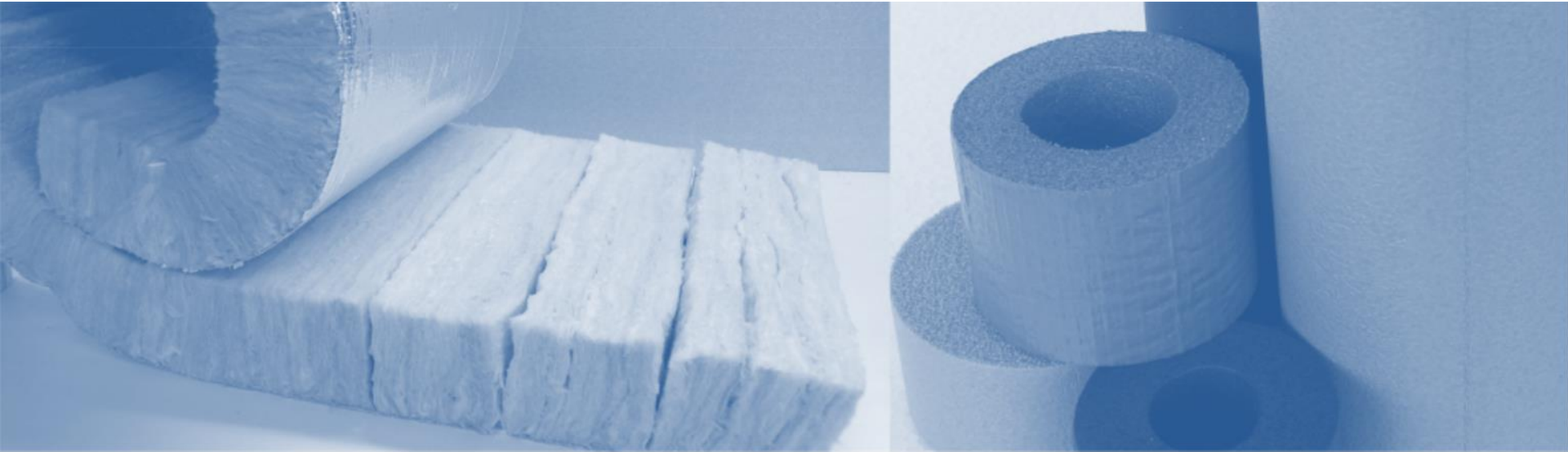


# Construction Products Regulation (CPR) and Assessment and Verification of Constancy of Performance (AVCP)



**Vicente Leoz Argüelles**





# Summary

- The CPR in a nutshell
- The AVCP (the AoC in the CPD)
- The decision of 1998 concerning Thermal Insulation Products
- The decision of 1998 afterwards and in the current context
- CE marking and voluntary (quality) marks
- The KEYMARK

# The CPR in a nutshell



- **Objective:** To achieve the Single Market for Construction Products (CP).
- **Means :** by setting up a Harmonised system of communicating between the actors (common technical language, DoP, CE marking, AVCP).
- **Actors involved:** Manufacturers, distributors, importers, users, authorities, notified bodies.

# CPR rationale: key elements of the market for CP (I)



- **Construction Product:** (intermediate) product to be incorporated in a building or civil engineering works (bridge), in which it is due to fulfil a specific function (insulation, load-bearing,...)
- **The supplier** of the product (manufacturer, importer, distributor): when making the product available on the market, he should responsibly provide the buyer with the necessary information.
- **The USER** (architect, contractor, installer...) is always responsible for the correct use of the CP:
  - ➔ to insure this correct use, he needs information about the product characteristics and performances provided by the supplier.

# CPR rationale: key elements of the market for CP(II)



- What is needed for the market to function correctly:
  1. **Harmonised technical language** for assessing and expressing the product performances for its essential characteristics (EC): hEN and ETAs;
  2. **Harmonised way of communicating** those performances: DoP (& CE marking);
  3. **Harmonised system of allocation of tasks** in the process of assessment and verification of constancy of performance (AVCP) (reliability of the system)



# Declaration of Performance (DoP)

- DoP compulsory if product is covered by a hEN. (Art.4).
- Content (Art.6):
  - Intended use or uses of the product
  - List of essential characteristics (EC) for each declared intended use(s)
  - Performance for at least one of the declared EC (for other EC, the manufacturer will decide, depending on his commercial interest)



## CE marking (Art.8)

- **Compulsory** for those products for which a DoP has been drawn up.
- **Meaning:** « by affixing the CE marking manufacturers indicate that they take the responsibility for the conformity of the product with the declared performance... »(art.8§2).
- **Prohibition of all other marks** related to the EC. CE marking shall be the only marking which attests conformity with the DoP....(art.8§3).

# Assessment and Verification of Constancy of Performances (AVCP)



- **Assessment of performances**, by means of the methods, notably type testing, foreseen in the hEN or EAD;
- **Verification of the constancy of performances**, by means of the FPC as defined in the hEN or, if applicable, in the EAD and ETA;
- **5 systems of AVCP**, defining the **degree of intervention of a NB** in each of the two mentioned steps of the AVCP(Annex V): from « no intervention » in system 4, to « full » intervention in system 1+ ;
- The Systems of AVCP coincide with the **former AoC systems** under the CPD, with **two minor changes**: system 2 of AoC as well as audit-testing outside the factory in system 1+ of AoC, were written off, because not relevant.



## System 3 of AVCP (applied to insulation products)



- Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:
- (a) the **manufacturer** shall carry out factory production control;
- (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 values or descriptive documentation of the product.

# System 1+ of the AVCP (wanted by industry? in 1998)



- Declaration of the performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items:
- (a) the **manufacturer** shall carry out: (i) factory production control; (ii) further testing of samples taken at the factory in accordance with the prescribed test plan;
- (b) the **notified product certification body** shall issue the certificate of constancy of performance of the product on the basis of: **(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; **(iii)** continuous surveillance, assessment and evaluation of factory production control; **(iv)** audit-testing of samples taken before placing the product on the market



# The choice of the system of AVCP (AoC)

## ■ Who does decide?

- under the **CPD**: the **Commission proposed** to the Standing Committee
- under the **CPR**: the **Commission takes** a decision trough a **delegated Act**

## ■ How is it decided?

- under the **CPD**: Comitology: Commission proposal needs a **qualified majority** of the vote of the MS. **Alternative decision** requires **unanimity** of the MS.
- under the **CPR**: **delegated Act** taken by the Commission. EP and the Council may object it within 3 months (+ 3 if required)

# On the basis of **which criteria** is the **AVCP (AoC)** system chosen?



## ■ Under the **CPD** (Art. 13&4):

- ...(a) the role played by the product on ER, particularly on **health and safety**, (b) the nature of the product (?), (c) the effect of the variability of the product on its serviceability, (d) the probability of defects in the product manufacture.

## ■ Under the **CPR** (Art.28&2):

- ...taking into account the effect (of the product ) on **health and safety** of the people, and on **the environment**...

# Why did the Commission insisted in keeping ist proposal for system 3?



- It is the **unique case** in which the Commission made a formal proposal, being aware that it was against the qualified majority of the MS and the „Industry“. **Why?**
  - it claimed that it had **strictly applied** the above mentioned **criteria** under the CPD;
  - it considered that imposing the system 1+ would have caused an important prejudice to the **SMEs** in the sector;
  - **environment** was not considered an important criteria at the time. The situation today is, of course, totally different.



## What happened afterwards?

- 1. **Negative opinion** in the Standing Committee;
- 2. **Unanimity was not** reached in the Council. Finland, who had the Presidency of the Council at the time, didn't rally the other MS.
- 3. At several occasions afterwards, the Commission has informally let MS know that **if a QM emerged, it was ready to make a new proposal to the Standing Committee**. Some tentatives, lead notably by France and Germany, failed.
- As a consequence, **CE marking for insulation products is since then based on the system 3 of AVCP**.



# CE marking vs „Quality“ marks

- Art. 8, and in particular Art.8&3, says:

*-“....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.“*

# The KEYMARK is a compatible „quality“ mark



- It does not replace the CE marking. It **increases the quality of information provided under the CE marking** by increasing the probability of the stability and the accuracy of the performances declared under the CE marking;
- In addition, it may provide information **about other characteristics**, i.e. not covered by the relevant Harmonised Standard.



# Who does benefit from this quality improvement, brought by the KEYMARK?



- **Consumers:** through the possible energy savings;
- **Public Authorities:** reinforcing their energy and environmental policy objectives;
- **Society:** climate change is one of the biggest societal challenges today.

*„The best energy is the non-consumed energy“*

# Finally: The KEYMARK is a(the) European mark



- „National marks“ are hardly compatible with the single market;
- Former national marks should converge towards the Keymark;
- A strong Keymark will increase the competitive advantage of European manufacturers in international markets;

*Keymark is then a real window of opportunity.*



**Thank you  
for your attention**