performance (iii)

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The four key instruments are:

1. A system of harmonised technical specifications,
2. An agreed system of Assessment and Verification of Conformity (iii) above,
3. A framework of notified bodies,
4. The CE Marking label (refer to Figure 2).

A list of Notified Bodies under the Construction Products Regulation is available at:


as the majority of construction products are covered by hENs, they will become the key documents for manufacturers when declaring the performance of a construction product.

• Irish (and other European) authorities when specifying under the CPR, and
• (iii) above. A framework of notified bodies, and

The CE Marking label (refer to Figure 2).

European Assessment Documents (EADs)

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

Where do the CPR affect me?

I am a manufacturer

From 1 July 2013, manufacturers of construction products which are covered by harmonised European product standards (hENs)10, will be required, when placing a product on the market, to:

- make a Declaration of Performance (DoP) for the product, and
- affix the CE Mark.

The European Standards Organisation, CEN, is working to modify the template for the DoP, to include the changes introduced by the CPR. However, this will not affect the body of the standard or the product characteristics detailed in terms of product characteristics, test methods or the agreed role of the manufacturer and the notified body. Therefore, as matters stand, the current DoP format will be used by manufacturers to prepare for 1 July 2013.

The Annex A2a currently could be considered as a ‘checklist’ for CE Marking, where the manufacturer can see all the requirements of the products and decide if CE Marking is required. This will, under the CPR, form a checklist for the drawing up of a Declaration of Performance (DoP) and for affixing the CE Mark.

All the information supplied with the DoP should be obtained by strictly applying the methods and criteria provided by the relevant hEN. The DoP provides information about the essential characteristics of the product. The manufacturer, by drawing up the DoP, assumes responsibility for the conformity of performance of the product with the declared characteristics. The DoP is signed and the manufacturer states that the product you manufacture is covered by a standard in the list of hENs. As the CPR does not change the product’s regulated characteristics, the tasks for the notified body.

The obligations on manufacturers are clearly set out in the CPR with regard to the products they place on the internal market.

A list of hENs is available at the following link:


Failure to comply with any provision of the CPR would be considered a breach of the Regulation and may give rise to a prosecution.

Figure 1: Manufacturer’s checklist

Step 1: Refer to Table 1 at this page of this document and check if the product you manufacture broadly falls within the products on this list.

Step 2: Check the NANDO website at http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=cpd.hub&cpr=Y to establish if the product you manufacture is covered by a standard in the list of hENs.

Step 3: Check who are notified bodies for the standard by double clicking on the hEN number? These notified bodies may be contacted for further information.

Figure 2: Example CE marking information

Contact details to be used in e.g. invites, training, webpages, etc.:

National Standards Authority of Ireland (NSAI)
www.nsai.ie

Health and Safety Authority (HASAW)
www.hsa.ie

Building Materials Federation (BM Federation)
www.nbs.ie

Construction Product Regulation 2013 (S.I. No. 225)
www.architecture.ie

10 Where a construction product is not covered, or not fully covered, by a hEN, the manufacturer may consult a European Technical Assessment Document (ETA). When a product is covered by an ETA, the manufacturer will be informed of the notified body responsible for the conformity of performance of the product in Ireland.

11 Failure to comply with any provision of the CPR would be considered a breach of the Regulation and may give rise to a prosecution.

12 Member of European Union (Construction products) Regulations 2013 (S.I. No. 225 of 2013).

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The CE Marking label (refer to Figure 2).
To comply with the CPR, importers must:

- ensure that products are stored or moved under such conditions that don't alter the products compliance;
- take corrective measures where necessary;
- keep documentation for 10 years;
- ensure that products are stored or moved under such conditions that don't alter the products compliance;
- take corrective measures where necessary;
- keep documentation for 10 years;
- cooperate with requests from national authorities.

For more information on these responsibilities see Article 14 of Regulation (EU) No. 305/2011 available at the following link: http://ec.europa.eu/enterprise/sectors/construction/legislation/

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

Distributors should also check if additional guidance in the form of a National Annex or a Standard Recommendation exists, which set out appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsai.ie.

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

I AM A SPECIFIER, DESIGNER OR BUILDER

The transition to harmonised European product standards represents a change for the construction industry. Traditionally, national product standards, Irish standards or British standards were prescriptive in relation to performance and the appropriate uses to which products could be put. The HCs differ in this regard, as they provide harmonised testing methods, declaration methods and conformity assessment rules. Ireland, like other Member States, is therefore free to set its own minimum requirements on the performance of building works and construction products incorporated into such works. In this regard, the NSAI has produced additional guidance in the same HCs in the form of National Annexes or Standard Recommendations (SRs) which set out appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsai.ie.

Clients, specifiers, designers etc are free to demand performance in excess of these levels. Whilst the CPR concerns itself with the conditions which apply when placing a product on the market, clients, specifiers, designers and builders etc should:

- when choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance;
- check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsai.ie, and
- ensure compliance with the Building Regulations, in this regard all works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For more information on the Building Regulations see www.environ.ie.

SOURCES OF ADDITIONAL INFORMATION

European Commission – Enterprise and Industry
http://ec.europa.eu/enterprise/sectors/construction/legislation/

EU ANODO (New Approach Notified and Designated Organisations) Information System

National Standards Authority of Ireland
www.nsai.ie

National Roads Authority
http://www.nsai.ie

SOUTHERN IRELAND

Building Materials Federation
www.building.ie

Hardware Association of Ireland
www.hardwareassociation.ie

Construction Industry Federation
www.cif.ie

Irish Concrete Federation
www.ireischconcrete.ie

Irish Timber Framed Manufacturers Association
www.itfma.ie

British Constructional Steelwork Association
www.steelconstruction.org

For more information on these sources see Article 13 of Regulation (EU) No. 305/2011 available at the following link: http://ec.europa.eu/enterprise/sectors/construction/legislation/

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

Importers should also check if additional guidance in the form of a National Annex or a Standard Recommendation exists, which set out appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsai.ie.

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

I AM A DISTRIBUTOR

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

To comply with the CPR, distributors must:

- take due care that the product is compliant and has all documentation to verify compliance with the CPR;
- ensure instructions and safety information are in the appropriate language of the particular market;
- ensure the manufacturer has made the product identifiable and the manufacturers / importers contact details are available;
- when drawing up specifications, refer to the harmonised technical specifications and specifically to the requirements of individual characteristics when necessary;