

# IMPLEMENTATION OF THE REGULATION 305/2011 ON CONSTRUCTION PRODUCTS

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ÚŘAD PRO TECHNICKOU NORMALIZACI, METROLOGII A STÁTNÍ ZKUŠEBNICTVÍ

# Regulation 305/2011 on Construction Products (CPR)

## What is CPR?

Construction Products Regulation (the CPR) is a legislative act adopted by European Commission in April 2011 that:

- Applies for construction products covered with harmonized European standards
- Lays down harmonized conditions for the marketing of construction products
- Replaced a previous European legislative, Construction Products Directive (CPD)
- Describes stricter and more transparent procedures for introducing these construction products with CE marking to the common EU market
- Came into full force since on July 1st, 2013
- Is obligatory for all countries belonging to the European Economic Area (EU members plus Iceland, Liechtenstein and Norway)
- Follows 'New Legislative Framework', established by Regulations 764/2008 and 765/2008 of the European Parliament, plus Decision 768/2008 of the EP

# Regulation 305/2011 on Construction Products (CPR)

## What 's the aim of CPR?

Construction Products Regulation (the CPR) is to ensure reliable information on construction products in relation to their performances. This is achieved by providing a “**common technical language**”, offering uniform assessment methods of the performance of construction products. These methods have been compiled in harmonised European standards (hEN) and European Assessment Documents (EAD).

This common technical language is to be applied by:

- **the manufacturers** when declaring the performance of their products, but also by
- **the authorities of Member States** when specifying requirements for them, and by
- **their users** (architects, engineers, constructors...) when choosing the products most suitable for their intended use in construction works.

# Regulation 305/2011 on Construction Products (CPR)

## The benefits of CPR

- 'Regulation' is directly and equally applicable in all member states of EU while former 'Directive' had to be interpreted and introduced into national legislatures of individual EU countries; this will increase credibility for the whole system
- DoP (Declaration of Performance) is more user-friendly than DoC (Declaration of Conformity), and this document follows the product on its way from the manufacturer to the end user
- CE marking has a clear meaning

## After 1/07/2013:

- No change for products lawfully placed on the market before 1/07/2013: products fulfilling Construction Products Directive 89/106 are considered to satisfy CPR as well (art 66)
- No change for products not covered by harmonised standards: they remain within the framework of national law (act no. 22/1997 Coll.)
- New situation for producers of all construction products covered by hEN:
  - Draw-up a Declaration of Performance (art 4.1)
  - Assessment methods used are the one's given in the hEN
  - The determination of the product-type is carried out by a Notified Body when relevant (system 1+, 1, 3) according to the provisions of hEN
  - The level value or class of performance is reported in the DoP, or NPD (No Performance Declared)
  - No empty DoP: one value for, at least, one essential characteristic
  - The information referred to in REACH (art 31 or 33) shall be provided with the DoP

- Assure traceability. Unique identification code of the product-type for which the DoP has been issued (art 6 and 9)
- Reference number of the DoP (art 6 and 9)
- A type, batch or serial number or any other elements allowing the identification of the construction products made available on the market (11.4)
- Supply the DoP with each product made available on the market (article 7) in paper form or using electronic means (fax, mail, ...)
- In any case, a paper copy is supplied if the recipient requests it
- The DoP may be made available on websites, under conditions which will be determined by a delegated act of the European Commission
- Affix the CE marking on the product, a label affixed to it, the packaging or accompanying documents (art 9)
- Affixing the CE marking, the manufacturer takes the responsibility of the conformity of the product to the DoP

- Add information with the CE (art 9.2, 11.5):
  - name and address of manufacturer,
  - reference of hEN
  - unique identification code of the product
  - number of the DoP
  - number of Notified Body if relevant
  - information on level and performance declared
- In case of doubt on the conformity of the product with the DoP, manufacturers shall cooperate with surveillance authorities (information on product and all justifications, corrective action, recall of products according to art 56) and inform the surveillance authorities in case of risk, and ensure any corrective action (art 57, 58)

## Voluntary activity

- DoP may be drawn up for products placed on the market before 1/07/2013 on the basis of certificate or declaration of conformity issued in accordance with CPD (no new tests, no audit, only transcription of existing data in the DoP)

- There are 23 notified bodies settled in the Czech Republic and registered in the information system of EU called „NANDO“. Their authorization is based on accreditation. Together they are covering most of the product families under CPR. Many of them are active members of various Working Groups of European Commission and their Czech „mirrors“ – Technical Committees.
- Operational obligations – art 52 CPR
- Information obligations towards the notifying authority – art 53 CPR
- Information obligations towards the surveillance authority – art 18 (4) of the Czech act 22/1997 Coll.: If the surveillance body reasonable doubt that the construction product bearing the CE marking fails to meet requirements laid down by the CPR, may ask the concerned notified body for information and documents relevant to assessment and verification of constancy of performance of this product, including the issued certificate, technical documentation and test reports.



## Article 52

### Operational obligations for notified bodies

1. Notified bodies shall carry out third party tasks in accordance with the systems of assessment and verification of constancy of performance provided for in Annex V.

2. Assessments and verifications of constancy of performance shall be carried out with transparency as regards the manufacturer, and in a proportionate manner, avoiding an unnecessary burden for economic operators. The notified bodies shall perform their activities taking due account of the size of the undertaking, the sector in which the undertaking operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

In so doing, the notified bodies shall nevertheless respect the degree of rigour required for the product by this Regulation and the part played by the product for the fulfilment of all basic requirements for construction works.

## Article 52

### Operational obligations for notified bodies

3. Where, in the course of the initial inspection of the manufacturing plant and of factory production control, a notified body finds that the manufacturer has not ensured the constancy of performance of the manufactured product, it shall require the manufacturer to take appropriate corrective measures and shall not issue a certificate.
4. Where, in the course of the monitoring activity aiming at the verification of the constancy of performance of the manufactured product, a notified body finds that a construction product no longer has the same performance to that of the product-type, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw its certificate if necessary.
5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.

# Information obligations of notified bodies towards the notifying authority

## Article 53

### Information obligations for notified bodies

1. Notified bodies shall inform the notifying authority of the following:
  - (a) any refusal, restriction, suspension or withdrawal of certificates;
  - (b) any circumstances affecting the scope of, and conditions for, notification;
  - (c) any request for information on assessment and/or verification of constancy of performance activities carried out which they have received from market surveillance authorities;
  - (d) on request, third party tasks in accordance with the systems of assessment and verification of constancy of performance carried out within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.

# Role of Czech Office for Standardization, Metrology and Testing (UNMZ)

- **UNMZ** offers an internet service for companies and individuals who need to get an access to the [Czech Technical Standards on-line](http://www.unmz.cz/urad/csn-on-line) ; this service is operated on a commercial basis: <http://www.unmz.cz/urad/csn-on-line>
- **Testing Department** of UNMZ has been designated as a national notifying authority (art 40), responsible for setting up and carrying out the procedures for the assessment and notification of the so-called third parties in the process of assessment and verification of constancy of performance; Czech Republic was amongst the first EU countries which succeeded to transform all its notified bodies from CPD to CPR
- **TD** also performs the monitoring of notified bodies, including their compliance with all the demands of art 43
- **TD** co-operates with the Czech Trade Inspection Authority (a national market surveillance authority of the Czech Republic)
- **TD** co-operates with the Ministry of Industry and Trade in answering questions coming through the Product Contact Point for CPR according to art 10: <http://www.mpo.cz/dokument142095.html>

# Role of Czech Office for Standardization, Metrology and Testing (UNMZ)

- **Testing Department of UNMZ** runs a very sophisticated information database for everyone who is either professionally or privately interested in construction products, placed on the common EU market (in Czech language only):

<http://www.unmz.cz/urad/informacni-portal-unmz-specializovany-na-pravni-a-technicke-dokumenty-v-oblasti-uvadeni-stavebnich-vyrobku-na-jednotny-evropsky-trh-c233>

- Other subjects we collaborate with:
  - Czech Accreditation Institute [www.cia.cz](http://www.cia.cz)
  - Association of Accredited and Authorized Organizations [www.aaao.cz](http://www.aaao.cz)

# THANK YOU FOR YOUR ATTENTION.

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