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### Frequently Asked Questions on the Construction Products Regulation (CPR)

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#### 1. Must a construction product bear the CE marking after 30/06/2013?

After 30/06/2013, in order to sell a construction product in the European Union (EU) the manufacturer has the obligation to issue a Declaration of Performance (DoP) and affix the CE marking if:

- the product is covered by a harmonised European Standard **and** the coexistence period has ended,



OR

- if a European Technical Assessment has been issued for the product.

**NB:** If one of the derogations foreseen in Article 5 of the Construction Products Regulation  is applicable, the manufacturer is entitled to refrain from drawing a DoP and affixing the CE marking. This is a decision to be taken by the manufacturer, who can issue a DoP and affix the CE-marking even in these cases.

#### 2. A manufacturer sells in the EU before 01/07/2013 a product with the CE marking. What does he have to do in order to sell the product in the EU after 1/7/2013?

The manufacturer can after 1/7/2013 continue selling the product under the condition that:

- he has drawn up a Declaration of Performance (DoP) in line with Annex III to the Construction Products Regulation (CPR)  and provides a copy to the client; manufacturers may draw up a DoP on the basis of a certificate of conformity or a declaration of conformity, which has been issued before 01/07/2013 in accordance with the Construction Products Directive 89/106/EEC (CPD)  ;

- he has affixed the CE marking, followed by the information required in Article 9(2) of the CPR;
- he refrains from affixing to the product markings, signs or inscriptions which are likely to mislead third parties regarding the meaning or form of the CE marking.

**3. After 01/07/2013, is a distributor obliged to withdraw from his shop construction products which the distributor has received before 01/07/2013 and: a/ which were already CE marked in line with the Construction Products Directive 89/106/EEC (CPD) (CPD) but are not accompanied by a Declaration of Performance (DoP)?, or b/ which do not bear the CE marking although they are covered by a harmonised European standard under the CPD?**

No, he can continue selling these products till the stock he has been delivered before 01/07/2013 is exhausted. For any new delivery of construction products which will be dispatched to him by the manufacturer from 01/07/2013 onwards, the distributor must request the manufacturer to supply the Declaration of Performance (DoP) for these products and to affix the CE marking on them.

**4. What is the meaning of "placing on the market"?**

Selling the (individual) product for the first time within the European Internal Market.


**NB:** Every product or batch of products (that is, every window or every package / truckload of bricks) is placed on the market individually. The fact that similar products have been marketed before, does not change this. Therefore, manufacturers have to draw up a Declaration of Performance (DoP) and affix the CE marking pursuant to the Construction Products Regulation (CPR) for all the products entering the market from 01/07/2013 onwards, even if similar products had been commercialised before this date.

**5. If the manufacturer has not changed anything in his product, is he obliged to renew after 01/07/2013 the existing test or assessment reports, or request from Notified Bodies new certificates to replace the ones issued before 01/07/2013?**

No, the assessments do not need to be redone or the certificates renewed after 01/07/2013.


If the manufacturer has not changed anything in his product the existing test/assessment reports and certificates would need to be renewed only:

- if the harmonised EN has changed to include other test/assessment methods for the essential characteristics for which the manufacturer intends to declare the performance,  
**AND**
- if these changes in the assessment methods would have as effect significant changes in the declared performance.


If the certification body which has issued the certificate has not been designated under the Construction Products Regulation (CPR), this body cannot continue carrying out the Assessment and Verification of Constancy of Performance tasks after 01/07/2013 and therefore the manufacturer will have to choose another certification body which has been designated under the Construction Products Regulation .

**A manufacturer must have the product re-assessed if he has changed the product.**

**6. Can a European technical approval be used to market a product after 01/07/2013? If yes, for how long?**

Article 66 of the Construction Products Regulation (CPR)  foresees that manufacturers may use European technical approvals issued before 01/07/2013 as European Technical Assessments throughout the period of validity of these European technical approvals.

Therefore the manufacturer can, on the basis of the existing European technical approval, draw up the Declaration of Performance (DoP), affix the CE marking and sell the product in the EU.

When the European technical approval is about to expire, the manufacturer may request a European Technical Assessment from one of the competent Technical Assessment Bodies designated under the CPR . An updated list of Technical Assessment Bodies shall be available at the latest from 01/07/2013 onwards in:

<http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=notifiedbody.notifiedbodies&num=TAB&text=Technical%20Assessment%20Body>

**7. For a product which is not covered by a harmonised standard, is the manufacturer after 01/07/2013 obliged to request a European Technical Assessment in order to sell the product in the EU?**

The manufacturer is not obliged to request a European Technical Assessment in this case. He can also sell the product without Declaration of Performance (DoP) and CE marking.

Furthermore, the manufacturer can expect that the product will not be refused in other EU Member States. In this context it is important to remember Regulation (EU) 764/2008 laying down procedures relating to the application of national technical rules to products lawfully marketed in another Member State, thus operationalizing the mutual recognition principle.

**8. What is the "Appropriate Technical Documentation" foreseen in Article 36 of the Construction Products Regulation (CPR)?**


It is the documentation which the manufacturer considers appropriate in order to justify the manner he uses to declare the performance of the product in the cases foreseen in Article 36 of the CPR.

In the case of Article 36(1)a the Appropriate Technical Documentation may e.g. be used to demonstrate that the specific conditions are met for the application of a Commission Decision defining the reaction to fire class of the product.

In the cases of Article 36(1)b or 36(1)c the Appropriate Technical Documentation may e.g. consist of the test results obtained by another manufacturer, or the system provider, together with his authorisation to use these results, and the justifications for the correspondence of the products in question (point b) or for due respect of the instructions given (point c).


It is understood that the Appropriate Technical Documentation could well be different from one situation or construction product to the other, according to the particularities of each case. It will be kept by the manufacturer of the construction product in the technical file of the product in order to allow him to properly justify the Declaration of Performance (DoP) in case market surveillance or other authorities require so.

**9. What shall a manufacturer do if certain clauses in the harmonised standard are not in line with the provisions of the Construction Products Regulation (CPR)?**


The Construction Products Regulation (CPR)  is the directly applicable legislation in every EU Member State. Therefore in such cases, of course, it is this legislation which prevails. The consequence is that such conflicting clauses of standards cannot be applied.

The CEN Technical Committees have undertaken the work to iron out the soonest possible any such inconsistencies in the harmonised standards but it can not be excluded that some inconsistencies may remain after 01/07/2013, presumably for a short time only.

**10. Where can somebody obtain information on the requirements applicable to a product in a specific Member State?**

Any interested person can obtain such information from the national Product Contact Point for Construction  established by each Member State.

**11. Are Notified Bodies expected to check whether the manufacturer meets his obligations under the Construction Products Regulation (CPR)?**

The legal acts based on the Construction Products Directive (CPD) (Commission Decisions) and, later on the CPR  foresee the kind and level of intervention of the 3rd party. As a result, both harmonised technical specifications (harmonised European standards, or the European Assessment Documents), contain the necessary detailed tasks for the Notified Bodies in order to ensure the Assessment and Verification of Constancy of Performance (the so called "AVCP tasks"). These are the tasks which the Notified Bodies are expected to fulfil in the framework of the CPR.

Notified Bodies are expected to completely refrain from activities belonging to the area of market surveillance (as these are to be undertaken by the national market surveillance authorities), or from verifying the compliance of the manufacturer with his obligations under the CPR.

As an example, it is not for Notified Bodies to check if the manufacturer has correctly drawn up the Declaration of Performance (DoP), or if the manufacturer has correctly affixed the CE marking.

**12. Articles 7(3) and 60 of the Construction Products Regulation (CPR) foresee a delegated act to define the conditions on which a declaration of performance may be electronically processed, in order to make it available on a web site. When is this delegated act expected to be issued? Can in the meanwhile manufacturers continue uploading the Declaration of Performance (DoP) on a website?**

The Commission's Delegated Act is expected to be adopted by September 2013. It will then be transmitted to the European Parliament and the Council for their reaction. At the end of the procedure the Delegated Act (most probably a Regulation) will be published in the Official Journal of the EU.


In the meanwhile, manufacturers can continue their practice to provide information about the performance of their products on a website.

**13. Which is the meaning of the phrase "the last two digits of the year in which the marking was first affixed", in Article 9(2) of the Construction Products Regulation (CPR)?**

These digits refer to the year that these kinds of products were made available on the market for the first time and therefore they will remain unchanged over the years as long as the performance of the product has not changed. In practice, this means that if the manufacturer has marketed similar CE marked products corresponding to a certain set of performance (a given product-type) from 2009 onwards, these two digits continue to be 09 even after 01/07/2013, when the CE marking will undergo some changes due to the CPR.

**14. What is the importance of the installation manual / instructions?**

The declared performance of the product is expected to be achieved under the condition that the product is correctly installed. This is particularly relevant for products which are sold as a kit in order to be installed in the final construction work.

Therefore, the role of the installation manual or installation instructions, which are to be provided pursuant to Article 11(6) of the Construction Products Regulation (CPR)  by the manufacturer, is very important to ensure the correct installation of the product.