CPR CONFERENCE 2012

« From the CPD to the CPR: essential elements of the CPR »

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AGENDA

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2. Why was it necessary to « review » the Directive on Construction Products.
3. The ambiguities of the Directive and the clarifications of the Regulation: Essential elements.
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5. The failure of the CPD and the elements of the CPR to reinforce the credibility of the system.
6. Commission’s preparatory work.

1. Introduction

- **The CPR is not a revolution**: same objectives and basically same instruments as the CPD

- 2 years preparatory period towards its full application the 01.07.2013

2. Why was it necessary to « review » the Directive on Construction Products

- **The achievements of CPD:** more than 410 harmonised Standards and 2900 ETAs
- **The ambiguities of CPD:** is the CPD a N.A. directive? Meaning of the CE marking?...
- **The complexity of CPD:** heavy and non transparent procedures e.g. ETAs
- **The failures of CPD:** frequent use of national marks and conformity procedures

3. The ambiguities of the Directive and the clarifications of the Regulation: Essential elements

3.1 Elements for conceptual CLARIFICATION

- From a **Directive** to a **REGULATION:** homogeneous application
- The Regulation is clearly **not a « New Approach** » one and highlights the main differences with such kind of approach.
- The **DoP** (Declaration of Performance) is the **key-concept** in the CPR.
- **CE marking** has now a clear meaning and this is very different from its meaning under the « New Approach ».

3.2 Elements for functional CLARIFICATION (rights and obligations)

- Ø The **DoP is mandatory** for every construction product which is covered by a harmonised standard or conforms to a European Technical Assessment (Art.4).

- Ø The **DoP shall contain**:
  - information about **the use** of the product foreseen by the manufacturer (Art.6).
  - the **list of the essential characteristics** which are considered pertinent for the declared intended use or uses in the relevant harmonised technical specification .
  - the **performance of at least one** of the essential characteristics of the construction product in that list (NPD for others).

- Ø **CE marking is mandatory** if a DoP has been made (Art. 8).

- Ø CE marking is **the only marking** associated with the essential characteristics of the products. None other marking can make reference to them.

3.3 Elements for CLARIFICATION at instrumental level

Ø **Harmonised Standards** (hEN): Art.17 clearly states the definition, content and role of the hENs (only a vague reference to the performance nature of the hENs in the CPD).

Ø **ETAs**

- **Assessment** concept instead of **approval**
- **EAD replaces** ETAGs and CUAPs
- **Clear definitions** – principles – status in Art.19 & ss.
- This road is possible and **voluntary** for products not covered by an hEN

4. The complexity of the CPD and the SIMPLIFICATION elements of the CPR

Article 36: WT, WFT, SHARING, CASCADING: avoiding unnecessary testing

- Article 37: micro-enterprises: notably system 4 instead of system 3
- Article 38: individually manufactured products: compliance with applicable requirements
- EAD (and ETA) procedures simplified: notably Annex II

5. The failure of the CPD and the elements of the CPR to reenforce the credibility of the system

- Ø The clear meaning of the DoP and of the CE marking: the use of national marks is now even more unjustifiable.
- Ø The introduction of criteria to be fulfilled by the notified bodies and organisations in charge of the European Technical Assessments (accreditation strongly recommended).
- Ø The explicit prohibition of private marks (notably « national marks ») referring to characteristics covered by the CE marking.

6. Commission's preparatory work

- Working arrangements with EOTA for guarantying the continuity of EOTA work in the periods before and after the 1.07.2013.
- Preparation of the implementing act for the definition of the ETA format.
- Preparing a framework contract for the working relations with the future EOTA
- Preparing a delegated act on the use of the web for the DOP.
- Preparing a report on the possible specific need for declaring the content on dangerous substances beyond requirements in REACH.
- Cooperation with CEN for adapting the wording of Annex ZA of harmonised standards.

Thank you for your attention