



From the Construction Products Directive (89/106/EEC)

to the Construction Products Regulation (305/2011)

**G. Katsarakis
European Commission,
DG Enterprise and Industry
Unit G-5: Construction, Pressure Equipment, Metrology**

THE EU CONSTRUCTION SECTOR

- **total EU market more than 1700 billion €,**
- **represents more than 10% GDP of EU,**
- **construction products sector represents 15% of the EU manufacturing output,**
- **high level of imports (20-50%) for most product families**
- **public procurement has an important stake**

The EU Internal Market

Among the objectives of the EU Treaty is the creation of the Internal Market.

To create the Internal Market it is necessary to:

- **abolish technical barriers to trade of products**
(EU legislation for specific product families e.g. the Construction Products Directive 89/106/EEC or CPD)
- **control the effective functioning of the market**
(effective market surveillance)
- **avoid creating new unjustified barriers**
(Directive 98/34/EC)
- **open the public procurement to competition**
(directives on public procurement)

Some Basics of the CPD

6 Essential Requirements which must be satisfied by the construction works (**not by the products**):

- ER1: Mechanical resistance and stability
- ER2: Safety in case of fire
- ER3: Health and environment
- ER4: Safety in use
- ER5: Noise insulation
- ER6: Energy economy

Some Basics of the CPD

EU Member States remain competent to define separately how the works will satisfy the 6 ER within their territory.

Construction products must have certain essential characteristics (performance) to allow the works to satisfy the 6 Essential Requirements of the CPD.

Some Basics of the CPD

Directive 89/106/EEC (or CPD) requires:

- **elaboration of European technical specifications,**
- **implementation of these European technical specifications in all EU Member States through amendment of their national regulations,**
- **application of the CE marking on construction products in line with these specifications,**

European technical specifications in CPD:

- **harmonised European standards**
- **European Technical Approvals**

The elaboration of harmonised European standards

EU Commission invites CEN/CENELEC through **mandates** to elaborate harmonised European standards for construction products.

We encourage all **stakeholders to participate** (industry, consumers, environmental NGOs) in the standardisation process.

The Commission **financially supports** the development of harmonised European standards and **publishes their reference** in the Official Journal of the EU and on the NANDO webpage:

<http://ec.europa.eu/enterprise/newapproach/nando/>

Today more than 400 harmonised European standards cover:

- cements and admixtures for concrete
- aggregates,
- lime
- gypsum products
- bricks
- thermal insulation products,
- waterproofing membranes / geotextiles,
- fire detection and extinguishing systems,
- stones / slates for pavements and roofs
- doors, windows
- sanitary appliances
- ceramic tiles
- safety barriers / road marking products
- **and many others ...**

INTERNATIONAL CO-OPERATION

EU is committed to the development and use of international standards from ISO, IEC.

Transposition of international standards in the EU:

- 75% of CENELEC standards transpose IEC standards;**
- 40% of CEN standards transpose ISO standards.**

In the interest of market access and facilitation of trade, we invite our trade partners to make use of European and international standards wherever possible.

And for products not covered by a harmonized EN ???

Construction products:

- for which a harmonized European standard cannot be produced or foreseen within a reasonable period of time, or
- which deviate substantially from a European standard,
can be covered by a **European Technical Approval**
issued by one of the EOTA Approval Bodies

EOTA (www.eota.eu) produced a large number of
ETA Guidelines and some thousands of ETAs
have been issued (metal anchors, ETICS, ...)

ATTESTATION OF CONFORMITY

Under **Attestation of Conformity (AoC in the CPD)** we mean the agreed tasks which the manufacturers or 3rd parties must undertake in order to assess the performance of the product type and verify the constancy of the performance of a construction product.

The AoC tasks are **defined in one Commission Decision for each product family** and are implemented in all Member States (no attestation barriers between Member States).

CPD: ATTESTATION OF CONFORMITY

The manufacturer is responsible for placing the products on the EU market and has to apply the agreed attestation of conformity procedures in order to declare the product performance in line with the European technical specifications

ONLY THEN the manufacturer can affix the CE marking on the product and place it on the market.

CPD AoC: Who does what ?

T A S K S	S Y S T E M					
	1+	1	2+	2	3	4
PRODUCER						
DECLARATION OF CONFORMITY			YES	YES	YES	YES
Factory production Control (FPC)	√	√	√	√	√	√
Initial Type Testing (ITT)			√	√		√
Additional testing of samples	√	√	√			
NOTIFIED BODY						
CERTIFICATE OF CONFORMITY	YES	YES				
Certification of FPC			√	√		
Initial Type Testing (ITT)	√	√			√	
Initial Inspection of Factory + FPC	√	√	√	√		
Contin. assessment+approval of FPC	√	√	√			
Audit testing of samples	√					

DECISION ON THE APPLICABLE AOC SYSTEM

DEPENDS ON:

- the importance of the part played by the product with respect to the essential requirements, in particular those relating to health and safety,
- the nature of the product,
- the effect of the variability of the product's characteristics on its serviceability,
- the susceptibility to defects in the product manufacture.

PREFERRED: the least onerous system consistent with safety

Notified Bodies

The Notified Bodies are designated by the Member States:

- **Certification bodies (for products or FPC)**
- **Inspection bodies**
- **Test laboratories**

They are included in the NANDO website (for each harmonised standard):

<http://ec.europa.eu/enterprise/newapproach/nando>

Notified Bodies must fulfill strict conditions defined in Directive 89/106/EEC.

The designating authorities of the Member States must check periodically the satisfaction of these conditions.

PROBLEMS IN THE CPD IMPLEMENTATION

- **Complex and ambiguous provisions of the Directive**
- **Slow standardisation process**
- **ETA is a complicated, expensive and slow route**
- **Problems in implementing certain hENs/ETAs in Member States**
- **Problems in the designation / work of NB**
- **Difficulties for SMEs**

NEW: Construction Products Regulation - CPR (Regulation (EU) 305/2011)

The CPR aims at a **simpler, clearer and more effective legislation** to ameliorate the Internal Market for construction products.

Publication of CPR: 4 April 2011

CPR entry into force: 24 April 2011

Repeal of 89/106/EEC: 1 July 2013

New elements in CPR (in red)

Directive 89/106/EEC	Regulation (EU) 305/2011
6 Essential Requirements	7 Basic Requirements for Construction Works (+ BRCW 7: Sustainable use of natural resources)
6 Attestation of Conformity systems	5 systems for Assessment and Verification of Constancy of Performance (system 2 was abolished)
ETAGs / CUAPs for ETA	European Assessment Document
Certificate/Declaration of Conformity	Declaration of Performance (DoP)
	Clear meaning of CE marking
	Simplified Procedures (Art 36, 37, 38)
	Requirements on Notified Bodies
	Enhanced market surveillance
	Product Contact Points in Member States

Declaration of Performance (DoP)

- after assessing the performance in accordance with hENs / EADS
- is expressing the performance accurately & reliably
- Member States presume DoP is correct and allow the product to be used without controls at the EU internal borders (except for market surveillance)
- DoP is supplied with each product by the manufacturer (possibly also by electronic means)

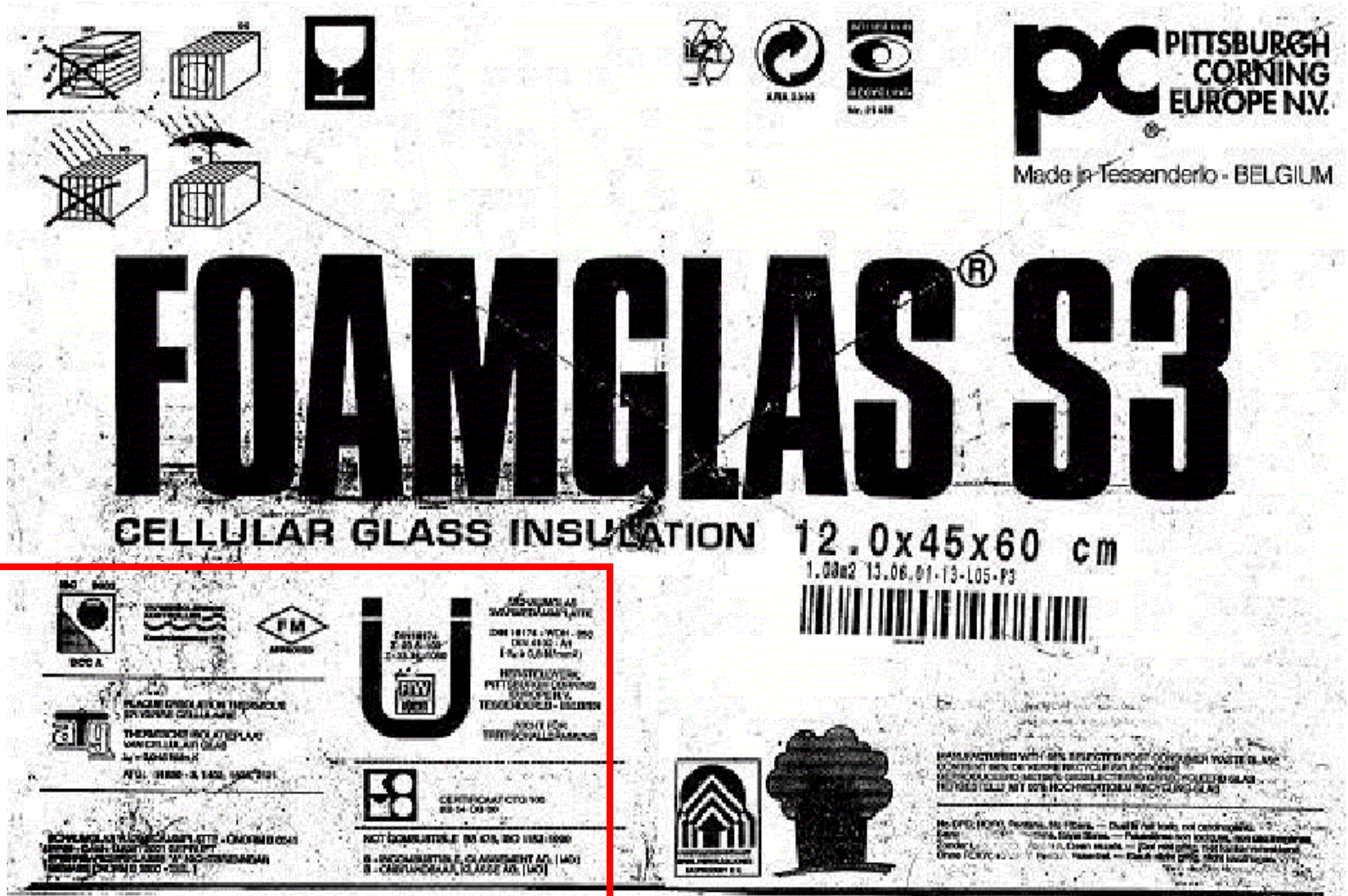
RULES FOR CE MARKING

- The CE marking shall be affixed to those construction products for which the manufacturer has drawn up a DoP.
- If a DoP has not been drawn up by the manufacturer, the CE marking shall not be affixed.
- By affixing the CE marking, **manufacturers indicate that they take responsibility** for the conformity of the construction product with the declared performance as well as the compliance with all applicable requirements laid down in the Regulation 305/2011 and in other relevant EU legislation providing for its affixing.
- A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of construction products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State

OTHER MARKINGS ?

Member States shall not introduce any references (and shall withdraw any existing references) in national measures to markings attesting conformity with the declared performance in relation to the essential characteristics covered by a harmonised standard other than the CE marking.

EXAMPLE OF OTHER MARKINGS AFFIXED BEFORE THE CE MARKING



EUROPEAN STANDARDS IN THE CONSTRUCTION SECTOR

They cover:

- Design of civil engineering works (**58 Eurocodes**)
- Construction of civil engineering works
- Testing methods (works / products)
- Product standards (many of them **harmonised ENs**)
- Maintenance / Inspection activities

Copies of ENs can be obtained from the national standardisation organisations of the EU countries

Importance of EUROCODES for CPD/CPR

The EUROCODES provide:

- **a basis to verify that buildings and other civil engineering works (bridges, etc) satisfy the following Essential Requirements of the CPD:
ER1: Mechanical Resistance and stability
ER2: Safety in case of fire (fire resistance)**
- **a basis to assess (by calculation) the performance of structural products (prefabricated columns, beams, wall elements, etc).**

CONTACTS

Our website (DG ENTERPRISE, UNIT G-5):

http://ec.europa.eu/enterprise/sectors/construction/index_en.htm

Our e-mail: construction@ec.europa.eu

Public procurement: http://simap.europa.eu/index_en.html

Official Journal of EU: <http://eur-lex.europa.eu/en/index.htm>

Notified Bodies: <http://ec.europa.eu/enterprise/newapproach/nando/>

CEN: <http://www.cen.eu>

EOTA: <http://www.eota.eu>

Thank you for your attention