

Key points

- The construction products regulation (CPR) introduced mandatory CE marking for many construction products including structural timber, roof trusses, metal web joists, wood based panels and a number of other timber products.
- Only products that have a harmonised European standard (EN) or a European technical assessment (ETA) can be CE marked
- The harmonised specification gives the level of the Assessment and Verification of the Constancy of Performance (AVCP) required for the product. The AVCP is related to the factory production control needed for the product.
- For a number of construction products, where the AVCP is 2+ or higher, the manufacturer must be certified by a Notified Body (NB) who should issue to the manufacturer a Certificate of Conformity of the Factory Production Control.
- Where a harmonised specification applies the manufacturer must draw up a Declaration of Performance (DoP) before applying the CE mark.
- The DoP should list all the essential characteristics of the product and the performance levels which the manufacturer wishes to declare. At least one performance level should be declared.
- A manufacturer can only apply the CE mark to a product once a DoP has been produced.
- Requirements for DoPs are specified in the CPR, CE marking requirements are specified in the harmonised specifications.
- A DoP can be generic or prepared for a specific product and can be placed on a website.
- A paper copy of the DoP must be provided if requested.
- The harmonised standard specifies the CE marking that must be on the product and the information required in the accompanying documentation.
- CE marking allows the product to be placed on the market throughout the EU.

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Construction Products Regulation: Declaration of Performance and CE Marking

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Introduction

This information sheet describes the Construction Products Regulation (CPR) and the current requirements in relation to the specification, manufacture, marking and supply of construction products with an emphasis on timber and wood products. Its purpose is to enable manufacturers, specifiers, designers, builders and users to better understand what the requirements are for these products in Ireland.

Most product standards have requirements for marking, harmonised standards have additional requirement related to CE marking. The term CE mark refers to documentation as well as any marks required to be on a product; 'CE' is a symbol and is part of the CE mark.

Construction Products Regulation (CPR)

Following the introduction of the Construction Products Regulation (CPR) in July 2013 it is now mandatory that all construction products have a DoP and be CE marked where they are covered by a harmonised European specification (EN standard or European Technical Assessment ETA). Harmonised standards each have an Annex ZA dealing with CE marking and are referenced in the Official Journal of the European Union (OJEU), if there is no Annex ZA or if the standard is not in the OJEU then the standard is not a harmonised standard. A list of harmonised standards is available in the Official Journal of the European Union and the European commission publishes a list in the following website address: ec.europa.eu.

The requirements for European Technical Assessments can be found on the European Organisation for Technical Assessment (EOTA); www.eota.eu.

The CPR lays down seven 'Basic Requirements for Construction Works' and states that construction products must be fit for their intended use and take into account the health and safety of persons involved in the works. The products must satisfy the following seven basic works requirements:

1. Mechanical resistance and stability
2. Safety in case of fire
3. Hygiene, health and the environment
4. Safety and accessibility in use
5. Protection against noise

6. Energy economy and heat retention
7. Sustainability of natural resources.

More relevant points of the CPR are:

- Manufacturers and specifiers should refer to the harmonised European technical specifications for details of the requirements for each construction product.
- If a product has a harmonised EN or has been issued with an ETA then the manufacturer must prepare a Declaration of Performance (DoP) stating the declared performances of the product against the essential characteristics listed in the harmonised European specification and then CE mark the product.
- Under the CPR, if there is no harmonised standard or ETA then there are no requirements to issue a DoP or to CE mark the product.
- The manufacturer can only CE mark the product once a DoP has been drawn up. By drawing up a DoP the manufacturer is taking responsibility for the product complying with the declared performance.
- By affixing the CE mark the manufacturer is *prima facie* taking responsibility for the conformity of the product with the DoP and with other applicable requirements of the CPR and harmonised legislation.
- The CE mark cannot contain any information on the essential characteristics that are not contained in the Declaration of Performance. The DoP is the primary means of declaring the performances of the essential characteristics.
- The CPR describes 5 basic systems related to the evaluation of Factory Production Control (FPC), described as the Assessment and Verification of the Constancy of Performance or 'AVCP'
- The harmonised specifications provide requirements for Factory Production Control and give the required level of AVCP.
- The highest AVCP levels are 1+ or 1; most structural timber products have AVCP levels 2+ while less safety critical products are at Level 4 or 5.
- AVCP levels 2+ and higher require certification and regular surveillance audits by a Notified body.
- For structural timber products at AVCP level 2+, the manufacturer will first need to apply to a Notified Body for certification to the relevant standard before he can produce a DoP or CE mark. In this regard the manufacturer must first establish and implement a 'Factory Production Control' system for the manufacture of the product and the effectiveness of this system needs to be assessed and approved by the Notified body. The manufacturer will usually be issued with a Certificate of Conformity of the Factory Production Control by the Notified body. The certificate contains a number which is generally required for the DoP and the CE marking.
- A DoP can be generic where the specification of the

product range is not subject to change. The DoP can be uploaded to a website; once uploaded it should not be altered and should be readily accessible by the recipients of the product for at least 10 years after the product has been put on the market.

- The CE mark, product, DoP and accompanying documentation should be linked together e.g. by an identification code in the documentation or package.
- The CPR uses the term *economic operators* in relation to the supply and distribution of construction products and these are the manufacturers, importers, distributors and authorised representatives.
- Every Member State has Product Contact Points for Construction for the provision of information on the basic requirements for construction works. More information can be found in Building Standards in the government website <http://www.housing.gov.ie/housing/building-standards/building-standards>.
- These contact points should be able to provide information on construction products and the CPR, basic requirements for construction works for the product, as well as information on any national technical rules.

Additional Responsibilities where CE marking applies

- Where *manufacturers, importers* or *distributors* have reason to believe that their product (when placed on the market) is not in conformity with the DoP or not in compliance with other requirements of the CPR they should immediately take corrective measures, including if necessary withdrawing or recalling the product. In addition, where the product represents a safety risk then the competent national authority (in Ireland Building Control) must be informed. They should give details of the non-compliance and of any required corrective measures undertaken and must co-operate with and provide any appropriate information and documentation on request.
- An *authorised representative* should not draw up any technical documentation (including the DoP) and may only perform the duties set out in a written agreement between the manufacturer and the representative. However the authorised representative should keep copies of the technical documentation (including the DoP and CE mark) and make such documentation available where required especially for the national surveillance authorities.
- *Importers* may only put construction products on the market that comply with the CPR. They shall ensure that the manufacturer has drawn up a DoP and affixed the CE mark. The importer should check that the DoP has been drafted in accordance with the model in Annex III (amended) of the CPR and that the product bears a mark allowing its identification and that of the manufacturer. Importers also need to ensure that instructions and safety information accompany any product. They should also ensure that the conformity of the product is not changed while under their

control e.g. by storage or transport conditions.

- *Distributors* need to make sure that, where required, the construction product has the CE mark and other appropriate documents required by the CPR (including the DoP); this extends to product identification and details of the manufacturer.
- The specific obligations of *manufacturers* can apply to importers and distributors where they place a product on the market under their own name or trademark or where they modify a construction product already placed on the market in such a way that the DoP is affected. Care also needs to be taken in relation to the effects of such a change on the requirement of the AVCP and also the CE mark.
- All *economic operators* are responsible for providing the market surveillance authorities on request with full information relating to details of the chain of importation and distribution relating to any construction product.
- All *economic operators* are responsible for providing the market surveillance authorities on request with full information relating to details of the chain of importation and distribution relating to any construction product.
- Where a Member State finds that a construction product presents a risk to the health or safety of persons or to other aspects of public interest protection, it shall require the relevant economic operator to take all appropriate measures to ensure that the construction product concerned, when placed on the market, no longer presents that risk. The construction product may be withdrawn or recalled from the market within a defined period depending on the nature of the risk, which the Member State may prescribe.

Declaration of Performance (DoP)

The layout and general contents of a DoP are described in Article 6 and in Annex III (amended) of the CPR; the technical specification (EN or ETD) may also give more details but the DoP should follow the model given in Annex III.

The manufacturer must issue a DoP, which must include;

1. The unique identification code of the product type - the unique code of the product type is not meant to relate to the traceability of a single specific product but is part of the general description of the product. It is a manufacturers' code specific to the product.
2. The intended use/s – generally it will be in buildings although Annex ZA in the harmonised standard will usually give the intended uses which might for example include bridges.
3. The name, registered trade name or trade mark and contact address of the manufacturer
4. The Identification of any authorised representative
5. The System/s of AVCP
6. (a) The Harmonised standard and the Notified body/ies or
(b) The European Technical Document, the European Technical Assessment, the Technical Assessment Body

or the Notified body

7. The declared performance/s – these will relate to the essential characteristics given in the harmonised specification (EN or ETA). The essential characteristics as described in the standard specification should be listed.
8. The list of appropriate technical documentation, including certificates, calculations, tests, reports etc. need not be extensive but should include those that would provide value to the user. The actual documents referred to need not be included in or with the DoP but should be available for viewing if so requested.

Guidance on placing a DoP on the web

A DoP may be placed on a website. A generic DoP on a website should be for a specific product preferably which has a level or class, such as timber with a strength class. Individual, tailor-made products for specific sites (e.g. roof trusses) could also have a generic DoP on a website, provided certain conditions are met about linking the product with the different documentation and linking the different documents together.

The manufacturer is solely responsible for the DoP and a Notified Body is precluded from involvement with a DoP. Once a manufacturer has prepared a DoP, they are entitled to CE mark their product, but not before they have drawn up the DoP.

CE Marking

The requirements for CE marking are laid down in the relevant harmonised specification (EN or ETA) for the specific product. Both CE marking and the DoP are required by the CPR and like the DoP the manufacturer is solely responsible for the application of the CE mark.

The manufacturer, by fixing the CE mark, is taking responsibility for the conformity of the product with the CPR and with the declared performance in the DoP. The CE mark is the only marking which is allowed to do this but other marks are allowed to give additional information.

The details of CE marking are given in Annex ZA of each harmonised standard.

While the letters “CE” are a symbol, the associated information in the actual CE marking is much more comprehensive. The harmonised specifications require that a certain minimum amount of information be provided in the CE marking on the product or on a label attached to the product or packaging, with the full information being included in accompanying documentation.

In the case of structural timber products, such as roof trusses, which are designed by the manufacturer, it is WTI's view that only products designed and manufactured to a harmonised EN standard or to an ETA specification can be CE marked and have a DoP. Products not designed and manufactured to these specifications should not be CE marked although there is some

limited derogation on drawing up a DoP included in the CPR.

In the case of solid timber products such as floor joists or cut roof rafters a product can be CE marked even though the manufacturer is not responsible for design; they are only responsible for the product meeting the relevant harmonized EN specification. The producer is declaring that it complies with the harmonized standard specification and is providing information on the essential characteristics (e.g. by declaring the strength class or by listing the performance levels) to enable a third party to carry out the design.

A product may have additional marking requirements other than the CE mark. Most timber standards have marking requirements in the main body of the text (i.e. outside Annex ZA dealing with CE marking); these requirements should be followed as well.

Market Surveillance

Market surveillance of CE marking in Ireland is undertaken by the Building Control section of the Local Authority where the product is being placed on the market or where it is being used. Building Control is obliged to address any instances where a product to which the CPR applies does not bear a CE mark or where the product may be CE marked incorrectly (including where the product may be defective). There is also a mechanism to report to the EU any failure of the part of the market surveillance authorities.

A distinction should be made between a construction product designed by the manufacturer not having a correct CE mark or DoP and the question of structural safety in use. A DoP or CE mark may be incorrect due to a minor error but an error in manufacture or design could have serious implications for structural safety and could invalidate the client's requirements and/or could have serious implications for structural safety or, if identified during construction, may possibly require expensive remedial measures.

As well as market surveillance relating to the CPR, Building Control in Ireland is also responsible for compliance with the Building Regulations. In the UK Building Control is responsible for conformance with the UK Building Regulations and Trading Standards Officers are responsible for market surveillance under the CPR.

Certification

With the publication of statutory instrument 9 in 2014 the level of certification required in Ireland has substantially increased and is greater than in many EU member states including the UK.

The introduction of the Code of Practice for Inspecting and Certifying Building Works published under Article 20 of the Building Control Regulations gives requirements for builders and construction professionals in relation to their role in construc-

tion, design, inspection and certification of building projects.

With the increased level of certification required in Ireland it is likely that there will be a greater emphasis on the provision of correct DoP's, CE marking, proof of certification and demonstration of compliance with relevant construction product standards.

Timber Harmonised Standards (hENs/ENs)

The first harmonised standard for timber products was EN 13986 'Wood Based Panels for Use in Construction' published in 2002. The following is a list of the principal harmonised EN standards for timber products:

- EN 13986:2004+A1:2015 Wood-based panels for use in construction — Characteristics, evaluation of conformity and marking.
- EN 14080:2013 Timber structures — Glued laminated timber and glued solid timber — Requirements.
- EN 14081-1:2016 Timber structures — Strength graded structural timber with rectangular cross section — Part 1: General requirements (at time of writing this EN has not been included in the OJEU).
- EN 14250:2010 Timber structures — Product requirements for prefabricated structural members assembled with punched metal plate fasteners.
- EN 14374:2004 Timber structures — Structural laminated veneer lumber — Requirements.
- EN 14545:2008 Timber structures — Connectors — Requirements.
- EN 14592:2008+A1:2012 Timber structures — Dowel-type fasteners — Requirements.
- EN 14915:2013 Solid wood panelling and cladding — Characteristics, evaluation of conformity and marking.
- EN 15497:2014 Structural finger jointed solid timber — Performance requirements and minimum production requirements.
- EN 16351:2015 Timber structures: cross laminated timber – requirements (at time of writing this EN has not been included in the OJEU)
- EN 16034:2014 Pedestrian doorsets, industrial, commercial, garage doors and openable windows - Product standard, performance characteristics - Fire resisting and/or smoke control characteristics
- EN 14351-1:2006+A2:2016 Windows and doors. Product standard, performance characteristics.
- EN 14342:2013 Wood flooring and parquet, characteristics, evaluation of conformity and marking.
- EN 14229:2010 Structural timber – wood poles for overhead lines.

This information sheet is for general guidance only and is based on information available at the time of writing; users should ensure that it is relevant to their specific circumstances. It may be advisable in certain cases to engage professional advice. While every effort has been made to ensure the information provided is accurate, WTI or the Department of Agriculture, Food and the Marine do not accept any responsibility or liability for errors of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information. Standards, regulations and information are subject to changes which may not be reflected in this information sheet.