

CE marking under the Construction Products Directive: frequently asked questions

These notes answer frequently asked questions (FAQs) about the Construction Products Directive (CPD):

[FAQ1.](#) What is the CPD?

[FAQ2.](#) How will the CPD be implemented?

[FAQ3.](#) How do the regulations apply in the UK?

[FAQ4.](#) I export to other Member States - what does the CPD mean for me?

[FAQ5.](#) So, if I meet a European "standard", can I sell my products anywhere in Europe?

[FAQ6.](#) What is a European technical specification?

[FAQ7.](#) Where do European specifications come from?

[FAQ8.](#) What are the essential requirements?

[FAQ9.](#) Why is this such a complex relationship?

[FAQ10.](#) How do I demonstrate that my product has the relevant performance characteristics?

[FAQ11.](#) I have had my products tested to the appropriate level, and can demonstrate that my product meets performance requirements. Can I now market it in Europe?

[FAQ12.](#) What does the CE marking mean?

[FAQ13.](#) Will my products be required to bear the CE marking?

[FAQ14.](#) CE marking is not yet possible for my product. What should I do in the meantime?

[FAQ15.](#) What progress has been made on producing harmonised standards?

[FAQ16.](#) What progress has been made in EOTA?

[FAQ17.](#) Where can I get more information?

In some cases it is not possible to provide complete answers because some procedures continue to be developed. Also, interpretation of legislation is ultimately a matter for the courts, and these notes remain for guidance only.

1. What is the CPD?

The CPD is one of the "New Approach" Directives, which seek to remove technical barriers to trade within the European Economic Area (EEA) as part of the move to complete the Single Market. The EEA comprises the European Community and those states in the European Free Trade Association (EFTA) other than Switzerland.

The intention of the CPD is to replace existing national standards and technical approvals with a single set of European-wide technical specifications for construction products. Any manufacturer whose products are specified and CE marked according to European technical specifications cannot have his product refused entry to EEA markets on technical grounds. Under the CPD, a product bearing the CE marking will be presumed to meet the requirements of these specifications.

2. How will the CPD be implemented?

In the UK, the CPD was implemented by the Construction Products Regulations, which came into force on 27 December 1991.

In 1994, the CPD was amended by the "CE marking" Directive . This Directive was implemented in the UK by the Construction Products (Amendment) Regulations . They came into force on 1 January 1995.

The Regulations lay down requirements for construction products to be legally placed on the UK market, and the conditions for products to bear the CE marking.

Ultimate responsibility for implementation of the Directive rests with the European Commission. The Commission is responsible, for example, for ensuring that European technical specifications are drawn up, and meet the requirements of the Directive. It is also responsible for ensuring that Member States have made adequate domestic provisions to implement the Directive. The Commission generally works in consultation with the Standing Committee on Construction (SCC), which comprises representatives from each Member State. See "Contacts" for UK representatives.

3. How do the Regulations apply in the UK?

The Regulations apply to products which are "produced for incorporation in a permanent manner in works". "Works" include buildings, roads, bridges and other civil engineering works. The Regulations do not apply to construction products:

- which have no implications for health, safety or energy efficiency of construction works,
- where the construction works are not subject to regulation, or
- where the product was legally supplied in the UK before 27 December 1991 (ie when the Regulations came into force).

Products covered by the Regulations can be legally placed on the market if they can be demonstrated to have the characteristics (eg tensile strength, resistance to water penetration) necessary to allow the construction works to meet the requirements of regulations (eg, the Building Regulations). Where products bear the CE marking, it will be presumed that they meet the requirements of European technical specifications.

In the UK, enforcement of the Regulations lies with trading standards officers, except in Northern Ireland, where enforcement falls to environmental health officers. The Secretary of State also has enforcement powers. Failure to comply with the Regulations may lead to prohibition on the supply of products and prosecution.

4. I export to other Member States - what does the CPD mean for me?

As noted above, the fundamental principle of the CPD is to ensure that products which are fit for their intended use can be freely traded across the EEA. This applies both to products produced within the Community and those imported from countries outside the Community.

In the past, the technical requirements of Member States for particular products could differ. A manufacturer whose product was considered perfectly safe in the UK could find that another Member State did not consider that it was safe, and refuse it entry to its market. Additionally, products which did meet the safety standards of another Member State may have still been refused entry because they had not been tested and certified by a standards organisation in that Member State. These are what we mean by technical barriers to trade.

The CPD seeks to remove these barriers by establishing a single, agreed, standard for demonstrating the performance of particular products, and a system of certification and test bodies which are recognised as competent throughout the Community.

5. So, if I meet a European "standard", can I sell my product anywhere in Europe?

Unfortunately, this will not necessarily be the case, for two reasons. Firstly, most Member States will require you to demonstrate compliance with European specifications by affixing the CE marking to your product - there are certain rules about affixing the marking. Secondly, even though a broad performance standard might be agreed, account must inevitably be taken of differing geographic and climatic conditions within Europe. An externally fitted product, for example, may be fit for use in the drier, sunnier climates of the South, but may be entirely unsuited to the more inclement weather conditions of the North. For these reasons, each Member State will be allowed to establish "levels and classes" of performance of products to reflect these different conditions. These will be discussed more fully below.

6. What is a European technical specification?

European technical specifications are of two types - harmonised European standards (hENs) , and European Technical Approvals (ETAs). Manufacturers who wish to take advantage of the Single Market will, in most cases, need to ensure their products meet the requirements of one or the other.

Many European standards already exist - any standard which is prefixed "BS EN", for example, is a European standard. The "harmonised" parts of European standards are those parts of standards which address regulations in the Member States. It is the harmonised part of a standard which manufacturers must meet in order to be able to affix the CE marking.

Where harmonised standards cannot be written - for example, where there are no recognised existing national standards to build on - manufacturers may apply for a European Technical Approval (ETA) to be issued against their product. ETAs are assessments of products' likely performance, normally based on guidelines issued by the European Organisation for Technical Approvals (EOTA).

7. Where do European specifications come from?

Standards are written by CEN, the European standards organisation, on the basis of a mandate (a contracted instruction) from the Commission. For products with an electric or electronic dimension, standards will be written by CENELEC. Equally, ETA guidelines are drawn up by EOTA on the basis of a similar mandate. Standards and ETAs detail the performance characteristics required of products to allow works to meet the essential requirements of the CPD. The six essential requirements set out in very broad terms the minimum safety requirements of construction works.

Standards and guidelines will also set out the testing regime and the participation of third party certification or test bodies in order to demonstrate that products meet the required standard - ie the systems of attestation of conformity.

8. What are the essential requirements?

The essential requirements for the performance of works are:

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

These requirements will be relevant only where works are subject to regulation in a particular Member State. Where no such regulations exist, the CPD does not apply.

9. Why is this such a complex relationship?

The CPD is unique amongst the New Approach Directives, in that the essential requirements do not apply directly to products. Whereas other New Approach Directives (Machinery safety, Toys safety etc) allow manufacturers to declare that their products directly comply with safety requirements (ie "this machine is safe", "this toy is safe"), construction products, on their own, have no implications for general safety and well being. It is only when they are incorporated in works that their performance becomes important. This is why the manufacturer's declaration of conformity has to relate to the performance characteristics of the product, as set out in the technical specification, and not directly to the essential requirements of the works set out in the Directive.

10. How do I demonstrate that my product has the relevant performance characteristics?

This depends on the attestation system applicable to your product. Attestation systems for particular products are decided by the SCC on the basis of qualified majority voting: manufacturers cannot choose which attestation system to apply. The choice of system takes account of Article 13.4 of the CPD, which requires that the system chosen should be the least onerous for manufacturers, consistent with safety.

The systems range from System 4, a manufacturer's declaration of conformity, coupled with a factory production control system run by the manufacturer, to System 1+, which requires full third party testing, and product certification with audit testing. Products which have a non-critical effect on the safety of works are likely to be system 4. Where failure of a product could lead to serious failure of the works, a more onerous system will apply.

For all systems, a factory production control system must be in place. The Commission has indicated that compliance with the ISO 9000 series will be deemed to be sufficient for this.

The attestation system for a particular family of products is included in the Commission's mandate to CEN or EOTA for those products and the attestation procedures are set out in the relevant technical specification.

11. I have had my products tested to the appropriate level, and can demonstrate that my product meets performance requirements. Can I now market it in Europe?

Yes, if your product correctly bears the CE conformity marking it can be placed on the market. In most Member States, products must have the CE marking affixed before they will be allowed entry to the market.

However, as the CPD allows individual Member States to require different levels and classes of performance for products, manufacturers will also need to ensure that their product meets the specific national regulatory requirements of the country concerned.

12. What does the CE marking mean?

The CE marking is, in effect, a "passport" for manufacturers to market their products throughout the EEA. However, products declared characteristics will still need to satisfy the level of performance set by the Member State where it is intended to be used.

The CE marking must be affixed according to a number of rules. The marking must be no less than 5mm high, and must respect the dimensions of the graduated diagram shown in Figure 1.

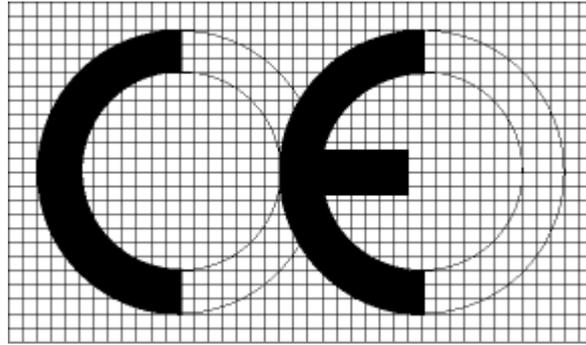


Figure 1: The CE marking

The marking may be affixed to the product itself, to a label attached to it, on its packaging or on any accompanying documentation (eg a bill of lading or delivery note). Harmonised technical specifications will include details of how the marking should be affixed.

The marking must also be accompanied by details of:

- The identification of the supplier
- Indications of the relevant technical specification, along with details of classes of performance
- The last two digits of the year of manufacture
- Where appropriate, identification of any approved testing and/or certification body, and
- Where appropriate, the number of the EC Certificate of Conformity.

13. Will my products be required to bear the CE marking?

The CE marking is not mandatory in the UK for construction products although the expectation is that all products will be CE marked in order to provide presumption of conformity, parity with competitors and enhanced market confidence. It is currently also not mandatory in Sweden and the Republic of Ireland. However, if manufacturers wish to export to any of the other Member States, their products will be required to meet CE marking requirements and bear the marking. It should also be noted that where products are covered by [other New Approach Directives \(eg Machinery Safety\)](#) the marking will be mandatory and will indicate that products meet the requirements of all relevant Directives.

14. CE marking under the CPD is not yet possible for my product. What should I do in the meantime?

Until harmonised standards or ETAs are available, existing national regulations apply. However, the mutual recognition provisions of Articles 16 & 17 of the CPD allow a manufacturer to have his products tested to the standard of another Member State by a UK approved body. That Member State cannot, then, refuse the products concerned entry to its market.

ODPM has already had some successes through this route. Manufacturers who wish to take advantage of Article 16 procedures should contact the Office.

15. What progress has been made on producing harmonised standards?

Mandates and attestation decisions have been issued to CEN for virtually all product families, and harmonised standards are becoming available progressively. CE marking is now a reality. Lists of mandates issued to CEN, harmonised standards available and standards being developed can be found on the relevant pages at this site.

16. What progress has been made in EOTA?

In 1998, the first ETA Guideline (ETAG) was published by EOTA allowing the CE marking of metal anchors for use in concrete. Since then a number of other ETAGs have been produced and more are under development.

EOTA is also developing documents known as CUAPs (Common Understanding of Approval Process) under Article 9.2 of the CPD. This allows CE marking, where it is unlikely that an ETAG will be published (where, for example, only a few manufacturers have applied for an ETA). Further information is available from the [EOTA website](#) or from one of the ETA approval bodies in the UK.

17. Where can I get more information?

The ~Office's publication "CE marking under the Construction Products Directive" and a list of useful contacts for more information are available elsewhere on this website.