

A summary of the proposed EU-CPR

by GGF Technical Officer Steve Chappell



Following the review of the Construction Products Regulation and public consultation the European Commission has now published its proposal for a revised CPR. The proposal was published on 30th March and will now go through the legislative procedure starting with another public consultation of 8 weeks duration closing 3rd June 2022.

The EC originally put forward 5 options for consideration in the review and according to them the responses to these showed economic operators to be broadly in favour of the CPR and strongly against repealing it but also highlighted a number of issues needing to be addressed, primarily this concerned the standardisation process. On this basis the EC has chosen to proceed with Option D because they say it paves the way for the objectives and the main shortcomings of the EU-CPR framework to be addressed with the highest degree of effectiveness and coherence. The proposed option retains CE marking as a requirement for construction products where manufacturers have drawn up a declaration of performance or conformity.

The two general objectives of the CPR revision are to firstly achieve a well-functioning single market for construction products, and secondly to contribute to the objectives of the green and digital transition. The EC pick out the following as the main changes:

- Introduce a new obligation for manufacturers to provide a declaration of conformity (compliance with product requirements) in addition to a declaration of performance; with possibility to provide information via electronic means.
- Introduce a new empowerment for the Commission to (1) adopt technical specifications via Commission acts for cases where the standardisation system is not delivering on time and of sufficient quality; (2) set product requirements.
- Introduce environmental, functional and safety product requirements for construction products.
- Provide a list of general sustainability requirements (to be further defined per product family in Commission acts/harmonised standards).
- Strengthen enforcement powers of market surveillance authorities.
- Provide a clearer definition of the scope and inclusion of reused and 3D-printed construction products and pre-fabricated houses.
- Establish a 'harmonised zone', a clearer division of Member States' roles and a mechanism to gather information on to exchange proactively on Member States' regulatory needs or measures and address those in the respect of the single market objectives.
- Introduce and improve simplification and exemption provisions for micro-enterprises.
- Extending the role of the product contact points for construction to support economic operators.
- Establish a new Commission system allowing any natural or legal person to share complaints or reports related to possible breaches of the Regulation.
- Align with the Ecodesign for Sustainable Products Regulation on climate and environmental sustainability and on the Digital Product Passport.

Of particular note is a new Annex V – Assessment and verification systems (AVS). This contains additional actions within the systems for both manufacturer and Notified Body. It empowers the Commission to supplement and amend the Regulation by means of delegated acts to determine the applicable assessment and verification system for product families and to counter systematic non-compliances of notified bodies or manufacturers by introducing additional steps in the assessment or verification systems.

It also includes a new additional System 3+ defining the Notified Body's control of environmental sustainability assessment. A comparison of both systems follows.

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| Existing AVCP System | Proposed New AVS |
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| <p>System I+</p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <p>(a) The manufacturer shall carry out:</p> <ul style="list-style-type: none"> (i) Factory production control (ii) Further testing of samples taken at the factory in accordance with the prescribed test plan <p>(b) The notified product certification body shall issue the certificate of constancy of performance of the product on the basis of:</p> <ul style="list-style-type: none"> (i) Determination of the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product (ii) Initial inspection of the manufacturing plant and of factory production control (iv) Audit-testing of samples taken before placing the product on the market. | <p>System I+</p> <p>Full notified body control including audit sample testing:</p> <p>(a) The manufacturer shall carry out:</p> <ul style="list-style-type: none"> (i) Factory production control (ii) Further testing of samples taken at the manufacturing plant in accordance with the prescribed test plan (iii) Verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance (iv) Verification whether the technical documentation contains full proof of conformity with product requirements under this Regulation <p>(b) The notified body shall issue the certificate of performance and of conformity on the basis of:</p> <ul style="list-style-type: none"> (i) Confirmation of the correct determination of the product type and of the product category (ii) An assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and in all cases review of the documentation of the product (iii) Initial inspection of the manufacturing plant and of the factory production control (iv) Audit-testing of samples taken before placing the product on the market |

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| <p>(iii) Continuous surveillance, assessment and evaluation of the factory production control</p> | <p>(v) Full verification of the tasks under paragraphs (a) (iii) and (iv)</p> <p>(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 50 random points falling under the paragraphs (a) (ii) to (iv) and withdraw the certificate in case it detects more than 2 non-compliances or one particular grave non-compliance, amongst these 50 points and the other verifications to be made in accordance with this paragraph.</p> |
| <p>System I</p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <p>(a) The manufacturer shall carry out:</p> <ul style="list-style-type: none"> (i) Factory production control (ii) Further testing of samples taken at the factory by the manufacturer in accordance with the prescribed test plan <p>(b) The notified product certification body shall issue the certificate of constancy of performance of the product on the basis of:</p> <ul style="list-style-type: none"> (i) Determination of the product type on the basis of type testing (including sampling), type calculation, tabulated | <p>System I</p> <p>Full notified body control without audit sample testing</p> <p>(a) The manufacturer shall carry out:</p> <ul style="list-style-type: none"> (i) Factory production control (ii) Further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan (iii) Verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance (iv) verification whether the technical documentation contains full proof of conformity with product requirements of this regulation <p>(b) The notified body shall issue the certificate of performance and of conformity on the basis of:</p> <ul style="list-style-type: none"> (i) Confirmation of the correct determination of the product type and of the product category |

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| <p>values or descriptive documentation of the product</p> <p>(ii) Initial inspection of the manufacturing plant and of the factory production control</p> <p>(iii) Continuous surveillance, assessment and evaluation of factory production control.</p> | <p>(ii) An assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and in all these cases review of the documentation of the product</p> <p>(iii) Initial inspection of the manufacturing plant and of factory production control</p> <p>(iv) Full verification of the tasks under paragraphs (a) (iii) and (iv).</p> <p>(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 40 random points under the items (a) (ii) to (iv) and withdraw the report or certificate in case it detects more than 2 non-compliances or pone particularly grave non-compliance amongst these 40 points and the other verifications to be made in accordance with this paragraph.</p> |
| <p>System 2+</p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <p>(a) The manufacturer shall carry out:</p> <p>(i) Determination of the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product</p> <p>ii) Factory production control</p> <p>(iii) Testing of samples mat the factory in accordance with the prescribed test plan</p> | <p>System 2+</p> <p>Notified body focusing on the factory production control</p> <p>(a) The manufacturer shall carry out:</p> <p>(i) As assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product</p> <p>(ii) Factory production control</p> <p>(iii) Testing of samples taken at the factory in accordance with the prescribed test plan</p> |

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| <p>(b) The notified production control certification body shall issue the certificate of conformity of the factory production control on the basis of:</p> <p>(i) Initial inspection of the manufacturing plan and of the factory production control</p> <p>(ii) Continuous surveillance, assessment and evaluation of factory production control.</p> | <p>(iv) Verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation</p> <p>(v) Verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation</p> <p>(b) The notified body shall issue the certificate of conformity of the factory production control on the basis of:</p> <p>(i) Confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of the review of the documentation of the product</p> <p>(ii) Initial inspection of the manufacturing plant and of the factory production control</p> <p>(iii) Full verification of the tasks under paragraph (a) (iv) to (v)</p> <p>(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 30 random points falling under the paragraphs (a) (iii)0 to (v) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance amongst these 30 points and the other verifications to be made in accordance with this paragraph.</p> |
| <p>No Equivalent</p> | <p>System 3+</p> <p>Notified body's control of environmental sustainability assessment</p> <p>(a) The manufacturer shall carry out the assessment of the performance of the product in</p> |

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| | <p>relation to essential characteristics or product requirements related to environmental sustainability and keep it updated.</p> <p>(b) the notified body shall, in particular in view of input values, assumptions made and compliance with applicable generic or product category specific rules:</p> <ul style="list-style-type: none"> (i) Verify the manufacturer's initial and updated assessment (ii) Validate the process applied to generate that assessment. |
| <p>System 3</p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <p>(a) The manufacturer shall carry out factory production control</p> <p>(b) The notified testing laboratory shall carry out determination of the product type on the basis of type testing (based on sampling carried out by the manufacturer), type calculation, tabulated</p> | <p>System 3</p> <p>Notified body focusing on the product type determination</p> <p>(a) The manufacturer shall carry out:</p> <ul style="list-style-type: none"> (i) An assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product (ii) Factory production control (iii) Verification whether the technical documentation contains full proof of the correct application of this Regulation with regards to the assessment of performance (iv) Verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation <p>(b) The notified body shall issue the certificate of performance and of conformity on the basis of:</p> <ul style="list-style-type: none"> (i) Confirmation of the correct determination of the product type and of |

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| <p>values or descriptive documentation of the product.</p> | <p>the product category and confirmation of the correct assessment of the performance of the product on the basis of type testing (based on sampling carried out by the manufacturer), type calculation or tabulated values and in all these cases review of the documentation of the product</p> <p>(ii) Undertake a check of 20 random points falling under the paragraphs (a) (iii) and (iv) and refuse the issuing of a certificate in case it detects more than 2 non-compliances or one grave non-compliance amongst these 20 points and the other verifications to be made in accordance with this paragraph.</p> |
| <p>System 4</p> <p>Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:</p> <p>(a) The manufacturer shall carry out</p> <p style="padding-left: 40px;">(i) Determination of the product-type on the basis of type testing, type calculation, tabulated values or descriptive documentation of the product</p> <p style="padding-left: 40px;">(ii) Factory production control</p> | <p>System 4</p> <p>Manufacturer's self-verification and self-certification</p> <p>(a) The manufacturer shall carry out:</p> <p style="padding-left: 40px;">(i) An assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product</p> <p style="padding-left: 40px;">(ii) Confirmation of the correct determination of the product type and of the product category on the basis of type testing, type calculation or tabulated values and in all these cases review of the documentation of the product</p> <p style="padding-left: 40px;">(iii) Factory production control</p> <p style="padding-left: 40px;">(iv) Verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance</p> |

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| <p>(b) No tasks for the notified body</p> | <p>(v) Verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation</p> <p>(b) There is no task for the notified body.</p> |
| | <p>For all the systems above the following shall apply:</p> <p>(a) Inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following elements which shall ensure a continuous orderly manufacturing process;</p> <ul style="list-style-type: none"> (i) Appropriate competence of the personnel (ii) Appropriateness of the technical equipment (iii) Appropriateness of the facilities and other conditions influencing the manufacturing (iv) outline of the intended factory production control <p>(b) Factory production control shall cover the process from receipt of the raw materials and components to the despatch of the product once the production has started ('gate to gate approach'). It shall assess whether this process is designed and optimised in view of the goal that the products conform to the product type and therefore reach the performance declared in the declaration of performance and are compliant with the requirements set out in or under this Regulation.</p> <p>(c) Further testing of samples shall constitute of testing of an adequate number of products as defined in harmonised technical specifications with regard to conformity with the product type, with zero tolerance for non-conformity, unless another tolerance is defined in the harmonised technical specifications.</p> |

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| | <p>(d) Verification of items shall, to 50%, target items which are most likely to contain deficiencies and, to another 50%, target items chosen at random.</p> <p>(e) Verification of environmental sustainability shall constitute of the verification of all calculations and verification of 10 samples of company-specific or secondary data factored in with zero tolerance for incorrectness. In that context, the notified body shall verify whether the applicable rules on modelling and calculation laid down in the applicable harmonised technical specification or methodology provided by the Commission are followed.</p> <p>In case an IT tool provided by the Commission is used, the verification focuses on the correct use of the tool. Where secondary data is used, the notified body shall check whether the correct data sets, prescribed by applicable product-specific calculation rules in the applicable harmonised technical specification or methodology provided by the Commission, are used. Where company-specific data is used, the reliability of that data needs to be verified. To that end, the notified body shall undertake an audit of the manufacturing plant to which they refer and shall examine all data relating to suppliers and service providers. Notified bodies may extend their audit to suppliers and service providers who are obliged to cooperate in accordance with Article 30.</p> <p>(f) Where the above mentioned failure rates have been trespassed or where a grave error or the intention to cheat has been detected, the notified body shall refuse issuing a certificate for at least one year or withdraw the certificate whilst permitting issuing a new one only after one year.</p> <p>(g) Notified bodies that are undertaking tasks under Systems 1+, 1 and 3 as well as manufacturers that are undertaking tasks under System 2+ and 4 shall consider the European Technical Assessment issued for the product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall therefore undertake the tasks referred to in points 1.(b)(ii), 2.(b)(ii), 3.(a)(i), 5.(a)(i) and</p> |
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| | 6.(a)(i), respectively, only where there is evidence that these have not or not appropriately been executed by the TAB. |
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The full proposal and the Annex can be downloaded at <https://ec.europa.eu/docsroom/documents/49315>