

Construction Products Regulation – Are you ready?

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What's going to change and for who?

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



Presentation overview

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



The concept of the Construction Products Regulation



When is it going to happen?

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



The concept – The free movement of construction products

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

Trade –
not use

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

Not a declaration of
quality

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

One technical
language across
Europe



The concept – The free movement of construction products

This “common technical language” must be used by:

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



Placing a **CONSTRUCTION PRODUCT** on the market



In practice, how does it work?

Four key elements...

The four key instruments, all originated in the CPD:

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



(i) Harmonised technical specifications...

Two types of harmonised technical specifications

- Harmonised product standards (over 400 standards)
 - European Assessment Documents (2900 ETAs under CPD)
- **Harmonised product standards (h ENs)**
 - Conflicting National standards (eg I.S. or BSs) must be withdrawn
 - All h ENs have an Annex ZA which demonstrates how to comply with the CPR
 - It lists the regulated product characteristics
 - It references back to specific clauses in the standard
 - It sets out the roles for the manufacturer and the notified body (if required)
 - Explains the process for CE Marking
- **European Assessment Documents (EADs)**
 - Products not covered or not fully covered by hENs
 - A route to CE Marking
 - At the request of the manufacturer

Traditional
Products

Innovative
Products



List of product areas that are covered by hENs

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



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

(iii) Notified bodies...

Assessment of performance & verification of constancy

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

A framework of notified bodies

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



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

The DoP shall contain:

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

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

 8910
AnyCo Ltd, PO Box 21, Dublin 16 Ireland
13
00001-CPR-2013/05/12 EN 123 - 5: 2009
Product A intended to be used in (e.g. curtain walling, fire compartmentation, etc.)
essential characteristic 1: 50N/cm ² 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 st July 2013	X	Be satisfied that manufacturer has done all that is required	Be satisfied that product complies and all documents are available
Keep documentation for 10 years	X	X	
Ensure consistent production	X		
Monitor the product on the market, where appropriate	X	X	
Ensure the product is identifiable	X	X	X
Indicate a contact point for the product	Manufacturers details	Importers details	M & I details
Provide instructions and safety information in the appropriate languages	X	X	X
Take corrective measures where necessary	X	X	X
Store and move products appropriately		X	X
Cooperate with requests from national authorities	X	X	X



Product Contact Points

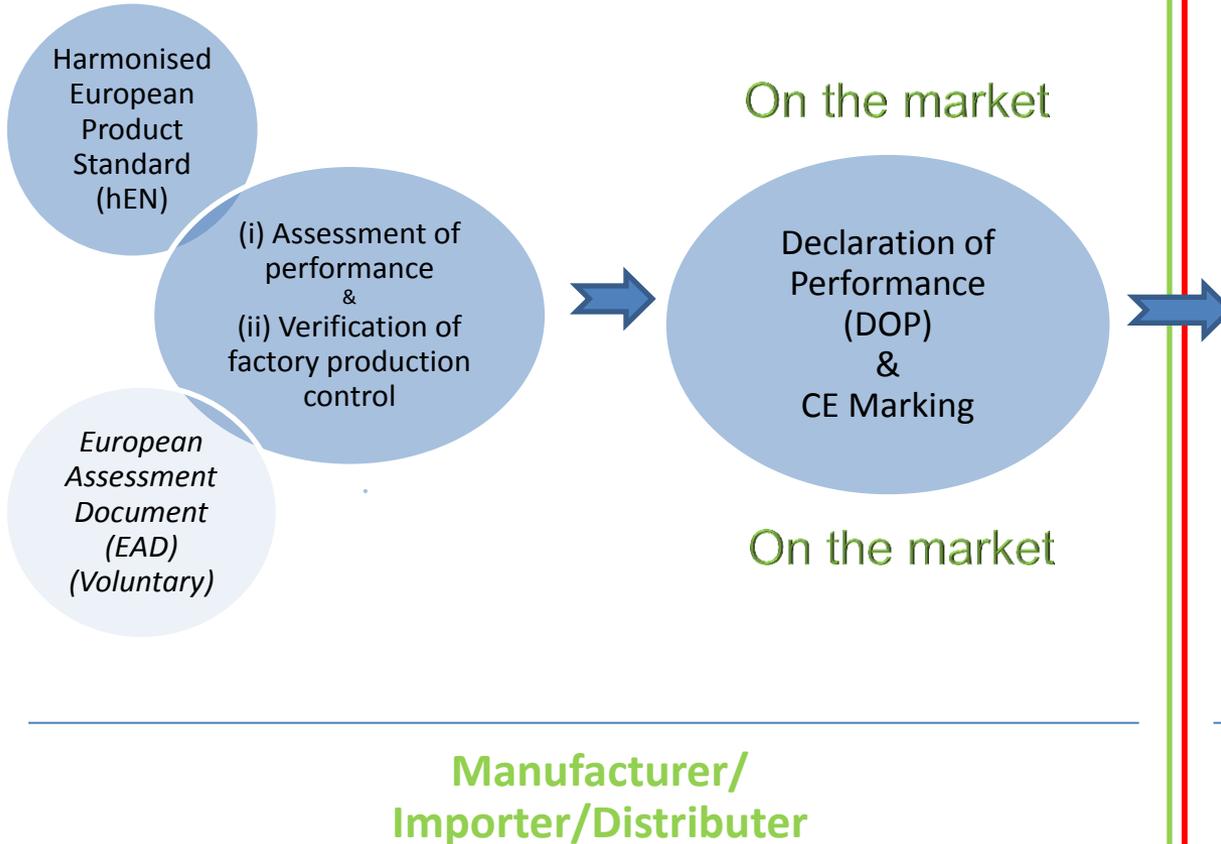
National CPR product contact points

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

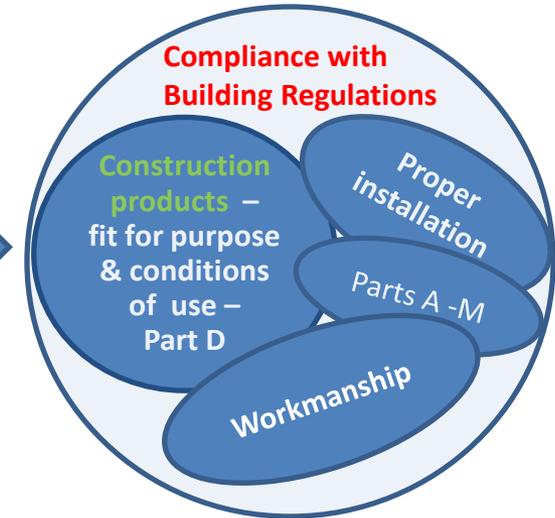


Recapping...

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



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



**Builder/Specifier
Designer/Certifier**



Using a CONSTRUCTION PRODUCT in building works



Engineers, Architects, Builders...



AnyCo Ltd, PO Box 21, Dublin 16
Ireland

13

00001-CPR-2013/05/12

EN 123 - 5: 2009

Product A

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

essential characteristic 1: 50N/cm²

essential characteristic 2: Pass

essential characteristic 3: Class A1

essential characteristic 4: RE 60

essential characteristic n: xxx

Durability of essential characteristic 1:

expressed as indicated in the DoP

Durability of essential characteristic n:

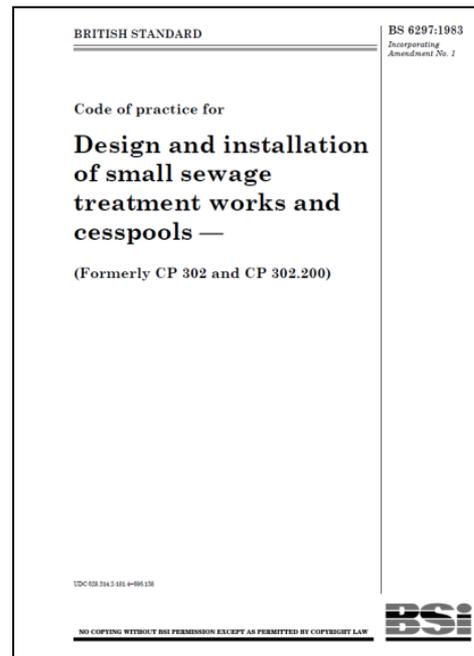
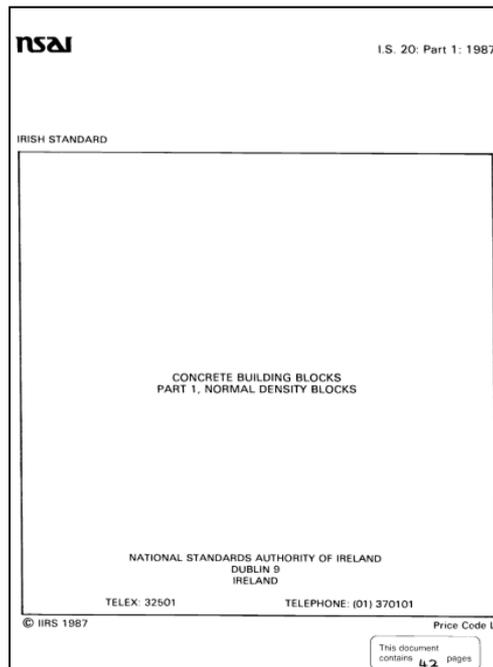
expressed as indicated in the DoP

Dangerous substance X : Less than 0,2 ppm



Engineers, Architects, Builders...

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

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



Engineers, Architects, Builders...

Specifications

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

Purchasing

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



Market Surveillance of CONSTRUCTION PRODUCTS



Draft National Regulations

Draft European Union (Construction Products) Regulations 2013 –

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



Market Surveillance Authorities

Who are they?

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

How do they operate?

Proactive or reactive basis

What powers do they have?

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



Market Surveillance Authorities contd

What is considered a problem?

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

What happens when there is a problem?

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



Market Surveillance Authorities contd

Economic Operator

- Right to appeal

Prosecution

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



Concluding remarks



Concluding remarks

It is evolution... not a revolution!

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



More information...

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

Websites

- **European Commission – Enterprise and Industry**

http://ec.europa.eu/enterprise/sectors/construction/legislation/index_en.htm

- **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



Thank you



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

