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(concerning the Construction Products Directive - 89/106/EC)

CE MARKING UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE

(Revision Aug 2002)

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Preface

Article 20 of the Construction Products Directive (89/106/EC) states that the Standing Committee may, "at the request of its Chairman or a Member State, examine any question posed by the implementation and the practical application of this Directive".

*In order to ensure as far as possible a common understanding between the Commission and the Member States as well as among the Member States themselves as to how the Directive will operate, the competent services of the Commission, assuming the chair and secretariat of the Standing Committee, may issue a series of **Guidance Papers** dealing with specific matters related to the implementation, practical implementation and application of the Directive.*

These papers are not legal interpretations of the Directive.

They are not judicially binding and they do not modify or amend the Directive in any way. Where procedures are dealt with, this does not in principle exclude other procedures that may equally satisfy the Directive.

They will be primarily of interest and use to those involved in giving effect to the Directive, from a legal, technical and administrative standpoint.

They may be further elaborated, amended or withdrawn by the same procedure leading to their issue.

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CE MARKING UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE

1. Scope

1.1 This Guidance Paper is intended to clarify the conditions covering the fixing of the CE marking itself, the additional information that should accompany the marking, and the content of the EC declaration and certificate of conformity.

1.2 The Guidance Paper concerns products within the scope of Council Directive 89/106/EC[1] (hereafter referred to as the Construction Products Directive or CPD) and which bear the CE marking according to the provisions of this Directive. They take account of Council Directive 93/68/EC[2] (the "CE marking Directive") amending the CPD in respect of CE marking, and of Council Decision 93/465/EC[3] on the rules for the affixing and use of the CE conformity marking.

1.3 The Guidance Paper is intended for a number of different audiences, particularly technical specification writers (CEN/CENELEC and EOTA members), for consideration together with the respective mandates and provisions given therein, and regulators and enforcement authorities within the European Economic Area (EEA). It may also be of interest to manufacturers and users for information purposes, although the technical specifications, once available, will contain all the relevant details for a given product.

2. General principles of CE marking

2.1 This Guidance Paper falls within the framework of the general policy of the Commission with respect to CE marking, as well as within the scope of the CPD (see also the Guide to the implementation of directives based on the new approach and the global approach – chapter 7[4]). In order to reinforce the coherence and transparency of the CE marking regime, this section considers the common rules on the use of CE marking, as well as those specific to the CPD. *Where the latter uses specific terminology, this is highlighted in the text using italics.*

2.2 The CE marking symbolises that the product in question is in conformity with all applicable provisions (or requirements) of the applicable directive(s) that provide for CE marking (essential requirements, harmonised standards and specific dispositions), and that the product has been subject to the appropriate conformity assessment procedure(s) contained in the directive(s). *In the case of the CPD, the CE marking indicates that the product complies with the relevant national standards transposing the harmonised standards, or a European technical approval, or one of the national*

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1 OJ No L 40, 11.2.1989

2 OJ No L 220, 30.8.1993

3 OJ No L 220, 30.8.1993

4 ISBN 92-828-7500-8. http://europa.eu.int/comm/enterprise/newapproach/newapproach.htm

technical specifications referred to in Article 4 (3), ***and*** *that the system of attestation of conformity laid down in the Commission Decision relating to the product has been applied.*

2.3 The scope of the CE marking regime is laid down in the relevant harmonisation directive(s), and can only be applied by the legal entity responsible for the conformity of the product. *In the case of the CPD, the CE marking is only permitted for products covered by one of the technical specifications referred to in Articles 4 (2) and 4 (4). It is the manufacturer, or his authorised representative established in the EEA, that takes responsibility for affixing the CE marking.*

2.4 Where products are subject to other directives concerning other aspects and which also provide for CE marking, the latter shall indicate that the products also conform to the provisions of the those other directives. Where one or more of these directives allow the producer, during a transitional period, to choose which arrangements to apply, the information accompanying the CE marking must clearly record the directives that have been applied.

2.5 The CE marking is the **only** marking which indicates that the products conform to the directives based on the principles of the "new approach" (see also para 2.2). It **must** replace any mandatory conformity markings having the same scope as the CE marking, which possibly existed in the national laws, regulations and administrative provisions of Member States before harmonisation occurred. The CE marking is neither a mark of origin, indicating "made in the EEA", nor a quality mark.

2.6 Once all obligations arising from EC law (directives, Treaty provisions etc.) have been respected, a producer may also affix different marks to a product, such as a voluntary quality mark or a voluntary standardisation mark, on condition that the visibility and legibility of the CE marking are not reduced, and provided that such marks are not likely to deceive third parties as to the meaning and form of the CE marking. *For example, if the technical specification under the CPD calls for the assessment of a product by the manufacture alone (system 4), then a producer may apply a further, separate marking indicating that the product has also been subject to a certification procedure covering the same, or other, aspects.* A producer remains entitled to go beyond the strictly legal requirements, for commercial or marketing reasons, allowing a product to be positioned on the market in the normal way.

2.7 Any statements accompanying a product but relating to non-harmonised aspects must be kept distinct from the information accompanying the CE marking. Non-harmonised aspects must not, under any circumstances, be presented in such a way that they may be confused with harmonised ones, nor in such a way that the CE marking, either deliberately or by mistake, may be considered to apply to them.

2.8 The CE marking must be affixed visibly, legibly and indelibly, with the form as described in Council Directive 93/68/EC and Council Decision 93/465/EC, and must be easily accessible for the market surveillance authorities. *In the case of the CPD, the CE marking must be affixed on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents (see also para 3.2).*

2.9 The CE marking must be affixed before the product is placed on the market. The manufacturer, or his authorised representative established in the EEA, may decide when to affix the CE marking, depending upon the circumstances of the production process of the product in question. Where the CE marking is affixed sometime after the manufacture of the product, for example after storage in a warehouse, the validity of the testing carried out during production must be confirmed.

2.10 The CE marking must include the identification number of the notified body, where this body is involved in the production control stage, as defined by the relevant directive. *In the case of the CPD, this requirement applies to the attestation of conformity systems identified in Commission Decisions as "systems 1+, 1, and 2+"*[5]*. It is the certification body that is to be identified in each case.* Such identification numbers are assigned by the Commission as part of the body notification procedure~~.~~ (see Guidance paper A).

2.11 Where it is necessary to provide information concerning the use of certain products, the CE marking may be accompanied by a pictogram or other mark indicating, for example, the category of use. *In the case of the CPD, all products shall indicate their intended use in one form or another (e.g. in words, symbols, abbreviations, pictograms, ...), unless reference to the technical specification itself is sufficient. If necessary, the technical specification shall lay down rules concerning the means for indicating the intended use(s) of the product(s) concerned.*

2.12 The producer is responsible for the conformity of the product at the time it is placed on the EEA market (i.e. the initial action of making a product available on the EEA market, with a view to its distribution and/or use within the EEA). He has no responsibility to ensure that the accompanying information passes further down the supply chain.

3. Information to accompany the CE marking

3.1 The CE conformity marking consists exclusively of the letters "CE" in the specified form, followed by the identification number of the notified body, where applicable (see para 2.9). However, Annex III 4.1 of the CPD, as amended, requires that the CE marking be accompanied[6] by the following additional information :

- the name or identifying mark of the producer,
- the last two digits of the year in which the marking was affixed, and
- where appropriate, the number of the EC certificate of conformity, and,
- where appropriate, indications to identify the characteristics of the product on the basis of the technical specifications.

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[5] CPD Annex III.2(i) with audit testing of samples; CPD Annex III.2(i) without audit testing of samples; and CPD Annex III.2(ii) First possibility with continuous surveillance, assessment and approval of factory production control, respectively.

[6] In the context of the CPD, the term "accompanying" means placed in one of the four locations specified in the directive (i.e. on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents).

3.2 The CE marking and the accompanying information shall be placed on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents. The order in which this list is presented clearly reflects a hierarchy of preference. Wherever possible, the CE marking and accompanying information shall be placed on the product itself. If this is not practicable, for physical, technical or economic reasons, the CE marking and accompanying information may be placed in the next location specified, and so on until a suitable location is found.

For some products it may be appropriate to specify a combination of locations for the CE marking and the accompanying information. For example, a minimum of information could appear on the product itself, with the complete information appearing on the accompanying commercial documents. Where the information is split in this way, the location(s) lower in the hierarchy must always repeat that part of the information already placed higher up in the hierarchy.

Technical specifications shall indicate where the CE marking and the accompanying information shall be placed for the product(s) covered, following the above principles, and the location(s) shall be the same for all products of a given type.

3.3 **Name or identifying mark of the producer :** it is the name of the producer[7], not the authorised representative established in the EEA, that shall accompany the CE marking. The purpose of this information is to identify the legal entity responsible for the manufacture of the product. Whilst several producers of components may be involved in contributing to the final product, only the legal entity responsible for the manufacture of the specific construction product is the producer under the CPD. In the case of retailers marketing the products of others under their own name, or "kit" sellers combining components from other producers, the underlying legal contract between the parties will establish their respective responsibilities.

The information provided here must be sufficient to allow the producer, as defined above, to be contacted directly. This means that the name must be completed by the producer's registered address.

The CPD does not require the producer to be established in the EEA, nor does it require that a producer from a non-EEA country has an authorised representative established in the EEA. The authorised representative is a legal entity expressly designated by the producer, legally entitled to act on his behalf within the EEA, and is not to be confused with the importer[8]. The latter is any legal entity who places a product from a third country on the EEA market, and is responsible in law for ensuring that all legal requirements on the product applicable for the EEA market have been fulfilled. In the case where a producer from a third country does not have an authorised representative established in the EEA and a problem arises, the market authorities would address themselves to the importer, according to their national legislation.

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[7] The terms "producer" and "manufacturer" are both used in the CPD. They are to be understood as being synonyms.

[8] Note that an importer, e.g. a professional importer, retailer or reseller, or even a final user who imports directly, can place products on the market without legally representing the producer in any way.

3.4 **Last two digits of the year when the marking was affixed :** refers to the physical act of affixing the CE marking to each product (see para 2.9). Where the nature of continuous manufacturing processes could create difficulties, technical specifications should provide guidance.

3.5 **Number of the EC certificate of conformity :** only where the system of attestation of conformity requires third party certification of the product or of the continuous surveillance of factory production control (those systems of attestation of conformity identified in the Commission Decisions as "*systems 1+, 1 and 2+*"[9]). The number will be a unique reference number allocated by the certification body consistent with the procedures to be agreed in discussions between the notified bodies.

3.6 **Indications to identify the characteristics of the product :** this information will be specific to the product(s) in question, according to their intended use(s), and only general principles can be elaborated in this Guidance Paper. Technical specifications (harmonised standards and European technical approvals) shall provide all the necessary information required for a producer to be able to complete the CE marking, including a clear identification of the tasks to be carried out by a notified body.

The nature and extent of the accompanying information will vary according to the product and the technical specification. As a starting point, the minimum amount of information shall be a reference to the generic harmonised standard(s) (e.g. EN 1234), or the European technical approval (e.g. ETA-98/0001), to which the product conforms. As shall be stated in the "Foreword" of European standards, the informative "Annex ZA" details the conditions necessary for compliance with the CPD. In this context, the CE marking means compliance with this "harmonised" part, and not with the remaining "voluntary" part. Where reference to the technical specification itself is not sufficient, an indication of the intended use(s) of the product, as defined in the technical specification, shall be provided as well, preferably in a suitable shorthand form, e.g. "Type II".

If the technical specification calls for one or more harmonised performance characteristics, or durability aspects, to be evaluated and the result declared for a given intended use, the information accompanying the CE marking shall include an expression of the determined values of these characteristics. The latter must permit the use of the ***"no performance determined"*** option in cases where the producer intends to place the product on the market of countries that do not have existing regulations requiring one or more characteristics for a particular intended use.

Only information not explicitly identified by the reference to the technical specification itself need be provided with the CE marking. In addition, where extra indications are necessary, specification writers should attempt to reduce the quantity of information to be provided by the use of "codified" formats or designations.

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[9] CPD Annex III.2(i) with audit testing of samples; CPD Annex III.2(i) without audit testing of samples; and CPD Annex III.2(ii) First possibility with continuous surveillance, assessment and approval of factory production control, respectively.

Further guidance to specification writers in respect of this additional information to accompany the CE marking is given in section 4. It should be stressed that whilst various options are open to specification writers, the technical specification must be precisely followed by the party affixing the CE marking.

Annex 1 presents illustrative examples of the CE marking applied to construction products.

3.7 **Record of EC Directives applied :** as indicated in paragraph 2.4, where one or more directives applicable to the product allow the producer, during a transitional period, to choose which arrangements to apply, the information accompanying the CE marking must clearly record the directives that have been applied, as published in the Official Journal of the European Communities.

4. Guidance to specification writers regarding the identification of product characteristics

4.1 This section outlines the principles to be followed by specification writers with respect to the indications required to identify the harmonised characteristics of a product, where these are appropriate. Technical specifications must give precise details on how a producer has to apply the CE marking regime to a particular product. In this, the input of representatives of notified bodies could prove to be a useful source of knowledge and experience.

4.2 **Use of "codified" formats :** where additional information on the determined values of harmonised characteristics is required, specification writers should explore the possibilities of using abbreviated forms of presentation. This could include, for example, the use of defined symbols, standard designations or classes of convenience. Where this is done, it is important that specification writers ensure the consistent application of such "codified" formats across product families.

4.3 **Intended uses :** possible intended uses for the product(s) should be defined in the technical specification, together with appropriate reference terms, or symbols, to be used in the information accompanying the CE marking, if necessary. Products with more than one intended use will need to be accompanied by sufficient information to cover all of them, but the technical specification should provide some flexibility in the presentation of this information, if appropriate.

For some products, such as thermal insulation, it will not be possible to specify the intended use in anything other than general form, e.g. "for use in buildings". This is perfectly acceptable, provided that all the harmonised characteristics for all possible uses within this general category are covered.

4.4 **Determined value :** this will normally be the result of a unique determination method directly related to the harmonised characteristic in question, together with the appropriate units. Where tests have a statistical aspect, a range of values or confidence limits may be used if specification writers consider this to be more appropriate. Normally, however, a single value will suffice, based on the statistical analysis.

If regulatory classes have been established by the Commission, according to Article 3 (2) of the CPD, it is the class achieved that shall be stated, not the test result.

In certain situations, a number of departures from these general principles can be envisaged, as follows :

i) Classes of convenience [10] ***:*** where the voluntary part of a European standard provides for the use of classes of convenience (as defined in the Interpretative Documents, General, para 1.2.2), these classes may be used as the means for expressing any of the harmonised characteristics, providing they do not incorporate other aspects of the non-harmonised standard. The result of the determination method need not be stated, unless any ambiguity is likely to arise.

ii) Multiple determination methods : where a technical specification justifiably provides for more than one way of determining a characteristic (e.g. a method of test and a method of calculation, or a test with variable test conditions), the determined value must be accompanied by a reference to the evaluation method used, unless the result is unambiguous. A shorthand form for indicating the method would be preferable.

Where the test conditions can change the stated characteristics of a product without this constituting a different intended use, additional information must be provided with the characteristic(s) concerned. For example, on reaction to fire the statement may be *"Class B on a non-combustible substrate, Class C otherwise"*.

4.5 **Information not required :** as stated in paragraph 3.6, information explicitly identified by the reference to the technical specification itself need not accompany the CE marking. For example :

i) Generic values : where appropriate, technical specifications should give the producer the option of adopting a commonly accepted "generic", or "book" value for a particular characteristic, without the need for testing (e.g. thermal conductivity or water vapour permeability of well known materials). The generic values should be tabulated in the technical specification, or the reference to an appropriate supporting standard given.

ii) Levels of requirement : where a level of requirement (e.g. a minimum or maximum level) for a particular characteristic has been established by the Commission, this must be complied with by the producer.

In the above cases, the CE marking itself demonstrates compliance with the required value or level. However, where the producer adopts the "no performance determined" option for a particular characteristic, this must be made clear.

For commercial reasons, the producer should, of course, retain the right to test the product so as to demonstrate a better performance, and technical specifications should provide the rules for doing so. However, this additional information is not required to accompany the CE marking.

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[10] See ~~A further~~ Guidance Paper E on classes and levels . ~~is being prepared by the Commission.~~

4.6 **Durability aspects :** technical specifications must indicate how the durability aspects of a product's performance are to be stated in the information accompanying the CE marking. Durability has many aspects, but for CE marking purposes it should generally be understood in terms of the degradation in performance of the product's characteristics when subjected to relevant actions. The statement of the results of appropriate methods of determination would be the usual way of expressing this performance, although only those aspects not implicitly covered by compliance with the technical specification need accompany the CE marking. In order not to delay the preparation of technical specifications, the state of the art at the time of preparation is to be applied.

4.7 **Testing in "end-use conditions" :** technical specification writers need to address the issue of the form of accompanying information required where mandates indicate that products are to be tested in "end-use conditions", or as part of elements rather than on their own.

A number of options can be envisaged to simplify the testing regimes required. For example, technical specifications could define a limited number of "standard" test configurations, together with application rules to indicate the range of conditions for which the test result, or classification, remains valid. In certain cases, specification writers may also be able to define an assumed "worst-case" test configuration, allowing the producer to carry out a single test if he doesn't wish to claim a better performance.

A further option, which may be easier to implement, would be for technical specifications to define "proxy" characteristics of the product or material itself, which could be determined without requiring the testing of the finished element. This possibility is already mentioned in some mandates, such as the use of density as a proxy for airborne sound insulation in masonry, but could also be considered in other circumstances.

4.8 **Dangerous substances :** information relating to dangerous substances is given in ~~a further~~ Guidance Paper H. which will be updated and supplemented where necessary.~~(CONSTRUCT 97/219 Rev. 2) [11].~~

5. EC Certificate and declaration of conformity

5.1 The manufacturer, or his authorised representative established in the EEA, is responsible for the attestation of conformity of a product. The manufacturer's declaration will be on the basis of tasks carried out under his own responsibility and of tasks carried out by a notified body, if any. Where certification is required, the declaration of the manufacturer must incorporate a certificate of conformity covering those aspects that are under the responsibility of the relevant notified body.

5.2 Annex III 4.2 and 4.3 of the CPD detail the requirements for the declaration and certificate of conformity, which comprise the items presented below (NB those items marked with an asterix* are only required in the case of the certificate). Where the declaration incorporates a certificate, the duplication of information should be avoided.

[11] The current guidance on dangerous substances will be updated and supplemented where necessary.

The documents, examples of which are provided in Annex 2, must be made available by the manufacturer, or his authorised representative, in response to a substantiated request.

5.3 **Name and address of the certification body* :** this shall be as notified to the Commission under Article 18 of the CPD.

5.4 **Name and address of the manufacturer, or his authorised representative established in the EEA :** the information provided here should be identical to that accompanying the CE marking (see para 3.3), except in the case where the manufacturer has expressly designated a legal entity to act on his behalf within the EEA (his authorised representative). The latter must be established within the EEA, and could be identified here instead of the producer. For reasons of traceability, the place of production of the product in question shall also be identified, possibly in a coded format.

5.5 **Description of the product :** the description of the product shall include the product type (generic name, and, optional, trade name), any other information required to correctly identify the product (to be defined by specification writers), and a statement of the intended use(s), as defined in the technical specification (see also para 4.3). This section shall also include a copy of the information accompanying the CE marking giving indications to identify the characteristics of the product.

5.6 **Provisions to which the product conforms :** reference to the EC legislation, and the generic harmonised standard(s) or the European technical approval or the national technical specification(s) referred to in Article 4 (3) to which the product conforms.

5.7 **Particular conditions applicable to the use of the product :** this information complements that given on intended use(s) above. Technical specifications should indicate the types of information required, if any, which could include limitations on the use of the product, actions that the client must take to use the product correctly, or information relating to correct installation where this affects the satisfactory conformity of the CE marked product (likely to be especially relevant for "kits"). Where reference is made to other products, this must be to generic product types, except in cases (e.g. ETAs) where it is directly linked to the product of a particular supplier.

5.8 **Name and address of the approved body, where applicable** *(NB. declaration only)***:** identification of any notified bodies involved by the manufacturer in the relevant system of conformity attestation. The identification number of the notified body will be sufficient, where this has been assigned by the Commission.

5.9 **The certificate number* :** a unique reference number allocated by the notified body consistent with the procedures to be agreed in discussions between the notified bodies.

5.10 **Conditions and period of validity of the certificate* :** the certificate remains valid as long as the conditions relating to its issue have not changed significantly. This could refer to the product itself, the constituent materials, the production system, or other factors. When not detailed in the technical specification, the notified body will provide an interpretation of the term “significantly” at the time of issue of the certificate, based on a knowledge of the product involved. If conditions do change, the manufacturer has a responsibility to inform the notified body, so that measures may be taken to verify conformity. If he fails to do so,

he is making a false declaration. Although no certificate is involved, the same principles apply to an initial type test, whether carried out by the manufacturer or by a notified body.

5.11 **Name and position held by the person empowered to sign the certificate or declaration :** the person authorised by the legal entity responsible.

5.12 **Language :** the certificate or declaration of conformity shall be presented in the official language or languages of the Member State in which the product is to be used. The producer retains responsibility for the translation, which shall be in conformity with national rules relating to translated documents. The group of notified bodies is preparing standardised language translations of all common documents to facilitate this.

ANNEX 1: Examples of CE marking and accompanying information

These examples provide an illustration of the information required to accompany the CE marking. They are not intended to prescribe the format of presentation or to prejudge the type or amount of information to be provided, which will be for specification writers to determine, as appropriate to the product concerned and on the basis of the mandates.

Example 1 :

CE
AnyCo Ltd, P.O. Box 21, B – 1050 **99**
EN 1234 (II) (- Thermal resistance)

This is an example of the CE marking with minimal accompanying information. It assumes that the reference to the European standard for the intended use identified by ***"(II)"*** *contains all the information required for this product.*

The producer has applied the "no performance Determined" option for the characteristic thermal resistance.

Example 2 :

CE **0123**
AnyCo Ltd, P.O. Box 21, B – 1050 **99** **0123-CPD-0001**
EN 1234 80mm Mineral wool for use in buildings **Reaction to fire –** Class B-s3, d2 **Thermal conductivity -** 0.04 W/mK **Flexural tensile strength –** NPD

This example shows the CE marking applied to a thermal insulation product.
For the purposes of this example, it is assumed that the information on the other Characteristics is sufficiently identified by the reference to the European standard, e.g. through "generic values", or is not relevant to this intended use. This may not be the Case in practice.
Durability aspects are not covered here, although they may need to be, depending upon the state of the art.

Example 3 :

CE **0123**
AnyCo Ltd, P.O. Box 21, B – 1050 **99** **0123-CPD-0001**
EN 1234 (Internal use – Type II) **Reaction to fire** – Class B-s3, d2 **Flexural tensile strength** – 10 kN/m^2

This example shows the CE marking applied to a gypsum plasterboard product.
For the purposes of this example, it is assumed that characteristics such as thermal Conductivity and direct airborne sound insulation are covered by "generic" values tabulated in the European standard, and that other characteristics identified in the mandate Are not relevant to this intended use.
This may not be the case in practice.

Example 4 :

CE

AnyCo Ltd, P.O. Box 21, B – 1050

99

EN 12839
Prefabricated concrete element for use in boundary fences.
Post for open work fences. Above ground height of panels : 1.50m. Centre to centre distances between posts : 2.50m
Load bearing capacity : 1400 N (normal service load)
2300 N (normal failure load)
Durability against corrosion : 15mm min. concrete cover
Durability against freeze-thaw : water absorption 6.5%

This example shows the CE marking applied to a boundary fence product.

It was supplied by CEN TC229.

ANNEX 2: Example of EC certification and declaration of conformity

This example provides an illustration of the information required for the EC declaration and certification of conformity. It is not intended to prescribe the format by which this information is presented. Indeed, the content of each document will depend upon the division of responsibility between the producer and the notified body(s).

Name and address of certification body *: (*para 5.3)*

Name and address of manufacturer, or his authorised representative established in the EEA *†: *(para 5.4)*

Description of the product *†: *(para 5.5)*

Provisions to which the product conforms *†: *(para 5.6)*

Particular conditions applicable to the use of the product *†: *(para 5.7)*

Name and address of the approved body, where applicable **†:** *(para 5.8)*

The certificate number *: *(para 5.9)*

Conditions and period of validity *: *(para 5.10)*

Name and position of signatory *†: (*para 5.11)*

Signature *†: **Date *†:**

Notes :
* - required for EC certificate of conformity
† - required for EC declaration of conformity