




Proposal for the marketing of construction products regulations

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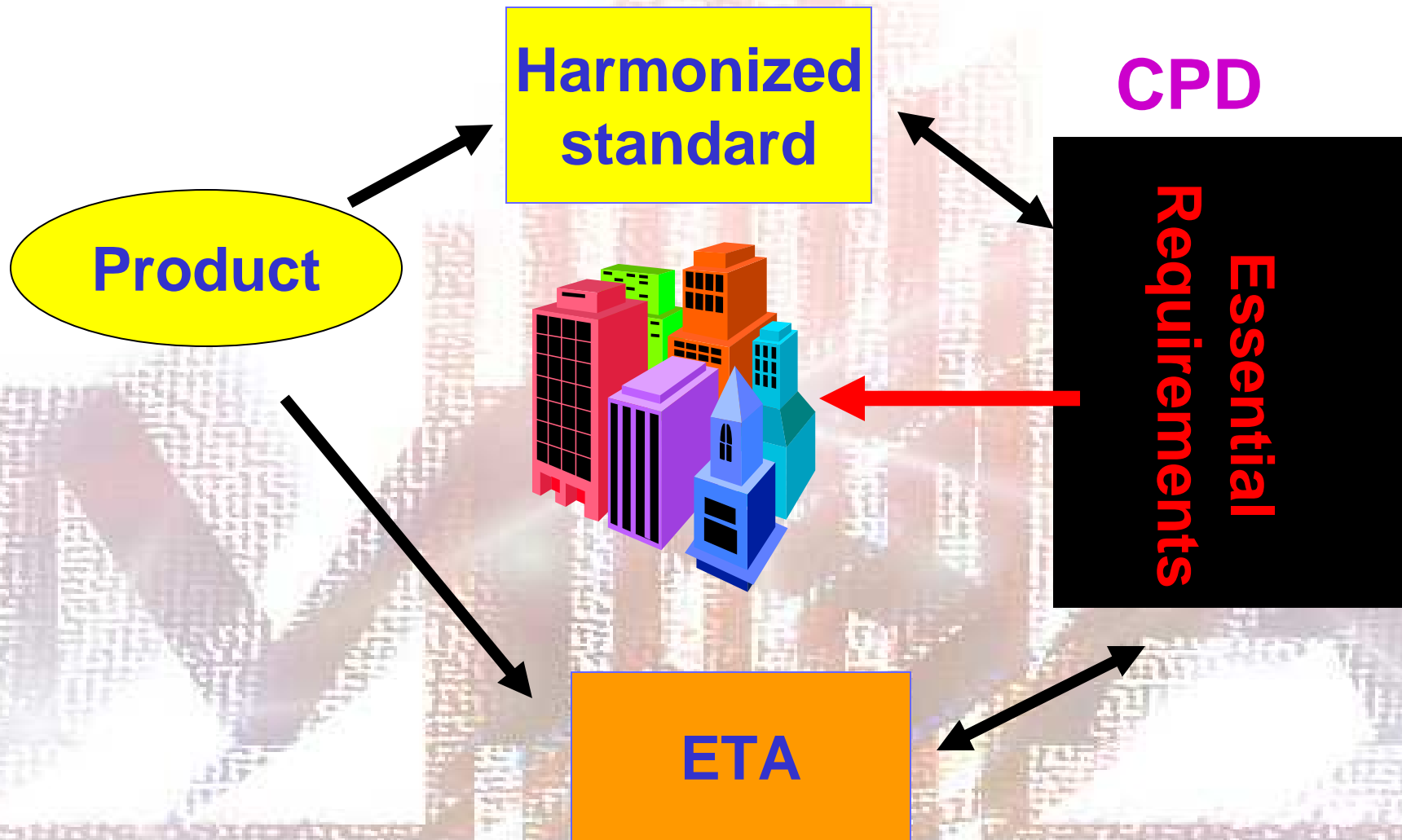
**Engineer– Regulatory Affairs Directorate
Malta Standards Authority**

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- Briefing on the proposed construction products regulations

Break

- Briefing on the proposed Ecodesign of Energy related Products directive.

Existing directive 1989/106/EC:



CPR Proposal

➤ *Objectives of the proposal*

1. Simplification;
2. Alignment of principles to those of the **NEW APPROACH**;
3. Harmonise implementation throughout the EU.

CPR Proposal

ATTENTION

This briefing is based on the current state of the proposals.

Discussions are on going and the text is still fluid.

- 1. Scope**
- 2. Conditions for affixing the CE mark;**
- 3. Product Contact Points;**
- 4. Alternative routes to affixing the CE mark;**
- 5. Essential Requirements;**
- 6. Conformity assessment procedures;**
- 7. Responsibilities of economic operators;**
- 8. TAB's and notified bodies.**

Salient points and differences

1. Scope

- *Product or kit for incorporation in a permanent manner in construction works;*

Examples – lighting columns, fire alarm systems, cement, concrete products, fire fighting, galv. steel pipes, masonry units, windows, thermal insulation.....

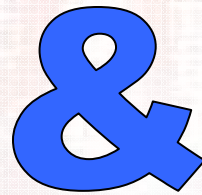
- <http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=cpd.hs>

1. Scope

- *Application to products manufactured and installed by the same company needs clarification.*

2. Conditions for drawing up a Declaration of Performance

➤ *Existence of a hEN or ETA.*



➤ *Requirements in relation to essential characteristics exist where the manufacturer intends to place the product on the market.*

Declaration of Performances

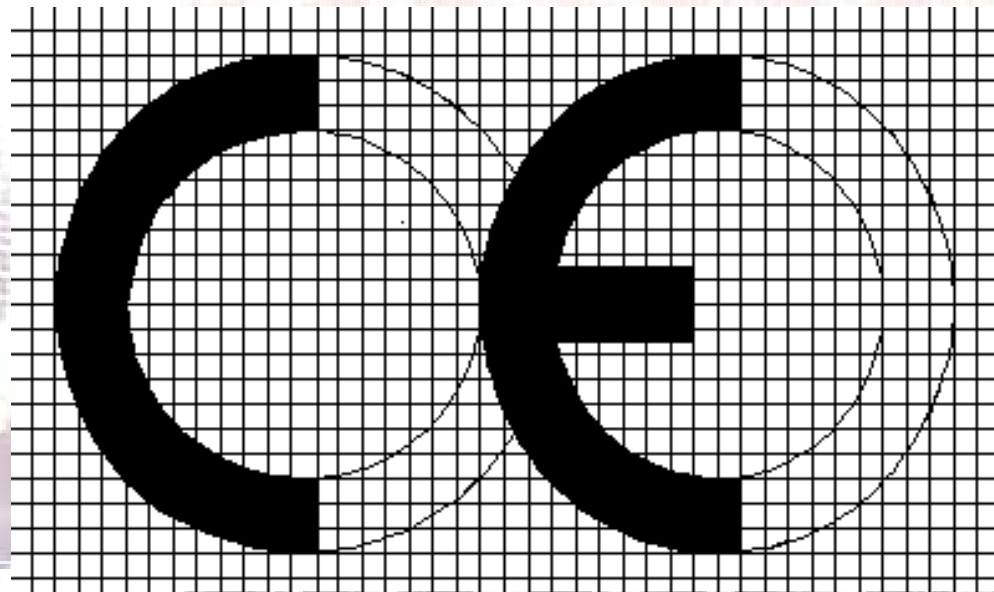
The declaration of performance can also be drawn provided a *hEN* or *ETA* exist.



Voluntary route
to access the internal market.

Declaration of Performances

The declaration of performance gives the manufacturer the right to affix the



Only the declaration of performance

Conditions for drawing up a Declaration of Performance

➤ *Existence of a* ***hEN or ETA.***

➤ ***Requirements***
manufacturer intends to place the product on the market.

in relation to essential characteristics exist where the

Requirement(s)

Requirements are described in the recital as:

- National Product specifications (inc. Standards & Technical Approval);
- National provisions related to CP;
- Requirements for works

OR

Requirement(s)

Requirements as described in EU regulation No 764/2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State :

Technical rule or administrative provision -

- (a) which is not harmonised at EU level; and
- (b) which prohibits the marketing of a product in the Member State

or compliance with which is compulsory as regards:

- (i) the characteristics required of that product (eg levels of quality, performance or safety, or dimensions,)
- (ii) testing and test methods,
- (iii) packaging, marking or labelling; or
- (ii) any other requirement which affects the life-cycle of the product after it has been placed on the market, such as conditions of use, recycling, reuse or disposal.

Examples of National Requirement(s)

- National Legislation direct effect (eg building regulations);
- National Legislation indirect effect (environmental , chemical emissions);
- Decision from a regulator (Conditions for granting a permit for construction works);
- (Public procurement for construction works;)?????

More on Requirement(s)

- The CPR does not alter the right or procedure for a MS to make national requirements;
- MS may determine the levels, values or classes of performance¹ in relation to the essential characteristics of construction products only in accordance with the classification systems established by the European standardisation bodies in harmonised standards, or by the Commission);

As regards EU Requirement(s)

?

Awaiting clarification on application, scope and interface with other EU legislation.

3. Product Contact Points

- Important tool in the case of national requirements;
- Each member state must designate at least one from PCP as from May 2009;
- Function to communicate details on national technical rules, regulators and their contact details.
- MSA to be Malta's PCP.
- More another time!!

4. Alternative routes to drawing a DoP

- Harmonised standard
- European Assessment Document
- Specific Technical Document

Coexistence – a debated issue.

European Assessment Document

- European Technical Assessment is issued by a Technical Assessment Body on the basis of a European Assessment Document;
- EAD commissioned by the manufacturer of the product.
- EAD adopted after agreement by manufacturer, other TAB's, CION, and the issuing of first ETA.

European Assessment Document

- Ref. to adopted EAD published in OJEU
- Once a reference is published serves as a benchmark for subsequent ETA's of similar products.

Specific Technical Document

- Simplified procedure for demonstrating compliance;
- Replacing type testing or type calculation with a STD;
- Responsibility of the manufacturer to demonstrate that his product qualifies for an STD;
- Under certain conditions verification by a NB (certification body) is required;

Specific Technical Document

- Simplified procedure is based on the principle that repeating the work of another manufacturer is not necessary;
- Element of authorisation is implied.

5. Essential Requirements

- Based on the presumption that Member States require that construction works are designed and executed so as not to endanger the safety of persons, domestic animals and property;
- Addition of new point - sustainable use of natural resources;
- Otherwise not much different from 89/106/EEC;
- The essential requirements can be amended by comitology.

6. Conformity Assessment Procedures

- Systems of assessment and verification of conformity still numbered 1 to 5 however they are different in content;
- Better aligned to the New Approach conformity assessment procedures but still different from them in essence.

7. Responsibilities of economic operators

- Obligations for:
 - ✓ Manufacturers;
 - ✓ Authorised representatives;
 - ✓ Importers;
 - ✓ Distributors.

Manufacturers - Obligations

- Drawing and keeping technical documentation;
- Production control;
- Proper labelling especially as regards traceability;
- Partake in corrective actions;
- Cooperation with national authorities;
- Identify economic operator who received the product.

Authorised Representatives - obligations

- Appointed by written mandate from the manufacturer;
- Keep copy DoP at disposal for national surveillance authorities;
- Provide information to national authorities.

Importers (outside EU) - obligations

- Ensure that manufacturer complies with the law through documentation control (DoP, technical documentation, NB certificates, CE mark);
- In case of suspicion of non compliance they should check;
- Indicate their details on or with the product;
- Proper storage;

Importers (outside EU) - obligations

- Should take action in case of non-compliance;
- Keep a copy of the DoP and ensure availability of technical documentation;
- Cooperate with authorities;
- Identify economic operator who received the product.

Obligations of Distributors – any person in the supply chain other than the man. or imp.

- Product is accompanied by instructions for use in an appropriate language;
- Product is CE marked if required;
- Get back to the importer / manufacturer in case of suspicion as regards compliance;
- Ensure proper storage of the product;

Obligations of Distributors – any person in the supply chain other than the man. or imp.

- Take part in a product recall;
- Cooperate with authorities;
- Identify economic operator who received the product;
- Identify economic operator who sourced the product

Further on Obligations

- An importer or distributor shall be considered a manufacturer when:
 - ✓ Places a product on the market under his trade mark etc.
 - ✓ Modifies a CP such that conformance with its DoP is affected.

8. TAB's and N.B.

- N.B. to be accredited;
- TAB's – CION suggesting a separate system based on peer evaluation not accreditation;
- Both designated by M.S.;
- Obligation to participate in working groups;
- N.B.'s have witness testing clause.

