

HEA

The Highway Electrical Association



HEA Guide to CE Marking including the Construction Products Regulations (CPR)

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Contents

Item		Page
1	Introduction	3
2	CE Marking other than under the CPR – General Requirements and Luminaires	3
3	Comparison of CE Marking Regimes and Key requirements	5
4	Key Points regarding the CPR	6
5	CPR Applicability	6
6	UK National Rules	7
7	Basic Requirements for Construction Works	7
8	Frequently Asked Questions	9
9	Rules and Conditions for affixing of CE Marking	13
10	Obligations of Importers	13
11	Obligations of Distributors	14
12	How is CE Marking policed?	14
13.1	Content of Declaration of Performance	15
13.2	Location of the Declaration of Performance	16
	Appendix 1 – Product Standards covered by the CPR	17
	Appendix 2 – Declaration of Performance Content	18
	Appendix 3 - Attestation Levels	19

HEA Guide to CE Marking in the UK including the Construction Products Regulations

1. Introduction

From 1 July 2013, under the Construction Products Regulation 2011 (CPR), manufacturers and distributors of highway electrical (construction) products have been required to apply CE marking to products available on the market – where such products are covered by a harmonised European standard (the usual position) or by a European Technical Assessment. The principle behind the requirement is to reduce barriers to trade across the European Community.

Unlike some other CE markings (e.g. for toys or other products), a construction product CE marking does not mean that the product meets absolute safety requirements: it simply shows the performance values of the product. This means that the product may not necessarily be suitable for use in all Member States, because all countries have different regulations and requirements for the use of products in order to ensure the safety of construction works (e.g. Building Regulations).

CE marking under the Construction Products Regulations (CPR) covers Construction Products which are any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof 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 are defined as buildings and civil engineering works.

It should be noted that this Guidance has been prepared in line with the latest advice available from Notified Bodies and other interested parties. As understanding of the implementation of the CPR and associated harmonised standards develops, the advice received may well change – and this will be reflected in updates to this Guidance from time to time. In particular this issue contains information from the E.C. “Blue Guide”.

2. CE Marking other than under the CPR

2.1 General Requirements

CE marking, other than that required under the CPR also exists to show product compliance with a number of EU Directives – including the Eco-Design (for energy using products) Directive, the Electromagnetic Compatibility (EMC) Directive, the Low Voltage (LV) Directive, the Machinery Directive and the Restriction of Hazardous Substances (RoHS) Directive. The relevant areas covered by such CE Marking are:

- active implantable medical devices
- appliances burning gaseous fuels
- cableway installations designed to carry persons
- eco-design of energy related products
- electromagnetic compatibility
- equipment and protective systems intended for use in potentially explosive atmospheres
- explosives for civil uses
- hot-water boilers
- household refrigerators and freezers
- in vitro diagnostic medical devices
- lifts

- low voltage equipment
- machinery
- measuring instruments
- medical devices
- noise emission in the environment
- non-automatic weighing instruments
- personal protective equipment
- pressure equipment
- pyrotechnics
- radio and telecommunications terminal equipment
- recreational craft
- safety of toys
- simple pressure vessels

2.2 Luminaires

Street Lighting luminaires are manufactured to BS EN 60598 – a harmonised European Standard. This standard is for luminaires and does not specify a light source – therefore light sources like compact fluorescent, high pressure discharge lamps and LEDs may be used in luminaires to BS EN 60598. The European Standard has been in place since approximately 1990 and was preceded by an IEC (International Electrotechnical Commission) standard.

Applicable European Directives for CE Marking

Street Lighting luminaires also have to comply with relevant European directives. Principally these are:

- the Low Voltage Directive (LVD) 2006/95/EC (for more information see http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/low-voltage/index_en.htm),
- the Electromagnetic Compatibility (EMC) Directive 2004/108/EC (for more information see http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/electromagnetic-compatibility/index_en.htm), and
- in 2011, the Recast RoHS Directive (Restriction of Hazardous Substances in electrical and electronic equipment) was included (http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/restriction-of-hazardous-substances/index_en.htm)

In addition, in 2009 the Energy related products directive (ErP) was included within CE Marking for relevant products (http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/ecodesign/index_en.htm)

The Low Voltage (LV), EMC and RoHS Directives cover health and safety risks for luminaires (& other applicable products) within the EC Common Market.

Further information and guidance is available in the “Blue Guide” to CE Marking at <http://ec.europa.eu/DocsRoom/documents/18027/>

CE Marking

Luminaires placed on the market in the UK (& other EC Member states) should be CE marked – covering the LV Directive, the EMC Directive, the RoHS Directive and the ErP Directive (where applicable). Such CE marking is in addition to any CE marking applicable to, for example, electronic control gear (or drivers for LEDs) or switches (e.g. Photocells or photoelectric control units). It should be noted that the Construction Products Regulations (CPR) which became law in the UK on 1st July 2013 do not cover luminaires – as these were already covered by the aforementioned directives.

It should be noted that CE marking, on its own (in part due to counterfeiting), is insufficient and it is essential that the Declaration of Conformity or Declaration of Performance produced by the manufacturer is also available

3. Comparison of CE Marking Regimes and Key Requirements

CE Marking (Other than under the CPR)	CE Marking (CPR)
Declaration of Conformity (DoC)	Declaration of Performance (DoP)
Specific CE requirement(s) + EN (or ETA)	CPR + EN (or ETA) + National Rules (SHW)
Self / 3 rd Party Certificated	3 rd Party Certificated
Enforced by: HSE / NMO / Trading Standards	Enforced by: Trading Standards

Construction Products Regulation – A construction product covered by a harmonised European standard (hEN) or a product which conforms to a European Technical Assessment (ETAss) that is placed on the market - CE marking required – use of Notified bodies (except Level 4 products) and instructions and safety information to be provided.

Enforcement by Local Authority Trading Standard

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/cpr>

Low Voltage Directive (LVD) - 2006/95/EC - Safety of electrical equipment - Products require CE Marking - Self assessment, optional use of a Notified Body - instructions for safe use to accompany the product.

Enforcement by HSE and Local Authority Trading Standards Services.

<https://www.gov.uk/guidance/electrical-equipment-manufacturers-and-their-responsibilities>

Electromagnetic Compatibility Directive (EMC) - Environmental Regulation of emission from and immunity of products to electromagnetic radiation; it does not address safety issues they would be addressed by product safety legislation. Products require CE Marking - Self assessment, optional use of a Notified Body - instructions for safe use and Declaration of Conformity to accompany the product.

Enforcement by OFCOM and Local Authority Trading Standards Services.

<https://www.gov.uk/guidance/manufactured-goods-and-electromagnetic-compatibility>

Eco design of Energy Related Products (Eco-design) – Environmental Regulation focusing on environmental impact of products, with a primary focus on energy. Products require CE Marking, self assessment (module A) and Declaration of Conformity. Enforcement by National Measurement Office.

Restriction of Certain Hazardous Substances in Electrical and Electronic

Equipment (RoHS) - Environmental Regulation focusing limiting the use of a listed set of substances identified as having environmental impacts at end of life. Products require CE Marking, self assessment (module A) and Declaration of Conformity.

Enforcement by National Measurement Office.

4. Key Points regarding the CPR and CE Marking

1. CE marking under the CPR is carried out where harmonised European Standards exist for that product and the harmonised European Standard is on the list of standards to which the CPR applies or where Eurocodes apply (EN1090 applied from 1st July 2014)
2. CE marking is carried out in accordance with the national rules, if any, of the Member state, for the purposes of this guide – the UK – England, Northern Ireland, Scotland and Wales.
3. CE marking means the product meets the essential characteristics as set out in the manufacturer's Declaration of Performance in relation to the essential characteristics set out in Annex ZA of the relevant European Standard and the particular Member State national rules (if any). By affixing or having affixed the CE marking, manufacturers indicate that they take responsibility for the conformity of the construction product with the declared performance
4. A Declaration of Performance and CE marking is not required where:
 - a. the construction product is individually manufactured or custom-made in a non-series process in response to a specific order, and installed in a single identified construction work, or
 - b. the construction product is manufactured on the construction site, or
 - c. the construction product is manufactured in a traditional manner or in a manner appropriate to heritage conservation and in a non-industrial process
5. CE marking and compliance with the CPR is carried out in a variety of ways from self certification to certification by Notified Bodies – dependent on the level of attestation which applies to the product and its harmonised European Standard - who audit the manufacturer in accordance with the requirements (see Appendix 3). The list of Notified Bodies for the UK and for Construction Products is held at:

http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=33

5. CPR Applicability

In respect of highway electrical products, the list of harmonised European Standards to which the CPR applies – and for which products covered by these standards required CE marking under the CPR from 1st July 2013 – current as at the date of this guidance are given below:

- EN 40 - Lighting Columns
- EN 12352/12368/12675 - Traffic Control equipment
- EN 12414 –Pay & Display Ticket machines
- EN 12767 – Passive Safety of support structures
- EN 12899 – Fixed traffic signs
- EN 12966 – VMS
- EN 1090 – Eurocode for the Execution of steel structures and aluminium structures. Requirements for conformity assessment of structural components / technical requirements (from 1st July2014)
- EN 5075 – Power, control and communication cables

A full list is available at <http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/construction-products/>

6. UK National Rules

General information on CE Marking in the UK can be found at:

<https://www.gov.uk/guidance/ce-marking>

The national rules for the UK as a Member State can be found at

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/cpr>

In respect of highway electrical works – the national rules are the Highways Agency Specification for Highways Works. However the Department for Communities and Local Government (DCLG) acknowledges that this is for the motorway and trunk road network – and therefore its applicability to other highways may be subject to challenge. In the absence of agreed Member State national rules, the CPR applies as stated.

While manufacturers do not need to declare performance for every characteristic of a construction product, they do need to do so for those characteristics for which there are provisions (i.e. regulations or technical rules) in relation to the intended use or uses in the Member States where the manufacturer intends the product to be made available on the market.

7. Basic Requirements For Construction Works under the CPR

Construction works as a whole and in their separate parts must be fit for their intended use, taking into account in particular the health and safety of persons involved throughout the life cycle of the works. Subject to normal maintenance, construction works must satisfy these basic requirements for construction works for an economically reasonable working life.

1. Mechanical resistance and stability

The construction works must be designed and built in such a way that the loadings that are liable to act on them during their constructions and use will not lead to any of the following:

- (a) collapse of the whole or part of the work;
- (b) major deformations to an inadmissible degree;
- (c) damage to other parts of the construction works or to fittings or installed equipment as a result of major deformation of the load-bearing construction;
- (d) damage by an event to an extent disproportionate to the original cause.

2. Safety in case of fire

The construction works must be designed and built in such a way that in the event of an outbreak of fire:

- (a) the load-bearing capacity of the construction can be assumed for a specific period of time;
- (b) the generation and spread of fire and smoke within the construction works are limited;
- (c) the spread of fire to neighbouring construction works is limited;
- (d) occupants can leave the construction works or be rescued by other means;
- (e) the safety of rescue teams is taken into consideration.

3. Hygiene, health and the environment

The construction works must be designed and built in such a way that they will, throughout their life cycle, not be a threat to the hygiene or health and safety of workers, occupants or neighbours, nor have an exceedingly high impact, over their entire life cycle, on the environmental quality or on the climate during their construction, use and demolition, in particular as a result of any of the following:

- (a) the giving-off of toxic gas;
- (b) the emissions of dangerous substances, volatile organic compounds (VOC), greenhouse gases or dangerous particles into indoor or outdoor air;
- (c) the emission of dangerous radiation;
- (d) the release of dangerous substances into ground water, marine waters, surface waters or soil;
- (e) the release of dangerous substances into drinking water or substances which have an otherwise negative impact on drinking water;
- (f) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste;
- (g) dampness in parts of the construction works or on surfaces within the construction works.

4. Safety and accessibility in use

The construction works must be designed and built in such a way that they do not present unacceptable risks of accidents or damage in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion and burglaries. In particular, construction works must be designed and built taking into consideration accessibility and use for disabled persons.

5. Protection against noise

The construction works must be designed and built in such a way that noise perceived by the occupants or people nearby is kept to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions.

6. Energy economy and heat retention

The construction works and their heating, cooling, lighting and ventilation installations must be designed and built in such a way that the amount of energy they require in use shall be low, when account is taken of the occupants and of the climatic conditions of the location. Construction works must also be energy-efficient, using as little energy as possible during their construction and dismantling.

7. Sustainable use of natural resources

The construction works must be designed, built and demolished in such a way that the use of natural resources is sustainable and in particular ensure the following:

- (a) reuse or recyclability of the construction works, their materials and parts after demolition;
- (b) durability of the construction works;
- (c) use of environmentally compatible raw and secondary materials in the construction works.

8 CE Marking under the CPR - Frequently Asked Questions

Question	Current Guidance
1. Do all construction products have to be CE Marked (with effect from 1 st July 2013)?	No. CE marking is required where there is a harmonised European Standard (the usual method) or a European Technical Assessment in place or where relevant Eurocodes apply (e.g. EN1090). Where no such standard or technical assessment exists, the product cannot be CE marked. There are other exemptions, for example if the product is a non-standard custom made “special” it does not have to be CE marked. (Note that the Low Voltage Directive and other directives also require CE marking). In addition there are some products used in construction works which are not classified as “construction products” – for example luminaires manufactured to EN 60598 are not CE marked against the CPR, but are CE marked against, for example, the Low Voltage Directive, EMC etc.
2. What is the process for CE marking?	The process for CE marking where a harmonised European Standard exists is, in principle: <ol style="list-style-type: none"> a. The manufacturer reviews Annex ZA within the harmonised Standard b. The manufacturer makes a Declaration of Performance based on the requirements of Annex ZA (the “essential characteristics”) and any Member State national rules applying c. The manufacturer is assessed for compliance with the CPR and their Declaration of Performance by a Notified Body (this is carried out in a similar manner to ISO9001 certification, but through certification of product performance and factory production control (fpc) – dependent on the attestation level of the product as determined by the European Commission d. The manufacturer applies the CE mark to the products or packaging etc. as permitted
3. So CE marking means the product is compliant with the relevant harmonised European Standard?	Not necessarily. It depends on three things – first the requirements of the Annex ZA within the harmonised Standard, second – the requirements of any Member State national rules, and thirdly the details in the manufacturer’s Declaration of Performance. The requirements of the Annex ZA may not cover all aspects of the harmonised standard required by customers (for example, it may not cover physical dimensions). The Declaration of Performance may cover only one aspect of the Annex ZA requirements (the minimum permitted), with the remaining requirements marked as NPD (No Performance Determined) unless national rules apply
4. So if I can’t rely on CE marking on its own, what should I be looking for?	You would need to be familiar with the manufacturer’s Declaration of Performance (see Appendix 2) or for CE Marking other than through the CPR – the Declaration of Conformity and the harmonised Standard Annex ZA to see that it meets your requirements as well as any applicable national (technical) rules
5. If I specify exactly what I want in my contract document – would that be acceptable?	Possibly. However a public body, or a private body acting on their behalf, cannot discriminate against a CE marked product (or one which is being offered as an alternative (providing any national rules are complied with)) – as the principle behind CE marking is to enhance free movement in the market.
6. If I’m offered a CE marked product, it may not meet all my requirements. How can I ensure my requirements are set out and met?	In addition to the harmonised standard or European technical assessment, the requirements are set out in the Member State (in this case the UK) national rules. For buildings – these are the Building Regulations. For highway electrical products, the national rules published are the Highways Agency Specification for Highway Works which is currently being reviewed. Specifiers and procurers should make reference to national rules where these exist. Finally – check the manufacturer’s Declaration of Performance (DoP) to ensure it covers the necessary elements

<p>7. If I install a luminaire and column, will the whole unit be CE marked?</p>	<p>No. There is no harmonised European Standard which covers the whole assembly of a luminaire and a column. The column would be CE marked under the CPR, and the luminaire would be CE marked separately under the relevant directives (e.g. LVD, EMC). Obviously the asset owner must have both expertise and systems in place to ensure any limiting factors (e.g. maximum weight and windage of a luminaire or a given column) are not exceeded (whether on first installation or during the life of the column in this particular example).</p>
<p>8. If I install a column from one manufacturer and a bracket from another what are the implications?</p>	<p>Columns and brackets are covered by the same harmonised standard. The current advice we have received is that it is not possible to use one manufacturer's CE marking with another because of the need to produce a Declaration of Performance for the combination of the column and bracket (in this example). You can go to one manufacturer (e.g. the column manufacturer) to ensure the design loads for the bracket are compatible with the column design – and the column manufacturer may then cover the bracket within their CE marking and Declaration of Performance. There will still need to be Factory Production Control assessment of the bracket manufacturer in this example. If you source separately, you become liable for CE marking under the CPR</p>
<p>9. What about high masts?</p>	<p>There is no harmonised European Standard which covers high masts (BS EN 40 has a 20m limit on the height of products covered by the standard). However, high masts are covered by the EN1090 Eurocode. The winch is also covered by the machinery directive and the appropriate equipment would need to be CE marked to that.</p>
<p>10. Where illuminated signs are being installed, it is common to source the lighting unit, sign face, fixings and post from more than one manufacturer. What are the implications here?</p>	<p>Whilst the harmonised European Standard covering these products (BS EN 12899) refers to the “whole assembly”, a pragmatic solution to CPR compliance has been put forward by Notified Bodies as follows:</p> <p>If a client / purchaser sources the sign plate, fixings, post and / or lighting unit from more than one manufacturer, then:</p> <ul style="list-style-type: none"> • providing the individual items are certified as compliant with BS EN 12899, and • their combination is appropriate and within the limits of the individual items and • the individual items are assembled and installed in accordance with the manufacturers' instructions <p>then the client / purchaser has no further obligations under the CPR.</p> <p>It should be noted that:</p> <ul style="list-style-type: none"> ▪ Fixings and luminaires will not be CE marked under BS EN 12899 - but shall have a Certificate of Conformity to show that they meet the relevant parts of BS EN12899 ▪ Clients / purchasers (& distributors) have an obligation to ensure the combination of individual items are suitable and within the declared limits of each item. This means (a) advising the manufacturer(s) of each item at the point of requesting a quotation or on order how and where it will be used and (b) the client / purchaser / distributor having a system in place to ensure that inappropriate individual items are not inadvertently combined in an assembled product <p>(Clients / purchasers can also ask one manufacturer to include the other items within their own CE marking and Declaration of Performance).</p>
<p>11. I am specifying un-</p>	<p>No as unilluminated self righting retroreflective bollards are covered by</p>

illuminated self righting retroreflective bollards – do these need to be CE marked?	BS8442. CE marking only applies to products where a harmonised European Standard exists (or a European Technical Assessment). CE marking under the CPR applies only to those products falling within the scope of the harmonised European Standards listed.
12. What are the requirements for power cables?	<p>The requirements for cables are under the CPR and these relate to two basic requirements being:</p> <ul style="list-style-type: none"> • Reaction to fire, and • Dangerous substances <p>Therefore you should not rely solely on the CE marking, as other key aspects, such as electrical characteristics and performance are covered by the relevant Standards.</p>
13. Who is responsible for policing CE marking?	<p>In the UK, the market surveillance authorities are the National Measurement Office (NMO), Trading Standards and the Health and Safety Executive . However a number of trade member organisations (including the HEA) will look at any reports of non-compliance as part of their complaints procedure. The HEA biennial audit includes establishing the existence of the technical file, which supports the Declaration of Performance.</p>
14. What issues does the modification of products post production (e.g. retro-fitting) have?	<p>Repairs or replacement of individual components may not require re-CE marking – providing that the equipment used is in itself appropriately CE marked. However, carrying out any modifications, including retro-fitting which is not approved by the original manufacturer, to a product after delivery from the manufacturer may technically render the CE marking and any manufacturer warranties null and void. Those ordering, specifying or carrying out the modifications would be liable for ensuring compliance with the relevant directives. Guidance from the EC “Blue Guide” is repeated below:</p> <p>A product, which has been subject to important changes or overhaul aiming to modify its original performance, purpose or type after it has been put into service, having a significant impact on its compliance with Union harmonisation legislation, must be considered as a new product. This has to be assessed on a case-by-case basis and, in particular, in view of the objective of the legislation and the type of products covered by the legislation in question.</p> <p>Where a rebuilt ⁽⁴⁴⁾ or modified product is considered as a new product, it must comply with the provisions of the applicable legislation when it is made available or put into service. This has to be verified by applying the appropriate conformity assessment procedure laid down by the legislation in question. In particular, if the risk assessment leads to the conclusion that the nature of the hazard has changed or the level of risk has increased, then the modified product has to be considered as a new product, i.e. compliance of the modified product with the applicable essential requirements has to be reassessed and the person carrying out the modification has to fulfil the same requirements as an original manufacturer, for example preparation of the technical documentation, drawing up a EU declaration of conformity and affixing the CE marking on the product.</p> <p>In any case, a modified product sold under the name or trademark of a natural or legal person different from the original manufacturer, should be considered as new and subject to Union harmonisation legislation. The person who carries out important changes to the product carries the responsibility for verifying whether or not it should be considered as a new product in relation to the relevant Union harmonisation legislation. If the product is to be considered as new, this person becomes the manufacturer with the corresponding obligations. Furthermore, in the case the conclusion is that it is a new product, the product has to undergo a full conformity assessment before it is made available on the market. However, the technical documentation has to be updated in as much as the modification has an impact on the requirements of the applicable legislation. It is not necessary to repeat tests and produce new documentation in relation to aspects not impacted by the modification, as long as the manufacturer has copies (or access to copies) of the original test reports for the unchanged</p>

	<p>aspects. It is up to the natural or legal person who carries out changes or has changes carried out to the product to demonstrate that not all elements of the technical documentation need to be updated.</p> <p>Products which have been repaired or exchanged (for example following a defect), without changing the original performance, purpose or type, are not to be considered as new products according to Union harmonisation legislation.</p>
<p>15. Is there anything else I need to know regarding CE marked products under the CPR?</p>	<p>Yes – in order to comply fully with the CPR, all products CE marked in accordance with the CPR must be <u>installed in accordance with the manufacturer’s instructions</u>.</p> <p>In addition, local authority clients (or those acting on their behalf) should check their contract documents and ensure products falling within the CPR are specified strictly in accordance with the harmonised European Standard applicable and any UK national rules. Any requirements which are additional to the harmonised European Standard, and not in accordance with the national rules are likely to be deemed as breaching the EU requirements (the same applies to any such requirements produced by any industry advisory body)</p>

9. Rules and conditions for the affixing of CE marking under the CPR

1. The CE marking shall be affixed visibly, legibly and indelibly to the construction product or to a label attached to it. Where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents.

2. The CE marking shall be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity, the unique identification code of the product-type, the reference number of the Declaration of Performance, the level or class of the performance declared, the reference to the harmonised technical specification applied, the identification number of the notified body, if applicable, and the intended use as laid down in the harmonised technical specification applied.

Manufacturers shall, as the basis for the Declaration of Performance, draw up technical documentation describing all the relevant elements related to the required system of assessment and verification of constancy of performance.

Manufacturers shall keep the technical documentation and the Declaration of Performance for a period of 10 years after the construction product has been placed on the market.

Where appropriate, the Commission may, by means of delegated acts in accordance with Article 60, amend that period for families of construction products on the basis of the expected life

Manufacturers shall indicate on the construction product or, where that is not possible, on its packaging or in a document accompanying it, their name, registered trade name or registered trade mark and their contact address. The address shall indicate a single point at which the manufacturer can be contacted.

When making a construction product available on the market, manufacturers shall ensure that the product is accompanied by instructions and safety information in a language determined by the Member State concerned which can be easily understood by users.

10. Obligations of importers

1. Importers shall place on the Union market only construction products which are compliant with the applicable requirements of this Regulation.

2. Before placing a construction product on the market, importers shall ensure that the assessment and the verification of constancy of performance has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation referred to in the second subparagraph of Article 11(1) and the Declaration of Performance in accordance with Articles 4 and 6. They shall also ensure that the product, where required, bears the CE marking, that the product is accompanied by the required

documents and that the manufacturer has complied with the requirements set out in Article 11(4) and (5).

3. Importers shall indicate on the construction product or, where that is not possible, on its packaging or in a document accompanying the product their name, registered trade name or registered trade mark and their contact address.

4. Importers shall ensure that, when making a construction product available on the market, the product is accompanied by instructions and safety information in a language determined by the Member State concerned which can be easily understood by users.

11. Obligations of distributors

1. When making a construction product available on the market, distributors shall act with due care in relation to the requirements of this Regulation.

2. Before making a construction product available on the market distributors shall ensure that the product, where required, bears the CE marking and is accompanied by the documents required under this Regulation and by instructions and safety information in a language determined by the Member State concerned which can be easily understood by users. Distributors shall also ensure that the manufacturer and the importer have complied with the requirements set out in Article 11(4) and (5) and Article 13(3) respectively.

Where a distributor considers or has reason to believe that a construction product is not in conformity with the Declaration of Performance or not in compliance with other applicable requirements in this Regulation, the distributor shall not make the product available on the market until it conforms to the accompanying Declaration of Performance and it complies with the other applicable requirements in this Regulation or until the Declaration of Performance is corrected. Furthermore, where the product presents a risk, the distributor shall inform the manufacturer or the importer thereof, and the market surveillance authorities.

3. A distributor shall ensure that, while a construction product is under his responsibility, storage or transport conditions do not jeopardise its conformity with the Declaration of Performance and compliance with other applicable requirements in this Regulation.

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer pursuant to Article 11, where he places a product on the market under his name or trademark or modifies a construction product already placed on the market in such a way that conformity with the Declaration of Performance may be affected.

12. How is CE marking policed?

Where, in the course of that evaluation, the market surveillance authorities find that the construction product does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take all appropriate corrective actions to bring the product into compliance with those requirements, notably with

the declared performance, or to withdraw the product from the market, or recall it within a reasonable period, commensurate with the nature of the risk, as they may prescribe.

In the UK, the enforcing authorities are the National Measurement Office (NMO), Trading Standards and the Health and Safety Executive (see page 5)

Complying construction products which nevertheless present a risk to health and safety

Where, having performed an evaluation pursuant to Article 56(1), a Member State finds that, although a construction product is in compliance with this Regulation, it presents a risk for the fulfilment of the basic requirements for construction works, 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, to withdraw the construction product from the market or to recall it within a reasonable period, commensurate with the nature of the risk, which it may prescribe.

13.1 Content of the Declaration of Performance

1. The Declaration of Performance shall express the performance of construction products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications.
2. The Declaration of Performance shall contain, in particular, the following information:
 - (a) the reference of the product-type for which the Declaration of Performance has been drawn up;
 - (b) the system or systems of assessment and verification of constancy of performance of the construction product, as set out in Annex V;
 - (c) the reference number and date of issue of the harmonised standard or the European Technical Assessment which has been used for the assessment of each essential characteristic;
 - (d) where applicable, the reference number of the Specific Technical Documentation used and the requirements with which the manufacturer claims the product complies.
3. The Declaration of Performance shall in addition contain:
 - (a) the intended use or uses for the construction product, in accordance with the applicable harmonised technical specification;
 - (b) the list of essential characteristics, as determined in the harmonised technical specification for the declared intended use or uses
 - (c) the performance of at least one of the essential characteristics of the construction product, relevant for the declared intended use or uses;
 - (d) where applicable, the performance of the construction product, by levels or classes, or in a description, if necessary based on a calculation in relation to its essential characteristics determined in accordance with Article 3(3);
 - (e) the performance of those essential characteristics of the construction product which are related to the intended use or uses, taking into consideration the provisions in relation to the intended use or uses where the manufacturer intends the product to be made available on the market;
 - (f) for the listed essential characteristics for which no performance is declared, the letters 'NPD' (No Performance Determined);

(g) when a European Technical Assessment has been issued for that product, the performance, by levels or classes, or in a description, of the construction product in relation to all essential characteristics contained in the corresponding European Technical Assessment.

4. The Declaration of Performance shall be drawn up using the model set out in Annex III.

5. The information referred to in Article 31 or, as the case may be, in Article 33 of Regulation (EC) No 1907/2006, shall be provided together with the Declaration of Performance.

13.2 Location of the Declaration of Performance

The Declaration of Performance may be made available in paper or electronic form or on the manufacturer's or distributor's website (see delegated act extract below).

CPR - Delegated act on the conditions for making a declaration of performance on construction products available on a website – issued Feb 2014

1. Economic operators may make available a declaration of performance referred to in Article 4(1) of Regulation (EU) No 305/2011 on a website, by virtue of derogation from Article 7(1) of Regulation (EU) No 305/2011, provided that they comply with all of the following conditions:

(a) they shall ensure that the content of a declaration of performance is not altered after it has been made available on the website;

(b) they shall ensure that the website where the declarations of performance drawn up for construction products have been made available is monitored and maintained so that the website and the declarations of performance are continuously available to recipients of construction products;

(c) they shall ensure that the declaration of performance may be accessed by the recipients of construction products free of charge for a period of 10 years after the construction product has been placed on the market, or for such other period that may be applicable in accordance with the second subparagraph of Article 11(2) of Regulation (EU) No 305/2011;

(d) they shall provide instructions to the recipients of construction products on how to access the website and the declarations of performance drawn up for such products available on that website.

2. Manufacturers shall ensure that every single product, or batch of the same product, they are placing on the market is linked to a given declaration of performance by means of the unique identification code of the product-type.

Appendix 1

Product Standards covered by the Construction Products Regulations

For the latest up to date information see:

http://ec.europa.eu/growth/sectors/construction/product-regulation/index_en.htm and

<http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/construction-products/>

Appendix 2 – The CPR Declaration of Performance (DoP) Content

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 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 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 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 37 or 38 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)

Appendix 3 – Attestation Levels - Systems of Assessment and Verification of Constancy of Performance

1.1. System 1+ – Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:

(a) the manufacturer shall carry out:

(i) factory production control;
(ii) further testing of samples taken at the factory in accordance with the prescribed test plan;

(b) the notified product certification body shall issue the certificate of constancy of performance of the product on the basis of:

(i) determination of the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product;
(ii) initial inspection of the manufacturing plant and of factory production control;
(iii) continuous surveillance, assessment and evaluation of factory production control;
(iv) audit-testing of samples taken before placing the product on the market.

1.2. System 1 – Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:

(a) the manufacturer shall carry out:

(i) factory production control;
(ii) further testing of samples taken at the factory by the manufacturer in accordance with the prescribed test plan;

(b) the notified product certification body shall issue the certificate of constancy of performance of the product on the basis of:

(i) determination of the product type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product;
(ii) initial inspection of the manufacturing plant and of factory production control;
(iii) continuous surveillance, assessment and evaluation of factory production control.

1.3. System 2+ – Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:

(a) the manufacturer shall carry out:

(i) determination of the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product;

(ii) factory production control;
(iii) testing of samples taken at the factory in accordance with the prescribed test plan;

(b) the notified production control certification body shall issue the certificate of conformity of the factory production control on the basis of:

(i) initial inspection of the manufacturing plant and of factory production control;
(ii) continuous surveillance, assessment and evaluation of factory production control.

1.4. System 3 – Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:

(a) the manufacturer shall carry out factory production control;

(b) the notified testing laboratory shall carry out determination of the product-type on the basis of type testing (based on sampling carried out by the manufacturer), type calculation, tabulated values or descriptive documentation of the product.

1.5. System 4 – Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:

(a) the manufacturer shall carry out:

(i) determination of the product-type on the basis of type testing, type calculation, tabulated values or descriptive documentation of the product;

(ii) factory production control;

(b) no tasks for the notified body.

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