



European Commission

Directive 89/106/EEC
on the approximation of laws, regulations and
administrative provisions of the Member States
relating to construction products
(CPD)

Explanatory part of the screening
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Croatia, Turkey

Enterprise & Industry
Directorate General

Mr. Nicke Blomquist
Construction Unit

CPD Implementation

- **CPD transposition**
 - National legislation / regulation / standards / etc
- **Full national CPD implementation**
 - Infrastructure to be set up
 - Notified Bodies
 - Committees and Networks
 - Tasks to be distributed between parties
 - Procedures to be established
- **Participation in European Co-operation**
 - Nominations / appointments of experts

CPD

- **Directive 89/106/EEC as amended by**
- **Directive 93/68/EEC**
- Interpretative Documents
- Guidance papers A – M
- 84 EC Decisions
- Mandates – 42 to CEN, ~35 to EOTA
- ~250 hEN + ~1.500 supporting EN
- ~30 ETAG
- ~450 ETA

CPD transposition I

- Be aware of CPD deviating from the principles of the New Approach
- Possible problems if CPD related legislation is put under horizontal New Approach Legislation

CPD transposition II

- Definitions
- Special features of the CPD
- Transpose those Articles addressing Member States as obligations
- Tasks for the Commission, CEN, EOTA etc may be taken in for information

The CPD

A complex New Approach Directive I

- Harmonizing AoC procedures, test methods and product declarations
 - NOT harmonizing regulation as such
- Essential Requirements form a frame work for national regulation on construction **works**
 - NOT on products
- Regulation on design and execution of works remains a national competence, different safety levels allowed

The CPD

A complex New Approach Directive II

- Harmonised Technical Specifications on products are de facto mandatory
 - NO other way to reach CE marking
- CPD will enter into force step by step following the availability of technical specifications

CPD Chapter I +Annex I

- Field of application
- Definitions
- Requirements
- Technical specifications
- Free movement of goods

Construction Products Directive 89/106/EEC (CPD)

- Construction product ... any product which is produced for **incorporation in a permanent manner in construction works**, including both buildings and civil engineering works
(CPD Art 1.2)
- Member States shall ...ensure ...that ... products ... be **placed on the market only if they are fit for their intended use** ...
(CPD Art2.2)

Essential Requirements on Construction Works

- Mechanical Resistance and Stability
- Safety in Case of Fire
- Hygiene, Health and the Environment
- Safety in Use
- Protection against Noise
- Energy Economy and Heat Retention

At Annex I of the CPD

Elaborated in Interpretative Documents

(OJ C 62 28.2.94 p.01)

Technical Specifications

- European Harmonized Standards (hEN)
- European Technical Approvals (ETA)
- Recognized National Technical Specifications
 - non so far
- List of minor part products – none so far

Free movement of goods

- “Member States shall not impede the free movement....”
(CPD Art 6.1)
- National rules apply until technical specifications are available
(CPD Art 6.2)
- Classes and levels in IDs
(CPD Art 6.3)

Harmonized standards

- hENs on construction products are de facto mandatory
- Special mandating process – consultations with Member States in SCC
- Mandates very detailed based on existing regulations in Member States
- EC Decision on Attestation of Conformity Procedures for each mandate

Harmonized European Standards

- Shall be transposed into identical National Standards in Member States
- Translation of titles for publication in OJ
- Consolidated list of 252 hENs published in OJ C/319 on 14.12.2005
- ~500 hEN are expected + ~1.500 supporting ENs

CPD Chapter III + Annex II

European Technical Approval (ETA)

- Specific for the CPD
- Guidelines (ETAG) prepared under mandate
- ETA under ETAG (CPD Art 11)
- ETA without ETAG (CPD Art 9.2)
- MS to notify **approval bodies** to the EC
- MS to publish ETAG
- Rules at Annex II - Elaborated at EC Decision 94/23/EC

European Technical Approval

European Technical Approvals (ETAs) may be granted to products

- for which there are no hEN and non can be prepared for the time being (CPD Art 8.2 a)
- which differ significantly from harmonized standards (CPD Art 8.2 b)
- based on Guidelines for ETA (CPD Art 11)
- without guidelines (CPD Art 9.2)
- 29 ETAGs
- 444 ETAs

Interpretative Documents

(OJ C 62 28.2.94 p.01)

- Give concrete form to ERs
- Indicate classes and levels for each ER
 - Only done for Fire

CPD Chapter V + Annex III

Attestation of Conformity

- Task of the manufacturer
- Methods & systems at Annex III: 1&2
- CE marking at Annex III: 4
- Market surveillance (CPD Art 15)
- Clear distinction between:
 - AoC – before putting the product on the market,
 - Market surveillance – after the product has been put on the market.

Conformity Assessment Procedures

	1+	1	2+	2	3	4
Initial Type Testing	NB	NB	M	M	NB	M
Factory Production Control	M	M	M	M	M	M
Certification of Factory Production Control	NB	NB	NB	NB		
Surveillance of Factory production Control	NB	NB	NB			
Sample Testing	M	M	M			
Audit testing	NB					

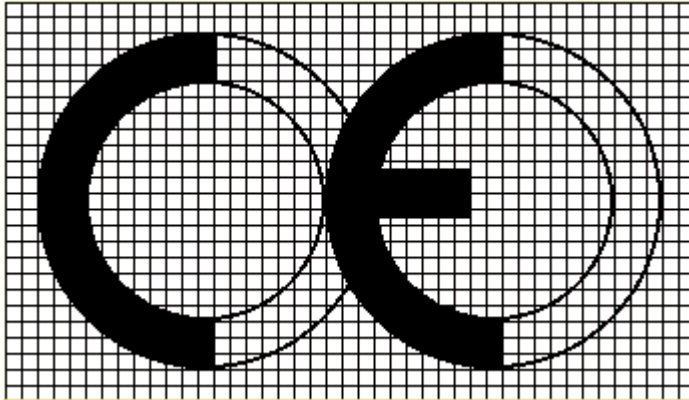
NB

Notified Body

M

Manufacturer or his representative in EU

CE- Marking and Declaration



- Manufacturer
- Last two digits of the year the marking was affixed
- EU certificate #

- Product declaration of values for those characteristics which are listed in the technical specification

Special Procedures before Technical Specifications are available

- Recognition in MS of destination of tests carried out in the MS of origin according to the rules in the MS of destination

Approved Bodies = **Notified Bodies**

- 3 functions defined at Annex III:3
- Minimum criteria at Annex IV
- Special notification (GP A)
- Acting on the European market

Standing Committee Construction (SCC)

- Preparatory Group
- Commission expert groups
 - Fire
 - Regulated substances
 - Construction products in contact with drinking water
 - Eurocodes
- Group of Notified bodies

Safeguard Clause

- Same as New Approach
- Withdrawal of incorrect products
- Notify the Commission
 - No cases so far
 - ~20 infringement cases based on complaints and EC investigations

Final Provisions

- Bring legislation into force
- Notify the Commission



CPD Preamble

- Lots of useful information on how to understand the CPD

Guidance Papers

**A - Designation of
Approved Bodies**

**B - Factory Production
Control**

C - Kits And Systems

D - CE Marking

E - Levels And Classes

F - Durability

**G - Reaction To Fire
Classification**

H - Dangerous Substances

**I – Deviations from techn.
specifications - Art 4(4)**

J - Transitional Arrangements

**K - Attestation of Conformity
Systems and the role of
Notified Bodies**

L – Use of EUROCODES

**M - Conformity Assessment
under the CPD**

3 Possible deviation from a hEN

1. Where a manufacturer ...has not applied or only applied in part a harmonized TS for products with limited risks for safety & variability, equivalence with the harmonized TS is established by initial type testing (ITT) (CPD Art 4.4)
> **AoC #4 > #3**

Attestation of Conformity, Art 4.4

	1+	1	2+	2	3	4
Initial Type Testing	NB	NB	M	M	NB	M
Factory Production Control	M	M	M	M	M	M
Certification of Factory Production Control	NB	NB	NB	NB		
Surveillance of Factory production Control	NB	NB	NB			
Sample Testing	M	M	M			
Audit testing	NB					

NB Notified Body

M Manufacturer or his representative in EU

3 Possible deviation from a hEN

2. Products differing significantly from harmonized standards (CPD Art 8.2 b)

> **ETA**

3. Individual and non-series production (CPD Art 13.5)

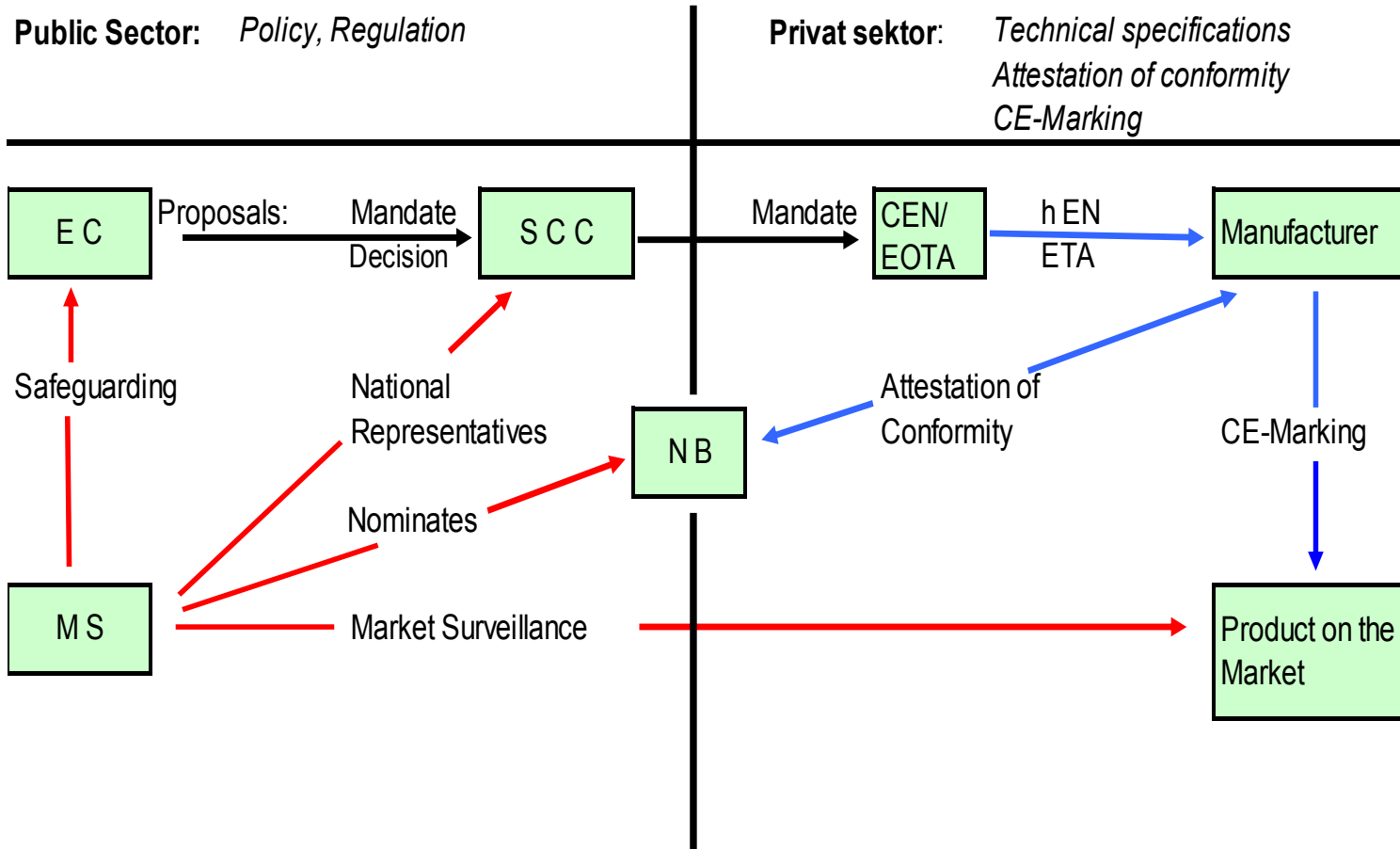
> **AoC #4**

Scope of the CE marking

	PRODUCTS	WORKS
MANDATORY	CE-Marking	National Building regulation
VOLUNTARY	Quality Marks	Contracts

Management of the CPD

Shared responsibilities



Tasks before a product is placed on the market

- MSs to provide legislation, making CE Marking mandatory when possible and providing a relevant infrastructure
- National Standards Body and Approval Body to provide harmonized Technical Specifications based on European documents
- Notified Bodies to carry out Assessment for Attestation of Conformity, engaged by Manufacturer
- Manufacturer / importer / provider to take the responsibility for his product and the CE marking

Construction Products Market

	Authorities National Building Code based on the 6 ERs of the CPD	
Manufacturers provide CE marked products	Design Eng & Arch prescribe CE marked products for the intended use	Contractors buy and install CE marked products
Authorities Market surveillance	Authorities Building permit	Authorities Building surveillance

Roles of the market players

- MSs to lay down safety requirements in the Building Code
- Manufacturers to provide CE marked products
- Architects and design engineers to prescribe products giving characteristics
- Contractors to select those products complying with regulatory, design and other contractual requirements and giving best value for money

Further information

EC - Enterprise DG - Construction Unit:

<http://europa.eu.int/comm/enterprise/construction/index/>

Links to

- NANDO-CPD - Notified bodies
- European Stakeholders and other Associations
 - **CEN** - hEN
 - **EOTA** – ETAG / ETA

CIRCA

- SCC Documents
- Mandates

E-mail

- Nicke.Blomquist@cec.eu.int
- Construction@cec.eu.int