

Interim Advice Note 177/13

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

Summary

This Interim Advice Note provides guidance relating to the introduction of the Construction Products Regulations. It should be used by all those involved in the specification or supervision of highway works. It addresses the changes in performance information that will be provided for products that are within the scope of the CPR.

Instructions for Use

For immediate use.

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

Introduction

This IAN refers to a change in legislation. The European Union (EU) Construction Products Regulation 305/2011 (CPR) comes fully into force on 1 July 2013 [Ref 1] and repealing the Construction Products Directive 89/106/EC (CPD) [Ref 2].

Many of the concepts and requirements of the CPD are retained or built upon in the CPR but are generally more clearly described.

Purpose

This Interim Advice Note provides guidance relating to the introduction of the CPR. It should be used by all those involved in the specification or supervision of highway works. It addresses the changes in performance information that will be provided for products that are within the scope of the CPR.

Implementation

This advice note takes effect on 1st July 2013. Any actions placed upon the supply chain as a result of the provisions of this IAN should be treated in accordance with existing contractual arrangements

Background

The CPR as an EU regulation is directly enforceable in the UK without the need for transposing UK legislation. It affects all construction products placed on the EU market that fall within its scope. These are construction products covered by harmonised European Standards, European Technical Assessments or European Technical Approvals. From 1 July 2013 those responsible for placing such products on the UK market will have to provide a declaration of performance and CE mark the product.

A harmonised European standard is characterised by the following:

- It has a harmonised Annex – Normally Annex ZA and
- It has been listed as harmonised in the Official Journal of the European Union (OJEU)

Lists of current harmonised standards and European Technical Assessments or Approvals are available on the European Commission (EC) and European Organisation for Technical Approval (EOTA) websites [Ref 5 & 6] respectively.

It should be noted that there are some European standards that do have an Annex ZA but nevertheless are not listed as harmonised in the OJEU. It is therefore important that the provenance of a standard that appears to be harmonised is

checked. At the time of issuing this document an example of a standard that has an Annex ZA but is not harmonised is BS EN 10080:2005 - *'Steel for the reinforcement of concrete. Weldable reinforcing steel. General'*.

The introduction of the CPR is significant for the UK construction products market because until its introduction, the requirement for products to be CE marked in accordance with the CPD was a voluntary requirement of the UK legislation transposing the CPD.

Products and CE Marks

With the introduction of CE marking, manufacturers are unlikely to offer quality marking of their products in parallel with CE marking as it is a requirement of the CPR that CE marking shall be the only marking which attests to the conformity of a product with the declared performance in relation to its essential characteristics.

The essential characteristics of a product are found in the Annex ZA of the harmonised European Standard or for products that have a European Technical Approval or Assessment, in their associated documents.

Manufacturers may offer a quality mark alongside a CE mark provided they fulfil a different function from CE marking.

It follows that in assessing the acceptability of a product, and compliance with the requirements of the specification, prior to acceptance for incorporation into the Works, the information provided in the Declaration of Performance associated with the CE mark will have to be used as part of the information provided in place of information previously given under a quality mark.

It should be noted that, with a few exceptions, CE marking and the associated declaration of performance covers the manufactured product and not matters associated with the installation of a product or the performance of the installed product. Therefore it is necessary to understand the scope of CE marking for a particular product as part of deciding the acceptability of a product and any additional information required.

For products that are not covered by harmonised standards or European Technical Assessments/Approvals, there are no changes to the information required for acceptance of products.

Contract Compliance testing

Compliers of specifications for specific works are already required to complete contract specific Appendices 1/5 and 1/6. For products that will be procured or supplied for, or installed in the works, the levels of contract compliance inspection and testing that compliers include should take account of the different levels of assurance inherent in different product markings.

Record information

A requirement of the CPR is that manufacturers, when placing a product on the market, provide instructions and safety information that can be easily understood by users. In the UK the requirement is for the information to be in English. Declarations of Performance and the manufacturer's instructions and safety information must be included in the Safety File for the works.

Amendments to the Specification for Highway Works

The CPR places obligations on the way in which public authorities specify their requirements for construction products that fall within the scope of the CPR. These are in addition to existing requirements in the Public Procurement Directive 2004/18/EC [Ref 3]. Currently changes to the Specification for Highway Works and its associated Notes for Guidance are in the final stages of preparation for notification to the European Commission (EC). When the documents are notified and prior to issue by the HA they will be publicly available to view on the EC Technical Regulations Information System (TRIS) database [Ref 7].

Whilst these documents will be available on the TRIS database, they are still in draft, and may be subject to revision following comments from the EC or other Member States. They may only be used for specification of works if a departure from standard is obtained.

Once the revised series of the SHW covering the information in this IAN have been published it will be withdrawn.

Further information

Further background information on the Construction Products Regulation may be found at the EC website [Ref 1] and this includes a link to a set of Frequently Asked Questions (FAQ) . Additional information on the obligations of manufacturers and background information has been produced by the Construction Products Association [Ref 4].

Feedback and Enquiries

Questions on this IAN should be submitted to the Standards Feedback and Enquiries email box:

Standards_Feedback&Enquiries@highways.gsi.gov.uk

Informative References:

Ref 1 Construction Products Regulation (EU) No 305/2011

http://ec.europa.eu/enterprise/sectors/construction/legislation/index_en.htm

Ref 2 Construction Products Directive 89/106/EEC

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:088:0005:0043:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:088:0005:0043:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:088:0005:0043:EN:PDF)

Ref 3 Public Procurement Directive 2004/18/EC

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:134:0114:0240:en:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:134:0114:0240:en:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:134:0114:0240:en:PDF)

Ref 4 Guidance Note on the Construction Products Regulation, Version 2, December 2012. Construction Products Association

<http://www.constructionproducts.org.uk/publications/industry-affairs/display/view/construction-products-regulation/>

Ref 5. The European Commission Website: Harmonised European Standards

<http://ec.europa.eu/enterprise/policies/european-standards/harmonised-standards/>

Ref 6 EOTA - European technical approvals

<http://www.eota.be/pages/valideta/>

Ref 7. EC Technical Regulations Information System (TRIS) website at:

<http://ec.europa.eu/enterprise/tris/default.htm>