

Regulation 574_2014: Annex III CPR

and

Regulation 568_2014: Annex V CPR

30-05-2014

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 574/2014

of 21 February 2014

amending Annex III to Regulation (EU) No 305/2011 of the European Parliament and of the Council on the model to be used for drawing up a declaration of performance on construction products

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 60(e) thereof,

Whereas:

- (1) Article 4(1) of Regulation (EU) No 305/2011 obliges manufacturers of construction products to draw up a declaration of performance when a construction product that is covered by a harmonised standard or conforms to a European Technical Assessment issued for that product is placed on the market. According to Article 6(4) of Regulation (EU) No 305/2011, that declaration should be drawn up using the model set out in Annex III to that Regulation.
- (2) In accordance with Article 60(e) of Regulation (EU) No 305/2011, the Commission is delegated the task of adapting Annex III to Regulation (EU) No 305/2011 in response to technical progress.
- (3) The model set out in Annex III to Regulation (EU) No 305/2011 should be adapted, in order to respond to technological progress, to allow the flexibility required by different kinds of construction products and manufacturers as well as to simplify the declaration of performance.
- (4) Furthermore, practical experience with the implementation of Annex III shows that manufacturers would need further instructions for drawing up declarations of performance on construction products in line with applicable legislation. Providing such instructions would also ensure a harmonised and correct application of Annex III.
- (5) The manufacturers should be allowed some flexibility for drawing up declarations of performance as long as they provide, in a clear and coherent manner, the essential information required by Article 6 of Regulation (EU) No 305/2011.
- (6) In order to unequivocally identify the product covered by a declaration of performance in relation with its performance levels or classes, manufacturers should link every single product to the respective product-type and to a given set of performance levels or classes by the unique identification code referred to in Article 6(2)(a) of Regulation (EU) No 305/2011.
- (7) The purpose of Article 11(4) of Regulation (EU) No 305/2011 is to enable the identification and the traceability of any single construction product by the indication, by the manufacturers, of a type, batch or serial number. This purpose is not served by a declaration of performance, which should be subsequently used for all products corresponding to the product-type defined in it. Therefore, the information required by Article 11(4) should not be required to be contained in the declaration of performance.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

- (8) When the notified bodies are properly identified, the listing of all certificates, test, calculation or assessment reports issued might become extensive and burdensome but does not bring about added value for the users of the products covered by a declaration of performance. The manufacturers should thus not be obliged to include these listings in their declarations of performance.
- (9) In order to enhance the efficiency and competitiveness of the European construction sector as a whole, manufacturers providing declarations of performance wishing to benefit from the simplification and instructions for the purposes of facilitating the provision of such declarations should be able to do so as soon as possible.

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EU) No 305/2011 shall be replaced by the Annex to this Regulation.

Article 2

Declarations of performance issued before the entry into force of this Regulation, which comply with Article 6 of Regulation (EU) No 305/2011 and the initial Annex III thereto, shall be deemed to comply with this Regulation.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 February 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

ANNEX III

DECLARATION OF PERFORMANCE

No

- 1. Unique identification code of the product-type:
- 2. Intended use/es:
.....
- 3. Manufacturer:
.....
- 4. Authorised representative:
.....
- 5. System/s of AVCP:
- 6a. Harmonised standard:
.....
Notified body/ies:
.....
- 6b. European Assessment Document:
.....
European Technical Assessment:
.....
Technical Assessment Body:
Notified body/ies:
- 7. Declared performance/s:
- 8. Appropriate Technical Documentation and/or Specific Technical Documentation:

The performance of the product identified above is in conformity with the set of declared performance/s. This declaration of performance is issued, in accordance with Regulation (EU) No 305/2011, under the sole responsibility of the manufacturer identified above.

Signed for and on behalf of the manufacturer by:

[name]

At [place] on [date of issue]

[signature]

Instructions for drawing up the declaration of performance

1. GENERAL

These instructions aim at guiding the manufacturers when drawing up a declaration of performance compliant with Regulation (EU) No 305/2011, following the model of this Annex (hereinafter referred to as “the model”).

These instructions are not part of the declarations of performance to be issued by manufacturers and should not be enclosed to these declarations of performance.

When drawing up a declaration of performance, the manufacturer shall:

- (1) reproduce the texts and the headlines of the model which are not indicated between square brackets;
- (2) replace the blank spaces and square brackets by inserting the necessary information.

Manufacturers may also include in the declaration of performance the reference to the website where the copy of the declaration of performance is made available in accordance with Article 7(3) of Regulation (EU) No 305/2011. This may be included after point 8 or in another place where it does not affect the readability and clarity of the mandatory information.

2. FLEXIBILITY

Providing that the mandatory information required by Article 6 of Regulation (EU) No 305/2011 is provided in a clear, complete and coherent manner, when drawing up a declaration of performance, it is possible to:

- (1) use a different layout as in the model;
- (2) combine the points of the model by presenting some of them together;
- (3) present the points of the model in a different order or using one or more tables;
- (4) omit some points of the model which are not relevant for the product for which a declaration of performance is drawn up. For example, this is the case since the declaration of performance may be based either on a harmonised standard or on a European Technical Assessment issued for the product, rendering the other alternative not applicable. These omissions could also concern the points on the authorised representative or on the use of Appropriate Technical Documentation and the Specific Technical Documentation;
- (5) present the points without numbering them.

If a manufacturer wishes to issue a single declaration of performance covering different variations of a product-type, at least the following elements need to be listed separately and clearly for every product variation: the number of the declaration of performance, the identification code under point 1 and the declared performances/s under point 7.

3. INSTRUCTION FOR THE COMPLETION OF THE FORM

Point of the model	Instruction
Number of the declaration of performance	<p>This is the reference number of the declaration of performance foreseen in Article 9(2) of Regulation (EU) No 305/2011.</p> <p>The choice of the number is left to the manufacturer.</p> <p>This number may be the same as the unique identification code of the product-type indicated under point 1 of the model.</p>

Point of the model	Instruction
Point 1	<p>Indicate the unique identification code of the product-type referred to in Article 6(2)(a) of Regulation (EU) No 305/2011.</p> <p>In Article 9(2) of Regulation (EU) No 305/2011, the unique identification code determined by the manufacturer to follow the CE marking is linked to the product-type and thus to the set of performance levels or classes of a construction product, as brought forward in the declaration of performance drawn up for it. Moreover, for the recipients of construction products, in particular for their final end users, it is necessary to be able to unequivocally identify this set of performance levels or classes for any given product. Therefore, every construction product, for which a declaration of performance has been drawn up, should be linked by its manufacturer to the respective product-type and a given set of performance levels or classes by the unique identification code, which acts also as the reference mentioned in Article 6(2)(a) of Regulation (EU) No 305/2011.</p>
Point 2	<p>Indicate the intended use, or list the intended uses, as appropriate, of the construction product as foreseen by the manufacturer, in accordance with the applicable harmonised technical specification.</p>
Point 3	<p>Indicate the name, the registered trade name or registered trade mark and the contact address of the manufacturer, as required pursuant to Article 11(5) of Regulation (EU) No 305/2011.</p>
Point 4	<p>This point shall be included and filled in only in case an authorised representative has been designated. In such case, indicate the name and the contact address of the authorised representative whose mandate covers the tasks specified in Article 12(2) of Regulation (EU) No 305/2011.</p>
Point 5	<p>Indicate the number of the applicable system or systems of assessment and verification of constancy of performance (AVCP) of the construction product as set out in Annex V to Regulation (EU) No 305/2011. If there are multiple systems, each of them shall be declared.</p>
Points 6a and 6b	<p>Since a manufacturer can draw up a declaration of performance based on either a harmonised standard or a European Technical Assessment issued for the product, these two different situations presented under points 6a and 6b should be treated as alternative, with only one of them to be applied and filled in in a declaration of performance.</p> <p>In case of point 6a, i.e. when a declaration of performance is based on a harmonised standard, indicate all the following:</p> <ul style="list-style-type: none"> (a) the reference number of the harmonised standard and its date of issue (dated reference); and (b) the identification number of the notified body/ies. <p>When providing the name of the notified body/ies, it is essential that the name is provided in its original language, without translation to other languages.</p> <p>In case of point 6b, i.e. when a declaration of performance is based on a European Technical Assessment issued for the product, indicate all the following:</p> <ul style="list-style-type: none"> (a) the number of the European Assessment Document and its date of issue; (b) the number of the European Technical Assessment and its date of issue; (c) the name of the Technical Assessment Body; and (d) the identification number of the notified body/ies.

Point of the model	Instruction
Point 7	<p>Under this point, the declaration of performance shall indicate:</p> <p>(a) the list of essential characteristics, as determined in the harmonised technical specifications for the intended use or uses indicated under point 2; and</p> <p>(b) for each essential characteristic, the declared performance, by level or class, or in a description, in relation to this characteristic or, for characteristics for which no performance is declared, the letters “NPD” (No Performance Determined). This point may be filled up with the use of a table which brings forward the links between the harmonised technical specifications and the systems of assessment and verification of constancy of performance applied respectively to each essential characteristic of the product, as well as the performance in relation to each essential characteristic.</p> <p>The performance shall be declared in a clear and explicit manner. Therefore, the performance cannot be described in the declaration of performance solely by inserting a calculation formula to be applied by the recipients. Furthermore, the levels or classes of performance presented in reference documents shall be reproduced in the declaration of performance itself and thus cannot be expressed solely by inserting references to these documents into the declaration of performance.</p> <p>However, the performance notably of structural behaviour of a construction product may be expressed by referring to the respective production documentation or structural design calculations. In this case, the relevant documents shall be attached to the declaration of performance.</p>
Point 8	<p>This point shall only be included and filled in in a declaration of performance if Appropriate Technical Documentation and/or Specific Technical Documentation has been used, in accordance with Articles 36 to 38 of Regulation (EU) No 305/2011, in order to indicate the requirements with which the product complies.</p> <p>In such a case, under this point the declaration of performance shall indicate:</p> <p>(a) the reference number of the Specific and/or Appropriate Technical Documentation used, and</p> <p>(b) the requirements with which the product complies.</p>
Signature	<p>Replace the spaces indicated between square brackets by the information indicated and the signature.’</p>

COMMISSION DELEGATED REGULATION (EU) No 568/2014**of 18 February 2014****amending Annex V to Regulation (EU) No 305/2011 of the European Parliament and of the Council as regards the assessment and verification of constancy of performance of construction products**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 60(e) thereof,

Whereas:

- (1) Pursuant to Article 28 of Regulation (EU) No 305/2011, assessment and verification of constancy of performance of construction products in relation to their essential characteristics is to be carried out in accordance with the systems set out in Annex V to Regulation (EU) No 305/2011.
- (2) Annex V should be adapted in order to respond to technological progress, to make provision for the specific case of products for which European Technical Assessments have been issued, as well as to enhance the clarity, accuracy and consistency to the descriptions and terms used therein, in line with practical experience gained in the course of the application of Annex V.
- (3) This adaptation would facilitate the work of manufacturers and notified bodies authorised to carry out third-party tasks in the process of assessment and verification of constancy of performance of construction products, reduce administrative burden and increase clarity on the interpretation of Regulation (EU) No 305/2011, thus having a favourable impact on the competitiveness of the construction sector as a whole.
- (4) Regulation (EU) No 305/2011 implies that the manufacturer is responsible for determining the product-type for any product the manufacturer wishes to place on the market. In the same context, the underlying logic of Regulation (EU) No 305/2011 does not imply the existence of product certification, but notified bodies are only responsible for assessing the performance of construction products, the constancy of which is then to be certified. This repartition of competences between manufacturer and notified bodies should be better reflected in Annex V, without entailing a shift in the responsibilities of these actors.
- (5) Since constant surveillance of factory production control by notified bodies in fact is not possible and is not carried out in practice, reference should rather be made to the continuing nature of the surveillance.
- (6) For construction products not covered or not fully covered by harmonised standards, European Technical Assessments (ETA) can be issued by a Technical Assessment Body. Pursuant to Article 2(13) of Regulation (EU) No 305/2011, such an ETA already contains an assessment of the performance of the product in question in relation to its essential characteristics. Additional subsequent controls of the correctness of this assessment process would not bring about any added value, but only generate unnecessary costs for manufacturers. Enterprises have already made requests for ETAs and need legal certainty with respect to the third-party tasks to be carried out in the process of assessment and verification of constancy of performance of these construction products.
- (7) In order to better reflect the current practice the names of the types of notified bodies and the description of their respective tasks should be adjusted.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

- (8) A technical adaptation is necessary concerning the term 'noise absorption' referred to in Section 3 of Annex V to Regulation (EU) No 305/2011 to achieve a more accurate description of the essential characteristics to be assessed and more consistency with terminology used in relevant harmonised technical specifications.
- (9) In order to ensure a smooth transition for manufacturers they should have the right to continue using certificates and other documents which were issued by notified bodies in accordance with Annex V to Regulation (EU) No 305/2011 before the entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EU) No 305/2011 is replaced by the text in the Annex to this Regulation.

Article 2

Certificates and other documents issued by notified bodies in accordance with Annex V to Regulation (EU) No 305/2011 before the entry into force of this Regulation shall be deemed to comply with this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 February 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

ANNEX V

ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE**1. SYSTEMS OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE**

The manufacturer shall draw up the declaration of performance and determine the product-type on the basis of the assessments and verifications of constancy of performance carried out under the following systems:

1.1. System 1+

- (a) The manufacturer shall carry out:
 - (i) factory production control;
 - (ii) further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan.
- (b) The notified product certification body shall decide on the issuing, restriction, suspension or withdrawal of the certificate of constancy of performance of the construction product on the basis of the outcome of the following assessments and verifications carried out by that body:
 - (i) an assessment of the performance of the construction product carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product;
 - (ii) initial inspection of the manufacturing plant and of factory production control;
 - (iii) continuing surveillance, assessment and evaluation of factory production control;
 - (iv) audit — testing of samples taken by the notified product certification body at the manufacturing plant or at the manufacturer's storage facilities.

1.2. System 1

- (a) The manufacturer shall carry out:
 - (i) factory production control;
 - (ii) further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan.
- (b) The notified product certification body shall decide on the issuing, restriction, suspension or withdrawal of the certificate of constancy of performance of the construction product on the basis of the outcome of the following assessments and verifications carried out by that body:
 - (i) an assessment of the performance of the construction product carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product;
 - (ii) initial inspection of the manufacturing plant and of factory production control;
 - (iii) continuing surveillance, assessment and evaluation of factory production control.

1.3. System 2+

- (a) The manufacturer shall carry out:
 - (i) an assessment of the performance of the construction product on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of that product;
 - (ii) factory production control;
 - (iii) testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan.

- (b) The notified factory production control certification body shall decide on the issuing, restriction, suspension or withdrawal of the certificate of conformity of the factory production control on the basis of the outcome of the following assessments and verifications carried out by that body:
 - (i) initial inspection of the manufacturing plant and of factory production control;
 - (ii) continuing surveillance, assessment and evaluation of factory production control.

1.4. System 3

- (a) The manufacturer shall carry out factory production control.
- (b) The notified laboratory shall assess the performance on the basis of testing (based on sampling carried out by the manufacturer), calculation, tabulated values or descriptive documentation of the construction product.

1.5. System 4

- (a) The manufacturer shall carry out:
 - (i) an assessment of the performance of the construction product on the basis of testing, calculation, tabulated values or descriptive documentation of that product;
 - (ii) factory production control.
- (b) No tasks require the intervention of notified bodies.

1.6. Construction products for which a European Technical Assessment has been issued

Notified bodies undertaking tasks under Systems 1+, 1 and 3 as well as manufacturers undertaking tasks under Systems 2+ and 4 shall consider the European Technical Assessment issued for the construction product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall therefore not undertake the tasks referred to in points 1.1.(b)(i), 1.2.(b)(i), 1.3.(a)(i), 1.4.(b) and 1.5.(a)(i) respectively.

2. BODIES INVOLVED IN THE ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE

With respect to the function of notified bodies involved in the assessment and verification of constancy of performance for construction products, distinction shall be made between:

- (1) product certification body: a body notified, in accordance with Chapter VII, to carry out constancy of performance certification;
- (2) factory production control certification body: a body notified, in accordance with Chapter VII, to carry out factory production control certification;
- (3) laboratory: a body notified, in accordance with Chapter VII, to measure, examine, test, calculate or otherwise assess the performance of construction products.

3. HORIZONTAL NOTIFICATIONS: CASES OF ESSENTIAL CHARACTERISTICS WHERE REFERENCE TO A RELEVANT HARMONISED TECHNICAL SPECIFICATION IS NOT REQUIRED

- 1. Reaction to fire
 - 2. Resistance to fire
 - 3. External fire performance
 - 4. Acoustic performance
 - 5. Emissions of dangerous substances.'
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