



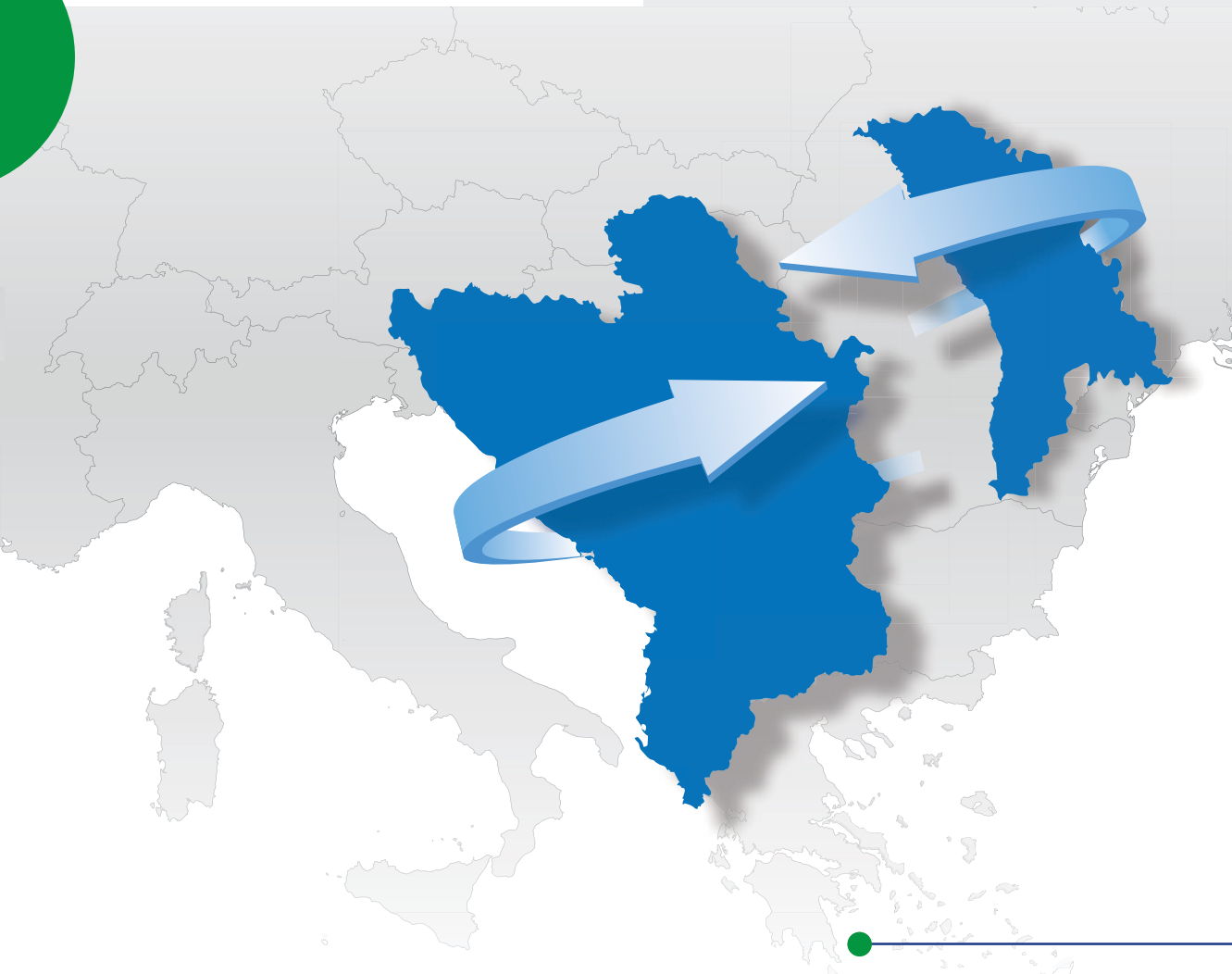
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Guidelines for Construction Products

Implementation of the EU Construction Products
Regulation (2011/305/EU)



Implemented by

giz Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH

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PLEASE READ THE FOLLOWING DISCLAIMERS

Disclaimer:

- 01.** *This is a guidance document for economic operators, who should comply with the domestic regulations of the Parties that are implementing the CPR (2011/305/EU)¹ and for all manufacturers in CEFTA Parties that are exporting their construction products to the European Internal Market. The legally binding documents are, apart from the CPR itself, two delegated acts, Delegated regulation EU, No. 568/2014 as regards the assessment and verification of constancy of performance of construction products and Delegated regulation EU, No. 574/2014 on the model to be used for drawing up a declaration of performance on construction products and when applicable mandated supporting documents issued by the lawmakers and regulators of the relevant parties.*
- 02.** *Standards and legal documents mentioned in the text refer to the version in force as of the date of these guidelines. However, when using legal documents and standards the version in force should be verified and used.*
- 03.** *This document as a guidance to CE marking of construction products doesn't include specific situations due to the level of implementation of European legislative acts in CEFTA Parties.*
- 04.** *The guidelines use "shall" when describing requirements arising from legal documents and "should" when describing possible ways of meeting the requirements.*
- 05.** *These guidelines have been prepared for a better understanding of the application of the Construction Products Regulations among economic operators but also other stakeholders of the QI. Chapters 1 to 6 and 10 are intended predominantly for manufacturers, while Chapter 7 and 8 is intended for CABs operating in the construction products sector.*

¹ The proposal for a revised Construction Products Regulation was adopted on 30 March 2022.

Acronyms and abbreviations

Acronym/ abbreviation	Explanation
CAB	Conformity Assessment Body
CEFTA	Central European Free Trade Agreement
CEN	Comité Européen de Normalisation / European Committee for Standardisation
CENELEC	Comité Européen de Normalisation Électrotechnique / European Committee for Electrotechnical Standardisation
CNB	Coordination of Notified Bodies
CPR	Construction Product Regulation
EA	European co-operation for Accreditation
EU (EC)	European Union (European Community)
FPC	Factory Production Control
hEN	Harmonised European Standard
ICSMS	Information and Communication System for Market Surveillance
IMS	Integrated Manufacturing System
MD	Machinery Directive
NAB	National Accreditation Body
NANDO	New Approach Notified and Designated Organisations
NB	Notified Body
NLF	New Legislative Framework
PL	Performance Level
QI	Quality Infrastructure
RAPEX	EU rapid alert system for dangerous consumer products
SAFETY GATE	New rapid alert system (formerly Rapex)
SEED+	Database of unsafe and non-compliant products on CEFTA Market
TCF	Technical Construction File
TFEU	Treaty on the Functioning of the European Union

1. THE COMPLIANCE OF THE CONSTRUCTION PRODUCTS ON THE EUROPEAN MARKET (FIVE-STEP METHOD)

1.1 General

Construction Products Regulation - CPR (2011/305/EU) lays down harmonised rules for the marketing of construction products in the EU. It has been amended by 20 delegated acts and one implementing Regulation. For manufacturers, among others, the most important are:

- Delegated Regulation 568/2014/EU, regarding the assessment and verification of constancy of performance of construction products – AVCP, and
- Delegated regulation (574/2014/EU) on the model to be used for drawing up a declaration of performance on construction products.
- Commission Implementing Regulation (EU) No 1062/2013 about the format for European Technical Assessments.

The Regulation provides a common technical language to assess the performance of construction products. It ensures that reliable information is available to professionals, public authorities and consumers, so they can compare the performance of products from different manufacturers in different countries.

This Regulation lays down conditions for the placing or making available on the market of construction products by establishing harmonised rules on how to express the

performance of construction products in relation to their essential characteristics and on the use of CE marking on those products on the EU Internal Market.

Delegated acts focus on specific product categories and how their performance should be evaluated:

- fire reaction (e.g. of wood products, glued laminated timber, external renders),
- performance classes (for specific aspects of some products, like air permeability for roof elements or wind resistance for external blinds),
- assessment and verification systems (e.g. of like ventilation ducts, metal-faced sandwich panels, or fall protection equipment),
- classification without testing, if the products meet certain criteria based on harmonized standards.

When manufacturers follow the requirements from harmonized standards, this automatically gives presumption of conformity with the Construction Product Regulation.

European Legislation for Construction Products

*COMMON FRAMEWORK based on the current situation of EU legislation and local regulations in CEFTA(April, 2024)

DELEGATED REGULATION No. 568/2014/EU
REGARDING THE ASSESSMENT AND VERIFICATION OF CONFORMITY OF PERFORMANCE

REGULATION 305/2011/EU*
conditions for the marketing of construction products HARMONIZED AREA

DELEGATED REGULATION No. 574/2014/EU
DRAWING UP a DOP

REGULATION (EU) 2019/515
on the mutual recognition of goods lawfully marketed in another Member State repealing Regulation (EU) No. 764/2008

REGULATION (EU) 765/2008
on the requirements for accreditation relating to the marketing of products

REGULATION (EU), 1020/2019
MARKET SURVEILLANCE AND COMPLIANCE OF PRODUCTS (amending 765/2008/EU, CPR, MD)

**FREE
MOVEMENT
OF GOODS**

**MARKETING
OPPORTUNITY FOR
MANUFACTURERS**

**QUALITY OF GOODS,
SAFETY OF USERS**

Law on a Construction Products...
implemented in each Party NON-HARMONIZED AREA

Law on technical requirements for technical products and conformity assessment procedures...
implemented in each Party legal basis for IMPLEMENTATION OF A NEW APPROACH DIRECTIVES AND TECHNICAL REGULATIONS

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1.2 The basic requirements for performances of construction products



The CPR harmonises the method for assessing the performance of construction products and creates harmonised conditions for marketing such products. When construction products are placed on the market, economic operators must make sure that these are in conformity with EU-level harmonised standards. The same applies to EU countries when they set requirements for the performance of construction products. A CE-marking indicates that a construction product is in conformity with its declared performances.

Member States must allow the marketing of such products without requiring any additional testing, certificates or markings, while in the CEFTA region, some Parties are submitting imported products to undergo a recognition of supplier's certification and test results, including for CE-marked products.

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 building construction works and living in safe and healthy buildings.

The essential characteristics of construction products set out in Annex I of CPR are:

- **Mechanical resistance and stability**
- **Safety in case of fire**
- **Hygiene, health and the environment**
- **Safety and accessibility in use**
- **Protection against noise**
- **Energy economy and heat retention**
- **Sustainable use of natural resources**

The basic requirements for each type or family of construction products are laid down in harmonised standards (hENs). For specific families of construction products covered by the harmonised standards, those essential characteristics for which the manufacturer shall declare the performance

Picture 1: A schematic diagram of the EU acquis on construction products

of the product when it is placed on the market, are determined. Where appropriate, the threshold levels for the performance in relation to the essential characteristics to be declared are also determined.

The manufacturers are responsible for assessing the performance of a product to ensure that it meets the requirements of standards published in a list to support the CPR. The system to reach the conformity is different for different products and depends on the harmonised standards for that specific product or product family.

Obligations of manufacturers are given in Article 11 of CPR:

Manufacturers shall:

- draw up declaration of performance in accordance with Articles 4 and 6, and affix the CE marking in accordance with Articles 8 and 9;
- draw up technical documentation describing all the relevant elements related to the required system of assessment and verification of constancy of performance [and keep it for a period of 10 years];
- take into account all changes in the product type and in hEN;
- carry out sample testing of construction products placed or made available on the market, investigate and keep a register of complaints, non-conforming products and product recalls, and keep distributors informed of any such monitoring;
- ensure that their construction products bear a type, batch or serial number, their name, registered trade name or registered trade mark and their contact

address [indicate a single point at which the manufacturer can be contacted];

- ensure that the product is accompanied by instructions and safety information in a language which can be easily understood by users;
- for products that are not in conformity take the necessary corrective measures to bring that construction product into conformity, or, if appropriate, to withdraw or recall it;
- where the product presents a risk, manufacturers shall immediately inform the competent local authorities and
- cooperate with that authority, at its request, on any action taken to eliminate the risks posed by construction products which they have placed on the market.

Some questions typically arise for manufacturers once they start production and need to consider their obligations before putting products on a market or in construction building where they are embedded directly. These questions are:

- how to approach the design and production of construction products in an organized manner so that none of the legal requirements are missed,
- how to make sure that all applied measures in the production process based on the use of harmonised standards for the product and for testing of performances are correct and sufficient,
- how to assess whether all obligations have been fulfilled and when to cooperate with a third party conformity assessment body.

The following chapter written in plain and legal language gives technically specific guidance on how to meet the requirements in the **five-step procedure of assessment**.

1.3 CPR Conformity Assessment Procedure

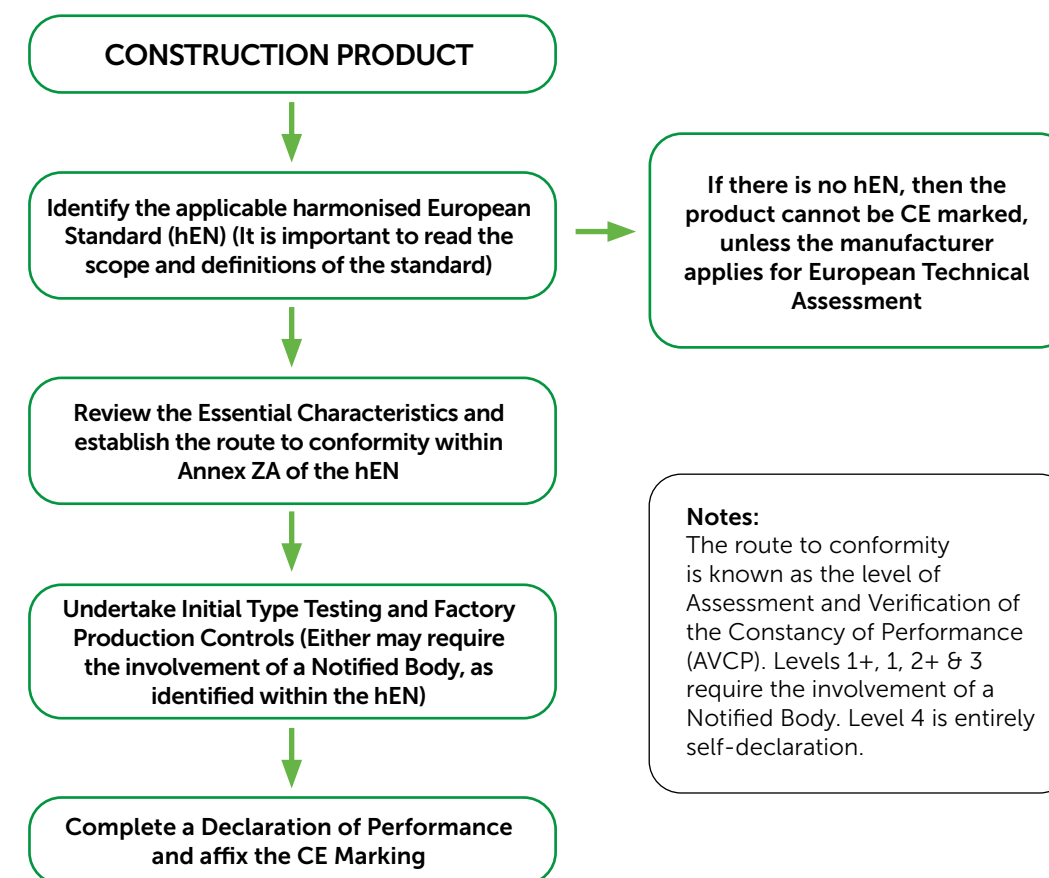
Let's explain what a five-step way for achieving conformity of products as a base for final CE marking of a product exactly means.

The manufacturer shall carry out an assessment and verification of constancy of performance (AVCP) procedure under the following five steps (see *Picture 2*):

- identify all provisions of the regulation and determination of constancy of performances with relevant harmonised standards i.e. identify the corresponding AVCP – regulation (EU) no. 568/2014;
- review the essential characteristics

and factory production control (FPC) and, when required, cooperate with a notified body for certification of FPC;

- undertake the initial type testing of samples by the methods, listed and explained in harmonised standards (hEN), and perform testing of essential characteristics by a Notified Body, when the use of a notified body is required;
- complete and issue a declaration of performance according to regulation (EU) No. 574/2014 and
- Affix the CE marking on the finished compliant product.



Picture 2: Conformity assessment five step flowchart for construction products

1.3.1 1st step: Identify applicable harmonised standard

The easiest way to prove conformity of a product is to use a harmonised standard if it exists for that product. When manufacturers seek for requirements for a product the first step is to go to the Official Journal of the European Union and search for the last update of the publication of the list of hENs with titles and references of harmonised standards, providing the presumption of conformity with the CPR.

No	Reference to the standard	Reference to the superseded standard	Beginning of the coexistence period (dd.mm.yyyy.)	End of the coexistence period (dd.mm.yyyy.)
1.	EN 15824:2017 Specification for external renders and internal plasters based on organic binders	EN 15824:2009 Specification for external renders and internal plasters based on organic binders	9.3.2018.	9.3.2020.

Example: [COMMISSION IMPLEMENTING DECISION \(EU\) 2019/ 451 - of 19 March 2019 - on the harmonised standards for construction products drafted in support of Regulation \(EU\) No 305 / 2011 of the European Parliament and of the Council \(europa.eu\)](#)

The manufacturer should check whether his product is covered by the scope of the applicable harmonised standard(s), the titles of which are referenced in the Official Journal (of the EU or the Parties' gazettes) and are also available on the Web sites of European and domestic standardisation bodies.

The referencing in the OJEU and the indication of the co-existence period is useful only to grant the possibility for the manufacturer to use either the previous version of the standard or its revised version to benefit from the presumption of conformity. In both cases the affixing of the CE-marking or of the local conformity marking is mandatory.

1.3.2 2nd step: Review essential characteristics

The assessment of the product is made by defining the value of a list of characteristics called essential characteristics. Manufacturer will find the full list of them in the annex ZA of the harmonised standards. The list can be different for each intended use and in the case of a product with more than one intended use the list should cover the characteristics linked to each of them. The list also includes the AVCP system for each essential characteristic. Depending on the AVCP system, the manufacturer may need one or a number of Notified Bodies to carry out tasks related to it. More detailed guidance is given further on in this document.

1.3.3 3rd step: Initial type testing and Factory Production Control

The manufacturer shall demonstrate compliance of his product with the relevant requirements of each applicable hEN and with the declared values or classes for the product properties by carrying out both of the following tasks:

- a. Initial type testing of the product (ITT)
- b. Factory production control (FPC), including product inspection.

NOTE: In addition, a compliance with harmonised European standards may be assessed also through customer acceptance testing, when agreed so, or by third party certification.

The initial type testing must be carried out to demonstrate conformity with the harmonised European standards. All relevant performances prescribed in hEN and for which conformity and suitability are declared by the manufacturer shall be subject to initial type testing.

The manufacturer must establish, document and maintain a factory (internal) production control system (FPC) to ensure that products placed on the market meet the required values for each performance and provide it for a regular production, too.

The FPC system must consist of procedures, periodic controls and tests and/or evaluation and application of results to verify inputs and raw materials, equipment, manufacturing process and product. All the elements, requirements and provisions adopted by the manufacturer must be systematically documented in accordance with written and established procedures and policies. The assessment results and factory production control allow the manufacturer to check and provide proof that the performances do not change over time.

1.3.4 4th step: Declaration of performance

Using the information compiled, the first document to be drawn up is the declaration of performance. It is the most important document supporting the CE marking because it contains the full information about the manufacturer, the product and its performances, required by the applicable harmonised standard. When developing his own format for the declaration of performance of the products, the manufacturer has to follow the instructions published in the Official Journal of the European Union: Delegated Regulation EU, No. 574/2014 on the model to be used for drawing up a

declaration of performance on construction products amending Annex III of the CPR. Declaration of performance shall include a table with specification about declared and achieved values of performances that express the compliance with requirements. Finally, the CE marking will only be a summary of the information contained in the declaration of performance.

1.3.5 5th step: CE marking

The manufacturer can affix the CE marking on the basis of the declaration of performance when completed. The technical specifications corresponding to the essential requirements of the CPR are explained in the Annex ZA of each harmonised standard relating to a product category. The manufacturer or his authorised representative are responsible for the affixing of the CE marking.

The marking should contain both the CE symbol and a presentation of the information about the limit range of achieved declared values of performances with which the products are in compliance.

This completed information is very important for the end user of construction products to achieve appropriate final performances of buildings in compliance with applicable law. The marking shall be shown on a unit or, when this is not possible, on the accompanying label, the packaging or on the accompanying commercial documents e.g. in the delivery note.

The regulation allows also a digital version of DoP and CE marking, published on the manufacturer's web-site instead.

1.4 Assessment and verification of constancy of performance systems (AVCP)

Construction products cover a large variety and complexity of nearly 3000 products, ranging, for example, from cement, concrete products, asphalt, aggregates, windows, doors and roof tiles to fire detection systems and smoke alarms to steel beams to support structures. This brings on a legitimate question on how to approach these requirements and what the process of conformity assessment is required for each construction product.

Once the manufacturer knows whether a hEN covering his product, and accordingly a list of essential characteristics relevant for the product exist, then he must check the procedures to follow for declaring the performance of each essential characteristic, such as test methods, declared values, etc. The manufacturer is obliged to use procedures for the testing of samples and to define detailed factory production control for his products.

The AVCP system applicable to each essential characteristic will require in some cases that a Notified Body performs some additional tasks. In the following table (Picture 3) see the tasks manufacturers and Notified Bodies must carry out depending on the AVCP system declared under the use of the harmonised standard. NOTE: AVCP system was called (AoC) in the CPD, the Council Directive 89/106/EEC of 21 December 1988 relating to construction products.

Assessment and verification of constancy of performance of construction products in relation to their essential characteristics shall be carried out in accordance with one of the systems set out in Annex V of the CPR regulation.

The system or systems thus determined shall be indicated in the mandates for harmonised standards (hENs) and in the harmonised technical specifications (ETAs).

System type	Responsibility	Type of notified body	Tasks
System 1+	Notified body	Product certification body	Initial Inspection of the fpc system Continuous Surveillance of the fpc system Determination of product type Audit testing
	Manufacturer		Factory Production Control and further testing of samples
System I	Notified body	Product certification body	Initial Inspection of the fpc system Continuous Surveillance of the fpc system Determination of product type
	Manufacturer		Factory Production Control and further testing of samples
System 2+	Notified body	Factory production control certification body	Initial Inspection of the fpc system Continuous Surveillance of the fpc system
	Manufacturer		Factory Production Control and further testing of samples Determination of product type
System 3	Notified body	Test Laboratory	Determination of product type
	Manufacturer		Factory Production Control
System 4	Manufacturer	No independent involvement	Factory Production Control Determination of product type

Picture 3: AVCP systems according to type of notified bodies, responsibilities and tasks to perform

For products that fall under AVCP 3 or 4, the cooperation and contract between manufacturer and a Notified body is not needed, but manufacturers are obliged to implement a FPC by themselves. That said, testing laboratories would in most cases do only part of the conformity assessment that is needed for construction products to establish conformity. According to the applicable product standard a lot of sampling for products such as asphalt, concrete, bituminous mixtures, aggregates etc. is done on-site (sampling, testing on individually manufactured or custom-made products in a non-series process) and in the manufacturer's own testing laboratory with the manufacturer's own equipment that is regularly maintained and calibrated or testing is performed by a laboratory accredited to ISO/IEC 17025.

In case of AVCP 2+, 1 and 1+, additional evaluation with documentation overview and certification of Factory production control (FPC) by the Notified Body as the third party is mandatory, including justifications and that qualifies such conformity assessment as product testing in the certification process (accredited to ISO/IEC 17065).

1.4.1 Bodies involved in the assessment and verification of constancy of performance

With respect to the function of notified bodies involved in the assessment and verification of constancy of performance for construction products, distinction shall be made between:

- 01. product certification body:** a governmental or non-governmental notified body, possessing the necessary competence and responsibility to carry out a product certification in accordance with given rules of procedure and management.
- 02. factory production control certification body:** a notified body, governmental or non-governmental, possessing the necessary competence and responsibility to carry out factory production control certification in accordance with given rules of procedure and management.
- 03. testing laboratory:** a notified laboratory which measures, examines, tests, calibrates or otherwise determines the characteristics or performance of materials or construction products.

Notification of Notified Bodies and their withdrawal are the responsibility of the notifying EU Member State. It is the responsibility of the EU country to notify conformity assessment bodies within their jurisdiction according to principles laid down in [Decision 768/2008/EC](#)².

Notified bodies

- are free to offer their conformity assessment services to any economic operator inside or outside the EU;
- may carry out these activities on the territory of other EU countries or non-EU countries
- must operate in a non-discriminatory, transparent, neutral, independent, and impartial manner;

- must employ the necessary personnel, with sufficient knowledge and experience to carry out the conformity assessment in accordance with the law(s) in question;
- must make adequate arrangements to ensure the confidentiality of the information obtained in the course of conformity assessment;
- must be adequately insured to cover their professional activities, unless liability is assured under the national legislation of the notifying EU country;
- must provide information to their notifying authority, the market surveillance authorities, and other notified bodies.

Manufacturers are free to choose any notified body that has been legally designated to carry out the conformity assessment procedure.

European notified bodies (New Approach Notified and Designated Organisations), designated/recognised for tasks on a European market, are included in the NANDO database. Manufacturers can use one or more Notified Bodies from any member state or, when the manufacturer doesn't export products to the European Market, in accredited laboratories in each CEFTA Party.

The lists in the [NANDO Information system database](#)³ includes the

- identification number of each notified body
- tasks for which it has been notified and
- are regularly updates.

The searching procedure is possible by country, legislation, normative document and free search:

- [Search by country](#)
- [Search by legislation](#)
- [Free search](#)

EXAMPLES: Some of the accredited laboratories perform physical, chemical and mechanical testing for essential characteristics, as determined in the harmonised technical specifications for the intended use – under different AVCPs for construction products. Some of them are mentioned in a table, as examples:

Masonry mortar, Cement, Concrete, Asphalt mixtures, Aggregates for concrete. Light aggregates for mortars, insulations materials etc. soil materials, (rock, fine-grained and coarse-grained soil)	1+,1
Steel and Aluminium constructions, Bitumen and bituminous mixtures Adhesives for tiles, hydro-insulation materials	2+
Doors and windows, Exterior windows and doors for pedestrians; plastic piping for drainage and sewerage, Natural stone, precast concrete products, Tiles, bricks, etc.	3, 4
Steel semi-finished products; sheets, pipes, rod materials and the like (non-harmonised)	/

The CABs in CEFTA Parties are accredited mainly to EN ISO/IEC 17025 for testing and calibration laboratories, EN ISO/IEC 17065 for bodies certifying products, processes and services and some to EN ISO/IEC 17021 for bodies certifying management systems.

1.5 Harmonised standards

Harmonised standards are drafted by the European standardisation organisations CEN/ CENELEC on the basis of standardisation requests from the European Commission. Following an internal assessment by CEN/ CENELEC, the standards are adopted and submitted to the Commission for an assessment and citation in the Official Journal of the European Union (OJEU). This citation becomes the official reference for the assessment and declaration of performance of the essential characteristics covered. Consequently, manufacturers shall use them for all construction products covered by harmonised standards and CE-mark them.

Technical specifications given in a hEN encompass requirements for testing, calculation, and other methods for assessing properties related to the essential characteristics of construction products,

which manufacturers must adhere to. Specific threshold values are defined for individual characteristics, and product values must remain consistent.

For all products falling under harmonized standards, it is appropriate to comply with their requirements and follow prescribed procedures until labelling the products with the **CE marking** and issuing a Declaration of Performance for them. The format of the CE marking is determined by the relevant standard, while the definition and content of the declaration of performance is outlined in **Delegated Regulation (EU) No. 574/2014**.

2. ROLE OF STANDARDS IN CONSTRUCTION PRODUCTS DESIGN

2.1 General

Harmonised standards play an important role in conformity assurance of the construction products. When used and applied thoroughly in the process of design, construction and conformity assessment of construction products, they give presumption of conformity with the provisions of the CPR.

Use of harmonized standards play a crucial role in assessing the performance of construction products concerning their essential characteristics, what ensures that manufacturers use methods and criteria provided in these harmonized standards for evaluating construction products.

Standards establish best professional practices, guidelines and design principles that help

ensure quality of construction products for use in buildings. They also provide recommendations on factors such as material and composition requirements, dimensions, tolerances, mechanical and chemical resistance, loadbearing capacity, wind and water resistance, resistance to fire, thermal, acoustic insulation, type of surface finishing etc.

Standards bodies continuously update and revise standards to incorporate new knowledge, advancements and industry trends, testing methods and new characteristics, mainly due to environmental considerations, chemical safety and sustainability.

2.2 Structure of the standard (hEN)

The harmonised standards with product-specific requirements are structured in the following way:

- The **introductory three chapters** contain a scope, provide reference documents and explain the terms and definitions used in the standard.
- **Chapter 4** describes in more detail all the requirements for the product, the required performance that are important for the fulfilment of the essential requirements for construction works in terms of health, safety, usability, etc. For each characteristic, a test method and use of measuring equipment is determined.
- **Chapter 5** presents labelling and packaging requirements and recommendations, as well as individual important warnings for consumers.

- **Chapter 6** deals with more detailed procedure for assessing conformity and introducing internal production control.

Other special clauses in Annexes (normative and/or informative) are also relevant for meeting the requirements of the CPR:

- **Annex A** defines sampling, sampling methods, marking of samples, apparatus, sampling methods and sampling report scheme.
- **Annex B** defines Factory Production control procedures and guide for inspection frequencies
- **Annex C, D, E...** for other special requirements or guidance if it exists
- **Annex ZA** (or ZB, etc...) contains provisions relating to the conformity assessment procedures, the design and content of the CE marking foreseen for each product and declarations of conformity.

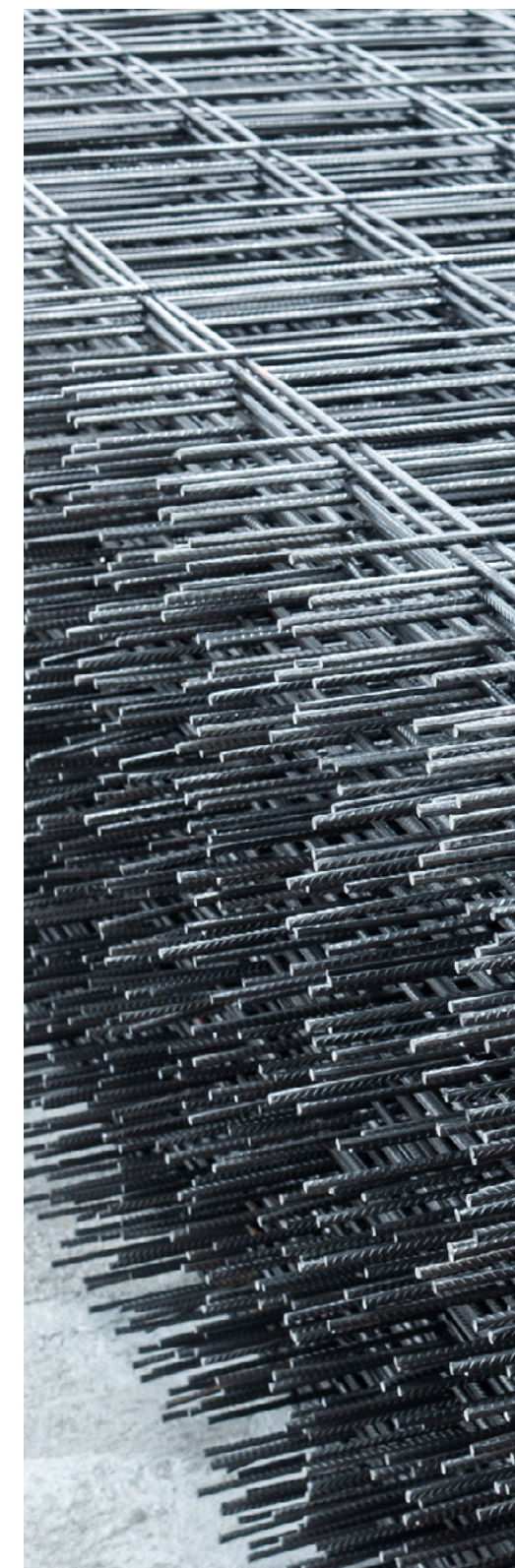
Compliance with Annex ZA provides presumption of conformity of the products and for the intended uses under consideration in Table ZA.1 with scope and relevant clauses about essential characteristics and expression of results.

Annex ZA provides procedures of attestation of conformity and relevant AVCP system. The evaluation of conformity shall be based on the evaluation of conformity procedure resulting from the clauses indicated in the table of a European standard. In the last clause of Annex ZA the examples (figures) of CE marking and parallel information on product characteristics are presented.

The mandatory components of the label (declaration) are:

- name and registered address of the manufacturer or authorised representative placing the product on the market,
- the last two digits of the year in which the product was placed on the market,
- indication of the reference to the standard used,
- description (classification) of the product and indication of the final use,
- information on the mandated characteristics: description and information on the product, including values to declare and achieved results from tables ZA. Use of harmonised standards in the construction sector is mandatory for demonstrating the conformity of products and when applied the modal verb "shall" means mandatory application and "should" means optional application of a requirement. Also some Annexes are informative and some are normative.

Standardization body that is a full CEN/ CENELEC member is obliged to transpose the harmonized standards into the list of local standards without any modification, just in some cases the national criteria for some materials exist in a national supplement for some performances or national criteria of products (e.g. for concrete). In additional chapters the procedures that are mandatory for the manufacturers will be presented.



3. EVALUATION OF CONFORMITY UNDER THE CPR

3.1 General

Appropriate conformity assessment procedures shall be carried out by the manufacturer to determine compliance with the hENs of the construction products. For some construction products, the manufacturer itself can conduct conformity assessment.

Manufacturer shall implement and perform factory production control for each product and all AVCP, while under AVCP 1, 1+ and 2+ it shall also be certified by a Notified Body (see *Table 1*).

AVCP	NOTIFIED PRODUCT CERTIFICATION BODY	MANUFACTURERS shall carry out
1	(i) an assessment of the performance of the construction product carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product; (ii) initial inspection of the manufacturing plant and of factory production control; (iii) continuing surveillance, assessment and evaluation of factory production control; plus	(i) factory production control; (ii) further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan.
1+	(iv) audit — testing of samples taken by the notified product certification body at the manufacturing plant or at the manufacturer's storage facilities.	plus
2+	(i) initial inspection of the manufacturing plant and of factory production control; (ii) continuing surveillance, assessment and evaluation of factory production control.	(iii) an assessment of the performance of the construction product on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of that product;
3	Assessment of the performance on the basis of testing (based on sampling carried out by the manufacturer), calculation, tabulated values or descriptive documentation of the construction product.	(i) factory production control
4	No tasks	(i) an assessment of the performance of the construction product on the basis of testing, calculation, tabulated values or descriptive documentation of that product; (ii) factory production control.

Table 1: Assignment of evaluation of conformity tasks for the manufacturer and notified body under AVCP systems

3.2 Procedure of internal conformity assessment

Key enablers for the manufacturer to conduct internal (in-house) conformity assessment, especially for products under AVCP 3 and 4, are:

- competencies of responsible personnel (knowledge and technical experiences),
- testing and measuring equipment (may include testing rigs or set-ups, measuring devices),
- production equipment and procedures in place. The procedures should address aspects such as initial type testing, factory production control and its certification (under AVCP 1, 1+ and 2+) and finished product conformity verification.

However, the results of the conformity assessment activities need to be fully traceable and repeatable. That said, a manufacturer needs to establish its own internal factory production control including management system that will assure that results of conformity assessment can be reproducible when it comes to market surveillance checks.

Such (quality) management system does not need to be certified but in medium enterprises it is advised to follow requirements of the ISO 9001 standard to ensure the above objectives are met. In particular, special care shall be taken to fulfil requirements on design validation (clause 8.3.3., ISO 9001) and production validation (clause 8.5.3, ISO 9001). This involves implementing controls and checks at various stages of production to verify compliance with the applicable standards and specifications. Records showing compliance with the hENs shall be kept for 10 years.

It is also very important for the manufacturer to keep up with the latest developments in legislation and standardisation. The management shall be aware that they are ultimately responsible for the conformity of products.

In micro enterprises, according to the definition in Commission Recommendation (2003/361/EC), Art. 2⁴, it is possible to use some simplified procedures, explained in chapter 5.3. further on.

4. Initial type testing

When a new product type is developed, and before offering it for sale or in construction works, appropriate initial type tests shall be carried out to confirm that the achieved properties of the product meet the requirements of hEN and the values to be declared for it by the manufacturer.

The type tests shall be the reference tests called up in the hEN for the properties selected from the following list consistent with the manufacturer's declaration for the intended use of the product types, for example:

- Dimensions and tolerances, configuration,
- Apparent density,
- Comprehensive strength,
- Flexural strength,
- Open porosity,
- Water absorption coefficient by capillarity,
- Freeze/thaw resistance,
- Thermal properties,
- Reaction to fire,
- Water vapour permeability.

Before testing, sampling for initial type testing shall be done in accordance with Annex A of the standard and the number of units to be tested shall be those given in a table. The results of the ITTs shall be recorded.

Whenever a major change occurs in raw materials or the proportions used or to the production process which would change the properties of the finished product, the appropriate initial type test shall be repeated.

4.1 Testing equipment for compliance assessment

When it comes to testing equipment for the conformity of construction products, the need for testing equipment depends on the nature of the construction products. However, several key areas are commonly evaluated.

The most frequent testing methods are related to mechanical, physical, chemical, dangerous and environmental performances, that are listed in harmonized standards:

01. Mechanical Performance:

- **Tensile Strength:** Measures the maximum load a material can withstand without breaking.
- **Compressive Strength:** Evaluates a material's ability to withstand compressive forces.
- **Flexural Strength:** Assesses resistance to bending or flexing.
- **Impact Resistance:** Determines how well a material withstands sudden impacts.
- **Hardness:** Measures a material's resistance to indentation or scratching.

02. Physical Performance:

- **Durability:** Examines a product's ability to withstand environmental conditions (e.g., weather, UV exposure, aging).
- **Water Absorption:** Measures how much water a material absorbs.
- **Thermal Conductivity:** Evaluates how well a material conducts heat.
- **Sound Insulation:** Assesses a product's ability to reduce sound transmission.

03. Chemical Performances:

- **Chemical Resistance:** Determines how a material reacts to exposure to various chemicals (acids, alkalis, solvents).
- **Corrosion Resistance:** Evaluates a product's resistance to corrosion (e.g., in metal structures).

04. Dangerous Performance:

- **Load-Bearing Capacity:** Assesses a structure's ability to support loads safely.
- **Slip Resistance:** Determines how slippery a surface is (important for flooring materials).
- **Fire Resistance:** Measures a material's ability to withstand fire and prevent its spread.
- **Electrical Safety:** electrical products have to be compatible with construction products according to relevant safety standards of other regulations when embedded.
- **Toxicity:** Evaluates potential harm from toxic substances (e.g., lead, heavy metals, asbestos).

05. Environmental performance – Carbon Footprint and Life Cycle:

- New regulations, such as the 2020 environmental regulation (RE2020), emphasize studying the **carbon footprint** of buildings over their entire life cycle.
- This includes assessing the impact of construction products used in the building.

Specific standards and regulations guide these tests, ensuring that construction products meet safety and performance requirements. Understanding the environmental performance of construction products and integrating technical building equipment into assessments ensures more sustainable and eco-friendly buildings and long lasting (building life-long) performances.

Testing is performed either by the manufacturer (rarely) or by a notified body with whom manufacturer cooperates.

5. Factory production control

5.1 General

The manufacturer shall establish, document and maintain a factory production control system to enable continuing conformity with hEN and declared values of the products placed on the market.

As appropriate, the responsibility, authority and interrelation of all personnel who manage, perform and verify work affecting the quality of product units shall be defined in the documentation of the Factory Production Control (FPC).

The FPC system shall describe the procedure of production, the regular inspections by

the manufacturer and his testing. Controls and tests shall include the characteristics of products, the process of production, the production equipment or the production machines, the test equipment or the testing instruments and the marking of the product.

The results of the tests requiring action and test results shall be recorded. Actions to be taken when the control test values or criteria do not meet those specified should be documented by the manufacturer.

5.2 Factory production control manual

The purpose of the Factory production control manual is to demonstrate the compliance of the product or the prototype of the serial product against the requirements of the applicable regulations. It shall contain the necessary information on design, construction and conformity assessment of the product. From this point, it is clear that only the manufacturer can be responsible for its preparation.

The manufacturer shall establish, document and maintain a factory production control system to enable continuing conformity with the product standard and the declared values of the product placed on the market.

As appropriate, the responsibility, authority and interrelation of all personnel who manage, perform and verify work affecting the quality of a product shall be defined in the documentation of FPC. As an example, the contents of FPC manual can be the following:

1. Introduction

2. Organisation

- 2.1. Responsibility and Authority
- 2.2. Management Representative
- 2.3. Management Review

3. Control Procedures

- 3.1. Control Manual
- 3.2. Document and Data Control
- 3.3. Sub-Contract Services
- 3.4. Raw Materials

4. Management of Production

- 4.1. Production Process
- 4.2. Training of Personnel

5. Inspection and Testing

- 5.1. General
- 5.2. Equipment
- 5.3. Sampling (frequency, locations)
- 5.4. Finished product testing

6. Records

7. Control of Non-Conforming Product

8. Handling, Storage and Conditioning

Handling

Segregation

Cleanliness of handling equipment and storage areas

9. Transport and Packaging

9.1. Transport

9.2. Packaging

10. Marking and documentation

5.2.1 General

The manufacturing control procedure at the production installation must be established, carried out and documented. All control procedures, requirements and measures must be systematically documented in a **"Factory production control manual"** and all internal control measurement results documented according to requirements of the standard.

The factory production control system shall describe the process of production, the regular inspections by the manufacturer and his testing. Controls should include the characteristics of products, the process of production, the production equipment or the production machinery, the test equipment or the testing instruments and the process of making a product. The results of tests requiring action shall also be recorded.

When the results of the control tests or the criteria do not meet those specified, actions to be taken should be documented by the manufacturer.

5.2.2 Testing and measurement equipment

All relevant weighing measuring and testing equipment that has an influence on declared values, shall be calibrated and regularly inspected according to the documented procedures, frequencies and as stated in the FPC manual.

5.2.3 Production equipment

All production equipment that has an influence on declared values, shall be controlled and regularly inspected according to guidance in Annex B of the harmonised standards.

5.2.4 Raw materials

As appropriate, the specifications on incoming materials and the procedures to be operated to ensure that they comply shall be documented. Guidance for the inspection of raw materials is given in Annex B of the harmonised standards.

5.2.5 Production process

The relevant features of the production process shall be defined giving the frequency of the manufacturer's inspection checks, with the required criteria, using the guidance in Annex B. Actions to be taken when the criteria are not achieved shall also be specified by the manufacturers.

5.2.6 Testing of finished products

The FPC system shall incorporate a sampling plan and frequency of testing of the finished products. The results of sampling and testing shall be recorded. The samples shall be representative of the production. For production evaluation the manufacturers can define the conformity criterion.

5.2.7 Marking and stock control of products

The marking and stock control shall be documented. Batches of products should be identifiable and traceable. Guidance for the inspection scheme is given in Annex B of the harmonised standard.

5.2.8 Non-conforming products

The procedure for dealing with non-conforming products shall be documented. Products that do not conform with the requirements shall be segregated and marked accordingly. The manufacturers shall take action to avoid recurrence of the non-conformity.

5.3 Simplified procedures by micro enterprises

Simplified procedures, that only micro enterprises can use in a conformity assessment, are given in the Chapter VI [Articles 36, 37 and 38] of the CPR⁵:

5.3.1 Use of appropriate technical documentation - Article 36

- 01.** In determining the product-type, a manufacturer may replace type-testing or type-calculation by Appropriate Technical Documentation demonstrating that:
 - a.** for one or several essential characteristics of the construction **product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation**, or without further
 - b.** **testing or calculation**, in accordance with the conditions set out in the relevant harmonised technical specification or a Commission decision;
- b.** **SHARED ITT RESULTS:** the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another

manufacturer and already tested in accordance with the relevant harmonised standard. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. **The manufacturer may use the test results obtained by another manufacturer** only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results; or

- c.** **CASCADING ITT RESULTS:** when **the construction product is a system made of components**, which the manufacturer assembles duly following precise instructions given by the provider of such a system or of a component thereof, who has already tested that system or that component for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the

test results for the system or the component provided to him. The manufacturer may **use the test results obtained by another manufacturer or system provider only after having obtained an authorisation of that manufacturer or system provider**, who remains responsible for the accuracy, reliability and stability of those test results.

- 02.** If the construction product referred to in paragraph 1 belongs to a family of construction products for which the applicable system for assessment and verification of constancy of performance is system 1 + or 1, as set out in Annex V, the **Appropriate Technical Documentation referred to in paragraph 1 shall be verified by a notified product certification body** as referred to in Annex V.

5.3.2 Use of simplified procedures by micro-enterprises - Article 37

- 01.** Micro-enterprises manufacturing construction products covered by a harmonised standard **may replace the determination of the product-type on the basis of type-testing** for the applicable systems 3 and 4 as set out in Annex V **by using methods differing** from those contained in the applicable harmonised standard. Those manufacturers may also treat construction products to which system 3 applies in accordance with provisions for system 4.
- 02.** When a manufacturer uses these simplified procedures, the manufacturer shall demonstrate compliance of the construction product with the applicable requirements by means of a **Specific Technical Documentation** and shall demonstrate the equivalence of the procedures used to the procedures laid down in the harmonised standards.

5.3.3 Other simplified procedures - Article 38

- 01.** In relation to construction products covered by a harmonised standard and which are individually manufactured or custom-made in a non-series process in response to a specific order, and which are installed in a single identified construction work, the performance assessment part of the applicable system may be replaced by the manufacturer by Specific Technical Documentation demonstrating compliance of that product with the applicable requirements and equivalence of the procedures used to the procedures laid down in the harmonised standards.
- 02.** If the construction product referred to in paragraph 1 belongs to a family of construction products for which the applicable system for assessment and verification of constancy of performance is system 1 + or 1, as set out in Annex V, the Specific Technical Documentation shall be verified by a notified product certification body as referred to in Annex V.

6. DECLARATION OF PERFORMANCE AND CE MARKING

When compliance with the conditions of Annex ZA of hEN is achieved, and once a notified body has drawn up and issued the FPC certificate, the manufacturer or his agent, established in the EEA, shall prepare and retain a declaration of performance, which entitles the manufacturer to affix CE marking.

6.1 CE Declaration of performance

The Declaration of Performance is a key part of the Construction Products Regulation. It provides information on the performance of a product. Each construction product covered by a European harmonised standard or for which a European Technical Assessment has been issued needs this Declaration and has to be CE marked. This helps increase transparency and improves the functioning of the Internal Market. Key enablers for the manufacturer to conduct in-house conformity assessment, especially for products under AVCP 3 and 4, are:

- competencies of responsible personnel (knowledge and technical experiences),

- testing and measuring equipment (may include testing rigs or set-ups, measuring devices),
- production equipment and procedures in place. The procedures should address aspects such as initial type testing, factory production control and its certification (under AVCP 1, 1+ and 2+) and finished product conformity verification.

Declaration shall include all the information given in Delegated regulation (574/2014/EU) on the model to be used for drawing up a declaration of performance on construction products.

DECLARATION OF PERFORMANCE

No

- Unique identification code of the product-type:
 - Intended use/es:
 - Manufacturer:
 - Authorised representative:
 - System/s of AVCP:
 - Harmonised standard:
Notified body/ies:
 - European Assessment Document:
European Technical Assessment:
Technical Assessment Body:
Notified body/ies:
 - Declared performance/s:
 - Appropriate Technical Documentation and/or Specific Technical Documentation:
The performance of the product identified above is in conformity with the set of declared performance/s. This declaration of performance is issued, in accordance with Regulation (EU) No 305/2011, under the sole responsibility of the manufacturer identified above.
- Signed for and on behalf of the manufacturer by:
- [name]
- At [place] on [date of issue]
- [signature]

Picture 4: The model of Declaration of performance from the Delegated Regulation 574/2014/EU

Derogations from drawing up a declaration of performance – Article 5⁶

A manufacturer may refrain from drawing up a declaration of performance when placing a construction product covered by a harmonised standard on the market 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, by a manufacturer who is responsible for the safe incorporation of the product into the construction works, in compliance with the applicable national rules and under the responsibility of those responsible for the safe execution of the construction works designated under the applicable national rules;
- b. the construction product is **manufactured on the construction site** for its incorporation in the respective construction works in compliance with the applicable national rules and under the responsibility of those responsible for the safe execution of the construction works designated under the applicable national rules; 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 for adequately renovating construction works officially protected as part of a designated environment or because of their special architectural or historic merit, in compliance with the applicable national rules.

6.2 CE Marking for construction products

The CE marking indicates that a construction product is in conformity with its declared performance and that it has been assessed according to a **harmonised European standard** or a **European Technical Assessment** has been issued for it.

The manufacturer or his agent established in the EEA is responsible for affixing the CE marking. The CE marking symbol to affix shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008 and shall be shown on a product or when that is not possible it may be on the accompanying label, the packaging or on the accompanying commercial documents e.g. a delivery note.

The following information shall accompany the CE marking symbol:

- identification number of the certification body (only for products under system 2+, 1 and 1+);
- name or identifying mark and registered address of producer,
- last two digits of the year in which the marking is affixed;
- number of EC certificate of conformity of FPC certificate (if relevant);
- reference to the hEN used;
- description of the product generic name, material, dimensions... and intended use;
- information on the relevant essential characteristics listed in Table ZA.1:
 - declared values and where relevant,

level or class to be declared for each characteristic (as indicated in Notes in Table ZA.1;

- As an alternative, standard designation(s) alone or in combination with declared values, and
- "No performance determined" NPD for characteristics where this is relevant.

The "No performance determined" (NPD) option may not be used where the

characteristic is subject to a threshold level. Otherwise, the NPD option may be used when and where the characteristic, for a given intended use, is not subject to regulatory requirements in the Member State of destination or for product intended use.

Specific figures of CE markings and examples of CE marking information are presented at the end of Annex ZA of the harmonised standards.

7. CONFORMITY ASSESSMENT PROCEDURE FOR NON-HARMONISED PRODUCTS

As could be seen in previous chapters the CPR differs from new EU legislative framework acts, as it only harmonises the assessment methods for the performance of construction products without setting EU-wide requirements for these products. Instead, it sets harmonised rules on how to express their performance in relation to their essential characteristics, as well as rules on their CE marking.

This common technical language consists of harmonised technical specifications:

- **harmonised standards**, drafted by European standardisation bodies (CEN-CENELEC) based on standardisation requests ('mandates') issued by the Commission and
- European assessment documents (EADs), which are the **alternative to harmonised standards and apply to construction products that are not covered by these standards**.

In practice, if the manufacturer whose **construction product is not covered by a harmonised standard wishes to have its product CE-marked**, it has to request a **European technical assessment (ETA)** from a technical assessment body (TAB). The CE marking allows the manufacturer to freely market his product in the entire European Economic Area as well as in Switzerland and Turkey.

The European technical assessment is then issued based on harmonised technical specifications included in a **European assessment document (EAD)**. The development of an EAD is usually triggered when a manufacturer requests a European Technical Assessment (ETA) and harmonised criteria for the assessment of the product's performance do not exist.

The European organisation for technical assessment (EOTA) – the Europe-wide association of technical assessment bodies (TABs) for construction products established

under the CPR – coordinates the work and adopts the European assessment document. The European technical assessment allows the manufacturer of the construction product concerned to draw up a declaration of performance (DoP) for this product. The whole process is also known as 'the EOTA route'.

The Commission publishes the list of references of the final European assessment documents in the OJEU. Where appropriate, after having consulted the Standing Committee on Construction, the Commission, shall take existing European

Assessment Documents as a basis for the mandates to be issued and a list of references of the final European Assessment Documents published in the *Official Journal of the European Union*. The Commission shall publish any updates to that list.

NOTE: From the moment of the CPR's entry into force to the end of 2021, EOTA developed 583 EADs based on which the EOTA's technical assessment bodies issued 10519 European technical assessments.

7.1 Facts of the ETA procedure (route)

The **European Technical Assessment (ETA)** provides an independent Europe-wide procedure for assessing the essential performance characteristics of non-harmonised construction products.

The ETA offers manufacturers a **voluntary route to CE marking**, when the product is not or not fully covered by a harmonised standard (hEN) under the Construction Products Regulation (EU) 305/2011.

The ETA procedure is open to construction product manufacturers in all product areas, irrespective of whether or in which manner the products are nationally regulated. Manufacturers can submit an ETA request to any Technical Assessment Body (TAB) designated for the product area in question by an EU Member State. The TAB will guide

the manufacturer through the procedure as the responsible TAB (RTAB).

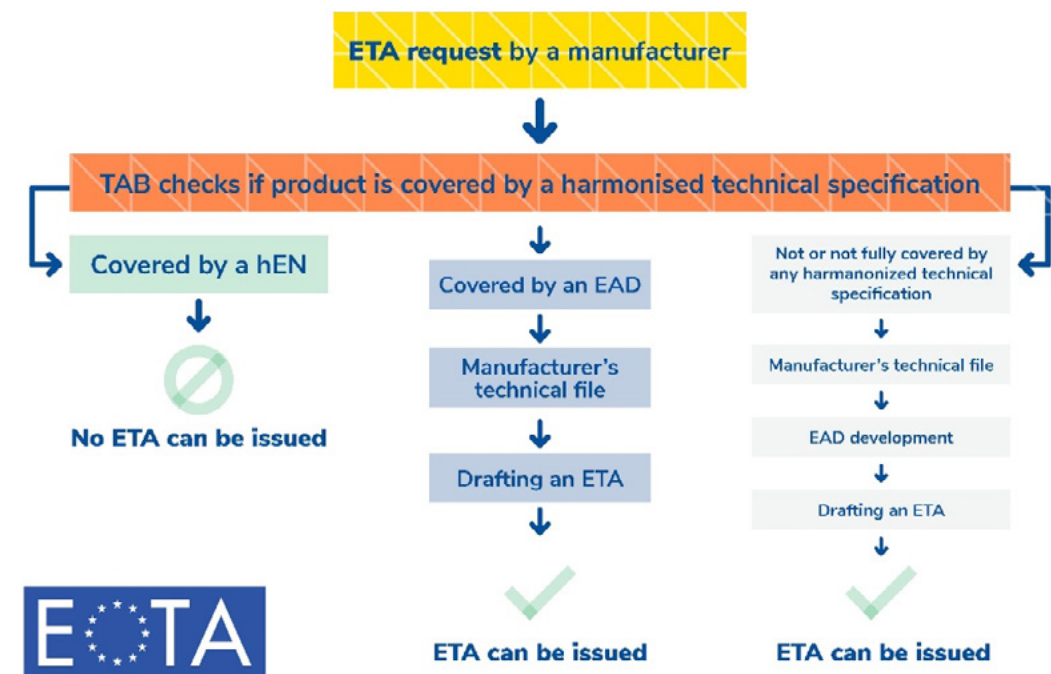
The ETA will be based on a European Assessment Document (EAD), which is a harmonised technical specification developed by EOTA as a basis for the ETA. If the product in question is not yet (completely) covered by an existing EAD, EOTA will develop a new, or adapt an existing, European Assessment Document.

Manufacturers may use the voluntary ETA route to CE mark their product if it is not fully covered by an already existing harmonised standard (hEN) or even in the case where a mandate for a harmonised standard has been issued, which shall be possible just until the beginning of the coexistence period as determined by the Commission.

7.2 Procedure of issuing European Technical Assessment

Applying for an ETA is easy. Select a **Technical Assessment Body (TAB)** as a partner for **issuing an ETA**. The TAB will then initiate a 5-step process for you (see below).

The European Technical Assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European Assessment Document established in accordance with the procedures set out in Article 21 and Annex II of CPR. Simple diagram presenting the procedure for issuing an ETA is shown in Picture 5.



Picture 5: Procedure of issuing an ETA

Five steps of the procedure are as follows:

01. Application

The **manufacturer requests an ETA** from a TAB designated for the relevant product area.

The TAB provides the manufacturer with an ETA request form to fill in with:

- type and description of the construction product
- its essential characteristics and intended use
- indication if the construction product is not or not fully covered by a harmonised standard or an EAD
- declaration that an application has not been introduced to another TAB before.

02. Service contract

The TAB checks the request form and provides the applicant with its general terms and a quotation. Both parties **sign a service contract** including an agreement of confidentiality and commercial secrecy. In cases where the product is not or not fully covered by an existing EAD, the TAB will in parallel initiate the development of an EAD within EOTA.

03. Manufacturers' Technical File (MTF)

The manufacturer provides the TAB with a comprehensive **technical file of the construction product** to be assessed. The MTF is covered by the confidentiality and commercial secrecy agreement.

Note: Especially in the case of innovations and further developments of products, we recommend that you speak to your TAB before investing to a great extent in testing (see tips for testing below).

04. Work and assessment programme

If a new European Assessment Document (EAD) is needed or an existing one needs to be amended, the TAB and the manufacturer determine and agree on the **work and assessment programme**. This programme will take into consideration the product characteristics that the manufacturer wants to declare performance on and the relevant and available harmonised technical specifications.

European Assessment Document shall be drawn up and adopted by the organisation of TABs for any construction product not covered or not fully covered by a harmonised standard, for which the performance in relation to its essential characteristics cannot be entirely assessed according to an existing harmonised standard, because:

- a. the product does not fall within the scope of any existing harmonised standard;

- b. for at least one essential characteristic of that product, the assessment method provided for in the harmonised standard is not appropriate; or
- c. the harmonised standard does not provide for any assessment method in relation to at least one essential characteristic of that product.

The procedure for adopting the European Assessment Document by TAB shall respect the principles for the development and adoption from Article 21 of CPR:

- a. be transparent to the manufacturer concerned;
- b. define appropriate mandatory time limits in order to avoid unjustified delay
- c. take appropriately into account the protection of commercial secrecy and confidentiality;
- d. allow for adequate participation by the Commission;
- e. be cost-effective for the manufacturer; and
- f. ensure sufficient collegiality and coordination amongst TABs designated for the product in question.

The TABs shall, together with the organisation of TABs, bear the full costs of the development and adoption of European Assessment Documents. EAD contains, at least,

- a general description of the construction product and its intended use (Chapter 1),
- the list of essential characteristics relevant for the intended use, methods and criteria for assessing the performance of the product (Chapter 2),
- principles for the implementation of the system for assessment and verification of constancy of performance (Chapter 3).

The usual timeline for the development of an EAD set out in the Construction Products Regulation is 9 months. The EAD comes to manufacturer (applicant) at no extra cost. It is developed as part of the ETA procedure where required. The cost is born by EOTA and its members and co-financed through EU grants.

BENEFIT FOR ALL: During the EAD development procedure, the content and even the fact that an EAD is being developed is subject to confidentiality upon the request of the manufacturer. Only after the first ETA has been issued, EOTA starts making the EAD publicly available.

References to final EADs are announced on the EOTA website once the first ETA has been issued.

Finally, the **reference of the EAD is published by the European Commission in the Official Journal of the European Union (OJEU)** and provided in NANDO. As soon as the EAD reference has been published in the OJEU, EOTA provides the full text of final EADs free for download on this website.

05. Issuing of ETA

When the results of the test carried out on the basis of the EAD are available, the TAB will draw up a draft ETA that will be shared with the applicant as well as the other designated TABs in the relevant product area for feedback. Based on this feedback, the TAB will then issue the ETA.

The European Technical Assessment shall include the performance to be declared, by levels or classes, or in a description, of those essential characteristics agreed by the manufacturer and the TAB receiving the request for the European Technical Assessment for the declared intended use, and technical details necessary for the implementation of the system of assessment and verification of constancy of performance.

The ETA is the basis for a Declaration of Performance (DoP) which the manufacturer is required to draw up in accordance with the Construction Products Regulation (CPR) (fill the data about EAD, ETA and TAB under the point 6.b of the DoP) before CE-marking his product.



7.3 Requirements for technical assessment bodies (TABs)

A TAB shall carry out the assessment and issue the European Technical Assessment in a product area for which it has been designated. The TAB shall satisfy the requirements set out in Table 2 of Annex IV within the scope of its designation.

Competence	Description of competence	Requirement
1. Analysing risks	Identify the possible risks and benefits for the use of innovative construction products in the absence of established/consolidated technical information regarding their performance when installed in construction works.	A TAB shall be established under national law and have legal personality. It shall be independent from the stakeholders and from any particular interests. In addition, a TAB shall have staff with:
2. Setting technical criteria	Transform the outcome of the risk analysis into technical criteria for evaluating behaviour and performance of the construction products regarding the fulfilment of applicable national requirements; provide the technical information needed by those participating in the building process as potential users of the construction products (manufacturers, designers, contractors, installers).	(a) objectivity and sound technical judgement; (b) detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be designated; (c) general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated; (d) detailed knowledge of specific risks involved and the technical aspects of the construction process; (e) detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated; (f) appropriate linguistic skills.
3. Setting assessment methods	Design and validate appropriate methods (tests or calculations) to assess performance for essential characteristics of construction products, taking into account the current state of the art.	The remuneration of the TAB personnel shall not depend on the number of the assessments carried out or on the results of such assessments.
4. Determining the specific factory production control	Understand and evaluate the manufacturing process of the specific product in order to identify appropriate measures ensuring product constancy through the given manufacturing process.	A TAB shall have staff with appropriate knowledge of the relationship between the manufacturing processes and product characteristics related to factory production control.
5. Assessing the product	Assess the performance for essential characteristics of construction products on the basis of harmonised methods against harmonised criteria.	In addition to the requirements listed in points 1, 2 and 3, a TAB shall have access to the necessary means and equipment for the assessment of the performance for essential characteristics of construction products within the product areas for which it is to be designated.
6. General management	Ensure consistency, reliability, objectivity and traceability through the constant application of appropriate management methods.	A TAB shall have: (a) a proven record of respect of good administrative behaviour; (b) a policy and the supporting procedures to ensure confidentiality of sensitive information within the TAB and all its partners; (c) a document control system to ensure registration, traceability, maintenance and archiving of all documents; (d) a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate management methods; (e) a procedure to deal objectively with appeals and complaints.

Table 2: Requirements for TABs (Annex IV of CPR)

A TAB shall make publicly available its organigram and the names of the members of its internal decision-making bodies.

Where a TAB no longer complies with the requirements, the Member State shall withdraw the designation of that TAB for the relevant product area and inform the Commission and the other Member States thereof.

8. ACCESSING THE EU INTERNAL MARKET

The aim of the EU Internal Market is to have an area without internal frontiers or regulatory obstacles in which the free movement of goods, persons, services and capital is ensured in accordance with the articles of the Treaties. Candidate and potential candidate countries in CEFTA Region also seek to align their legislation with the EU *acquis* as one of the conditions of their future membership of the EU.

8.1 Free movement of goods

The free movement of goods is secured through **the elimination of customs duties and quantitative restrictions** and the prohibition of measures having an equivalent effect. The **principles of mutual recognition**, elimination of physical and technical barriers and promotion of standardisation were added in order to continue the completion of the internal market. The adoption of the New Legislative Framework in 2008 strengthened the free movement of goods, the EU's market surveillance system and the CE marking. **Legal basis** is Article 26 and Articles 28 - 37 of the Treaty on the Functioning of the European Union (TFEU).

The **right to the free movement of goods originating in EU Member States**, and of **goods from third countries which are in free circulation in the Member States**, is

one of the fundamental principles of the Treaty (Article 28 of the TFEU). Originally, the free movement of goods was seen as part of a customs union between the Member States, involving the abolition of customs duties, quantitative restrictions on trade and equivalent measures, and the establishment of a common external tariff for the Union. Later on, the emphasis was placed on eliminating all remaining obstacles to the free movement of goods, with a view to **creating the internal market**.

The adoption of harmonisation laws has made it possible to **remove obstacles** (for example by making national provisions inapplicable) and to **establish common rules** aimed at guaranteeing **the free circulation of goods and products**.

8.2 Mutual recognition

The principle stems from Articles 34-36 of the Treaty on the Functioning of the European Union and is further defined in **Regulation (EU) 2019/515**⁷ on the mutual recognition of all goods lawfully marketed in another Member state⁸. The aim of the Regulation (EU) 2019/515 is to strengthen the functioning of the EU Internal market by improving the application of the principle of mutual recognition and by removing unjustified barriers to trade. It

defines the rights and obligations in relation to the mutual recognition principle for competent authorities and manufacturers when selling

- non-harmonised goods which comply with the relevant rules applicable or are not subject to any such rules in that Member State and
- are made available to end users in that Member State.

⁷ <https://eur-lex.europa.eu/eli/reg/2019/515/oj>

⁸ Regulation 2019/515 applies from 19 April 2020 and replaces Regulation (EC), No 764/2008.

Since all construction products can be CE-marked under the CPR regime, the important factor in establishing whether a construction product falls within the scope of the principle of mutual recognition, is the presence or absence of the CE marking. Only those products to which the CE marking has not been affixed, fall within the scope of this

principle and its procedural consequences. CE-marked construction products are to be dealt with in accordance with the provisions of the CPR.

EU countries have to inform on their rules and regulations for construction products through [national product contact points](#)⁹.

8.3 Product Contact Points for Construction – Article 10

SMEs can obtain reliable and specific information about the law in force at the Products Contact Points, including the Contact Point for Construction products, established in each Member State. The role of Product Contact Points is providing of information on all product-related rules, including national technical rules covered by mutual recognition and the provisions within its territory aimed at fulfilling basic requirements for construction works applicable for the intended use of each construction product. They shall ensure that Product Contact Points deliver their services

in accordance with Regulation (EU) 2018/1724 and with the [Regulation \(EU\) 2019/515](#). Product Contact Points for construction products should also provide information on rules applicable to the incorporation, assembling or installation of a specific type of construction product.

Product Contact Points for construction products shall be able to carry out their functions in a manner that prevents conflicts of interest, particularly in respect of the procedures for obtaining the CE marking.

8.4 Guidance document for the application of Regulation (EU) 2019/515

The principle of mutual recognition and procedures for non-harmonised products are specified in a European [Guidance document for the application of Regulation \(EU\) 2019/515 on the mutual recognition of goods lawfully marketed in another Member State \(and repealing Regulation \(EC\) No 764/2008\)](#).

- The first criterion is that the goods or goods of that type must comply with the relevant rules applicable in the Member State of origin or must not be subject to any such rules in that Member State.

When there are national technical rules in the Member State of origin, information about

the characteristics of the goods and reference to the national law may in some cases be sufficient to show compliance. In other cases, a **decision on prior authorisation could be necessary**.

- The second criterion of the concept of lawful marketing is **that the goods were made available to end users** in that Member State.

The EU's use of trade defence instruments is based on World Trade Organization rules. The EU uses these instruments and applies a number of extra conditions to the WTO rules to make sure their use is measured.

9. MARKET SURVEILLANCE and DANGEROUS PRODUCTS

Market surveillance institutions have been operational in all CEFTA Parties since the adoption of Regulation 765/2008/EC into their local market surveillance structures and activities and still more with the implementation of Regulation (EU), No. 2019/1020.

Market surveillance is crucial for the smooth functioning of the [single market](#) and could be proactive or reactive. Both ways it helps protect

- consumers, end users and workers against unsafe products and general non-compliance and
- businesses from unfair competition by those who ignore the rules.

[EU market surveillance legislation](#)¹⁰ provides

- clear and uniform rules applying to non-food products and economic operators,
- requirements (infrastructure, organisation, legal powers, etc.) to ensure that market surveillance can cope with enforcing EU legislation,
- streamlined market surveillance procedures for controlling products within the EU and at its borders (import controls),
- tools to coordinate activities carried out by national surveillance bodies across the EU (e.g. discussion forums, IT databases, and common market surveillance campaigns).

Reporting systems for non-compliant and serious risk equipment exist in most CEFTA Parties, however they might not be fully in line with the similar EU systems ICSMS¹¹ and Safety Gate (ex RAPEX, cf. section 10.1/10.2). One reason may be the fact that non-EU

countries cannot use the EU information systems to the full extent. One CEFTA Party is developing a QMS for market surveillance and it reported ongoing alignment of its legislation with Regulation (EU), No. 2019/1020.

The aim of the [Regulation \(EU\), No. 2019/1020 on market surveillance and compliance of products](#)¹² is:

- to improve how the free movement of goods principle works by strengthening market surveillance* of products covered by EU harmonisation legislation. This must ensure a high level of protection of health and safety, in general and in the workplace, and protect consumers, the environment, public security and other public interest,
- to lay down rules and procedures for economic operators <https://eur-lex.europa.eu/EN/legal-content/summary/market-surveillance-and-compliance-of-products.html> and establishes a system for their cooperation with supervisory authorities,
- to establish controls on products imported into the EU.

It deletes and replaces Articles 15 to 29 of Regulation (EC) No [765/2008](#) (see summary on [Accreditation and market surveillance](#)) and amends the Machinery Directive and Regulation (EU) No 305/2011 on Construction products.

38 ⁹ <https://ec.europa.eu/docsroom/documents/53577>

¹⁰ https://single-market-economy.ec.europa.eu/single-market/goods/building-blocks/market-surveillance_en

¹¹ ICSMS (Information and Communication System for Market Surveillance) is the comprehensive communication platform for market surveillance on non-food products and for mutual recognition for goods.

¹² <https://eur-lex.europa.eu/eli/reg/2019/1020/oj>

9.1 The Rapid Exchange of Information about dangerous products (Safety Gate ex. RAPEX Database)

RAPEX is the European Union's first rapid alert system designed to address unsafe consumer products and enhance consumer protection, that facilitated the swift exchange of information between EU Member States and the European Commission with focus on measures taken to prevent or restrict the marketing or use of consumer products that pose a serious risk to consumers.

The rapid exchange system enables the rapid dissemination of information regarding product recalls, repatriation and other safety-related actions, that can be initiated by national authorities or voluntarily by manufacturers and distributors of risky products and ensures that relevant parties stay informed about unsafe products and take necessary precautions.

In summary, RAPEX plays a crucial role in keeping consumers safe by swiftly addressing

risks associated with various products in the EU market. At the end of a year 2024 the Safety Gate website will replace RAPEX to enhance effectiveness and consumer understanding. The new Safety Gate platform continues the mission of RAPEX, providing up-to-date information on unsafe consumer products. It includes products covered by the Regulation (EU), No. 2019/1020 (accreditation and market surveillance of non-food products).

- Safety Gate allows **31 participating countries** (EU countries, Norway, Iceland, and Liechtenstein) and the European Commission to exchange information on products posing risks to consumers' health and safety or environmental risks.
- It also shares details about the measures taken by these countries to mitigate those risks.

9.1.1. SEED+ project

In CEFTA Parties some market surveillance activities are aligning with the EU's New Legislative Framework, particularly for high-risk or non-compliant products, including the use of a common database for insufficient performances, non-compliant and dangerous products. One of them is **SEED+ database**, modelled on the Safety Gate and established for the unsafe/noncompliant

products detected on the CEFTA market. As of December 2023, the database is fully operational and serves as a common database enabling regular and systematic exchange of data for unsafe products in the region, and helps market surveillance authorities, manufacturers and CABs.

10. FURTHER GUIDANCE ON THE USE OF NEW CPR

The upcoming revision seeks to incorporate the sustainability elements included in the Green Deal in 2019, and elaborated further in the circular economy action plan adopted in 2020. The Commission's 2021 work programme initially envisaged the CPR revision for the third quarter of that year, but later postponed it to end of March 2023.

On 30 March 2022, the European Commission tabled a proposal to revise the CPR.¹³ The text has been discussed in the European Parliament and the Council. On 10 April 2024 the European Parliament gave its final green light to the construction products regulation that aims to boost digitalisation, harmonisation and sustainability in the construction sector. Now, the Council will have to give the new regulation its own final formal approval. After that, the text will be published in the Official Journal and come into force.

The Commission proposal [of the new CPR](#)¹⁴ includes the following main changes compared to the current CPR:

- the scope is renewed, and reused and 3D-printed construction products (in the definition of construction product) and pre-fabricated one-family-houses are included as a product family,
- the Commission would be allowed to adopt technical specifications in cases where the standardisation system is not delivering as expected, and to set product requirements (Article 5),
- it sets out new environmental, functional and safety product requirements for construction products and construction works (in Annex I - Basic requirements for construction works, Annex II, Annex III – Product requirements and in Annex IX in additional AVCP System 3+: Notified body's control of environmental sustainability assessment),
- it establishes a 'harmonised zone' (as opposed to the areas under the responsibility of Member States) and a mechanism to deal with Member States 'imperative regulatory needs' on health, safety or protection of the environment, including climate (Article 11),
- it creates a new obligation for manufacturers (Article 20, 21, 22), especially to provide a declaration of performance (concerning compliance with product requirements) and introduces the possibility to give information via electronic means (Article 16),
- it creates more specified obligation to all other economic operators (authorised representatives, importers and distributors) and cooperation among them (Chapter III),
- it defines a list of general sustainability requirements to be further defined in Commission acts/harmonised standards (Annex X),
- it introduces simplification and exemption provisions for micro-enterprises (Annex VII) and derogation of drawing up a DoP (Article 14),
- it strengthens enforcement powers of market surveillance authorities (Chapter VIII),
- it reinforces the product contact points for construction, to better support economic operators (Article 72),
- it sets up a new Commission system allowing any natural or legal person to share complaints or reports related to possible breaches of the Regulation (Article 63 and 71), and the last but not least,
- it is aligned with the proposed regulation on eco-design requirements for sustainable products on climate and environmental sustainability and on the digital product passport (see Chapter X and Article 75 and 76).

Before the implementation of the rules of a new CPR checking the table of correlations is highly recommended.

¹³ [https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2022/0144/COM_COM\(2022\)0144_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2022/0144/COM_COM(2022)0144_EN.pdf)

¹⁴ https://www.europarl.europa.eu/doceo/document/TA-9-2024-0188_EN.html#title2

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[CPR FAQs](#)

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CEFTA INFO CENTER

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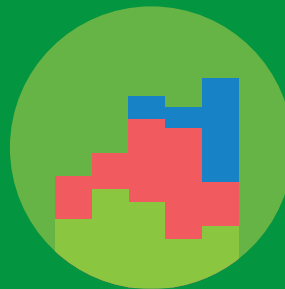
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