

# Construction Products Regulation (305/2011/EU)

Engineers Ireland  
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Environment, Community and Local Government



# What has changed and for who?

- From July 2013, CE MARKING of construction products covered by harmonised European Standards is mandatory, when the product is placed on the market
- 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.



# Basic legal facts of CPR

- 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).
- The CPR is directly applicable in its entirety in Irish law.
- Some transposing regulations exist regarding penalties, fines etc.



# Presentation overview

- The Scope of the CPR
- 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 of construction products



# The scope of the Construction Products Regulation



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# The scope—

**“placing on the market”** means the first making available of a construction product on the Union market

**“available on the market”** means any supply of a construction product for distribution or use on the union market in the course of a commercial activity, whether on return for payment or free of charge.

**“Construction product”** means any product ... which is produced and placed on the market for incorporation in a permanent manner in construction works ... and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works.

**“Construction works”** means buildings and civil engineering works

**“performance of a construction product”** means the performance related to the relevant essential characteristics

**“Basic requirements”** – there are 7 (Annex 1) and constitute the basis for the preparation of standardisation mandates and harmonised technical specifications

**“essential characteristics”** means those characteristics of the construction products which are related to the basic requirements for construction works



# 7No. Basic Requirements

1. Mechanical resistance and stability
2. Safety in the 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. Sustainable use of natural resources



# The concept of the Construction Products Regulation



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# 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



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# What a manufacturer must do?

- From July 2013, when construction products covered by harmonised European Standards are placed on the market, CE Marking is mandatory.
- Manufacturers of products not covered or not fully covered by harmonised European Standards can voluntarily pursue CE Marking



# **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 and Verification of Constancy of Performance**
- (iii) A framework of notified bodies, and**
- (iv) The CE Marking label/ Declaration of Performance**



# (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.





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7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
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# **(ii) Assessment & verification of constancy of performance ...**

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

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

- **Five systems of Assessment and Verification of Constancy of Performance (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

## By drawing up a DoP

- the manufacturer assumes responsibility for the conformity of the construction product with the declared performance in the DoP.


## 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).



# (iv) CE Marking

- By affixing a CE Marking
  - the manufacturer indicates that he is responsible for
    - conformity of the construction product with the declared performance,
    - compliance with all applicable requirements laid down in the CPR, and
    - compliance with other relevant Union harmonisation legislation providing for its affixing
- 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

## Ireland

Website: <http://www.environ.ie/en/PCP/>

Email: [pcp@environ.ie](mailto:pcp@environ.ie)



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# Using a CONSTRUCTION PRODUCT in building works



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# CE Marking...

 8910
AnyCo Ltd, PO Box 21, Dublin 16 Ireland
13
00001-CPR-2013/05/12
<b>EN 123 - 5: 2009</b>
Product A
intended to be used in (e.g. curtain walling, fire compartmentation, etc.)
<b>essential characteristic 1:</b> 50N/cm <sup>2</sup> <b>essential characteristic 2:</b> Pass <b>essential characteristic 3:</b> Class A1 <b>essential characteristic 4:</b> RE 60 <b>essential characteristic n:</b> xxx <b>Durability of essential characteristic 1:</b> expressed as indicated in the DoP <b>Durability of essential characteristic n:</b> expressed as indicated in the DoP <b>Dangerous substance X :</b> Less than 0,2 ppm

When you see a CE  
Mark on a construction  
product ....

Look for the Declaration  
of Performance!





# Declaration of Performance...

## 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 harmonised 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 name is specified in Article 12(2):  
\_\_\_\_\_
6. System or systems of assessment and verification of constancy of performance of the construction product as specified 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)

It is essential that the declared performance of the product is fit for the use in which it is intended.

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 harmonised 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 essential characteristics. The letters 'NPD' (No Performance Determined) shall be indicated where no performance has been declared.

For each essential characteristic listed in column 1, column 3 shall contain:

the corresponding harmonised standard and, where relevant, the reference number of the appropriate Technical Documentation used;

the corresponding European Assessment Document where available and reference number of the 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)

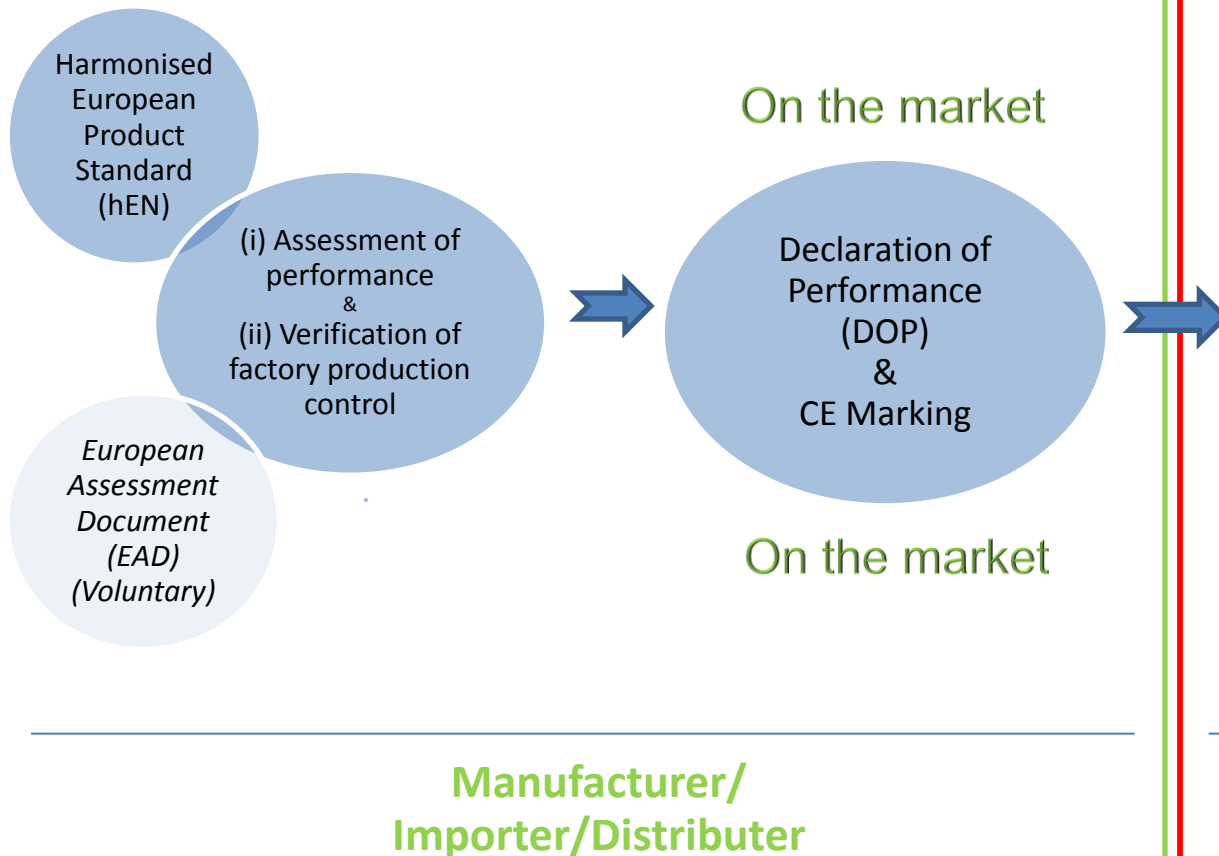
\_\_\_\_\_  
(place and date of issue)

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

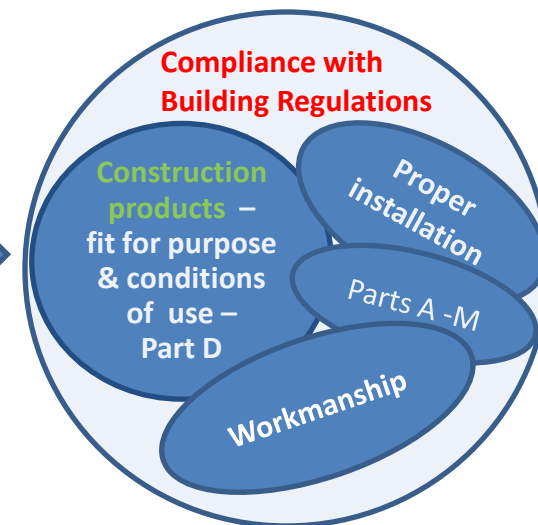


## Recapping...

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



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

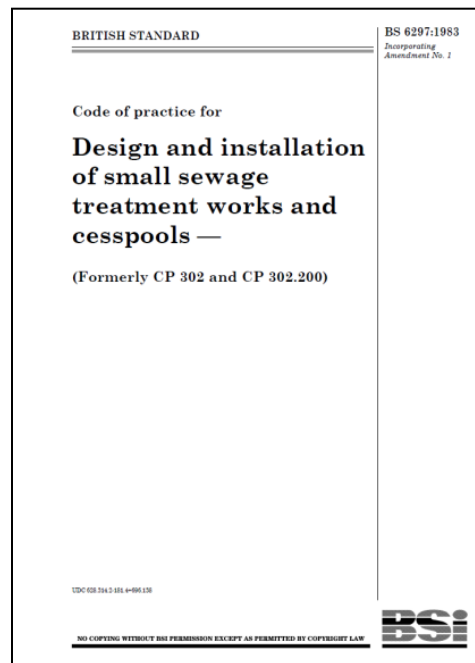
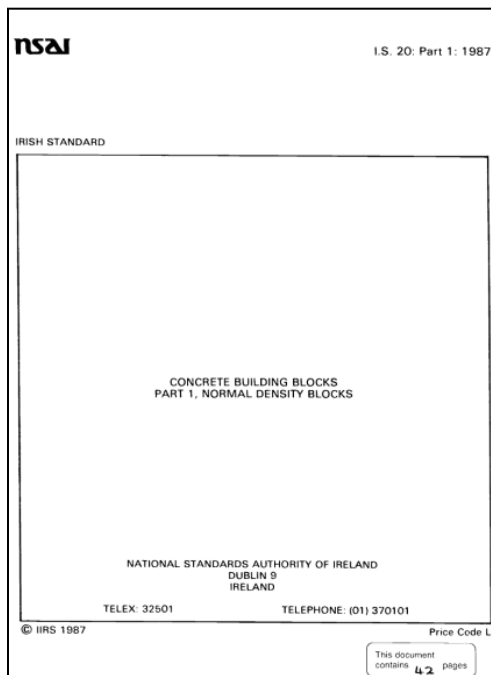


**Builder/Specifier  
Designer/Certifier**



# 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
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>		
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**

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# 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 has a CE Marking - look for the DOP and... review it!
- *“On the basis of the information contained in the DoP, the user will decide to buy, amongst all the products available on the market, the one which is fit for the use he intends to give to such product and he assumes the full responsibility of such decision” European Commission*
- Check the appropriate minimum performance levels required for specific intended uses in Ireland.



# Market Surveillance of CONSTRUCTION PRODUCTS



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



# Regulation (EC) No. 765/2008

- Regulation (EC) No. 765/2008 makes provision for –
  - rules on the organisation and operation of accreditation for conformity assessment bodies,
  - a framework for the market surveillance of products,
  - a framework for controls on products from third countries, and
  - general principles on CE marking.
- Entered into force across the EU on 1<sup>st</sup> January 2010.
- Market Surveillance Forum oversees implementation in Ireland.





# National Framework

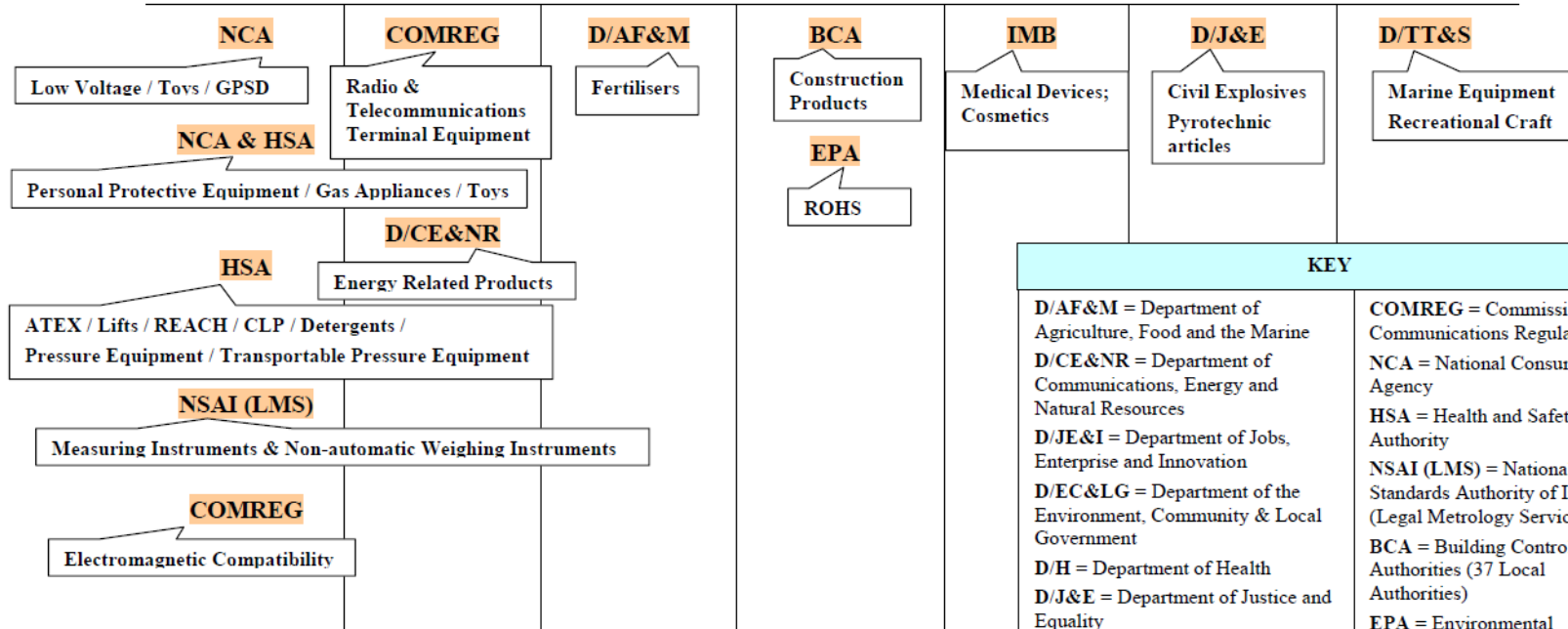
Regulation (EC) No. 765/2008



*Responsible for Community Harmonisation Legislation*

D/JE&I	D/CE&NR	D/AF&M	D/EC&LG	D/H	D/J&E	D/TT&S
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*Responsible for Enforcement - Market Surveillance Authority*



## KEY

**D/AF&M** = Department of Agriculture, Food and the Marine  
**D/CE&NR** = Department of Communications, Energy and Natural Resources  
**D/JE&I** = Department of Jobs, Enterprise and Innovation  
**D/EC&LG** = Department of the Environment, Community & Local Government  
**D/H** = Department of Health  
**D/J&E** = Department of Justice and Equality  
**D/TT&S** = Department of Transport, Tourism and Sport

**COMREG** = Commission for Communications Regulation  
**NCA** = National Consumer Agency  
**HSA** = Health and Safety Authority  
**NSAI (LMS)** = National Standards Authority of Ireland (Legal Metrology Service)  
**BCA** = Building Control Authorities (37 Local Authorities)  
**EPA** = Environmental Protection Agency  
**IMB** = Irish Medicines Board



# Draft Regulations

**EUROPEAN UNION (CONSTRUCTION PRODUCTS) REGULATIONS (S.I. 225 of 2013)** gives full effect to the CPR in Ireland (i.e. fill in the detail specific to Ireland)

## Contents

- CE marking, obligations on economic operators, market surveillance and safeguard procedures and 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 for the Environment, Community 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



# Corrective actions

## What is considered a problem?

- Product does not meet declared performance
- Product presents a risk to the fulfillment of the basic requirements
- Product complies, but nevertheless presents a risk to health and safety
- Formal non-compliance - no / incorrect CE marking / DoP / Technical Documentation

## What happens when there is a problem?

- Notice in writing – to direct EO to take corrective action within a specified period
- Notice in writing - to alert EO of an imminent request to the 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



# Miscellaneous

## Economic Operator

- Right to make representations to the market surveillance authority
- Right to appeal to the High Court

## Prosecution

- On summary conviction – Class A fine or imprisonment (up to 3 months)
- On conviction on indictment – Fine not exceeding €500,000 or imprisonment (up to 12 months)



# Further information



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# More information...

## Essential Reading:

- CPR No. 305/2011
- Regulation (EC) No. 765/2008

## 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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