

# Construction Products Regulation – Are you ready?

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# What's going to change and for who?

- From July 2013, CE MARKING of construction products covered by harmonised European Standards is mandatory.
- Manufacturers, importers and distributors have new obligations and responsibilities when placing a construction product on the market.
- Designers, specifiers and builders must be aware and understand the new system when using construction products in construction works.



# Presentation overview

- **The concept of the Construction Products Regulations**
- **Placing a construction product on the market**
  - 4 main elements of the CPR
- **Using a construction product in building works**
  - **Building Regulations**
- **Market Surveillance Authorities**
- **Where to get further information?**



# The concept of the Construction Products Regulation



# When is it going to happen?

- The Construction Products Regulation (305/2011/EU - CPR) was adopted on 9 March 2011. However, the main parts of its substantial Articles shall apply first from 1 July 2013.
- The CPR repeals the Construction Products Directive (89/106/EEC – CPD). But, until 1 July 2013 the CPD remains in application.
- The CPR is directly applicable in its entirety in Irish law.
- Some transposing regulations will be made regarding penalties, fines etc.



# The concept – The free movement of construction products

- CPR lays down harmonised conditions for the marketing of construction products.

Trade –  
not use

- CPR aims is to ensure reliable information on construction products in relation to their performances.

Not a declaration of  
quality

==> Uniform assessment methods for performance & rules for factory production control have been compiled in harmonised technical specifications for construction products using common technical language.

One technical  
language across  
Europe



# The concept – The free movement of construction products

This “common technical language” must be used by:

- the manufacturers when declaring the performance of their products, but also by
- the national authorities when specifying requirements for them, and by
- their users (designers, builders ... ) when choosing the products most suitable for their intended use in construction works.



# Placing a **CONSTRUCTION PRODUCT** on the market





# In practice, how does it work?

## Four key elements...

The four key instruments, all originated in the CPD:

- (i) A system of harmonised technical specifications
- (ii) An agreed system of Assessment of Performance and Verification of Constancy
- (iii) A framework of notified bodies, and
- (iv) The CE Marking label



# (i) Harmonised technical specifications...

## Two types of harmonised technical specifications

- Harmonised product standards (over 400 standards)
- European Assessment Documents (2900 ETAs under CPD)

- **Harmonised product standards (h ENs)**

- Conflicting National standards ( eg I.S. or BSs) must be withdrawn
- All h ENs have an Annex ZA which demonstrates how to comply with the CPR
  - It lists the regulated product characteristics
  - It references back to specific clauses in the standard
  - It sets out the roles for the manufacturer and the notified body (if required)
  - Explains the process for CE Marking

Traditional  
Products

- **European Assessment Documents (EADs)**

- Products not covered or not fully covered by hENs
- A route to CE Marking
- At the request of the manufacturer

Innovative  
Products



List of product areas that are covered by hENs

CODE	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).
11	SANITARY APPLIANCES.
12	CIRCULATION FIXTURES: ROAD EQUIPMENT.
13	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
14	WOOD BASED PANELS AND ELEMENTS.
15	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
16	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
17	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
18	WASTE WATER ENGINEERING PRODUCTS.
19	FLOORINGS.
20	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.
21	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
22	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.
23	ROAD CONSTRUCTION PRODUCTS.
24	AGGREGATES.
25	CONSTRUCTION ADHESIVES.
26	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
27	SPACE HEATING APPLIANCES.
28	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
29	CONSTRUCTION PRODUCTS IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
30	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
31	POWER, CONTROL AND COMMUNICATION CABLES.
32	SEALANTS FOR JOINTS.
33	FIXINGS.
34	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
35	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.



# **(ii) Assessment of performance & verification of constancy ...**

## **(iii) Notified bodies...**

### **Assessment of performance & verification of constancy**

- **Five systems of Assessment of Performance and Verification of Constancy (1+,1,2+,3 and 4)**
- **Varying degrees of 3 party involvement**
- **The European Commission establishes which system or systems are applicable to a given construction product or family of construction products or a given essential characteristic.**

### **A framework of notified bodies**

- **Product Certification Bodies**
- **Factory production control certification bodies**
- **Testing laboratories**




# (iv) Declaration of Performance & CE Marking...

## The DoP shall contain:

- information about the use of the product foreseen by the manufacturer (Art.6)
- the list of the essential characteristics which are considered pertinent for the declared intended use or uses in the relevant harmonised technical specification
- the performance of at least one of the essential characteristics of the construction product in that list (NPD for others).

- CE marking is mandatory if a DoP has been made (Art. 8).
- CE marking is the only marking associated with the essential characteristics of the products.
- No other marking can make reference to the essential characteristics of the products.

 8910
AnyCo Ltd, PO Box 21, Dublin 16 Ireland
13
00001-CPR-2013/05/12 EN 123 - 5: 2009
Product A intended to be used in (e.g. curtain walling, fire compartmentation, etc.)
essential characteristic 1: 50N/cm <sup>2</sup> essential characteristic 2: Pass essential characteristic 3: Class A1 essential characteristic 4: RE 60 essential characteristic n: xxx Durability of essential characteristic 1: expressed as indicated in the DoP Durability of essential characteristic n: expressed as indicated in the DoP Dangerous substance X : Less than 0.2 ppm

**No national marks**



# Responsibilities of manufacturers, importers and distributors...

	Manufacturers (Article 11)	Importers (Article 13)	Distributors (Article 14)
DoP & CE Mark for products covered by hENs from 1 <sup>st</sup> July 2013	X	Be satisfied that manufacturer has done all that is required	Be satisfied that product complies and all documents are available
Keep documentation for 10 years	X	X	
Ensure consistent production	X		
Monitor the product on the market, where appropriate	X	X	
Ensure the product is identifiable	X	X	X
Indicate a contact point for the product	Manufacturers details	Importers details	M & I details
Provide instructions and safety information in the appropriate languages	X	X	X
Take corrective measures where necessary	X	X	X
Store and move products appropriately		X	X
Cooperate with requests from national authorities	X	X	X



# Product Contact Points

## National CPR product contact points

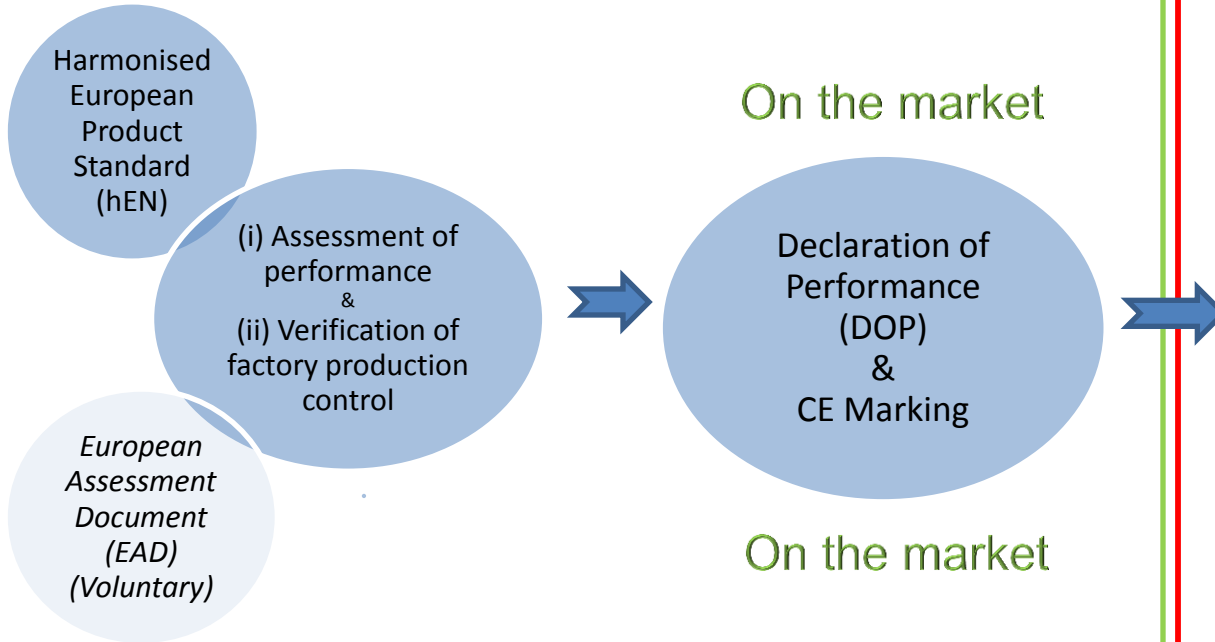
- PCP give information on rules and regulations for construction products.
- Rules applicable to the incorporation, assembly or installation of construction products
- To be established by 1 July 2013





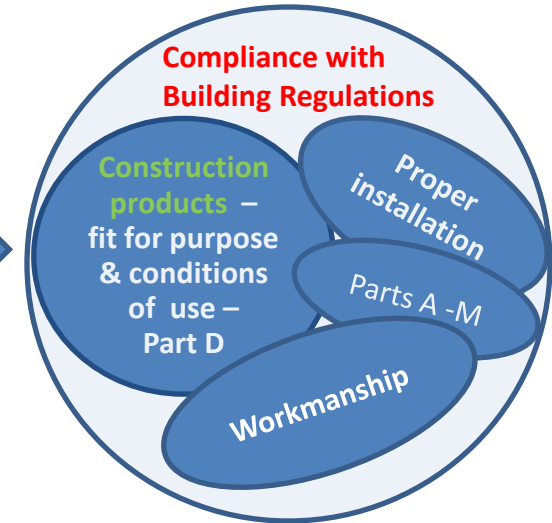
# Recapping...

## Placing a construction product on the Market – **Construction Products Regulation**



**Manufacturer/  
Importer/Distributor**

## Using a construction product in building works- **Building Regulations**



**Builder/Specifier  
Designer/Certifier**





# Using a CONSTRUCTION PRODUCT in building works



# Engineers, Architects, Builders...



**AnyCo Ltd, PO Box 21, Dublin 16  
Ireland**

**13**

**00001-CPR-2013/05/12**

**EN 123 - 5: 2009**

**Product A**

intended to be used in (e.g. curtain walling, fire compartmentation, etc.)

**essential characteristic 1: 50N/cm<sup>2</sup>**

**essential characteristic 2: Pass**

**essential characteristic 3: Class A1**

**essential characteristic 4: RE 60**

**essential characteristic n: xxx**

**Durability of essential characteristic 1:**

expressed as indicated in the DoP

**Durability of essential characteristic n:**

expressed as indicated in the DoP

**Dangerous substance X : Less than 0,2 ppm**



# Engineers, Architects, Builders...

## 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 harmonized 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 \_\_\_\_\_ 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 harmonized 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 17 or 18 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:

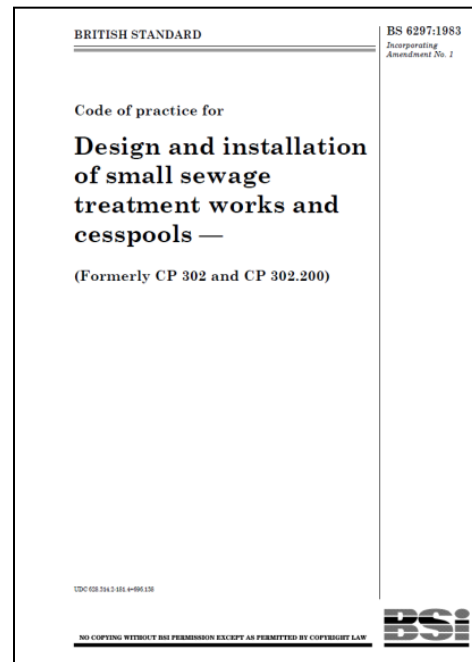
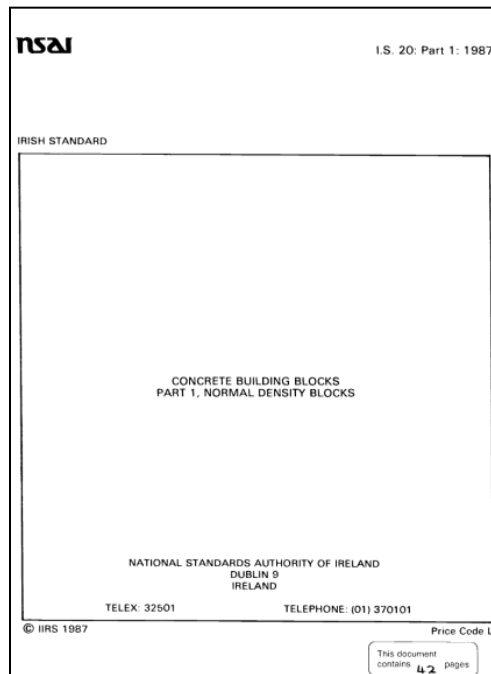
\_\_\_\_\_  
(name and function)

\_\_\_\_\_  
(place and date of issue)

\_\_\_\_\_  
(signature)

# Engineers, Architects, Builders...

Complies with an  
Irish Standard or  
British Standard



# Building Regulations - Construction products in use

## Differences between hENs and national Standards

- Traditional national standards were prescriptive.
- h ENs harmonise assessment methods e.g. tests etc.
- h ENs do not set the levels of performance required for certain uses.

## National guidance on performance in use

- For some products additional guidance has been produced in the form of national annexes or Standard recommendations.
- These set out the appropriate minimum performance levels for specific intended uses in Ireland, which may be used to show compliance with the Building Regulations.
- A list of these can be viewed on the NSAI website.
  - <http://www.nsai.ie/NSAI/files/b5/b5373a09-08d5-4e44-963b-1f86adc1a558.pdf>

## Building Regulations

- require proper materials to be used i.e. those that are “fit for the use for which they are intended and for the conditions in which they are to be used.”
- Technical guidance documents to the Building Regulations refer to hENs and any additional guidance where available.



**Additional published information relevant to Ireland for Harmonised standards that fall within the remit of the Construction Products Directive 89/106/EEC**

Number (Including all amendments and corrigenda)	Title	Form of additional Information
<b>Standards highlighted in yellow have been superseded and a National Annex is not currently available on new standard. <i>However the superseded version is available on request</i></b>		
I.S. EN 197-1:2000	Cement - Part 1: Composition, specifications and conformity criteria for common cements	National Annex
I.S. EN 197-1:2011	Cement - Part 1: Composition, specifications and conformity criteria for common cements	
I.S. EN 450-1:2005	Fly ash for concrete - Part 1: Definition, specifications and conformity criteria	National Annex
I.S. EN 771-1:2003	Specification for masonry units - Part 1: Clay masonry units	National Annex
I.S. EN 771-1:2011	Specification for masonry units - Part 1: Clay masonry units	
I.S. EN 771-2:2003	Specification for masonry units - Part 2: Calcium silicate masonry units	National Annex
I.S. EN 771-2:2011	Specification for masonry units - Part 2: Calcium silicate masonry units	
I.S. EN 771-3:2003	Specification for masonry units - Part 3: Aggregate concrete masonry units (Dense and lightweight aggregates)	National Annex
I.S. EN 771-3:2011	Specification for masonry units - Part 3: Aggregate concrete masonry units (Dense and lightweight aggregates)	
I.S. EN 771-4:2003	Specification for masonry units - Part 4: Autoclaved aerated concrete masonry units	National Annex
I.S. EN 771-4:2011	Specification for masonry units - Part 4: Autoclaved aerated concrete masonry units	
I.S. EN 771-5:2004	Specification for masonry units - Part 5: Manufactured stone masonry units	National Annex
I.S. EN 771-5:2011	Specification for masonry units - Part 5: Manufactured stone masonry units	
I.S. EN 771-6:2005	Specification for masonry units - Part 6: Natural stone masonry units	National Annex
I.S. EN 771-6:2011	Specification for masonry units - Part 6: Natural stone masonry units	
I.S. EN 845-1:2003	Specification for ancillary components for masonry - Part 1: Ties, tension straps, hangers and brackets	National Annex
I.S. EN 845-2:2003	Specification for ancillary components for masonry - Part 2: Lintels	National Annex
I.S. EN 845-3:2003	Specification for ancillary components for masonry - Part 3: Bed joint reinforcement of	National Annex

**Clients/specifiers/designers are free to demand higher performances**

<http://www.nsai.ie/NSAI/files/b5/b5373a09-08d5-4e44-963b-1f86adc1a558.pdf>





# Engineers, Architects, Builders...

## Specifications

- When drawing up specifications, refer to the harmonised technical specifications.
- Set desired performance levels for essential characteristics of products

## Purchasing

- When a product is CE Marking - look for and review the manufacturer's declaration of performance to ensure it is fit for use
- Check the appropriate minimum performance levels required for specific intended uses in Ireland. A list of some of these can be viewed on the NSAI website at [www.nsai.ie](http://www.nsai.ie)



# Market Surveillance of CONSTRUCTION PRODUCTS





# Draft National Regulations

## Draft European Union (Construction Products) Regulations 2013 –

- Currently out for public consultation
- Give full effect to the CPR
- Contents
  - CE Marking, Obligations of economic operators other miscellaneous provisions
  - Market surveillance
    - Market surveillance authorities
    - Appointment of Authorised officers
    - Powers of Authorised officers
    - Warrant to enter and search
    - Corrective actions
    - Service of notice
    - Offences, Defences, Penalties, Prosecutions



# Market Surveillance Authorities

## Who are they?

Local Building Control Authorities and individuals/organisations appointed by the Minister of Environment, Communities and Local Government

## How do they operate?

Proactive or reactive basis

## What powers do they have?

- Request/require technical information
- Request/require explanations
- Bring persons/equipment
- Take records, photos or information for evaluation, examination or inspection
- Take samples for testing
- Respect confidentiality



# Market Surveillance Authorities contd

## What is considered a problem?

- Product does not meet declared performance
- Product presents a risk for the fulfilment of the basic requirements
- Product complies, but nevertheless presents a risk to health and safety
- Formal non-compliance - no/ incorrect CE marking /DOP/Tech. Doc.

## What happens when there is a problem?

- Notice in writing – to direct EO to take corrective action within a period
- Notice in writing - to alert EO of an imminent request to Minister
- Minister issues direction in writing to prohibit/restrict/withdraw/recall product
- Minister informs Commission and other Member States
- Minister makes a public notice on the direction



# Market Surveillance Authorities contd

## Economic Operator

- Right to appeal

## Prosecution

- On summary conviction – Class A fine or imprisonment
- On conviction on indictment – Fine not exceeding €500,000 or imprisonment



# Concluding remarks



# Concluding remarks

## It is evolution... not a revolution!

- The CPR is not a revolution: same objectives and basically same instruments as the CPD.
- From a Directive to a REGULATION: homogeneous application.
- CE marking has now a clear meaning and this is very different from its meaning under the « New Approach ».
- From July 2013, CE MARKING of construction products covered by harmonised European Standards is mandatory.



# More information...

**All stakeholders - manufacturers, importers, distributors, designers, engineers, architects, builders are all affected and must get ready!**

## Websites

- **European Commission – Enterprise and Industry**

[http://ec.europa.eu/enterprise/sectors/construction/legislation/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/construction/legislation/index_en.htm)

- **National Standards Authority of Ireland**

<http://www.nsai.ie/Our-Services/Standardization/About-Standards/Construction-Standards.aspx>

- **Department of the Environment, Community and Local Government**

[http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/#Construction Products Regulation \(CPR\)](http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/#Construction%20Products%20Regulation%20(CPR))

- **Building Materials Federation**

[www.ibec.ie/bmf](http://www.ibec.ie/bmf)



# Thank you



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