

Analysis of implementation of the Construction Products Regulation

Topical Report #1:

CE Marking

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Topical Report

CE Marking

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1 Background

1.1 CE marking under the CPR

The general principles set out in Article 30 of Regulation (EC) No 765/2008 apply to the CE marking. Among them, it is prescribed that that Member States shall ensure the correct implementation of the regime governing the CE marking and take appropriate action in the event of improper use of the marking, including by imposing penalties for infringements.

Article 8 of the CPR concerns the general principles and use of CE marking. Article 8(2) prescribes that the **CE marking shall be affixed to** any construction product covered by a harmonised standard, or for which a European Technical Assessment has been issued, for which the manufacturer has drawn up a declaration of performance. In such a case, Article 8(2) clarifies that the **CE marking shall be the only marking** which attests conformity of the construction product with the declared performance in relation to the essential characteristics covered by that harmonised standard or by the European Technical Assessment.

Articles 8(4) and 8(5) of the CPR re-emphasise that Member States have an obligation to ensure that construction **products bearing the CE marking are not prohibited** or impeded from being made available on the market or used, when the declared performances correspond to the requirements for such use in that Member State.

Article 9 of the CPR specifies that the CE marking shall:

- be affixed visibly, legibly and indelibly to the construction product or to a label attached to it or, where this is not possible, to the packaging or to the accompanying documents;
- be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer (or an identification mark to that effect), the unique identification code of the product-type, the reference number of the DoP, the level or class of the performance declared, a reference to the harmonised technical specification applied, the identification number of the notified body, if applicable, and the intended use as laid down in the harmonised technical specification applied; and
- be affixed before the construction product is placed on the market. It may be followed by a pictogram or any other mark notably indicating a special risk or use.

Compared to the legislative situation which existed under the CPD, the CPR aims to simplify and clarify the regulatory framework for construction products in four main ways:

- The first aspect relates to the clarification that **CE marking is now mandatory in all EU Member States** for all products for which the manufacturer has drawn up a declaration of performance (DoP).
- The second aspect relates to the clarification of the **specific products which are exempt from CE marking**. According to Article 8(2), the CE marking is to be affixed to construction products for which the manufacturer has drawn up a DoP; however, if a DoP has not been drawn up, the CE marking does not have to be affixed. This derogation would apply to the situations described under Article 5 of the CPR.

- The third aspect relates to CE marking within the context of ensuring the **free movement of construction products**. CE marking of construction products was originally introduced in the CPD in order to enhance the free movement of construction products within the EU. In this context, it is important to note that performance requirements applicable to construction products are not harmonised across the EU and vary between Member States. Therefore, although a product may bear the CE marking, it may not be suitable for particular applications or for use within some Member States. Articles 8(4) and 8(5) of the CPR re-emphasise that Member States have an obligation to ensure that construction products bearing the CE marking are not prohibited or impeded from being made available on the market or used, when the declared performances correspond to the requirements for such use in that Member State.
- The fourth aspect relates to the CPR clarifying the difference in the **meaning of the CE marking with respect to construction products**, when compared to CE marking for other products. In this context, it is worth noting that the CE marking under the CPR only indicates the conformity of the construction product with the declared performance, which must relate to at least one of the essential characteristics of the construction product, relevant for the intended use(s).

1.2 Implementation experience

Companies responding to the questionnaire were highly knowledgeable about CE marking. Around 80% considered themselves to be highly knowledgeable/experts or to have good technical knowledge about CE marking.

Most stakeholders responding to the consultation and interviews did not identify any changes as a result of the implementation of the **mandatory CE marking** aspect of the CPR. This is mainly because mandatory CE marking was already in place in the vast majority of countries before the CPR and, as a result, the requirement was new in only four Member States: UK, Ireland, Sweden and Finland. While, in theory, it might be expected that the implementation of this aspect of the CPR would have a greater impact in these four countries; in practice, CE marking was already being carried out in some of these countries (e.g. the UK) for some construction products, particularly those intended for export into international markets.

Information obtained for this study indicates that some stakeholders encountered some implementation issues during the transition from the CPD to the CPR; however, these issues appear to be linked to specific companies or sectors or related to individual hENs. For instance, in the pavement sector, one company noted that it had spent significant time and more than €270,000 in the process of CE marking its products (including comprehensive testing, the introduction of factory production controls and the production of a detailed DoP for each product, as well as redesigning and reprinting all packaging to reflect the test results). There were also some issues relating to hEN 1090 and the steel sector; however, these appear to have been addressed based on the clarification provided by the Commission (see FAQ 31¹).

¹ http://ec.europa.eu/growth/sectors/construction/product-regulation/fag/index_en.htm

1.3 Comparison of CPR against intended results

Recital 30 of the CPR states that:

“due to the difference in the meaning of the CE marking for construction products, when compared to the general principles set out in Regulation (EC) No 765/2008, specific provisions should be put in place to ensure the clarity of the obligation to affix the CE marking to construction products and the consequences thereof”.

With the above in mind, the intended results of clarifying the CE marking aspect of the CPR can be summarised as follows:

- Increased legal certainty and transparency regarding the rules
- Increased ease of compliance and enforcement
- Enhanced free movement of construction products across the EU
- Increased credibility of the CPR

As can be seen from the Table below, a number of conclusions can be deduced.

Table 1-1: Response to the question - Overall, please indicate whether, in your view, there have been positive or negative impacts from the clarification of the concept and use of CE marking					
Response	Large positive impact	Low positive impact	Neutral/no change	Low negative impact	Large negative impact
Increased legal certainty and transparency regarding the rules					
Companies	23%	29%	35%	6%	7%
NBs, TABs, SBs	33%	36%	26%	3%	2%
Public Authorities	53%	27%	13%	4%	4%
Increased ease of compliance and enforcement					
Companies	11%	29%	45%	8%	6%
NBs, TABs, SBs	19%	32%	39%	8%	2%
Public Authorities	39%	35%	19%	6%	2%
Enhanced free movement of construction products across the EU					
Companies	13%	24%	54%	4%	5%
NBs, TABs, SBs	18%	26%	48%	6%	2%
Public Authorities	23%	35%	40%	2%	0%
Increased credibility of the CPR					
Companies	12%	37%	38%	6%	7%
NBs, TABs, SBs	18%	39%	34%	8%	1%
Public Authorities	26%	36%	28%	6%	4%

Over half of companies, public authorities and organisations involved in conformity assessment were of the view that the CE marking provisions have had a positive effect in terms of increasing legal certainty and transparency regarding the rules.

Over half of public authorities and organisations involved in conformity assessment were of the view that the CE marking provisions have had a positive effect in terms of making compliance with

the CPR easier for companies and making enforcement of the legislation easier for authorities. Around 40% of companies agreed with this assessment, almost one third of which were from the Member States where CE marking was deemed not mandatory under the CPD. Of those companies indicating a positive effect in this regard, more than half were micro-enterprises or SMEs. Although a slightly higher percentage of companies indicated that the CE marking provisions have not made compliance easier for them.

Around half of companies and organisations involved in conformity assessment were of the view that the CE marking provisions **have not had any effect (i.e. neither positive nor negative) in terms of enhancing the free movement of construction products across the EU.** Around 40% of public authorities agreed with this assessment. That said, over a third of all respondents indicated that the CE marking provisions have had a positive impact in terms of enhancing the free movement of construction products. This may be explained by (a) the short period that has elapsed since the full applicability of the CPR; (b) the issue of national marks discussed further in Topical Report No 3; and (c) by the more detailed views provided below on the impacts of the CPR on the free movement of construction products. On the whole, there seems to be a general view that, while there may have been a slight improvement, the actual benefits of the CPR in this area have been *“much less than expected”*. One possible reason relates to the lack of information regarding developments at the local level, particularly for public authorities. As one public authority noted *“No big changes noticed. Barriers to trade may [arise at a] more local level”*. Associations and construction industry stakeholders also reflected on the fact that the outcomes have been less than expected:

“CPR has slightly enhanced the free movement of construction products as unlike with the CPD, CE marking is applicable to all European countries. But the principles that allow for the free movement of construction products were already laid down in the CPD. Besides that, it should be emphasised that the main obstacles to the free movement of construction products are the national marks and national requirements. In that respect, actions should be undertaken by the European Commission, like what was recently done against Germany.”

Over half of companies, public authorities and organisations involved in conformity assessment were of the view that the CE marking provisions have increased the credibility of the CPR. Around a third of respondents did not agree with this view, indicating ‘no change’ in their perception of the credibility of the CPR. Overall, most stakeholders within the construction industry agreed that there is the potential for benefits to accrue in the short and long term from the clarification of CE marking in the CPR.

Table 1-2: Response to the question - The CPR has clarified the concept and use of CE marking and its legal meaning. Are you aware of any benefits (whether current or future) relating to this clarification?

Response	Companies	NBs, TABs, SBs	Public authorities
Yes	60%	62%	73%
No	37%	25%	25%
Not applicable	3%	13%	2%

Why has CE marking not had a greater impact in terms of enhancing the free movement of construction products across the EU?

1.4 Benefits of CE marking under CPR

In general, stakeholders who were interviewed indicated that the CPR has helped to clarify the **meaning of the CE marking within the context of construction products**, when compared with the situation which existed under the CPD.

In terms of benefits associated with the updated rules for CE marking, some companies noted that:

“All Producers are working with same rules, that is good”

“All manufacturers then operate on a level playing field. This results in a faster clarification of product to prospective customers.”

“It is much clearer what standard a product conforms to and what performance is being declared as a common method is applied as set out by the Annex ZAs.”

“It clarifies to users what a product can (not) be used for and what characteristics it has.”

An industry association has similarly noted that it strongly supports the CPR and that it is a major improvement compared with the CPD, in particular, because it clarifies the rules relating to CE marking.

Organisations involved in conformity assessment expressed somewhat similar opinions noting that:

“It is an essential tool for free movement of goods among the EU member states. CPR clarifies the necessity of quality infrastructure behind the CE Marking which is previously not very much clear in each directive. This is critically important for all parties to understand the overall workings of the system (standardization, accreditation, conformity assessment, market surveillance and metrology)”

“The CE Marking makes it easier for specifiers and designers to identify proper material within the meaning of [national] Building Regulations.”

More specifically, organisations involved in conformity assessment (NBs, TBs, etc.) noted that the CE marking has a beneficial impact on the free movement of construction products within Europe:

“Under CPR, CE marking enables a product to be placed legally on the market in any Member State.”

“Once CE marked the construction products may be sold anywhere in the EU.”

Somewhat reflecting the views of other enforcement authorities, one public authority noted that:

“From a market surveillance perspective, the requirements under the CPR in respect of CE marking increase the ease of compliance and enforcement”.

1.5 Scope for improvement

Information obtained in the course of this study indicates that the CE marking information requirements have posed various problems for stakeholders. A major issue identified by various key stakeholders relates to the **duplication of information in the DoP with the CE marking information**. Another issue encountered by many stakeholders is the **lack of understanding by users of the (updated) concept and meaning of CE marking within the context of the CPR**. The following sections set out the key problems encountered in this regard, based on the indicative and representative comments from the various stakeholder groups, as well as a literature review.

2 Duplication of Information

2.1 Legal requirements

A key problem identified by many stakeholders is the **duplication of information, which is already provided in the DoP, in the CE marking information**. As can be seen in the Table below (adapted from a CPE submission), there are substantial overlaps between the information required in the DoP and CE marking under the CPR. These overlaps have resulted in various impacts including:

- the legal value of the CE marking being unclear for stakeholders;
- problems in affixing the CE marking, whether that be to the construction product itself or to the accompanying packaging; and
- costs to industry.

Table 2-1: Overlaps of the DoP and CE marking	
CE marking, Article 9 (2)	DoP, Article 6 and Annex III
Article 9(2) [...] the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily	Article 6(4) The declaration of performance shall be drawn up using the model set out in Annex III. [name and registered address of the manufacturer is required in Annex III]
Article 9(2) [...] without any ambiguity, the unique identification code of the product-type,	Article 6(2) The declaration of performance shall contain, in particular, the following information: (a) the reference of the product-type for which the declaration of performance has been drawn up;
Article 9(2) [...] the reference number of the declaration of performance	Article 6(4) The declaration of performance shall be drawn up using the model set out in Annex III. [reference number of the declaration of performance is required in Annex III]
Article 9(2) [...] the level or class of the performance declared	Article 6(3) The declaration of performance shall in addition contain: (d) where applicable, the performance of the construction product, by levels or classes, or in a description, if necessary based on a calculation in relation to its essential characteristics determined in accordance with Article 3(3); Article 6(3) The declaration of performance shall in addition contain: (g) when a European Technical Assessment has been issued for that product, the performance, by levels or classes, or in a description, of the construction product in relation to all essential characteristics contained in the corresponding European Technical Assessment.

Table 2-1: Overlaps of the DoP and CE marking	
CE marking, Article 9 (2)	DoP, Article 6 and Annex III
Article 9(2) [...] the reference to the harmonised technical specification applied	Article 6(2) The declaration of performance shall contain, in particular, the following information: (c) the reference number and date of issue of the harmonised standard or the European Technical Assessment which has been used for the assessment of each essential characteristic; [the date of issue of the harmonised standard or the ETA is only required in the DoP]
Article 9(2) [...] the identification number of the notified body, if applicable	Article 6(4) The declaration of performance shall be drawn up using the model set out in Annex III.
Article 9(2) [...] the intended use as laid down in the harmonised technical specification applied	Article 6(3) The declaration of performance shall in addition contain: (a) the intended use or uses for the construction product, in accordance with the applicable harmonised technical specification;
<p><i>Source:</i> Construction Products Europe (2014) Implementation of the Construction Products Regulation, Manufacturers' Report. See http://www.construction-products.eu/cust/documentrequest.aspx?DocID=277</p>	

2.2 Views of stakeholders

Some manufacturers and industry associations indicated that it is not always possible for manufacturers to supply all of the required information on the CE mark label in an understandable way **for some construction products**.

Firstly, for **small construction products**, there are difficulties associated with physically including a large amount of information in the CE marking. The smaller the CE label, the more difficult it becomes to read and the less valuable/useful the information provided is. Furthermore, the cost of printing such labels is an important consideration for **low-cost construction products**. For some products, manufacturers need to develop and print one page for each delivery of construction products. Effectively, manufacturers are spending money for each delivery to provide information that is already displayed in the DoP in a more legible, understandable and accessible way. It was noted that, taking into account the number of deliveries of construction products in the European market, even a very small cost saving on CE marking would accrue to a large amount of money across the construction industry and, importantly, a reduction in the financial burden for SMEs.

For **larger construction products**, the cheapest way of providing the CE marking is printing the information on the bag/packaging. Where the packaging volume is very large, this means that making changes to the CE label becomes a complicated and expensive undertaking (if not impossible, for products where bagging/packaging is reused). For even **larger construction products (e.g. those sold and transported in bulk form, e.g. asphalts, cement and aggregates)**, it is more likely that the CE marking label cannot be affixed to the construction product. The CE marking would typically be provided with the accompanying packaging or documents; however, providing a paper copy of the CE marking with the product is not only burdensome (in terms of human resources and financial costs) but also results in additional environmental impacts. An industry association has estimated that, in the UK alone, around 7 million additional sheets of A4 paper (~35 tonnes of paper) are used annually for the provision of CE marking for all loose bulk supplied aggregates, asphalt and mortar.

Furthermore, some stakeholders also questioned what is meant by the ‘accompanying documents’ that the CE marking may be affixed to. In this regard, some were of the view that the invoice document or delivery ticket would suffice; however, one problem with this approach is that if the product is resold, another invoice (and not the one bearing the CE marking) will accompany the product and it is not clear who would be responsible for affixing the CE mark and the procedure that should be followed. As noted by two manufacturers:

“The requirement to provide a separate CE information sheet with every delivery of loose bulk construction materials is a ridiculous increased burden on any SME and a shocking waste of natural resources (paper) when there is an electronic solution available.”

“[There should be] the ability to use abbreviated CE marks which contain less information and has a link to the respective Declaration of Performance. Online CE marking should be available for bulk products e.g. aggregate as this industry works in a paperless world – everything is electronic.”

An indication as to the types of problems faced by **specific or complex construction products** can also be seen in the case of bitumen waterproofing products. Bitumen waterproofing products are sold per pallet, but also per individual roll via distributors. Labelling the individual rolls is impossible because the label would influence the installation negatively. In practice, the roll tapes are too small to include all required information, largely because the products have several intended uses and fall under different intended uses. To provide an enlarged roll packaging would contravene the environmental policy to decrease the amount of packaging. It is therefore difficult to find a solution which is satisfactory for all types of waterproofing products. In situations like this (and others mentioned earlier), manufacturers must provide the CE label in the product, packaging or accompanying documents. This results in **unnecessary costs, paper wastage and conflicts with the principle of sustainability**.

It has also been noted by CPE that CE marking of **kits**² (e.g. external thermal insulation cladding systems, curtain walls, etc.), that are put together on the construction site is not practically possible (as the specific kit is created on site). It has been suggested that, in such cases, it should be allowed to omit CE marking of the system because the DoP already includes all information required by the CPR and the CE marking label could be indicated on the DoP. Also, the components of the kit already carry their own CE marking³.

The current CE marking information approach has also been indicated to result in significant **costs** for certain products and inefficiencies in others. One SME has estimated initial costs of developing CE marking labels (at a single site) to be up to €8,000 (with this including costs associated with purchasing a new printer/hardware and A4 paper). Assuming that this SME was preparing a smaller CE marking label, they would be more likely to use A5 paper (as opposed to A4) which could reduce annual costs by around €3,000 (where the reduction reflects the reduced costs of printing paper, printing ink, etc.). The exact cost reduction would vary depending on the product range being manufactured, the packaging approach, the number of deliveries, etc. As noted earlier, a very small cost saving on CE marking would accrue to a large amount of money across the construction industry and, importantly, a reduction in the financial burden for SMEs.

² ‘Kit’ refers to a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works (Article 2(2) CPR).

³ CPE (2014), Implementation of the CPR – manufacturers’ report, accessed <http://www.construction-products.eu/cust/documentrequest.aspx?DocID=277>

This is perceived as particularly burdensome and unnecessary given that the information is already available in the DoP and the vast majority of users would never consult the CE marking for such information (although this view may not be shared by all). For some of these products, particularly **construction products with aesthetic purposes, the CE marking labels are removed, which means that the information is lost** (with no value gained in terms of the resources and effort put in).

One industry association also noted that several **Member States have prohibited or made difficult the import of construction products that do not have a visible CE marking.**

Is the flexibility allowed by Article 9(1) of the CPR (in particular, allowing to affix the CE mark to the packaging or the accompanying documents) sufficient to address the difficulties mentioned above for affixing the CE marking on some types of products?

2.3 Possible solutions

One suggested solution is for a reduced CE marking label to be allowed for certain construction products. In order to achieve this reduced CE marking label (and prevent the duplication of information in the CE marking that is already listed in the DoP), it has been suggested that the CE marking label could contain only the product identification code and a reference to the DoP⁴. This would reduce the costs associated with drawing up the CE mark label, reduce the environmental impact (i.e. smaller paper/label) and would also increase the number of construction products to which a simplified CE marking label could be affixed. Moreover, such an approach would accord with market expectations, as most end users are unlikely to acknowledge or consult the CE marking for information on its performance. The primary stakeholders who seek such information are specifiers/purchasers/architects who will consult the DoP before the product is ordered.

In practice, some manufacturers are already affixing a simplified CE marking to some extent. For example, some ceramic tiles manufacturers apply a very reduced/simplified CE marking on the packaging and the full CE marking is supplied in the accompanying documentation. Some industry associations have also advised their members to use simplified CE marking labels (for an example, see Figure 2-1), as some Member States make the movement of products more difficult if the CE marking is not visible. However, it must be acknowledged that manufacturers are effectively producing two CE marking labels, one that meets the requirements of the CPR and one that satisfies the expectations of Member States/the markets. Overall, a key aspect to explore is how the CE marking label can be reduced so as to ensure that it can be affixed to the maximum number of products (rather than being included in the accompanying documentation).

⁴ Note that FIEC (in their 2013 Annual Report) considered it a success that the content of the CE marking label was retained, despite pressure during the debate in the European Parliament to replace technical information with a simple barcode and website link. It was considered important for the CE label to give information on the intended use and key technical characteristics of the product, and that the contractor should be able to identify the exact product on site without needing to refer to internet-based information. However, one industry association has noted that, during the last year, they have noticed that the information in the CE mark label is not being requested by the market. They believe that this is because the full performance is already available in the DoP.

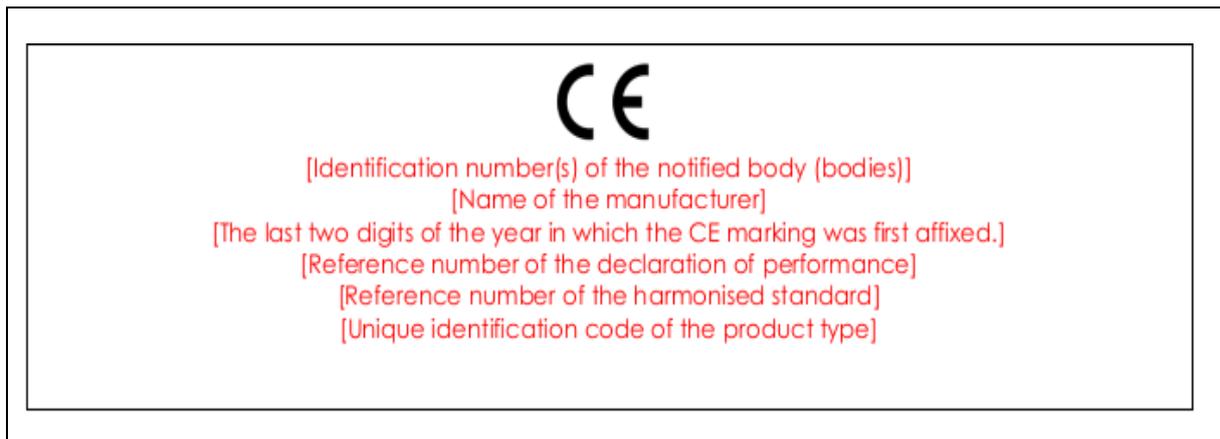


Figure 2-1: Summary CE marking recommended by FEICA

Source: FEICA (2013) FEICA Fact Sheet, CE marking for products supplied in small packaging accessed at http://www.feica.com/images/stories/library/fas-ex-c11-028_ce_marking_for_small_packaging.pdf

Do you agree with a suggestion for a 'reduced CE marking label' for certain construction products? If YES, which construction products would need it? What information SHOULD be included in the CE marking label and what information can be left out?

In fulfilling the solution for a reduced CE marking label, it is fundamental that critical information and the link to the DoP are retained. Indeed, with a reduced CE marking label, it is important that the information which is in the DoP can be accessed or made available in real time to end-users and other stakeholders. The CE marking must therefore contain a reference that allows the user to find the DoP, if desired and necessary, and to examine the various performance values of a particular product. One means to achieve this could be to exploit available IT tools. For example, the CE marking label could be provided with a link to the full information in the DoP that is available on a website. Alternatively, the CE marking label could have a link (website and QR code) to the full information in the DoP available on a website. This could reduce the size of the CE marking label while also providing those who require further information with the means of accessing it (i.e. going on-line or scanning the QR code with a smart phone). These suggestions have been proposed by key industry stakeholders, including CPE. However, it is necessary that in these cases, access to the paper copies of these documents are also ensured, for those users that do not have access to electronic means or internet. This is required by Article 7(2) of the CPR for the DoP. Equally, the conditions for the availability of the DoP on a website laid down by Commission Delegated Regulation (EU) No 157/2014⁵ would apply in such a case.

Do you agree with a suggestion for the use of more electronic tools to link the CE marking with the DoP?

⁵ Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website (OJ L 52, 21.2.2014, p. 1).

3 Concept of CE Marking

3.1 Problem Definition

Under the CPR, when a construction product is not covered by a harmonised European standard (hEN), CE marking does not have to be affixed – although this can be undertaken voluntarily by a manufacturer. One problem expressed by some stakeholders relates to a **misunderstanding on the market as regards what CE marking means within the context of the CPR.**

In this context, some large enterprises have been accused of marketing the CE marking as a ‘quality’ label, with the market then perceiving the CE marking as the gold standard that must always be followed. Other stakeholders perceive the CE marking as a ‘safety’ label and incorrectly believe that it indicates the product is ‘safe’ for installation.

According to some manufacturers, some purchasers/end users believe that all construction products should carry the CE marking. Consequently, they demand that manufacturers apply the CE marking even when it may not be within the scope of a hEN. Thus the voluntary option of applying for an EAD/ETA has, for some operators, become de facto mandatory as a result of the market operating under the mistaken belief that all construction products must carry the CE marking.

3.2 View of industry stakeholders

- It would seem that there are stakeholders across the construction industry who do not understand the concept of CE marking under the CPR. As noted previously, even **where there is no hEN, some purchasers and end-users are demanding that products carry the CE marking** (e.g. for fear of not complying with the CPR). As a result of customers wanting products to bear the CE marking, one Spanish SME reported that they will often apply for a ETA where a hEN is not applicable. This is a very costly exercise (circa €50,000). Similarly, a manufacturer reported that a standard exists for fire sprinkler heads, but the coupling which they import and market does not fall within the scope of this standard. However, customers still expect a DoP and CE marking for this coupling, despite the fact there is no relevant hEN. Thus far, the manufacturer has been unable to attain an ETA (although they have an ETA drawn up, they have found it difficult to find a notified body to certify their product).
- In other instances, **manufacturers will apply hENs to products that are not strictly covered by a particular hEN.** For instance, one manufacturer notes that all of their products have the CE marking under the CPR, with the exception of a roof window for a flat roof. The manufacturer explains that nearest applicable standard for a ‘roof window for a flat roof’ is EN 14351 for windows and doors which covers ‘roof windows for inclined roofs’. Although there is no clear definition of a roof window, the manufacturer believes it is evident that products intended for flat roofs are not within the scope of this standard. However, he is aware of other manufacturers that have been incorrectly applying this standard to such products and that, in his view, are exploiting the ambiguity of the term ‘roof window’ in the standard. Ideally, the manufacturer would prefer that there is an effective mechanism to clarify or amend the scope of the hEN, such that he could then apply the CE marking to his product and meet the market expectation of a construction product with CE marking.
- Other stakeholders reported that parts of industry need to understand that the CE marking indicates that the product conforms to declared performance for a specific intended use. In

other words, parts of **industry should be made aware that the CE marking does not provide an indication as to the performance of the product for all potential uses**. Similarly, the CE marking gives an indication as to the performance of a product and does not indicate whether the product is 'safe'. In this respect, the CPR and the CE marking on construction products is not the same as for other products subject to harmonisation laws (see below).

Both the Commission and some product contact points for construction have tried to clarify this misunderstanding on the meaning of CE marking under the CPR (see FAQ 33⁶). For example, an end-user in Sweden commented that the National Contact Point launched a series of information campaigns in March 2012 and organised several information meetings.

A Public authority reiterated that the concept of the CE marking for some consumers and professional users remains unclear and that they perceive it as indicating that a product is 'safe', noting:

If the CE marking tell that a product was tested for some the essential performances it does say that the product reach a acceptable level of performances for a safe, fit, appropriate or... use. This distinction is not clear for consumer and the majority of professional users.

Interestingly, an end-user commented that they will look to purchase products with a CE marking because they consider such products to be safe.

- Somewhat linked to the concept of CE marking, some stakeholders indicated a lack of clarity as to **the language that the CE marking label itself should be in**. One public authority noted that there is uncertainty with respect to whether CE marking information should be in the official language(s) of the Member State in which a construction product is marketed. The stakeholder was also unsure whether they can require distributors under Article 14(2) to supply construction products to be placed on their national markets with CE marking in the language of the Member State. With a view to clarifying this matter, the Member State consulted with the market surveillance authorities in a number of other countries, the responses of which indicated that a Member State is not permitted to request the CE marking for construction products placed on their market to be provided in their own language. While the stakeholder acknowledges that different Member States have different views, some suggesting that the CE marking language is not important because the DoP provides this information, they see little merit in requiring a manufacturer/distributor to provide a CE marking with information that is not understood by the public authorities or end users. The stakeholder also accepts that if Member States were to be able request the CE marking in the language of the Member State, it is likely that some enterprises would consider this as an additional burden. In any event, a clarification would be welcomed.

3.3 Possible solutions

The message that CE marking is mandatory for all construction products has been understood too literally by parts of industry, with some failing to appreciate that there are instances when the CE marking is not required. Additional efforts to disseminate information regarding the application of the CPR from all stakeholders will help to ensure that the relationship between the DoP/CE marking and hENs is better understood. In this regard, information dissemination could take the form of:

⁶ http://ec.europa.eu/growth/sectors/construction/product-regulation/fag/index_en.htm

- **A Guidance document** focussing on CE marking within the context of the CPR;
- **Leaflets, brochures and factsheets** targeted at particular groups, for example purchasers and end-users of construction products. These could be one or two page documents provided in all EU/EFTA languages to ensure they reach a wide audience and particularly SMEs. Such documents could be uploaded to the European Commission's dedicated webpage on CE marking⁷, disseminated through industry associations and/or handed out at trade fairs.
- **Seminars and conferences.** These could be held in Brussels (or selected Member States) and could take a form similar to the promotional conference held by the Commission on the 25th June 2012 which provided a great forum to exchange opinions and information in preparation for the full implementation of the CPR.⁸
- **Webcasts, virtual seminars and informative videos,** such as DG GROW's 2014 video on "*Building trust in the construction sector*"⁹ which could be distributed through channels such as Youtube.

Between 2010 (first quarter) and March 2012, the European Commission carried out an information campaign on CE marking, which included outputs similar to those listed above.¹⁰ The success of this campaign, as illustrated by feedback from the seminars and fairs, the high demand for informational material and the strong interest of print and online media, suggests that there may be benefits from using a similar approach in the future.

Do you agree with a suggestion for more information campaigns to further clarify the concept of CE marking for construction products? Which would be the most appropriate target group for such information campaigns and what would be the most effective communication approach to adopt?

⁷ Available at: <http://ec.europa.eu/enterprise/policies/single-market-goods/cemarking/>

⁸ BBS (2012): Construction Products Regulation Conference, Brussels, available at: <http://www.bbsbarriers.com/announcements/ce-marking-mandatory-from-1st-july-2013-for-construction-products>

⁹ Available at: https://www.youtube.com/watch?v=zMs_K23ZaI&list=UUvhco_i3akl_yhKlgSiEcNA

¹⁰ European Commission (2013): COM(2013) 77 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0077:FIN:ES:PDF>



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