



CPR: take cover now

The significance of the Construction Products Regulation (CPR) when it comes into force on the 1st of July 2013 is now becoming reality. Paul Duggan, certification manager for Warrington Certification Ltd, part of the Exova global testing group, examines the issues for the fire performance industry.

The Construction Products Regulation, and the impact it will have, is upon us, enforceable by law including the CE marking of products from July 1st.

The CPR will directly affect all manufacturers, distributors, end users, specifiers and architects in the whole supply chain, the most significant change for a long time in the way in which construction products are sold in Europe.

Affixing of the CE mark under the provisions of the existing Construction Products Directive (CPD) is currently voluntary in the UK and some other member countries, so this is a major change in some areas of the UK construction industry.

The CE marking should be affixed to all construction products for which the manufacturer is declaring compliance with the regulations. From this a Declaration of Performance (DoP) will be produced and will reflect the CE marking requirements.

Original aims and objectives

The Construction Products Directive of 1989 was introduced to create a common framework for the regulations on buildings and construction works. It was one of the early directives from the EU designed to create a single market for goods and services.

The CPR builds upon the CPD and aims to break down technical barriers to trade in construction products within the European Economic Area (EEA). To achieve this, the CPR provides for four main elements.

- A system of harmonised technical specifications.
- An agreed system of conformity assessment for each product family.
- A framework of notified bodies.
- CE marking of products.

The CPD and CPR do not have a definition of a construction product. However, the CPR is clear that if the product is covered by a harmonised standard then it has to be CE marked and a DoP has to be produced.

There are seven basic requirements for construction works, these are the requirements that the EU member states that have or build into their building regulations. Safety in case of fire is one of these.

For the CPR, it seems that separate parts of a fire safety system will be CE marked such as alarms under one standard, building wiring under another, sprinklers under another, fire doors under another, etc. This may mean two or three CE Marks will cover the individual parts of the same system.

Harmonised EN standards

From July 1st 2013, under the Construction Products Regulation 2011, it will become mandatory for manufacturers or the legal entity who is placing a product on the market to apply CE marking to any of their products which are covered by a harmonised European standard (hEN).

EU member states do not have to conform to all seven requirements, The mandated requirements for drafting harmonised hEN standard and ETA's covers fire as one of the essential characteristics and sets out what is needed.

Hardware products, for example door closers, hinges, panic and emergency exit devices and locks, will also need to have the new DoP for declaring the essential characteristics.

Where a manufacturer chooses to test fire-stopping products for example, ablative coated boards, putty and fire stop pillows to a European Technical Assessment (ETA) which has a clause allowing for CE marking, then the manufacturer will have to also apply a CE mark and produce a DoP for the product, the same as an harmonised EN standard.

DoPs are replacing the current Manufacturers Declarations, which are currently produced when declaring a performance of the product for ENs or ETAs.

The whole market changes on July 1st. It is really quite simple. No DoP, no CE marking. No CE marking, no product for market.

One of the priorities is to make all products traceable back to the person placing the product legally on the market, the legal entity.

Traceability is the key

One of the major consequences of these duties is traceability.

Distributors-importers become crucial in this respect. They can become the legal entity and they sell products under their own name and brand. If they don't then they have to sell each brand separately with its own stock record number, so that traceability is achieved back to the legal entity placing the product on the market.

For this purpose, the definition of a distributor is "any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a construction product available on the market."

Not only has the product to attain conformity with the DoP but it must maintain its conformity throughout its period of storage and transportation to site. EXPLAIN MORE.

If a product available on the market is found not to be in compliance with the requirements of the DoP then every step should be taken to correct this or it should be withdrawn or recalled from the market.

If a product presents a risk (QUALIFY WHAT IS A RISK?) then the competent authority of the member state should be informed immediately. Details of the non-compliance will be needed and any corrective measures should be taken.

For the UK, Trading Standards will be the main organisation responsible for enforcement.

Construction products which have been placed on the market in accordance with Directive 89/106/EEC before 1 July 2013 shall be deemed to comply with the CPR.

Manufacturers or the legal entity may draw up a DoP now on the basis of a certificate or declaration of conformity, which has been issued by a Notified Body (QUALIFY A NOTIFIED BODY?) before July 1, 2013 in accordance with Directive 89/106/EEC.

Guidelines for European technical approvals published before July 1, 2013 in accordance with Article 11 of Directive 89/106/EEC may be used as European Assessment Documents.

Manufacturers and importers may use European technical approvals issued in accordance with Article 9 of Directive 89/106/EEC before July 1, 2013 as ETAs throughout the period of validity of those approvals.

Directives and regulations

Legally, there has also been some confusion in the change from the Construction Products Directive (CPD) to the Construction Products Regulation (CPR). While there is a difference, it is not immediately obvious.

A Directive is a legislative act of the EU, which requires member states to achieve a particular result without dictating the means of achieving that result; usually through a variety of legislative procedures.

When adopted, directives give member states a transposition time period for the implementation of the harmonised national legislation.

Regulation is a legislative act of the EU that becomes immediately enforceable as law in all member states simultaneously.

This date is usually stated within the text of the regulation. They can be adopted through a variety of legislative procedures depending on their subject matter.

The important point here is that, in the case of the CPR, there is no lengthy transition period for the harmonisation of national regulations.

The regulation comes into force on the date stated, and is both national and European law from that date.

Summary

The change to CPR will not have a great effect on those already CE marking products, those member states which currently mandate CE marking under the CPD or those manufacturers whose products are subject to a European Technical Assessment or European Assessment Documents. The main change will be producing the new DoP.

However, the CPR will have a significant effect on those who may have been 'sheltering' under the CPD. There is no flexibility on the start date or duties involved.

CPR-at-a-glance

- Articles 13, 14 & 15 sets out 'Obligation of Importers, Distributors & Manufacturers.'
- Importers, Distributors and Manufacturers shall ensure products bear the CE mark before placing it on the market and has the required accompanying documents including DoP.
- If a product is not in conformity with the DoP, there is a duty to withdraw or recall products.
- There is now a clear duty on importers, manufacturers and distributors to inform the national authority of Member states in severe cases, in the UK the Trading Standards.
- An additional requirement is for each importer, manufacturer or distributor to establish National 'Product Contact Points' to assist traceability.