



## **GUIDANCE PAPER D**

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

# **CE MARKING UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE**

### **Preface**

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

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

***These papers are not legal interpretations of the Directive.***

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

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

***They may be further elaborated, amended or withdrawn by the same procedure leading to their issue.***

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### **CE MARKING UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE**

- This Guidance Paper was originally issued by the Commission Services, following consultation of the Standing Committee on Construction at the 45th meeting on 10 December 1998, as document CONSTRUCT 97/220 Rev.5.
- It was updated following consultation of the Standing Committee on Construction on September 2002 (editorial changes only)
- It was updated the 5 January 2004 following consultation of Standing Committee at the 58<sup>th</sup> meeting (11 November 2003), as document CONSTRUCT 03/618 Rev.1, then changed (clause 3.4) the 17 February 2004.
- It was updated the 27 May 2004 following written consultation of Standing Committee the 2<sup>nd</sup> April 2004, as document CONSTRUCT 04/649 Rev.1

# CE MARKING UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE

## 1. Scope

- 1.1. This Guidance Paper is intended to clarify the conditions covering the fixing of the CE marking itself, the additional information that should accompany the marking, and the content of the EC declaration and certificate of conformity.
- 1.2. The Guidance Paper concerns products within the scope of Council Directive 89/106/EC<sup>1</sup> (hereafter referred to as the Construction Products Directive or CPD) and which bear the CE marking according to the provisions of this Directive. They take account of Council Directive 93/68/EC<sup>2</sup> (the “CE marking Directive”) amending the CPD in respect of CE marking, and of Council Decision 93/465/EC<sup>3</sup> on the rules for the affixing and use of the CE conformity marking.
- 1.3. The Guidance Paper is intended for a number of different audiences, particularly technical specification writers (CEN/CENELEC and EOTA members), for consideration together with the respective mandates and provisions given therein, and regulators and enforcement authorities within the European Economic Area (EEA). It may also be of interest to manufacturers and users for information purposes, although the technical specifications, once available, will contain all the relevant details for a given product.

## 2. General principles of CE marking

- 2.1. This Guidance Paper falls within the framework of the general policy of the Commission with respect to CE marking, as well as within the scope of the CPD (see also the Guide to the implementation of directives based on the new approach and the global approach – chapter 7<sup>4</sup>). In order to reinforce the coherence and transparency of the CE marking regime, this section considers the common rules on the use of CE marking, as well as those specific to the CPD. *Where the latter uses specific terminology, this is highlighted in the text using italics.*
- 2.2. The CE marking symbolises that the product in question complies with all applicable provisions (or requirements) of the applicable directive(s) that provide for CE marking (essential requirements, technical specifications and specific dispositions), and that the product has been subject to the appropriate conformity assessment procedure(s) contained in the directive(s)<sup>5</sup>. *In the case of the CPD, the CE marking indicates that the product complies with the relevant national standards transposing the harmonised standards, or a European technical approval, or one of the national technical specifications referred to in Article 4*

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<sup>1</sup> OJ No L 40, 11.2.1989

<sup>2</sup> OJ No L 220, 30.8.1993

<sup>3</sup> OJ No L 220, 30.8.1993

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

<sup>5</sup> See the Guide to the implementation of directives based on the New Approach and the Global Approach – chapter 2.2 which explains the simultaneous application of Directives

(2.c), **and** that the system of attestation of conformity laid down in the Commission Decision relating to the product has been applied.

Basically, as the technical specifications should be performance-based, the CE marking in the case of the Construction Products Directive symbolises that the construction products have been assessed (initial type testing) for characteristics which have an influence on the satisfaction for the essential requirements for the works and which are regulated in at least one Member State (mandated characteristics) using the relevant evaluation method identified in the technical specifications. The performances of the product are declared in the information accompanying the CE marking. The CE marking also symbolises that the specific harmonised performance criteria (e.g. threshold values) are fulfilled and all the tasks linked to attestation of conformity have been completed.

In the context of harmonised European standards the CE marking means compliance with the “harmonised” part, and not with the remaining “voluntary” part of the body of the standard. The informative “Annex ZA” of the standard details the conditions necessary for the manufacturer to affix CE marking on the products.

- 2.3. The scope of the CE marking regime is laid down in the relevant harmonisation directive(s), and can only be applied by the legal entity responsible for the conformity of the product. *In the case of the CPD, the CE marking is only permitted for products covered by one of the technical specifications referred to in Articles 4 (2) and 4 (4). It is the manufacturer, or his authorised representative established in the EEA, that takes responsibility for affixing the CE marking.*
- 2.4. Where products are subject to other directives concerning other aspects and which also provide for CE marking, the latter shall indicate that the products also conform to the provisions of those other directives<sup>6</sup>. Where one or more of these directives allow the producer, during a transitional period, to choose which arrangements to apply, the information accompanying the CE marking must clearly record the directives that have been applied<sup>7</sup>.
- 2.5. CE marking is the **only** marking which indicates that a product conforms to a directive based on the principles of the “new approach” (see also paragraph 2.2), it **must** replace any mandatory conformity markings having the same scope as the CE marking, which possibly existed in the national laws, regulations and administrative provisions of Member States before harmonisation occurred. The CE marking is neither a mark of origin, indicating “made in the EEA”, nor a quality mark.
- 2.6. Once all obligations arising from EC law (directives, Treaty provisions etc.) have been respected, a producer may also affix different marks to a product, such as a voluntary quality mark or a voluntary standardisation mark, on condition that the visibility and legibility of the CE marking are not reduced, and provided that such

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<sup>6</sup> See CPD article 2.2

<sup>7</sup> See the Guide to the implementation of directives based on the New Approach and the Global Approach – chapter 7.2 which provides detail on the CE marking where products are subject to several Directives

marks are not likely to deceive third parties as to the meaning and form of the CE marking. A producer remains entitled, on a voluntary basis, to go beyond the strictly legal requirements, for commercial or marketing reasons, allowing a product to be positioned on the market in the normal way.

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

Therefore, a producer has the right to provide additional information (e.g. the date, batch, line of manufacture, or an identification number) for CE marked products. However, this additional information, including possible voluntary marks, should be given in a separate place (e.g a separate box), in order to avoid any confusion<sup>8</sup> with the information linked to the CE marking, (see example 5 in the annex 1)

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

- 2.9. The CE marking must be affixed before the product is placed on the market. The manufacturer, or his authorised representative established in the EEA, may decide when to affix the CE marking, depending upon the circumstances of the production process of the product in question. Then the manufacturer guarantees that the product is designed and manufactured, and its conformity assessed, in accordance with the provisions of the applicable New Approach directives when it will be placed on the market<sup>9</sup>

- 2.10. The CE marking must include the identification number of the notified body, where this body is involved in the production control stage, as defined by the relevant directive. *In the case of the CPD, this requirement applies to the attestation of conformity systems identified in Commission Decisions as “systems 1+, 1, and 2+”<sup>10</sup>. It is the certification body that is to be identified in each case.* Such identification numbers are assigned by the Commission as part of the body’s notification procedure (see Guidance paper A).

- 2.11. The intended use of a construction product should be indicated in the information accompanying the CE marking, unless reference to the technical specification itself is sufficient<sup>11</sup>. In some cases, it can be necessary to add specific information

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<sup>8</sup> Guide to the implementation of directives based on the New Approach , paragraph 7.4

<sup>9</sup> Guide to the implementation of directives based on the New Approach , paragraph 3.1

<sup>10</sup> CPD Annex III.2(i) with audit testing of samples; CPD Annex III.2(i) without audit testing of samples; and CPD Annex III.2(ii) First possibility with continuous surveillance, assessment and approval of factory production control, respectively.

<sup>11</sup> In many cases, there is no need to declare the end use of the product, or to declare it in general terms only.

concerning the end use conditions (see 4.5 below). This information, if any, might be given in an appropriate form such as words, symbols, abbreviations, pictograms as well as category of uses. If necessary, the technical specification lay down the means for indicating the intended use(s) or end-use condition(s) of the product(s) concerned.

2.12. The producer is responsible for the conformity of the product at the time it is placed on the EEA market (i.e. the initial action of making a product available on the EEA market, with a view to its distribution and/or use within the EEA). He has no responsibility to ensure that the accompanying information passes further down the supply chain. However, the technical specifications should require the necessary information allowing everybody to check if the accompanying information correctly corresponds to the product concerned (e.g. by code, batch number, etc.). This is because traceability may be required e.g. from agents in the supply chain, or for market surveillance.

### **3. Information to accompany the CE marking**

3.1. The CE conformity marking consists exclusively of the letters “CE” in the specified form, followed by the identification number of the notified body, where applicable (see paragraph 2.10). However, Annex III 4.1 of the CPD, as amended, requires that the CE marking be accompanied<sup>12</sup> by the following additional information:

- the name or identifying mark of the producer (see 3.3 below),
- the last two digits of the year in which the marking was affixed (see 3.4 below),
- where appropriate, the number of the EC certificate of conformity (see 3.5 below),
- where appropriate, indications to identify the characteristics and the declared performances of the product on the basis of the technical specifications (see 3.6 below).

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

For some products it may be appropriate to specify a combination of locations for the CE marking and the accompanying information, to reduce the information

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<sup>12</sup> In the context of the CPD, the term “accompanying” means placed in one of the four locations specified in the directive (i.e. on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents).

appearing on the product itself, whilst the complete information appears on the accompanying commercial documents. Where the information is split in this way, the location(s) lower in the hierarchy must always repeat that part of the information already placed higher up in the hierarchy.

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

- 3.3. **Name or identifying mark of the producer:** it is the name of the producer<sup>13</sup>, not the authorised representative established in the EEA that shall accompany the CE marking. The purpose of this information is to identify the legal entity responsible for the manufacture of the product. Whilst several producers of components may be involved in contributing to the final product, only the legal entity responsible for the manufacture of the specific construction product is the producer under the CPD. In the case of retailers marketing the products of others under their own name, or “kit” sellers combining components from other producers, the underlying legal contract between the parties will establish their respective responsibilities.

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

The CPD does not require the producer to be established in the EEA, nor does it require that a producer from a non-EEA country has an authorised representative established in the EEA. The authorised representative is a legal entity expressly designated by the producer, legally entitled to act on his behalf within the EEA, and is not to be confused with the importer<sup>14</sup>. The latter is any legal entity who places a product from a third country on the EEA market, and is responsible in law for ensuring that all legal requirements on the product applicable for the EEA market have been fulfilled. In the case where a producer from a third country does not have an authorised representative established in the EEA and a problem arises, the market authorities would address themselves to the importer, according to their national legislation.

- 3.4. **Last two digits of the year when the marking was affixed:** refers to the physical act of affixing the CE marking<sup>15</sup> to each product (see clause 2.9). Where the nature of continuous manufacturing processes could create difficulties, technical specifications should provide guidance.
- 3.5. **Number of the EC certificate of conformity:** only where the system of attestation of conformity requires third party certification of the product or of the continuous surveillance of factory production control (those systems of attestation of

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<sup>13</sup> The terms “producer” and “manufacturer” mean the same thing in the CPD.

<sup>14</sup> Note that an importer, e.g. a professional importer, retailer or reseller, or even a final user who imports directly, can place products on the market without legally representing the producer in any way.

<sup>15</sup> At this moment, the manufacturer takes concretely the responsibility to declare and to guarantee that the product complies with the requirements included in the technical specifications relevant for the product.

conformity identified in the Commission Decisions as “*systems 1+, 1 and 2+*”<sup>16</sup>). The number will be a unique reference number allocated by the certification body consistent with the procedures agreed in discussions between notified bodies.

3.6. **Characteristics and declared performances of the products:** this information will be specific to the product(s) in question, according to their intended use(s) and end-use condition(s), and only general principles can be elaborated in this Guidance Paper.

- a) Technical specifications (harmonised standards and European technical approvals) shall provide all the necessary information required for a producer to be able to complete the CE marking, including a clear identification of the tasks to be carried out by a notified body (if any).
- b) The information accompanying the CE marking will include the following points according to the technical specification:
  - b-1) A reference to the relevant harmonised technical specifications (harmonised standard(s) and/or European technical approval) applicable to the product.
  - b-2) Where appropriate (see 2.11), an indication of the intended use(s) of the product, as defined in the technical specification, shall be provided as well, preferably in a suitable shorthand form, (e.g. “Type II.b-3”). Where the technical specification calls for harmonised performance characteristics, or durability aspects, to be evaluated and the result declared for a given intended use, including end-use condition, the information accompanying the CE marking shall indicate the corresponding performances.
  - b-3) A producer is generally<sup>17</sup> authorised to use the “***no performance determined***” option in cases where he intends to place the product on the market of countries that do not have regulations requiring the declaration of one or more characteristics for a particular intended use or end-use condition<sup>18</sup>.

Note: it is not possible to apply the\_NPD option for a mandated characteristic on one hand and to use on the other hand a voluntary attestation scheme to declare the performance of the product for this characteristic.

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<sup>16</sup> CPD Annex III.2(i) with audit testing of samples; CPD Annex III.2(i) without audit testing of samples; and CPD Annex III.2(ii) First possibility with continuous surveillance, assessment and approval of factory production control, respectively.

<sup>17</sup> Except where threshold levels have been established in the technical harmonised specifications for given characteristic(s) of the product (see Guidance Paper E “Levels and classes” clause 3.6) or if the required information is in relation with the identification of the product.

<sup>18</sup> In the Commission decisions on the applicable attestation of conformity system it is stated that: “the specification for the system should be such that it can be implemented even where performance does not need to be determined for a given characteristic because at least one MS has no legal requirement at all for such a characteristic..... In those cases the assessment of the performance must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect”.

Therefore, the CE marking (see 3.2 above) should be accompanied by the following information:

- Reference to the technical specification,
- Where appropriate, indication of the intended use(s) of the product, including end-use condition when relevant.
- The declared performance, assessed for a given intended use or end-use condition, or NPD. When the NPD option is used by the producer, the acronym “NPD” (No Performance Determined) shall be explicitly indicated in connection with the characteristic concerned.
- In the case of ETAs<sup>19</sup>, a simplified CE marking on the product itself will indicate the reference to the number of the ETA issued. Then, the information accompanying the CE marking will provide the declared value of the performance of the product or NPD option for each of the mandated characteristics.

The list of the mandated characteristics, for which the performance declaration is required, should be systematically reproduced in the information accompanying the CE marking as it is given in the technical specifications, without modification of the order of the characteristics, in order to increase transparency and facilitate the use of the product.

Note 1: Only information not explicitly identified by the reference to the technical specification itself needs to be provided with the CE marking.

Note 2: When technically justified, proxy characteristics (also called surrogate characteristics) may be used by CEN/EOTA instead of the mandated characteristics. This will normally have to be agreed by the Commission Services during the procedure of answering to the mandate. If new proxy characteristics are necessary, this requires an amendment of the mandate and/or the work programme issued by CEN/EOTA. However, to avoid delays, those proxy-characteristics may be used in technical specifications if Commission Services have been informed by CEN/EOTA in writing.

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

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

- 3.7. **Record of EC Directives applied:** as indicated in paragraph 2.4, where one or more directives applicable to the product allow the producer, during a transitional period, to choose which arrangements to apply, the information accompanying the CE marking must clearly record the directives that have been applied, as published in the Official Journal of the European Union (CPD, article 2.2.b).

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<sup>19</sup> According to the provision of the clause 3.2 second paragraph above

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

- 4.1. This section outlines the principles to be followed by specification writers with respect to the indications required to identify the harmonised characteristics of a product, where these are appropriate. Technical specifications must give precise details on how a producer has to apply the CE marking regime to a particular product. In this, the input of representatives of notified bodies could prove to be a useful source of knowledge and experience.
- 4.2. **Use of “codified” formats:** where additional information on the declared performances of harmonised characteristics is required, or to define the product, its intended use or its end-use condition, specification writers should explore the possibilities of using abbreviated forms of presentation (defined symbols, standard designations, classes of convenience or pictograms). Where this is done, it is important that specification writers ensure the consistent applications of such “codified” formats across product families.
- 4.3. **Intended uses:** possible intended uses for the product(s) should be defined in the technical specification, together with appropriate reference terms, or symbols, to be used in the information accompanying the CE marking, if necessary. Products with more than one intended use will need to be accompanied by sufficient information to cover all of them, but the technical specification should provide some flexibility in the presentation of this information, if appropriate (and if clauses 2.11 and 3.1 above are fulfilled)

For some products, it will not be possible or necessary to specify the intended use in anything other than general form, e.g. “for use in buildings”. This is perfectly acceptable, provided that all the harmonised characteristics for all possible intended uses or end-use condition within this general category are covered.

**End use conditions:** This describes the real or a usual configuration of applying a product, in relation to all aspects that influence the behaviour of that product. It covers aspects such as its quantity, its orientation, its position in relation to other adjacent products, and its method of fixing. This concept diverges from the concept of intended use, which refers to the role(s) that a product is intended to play in the fulfilment of the essential requirements related to the part of the works covered by the CPD. The intended use is thus related to the function of a product in any part of the construction works. The technical specification must define the **end use condition(s)** on which the requirements concerning the product are based. This is essential for reaction to fire characteristics<sup>20</sup>, but it may also be relevant for other characteristics.

- 4.4. **Level of product performance:** this will normally be based on the result(s) of a unique determination method directly related to the harmonised characteristic in question, together with the appropriate units. Where tests have a statistical aspect, a range of values or confidence limits may be used if specification writers consider

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<sup>20</sup> EC Decision 2000/147/EC implementing Council Directive 89/106/EEC as regarding the classification of the reaction to fire performance of construction products.

this to be more appropriate. Normally, however, a single value will suffice, based on the statistical analysis.

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

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

- ***Classes of convenience***<sup>21</sup>: where the harmonised part of a European standard or the ETA provides for the use of classes of convenience (as defined in the Interpretative Documents, General, paragraph 1.2.2), these classes may be used as the means for expressing any of the harmonised characteristics, providing they do not incorporate other aspects of the non-harmonised part of the standard or the ETA. The result of the determination method need not be stated, unless any ambiguity is likely to arise.
- ***Multiple determination methods***: where a technical specification justifiably provides for more than one way of determining a characteristic (e.g. a method of test and a method of calculation, or a test with variable test conditions), the determined performance must be accompanied by a reference to the evaluation method used, unless the result is unambiguous. A shorthand form for indicating the method would be preferable.

Where the test conditions can change the stated characteristics of a product without this constituting a different intended use, additional information must be provided with the characteristic(s) concerned. For reaction to fire classifications (where it is necessary to simulate the end-use application conditions) the stated characteristics shall be related to the end-use conditions<sup>22</sup> specified in the product standard or referred to a separate document.

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

- ***Generic values***: where appropriate, technical specifications should give the producer the option of adopting a commonly accepted “generic”, or “book” value for a particular characteristic, without the need for testing (e.g. thermal conductivity or water vapour permeability of well known materials). The generic values should be tabulated in the technical specification, or the reference to an appropriate supporting standard given.
- ***Levels of requirement***: where a level of requirement (e.g. a minimum or maximum level) for a particular characteristic has been established by the Commission, this must be complied with by the producer.

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<sup>21</sup> Guidance Paper E on classes and levels.

<sup>22</sup> For example, on reaction to fire the statement may be "Class B-s1,d0 on a Class A2-s1,d0 or better substrate, Class C-s1,d otherwise".

In the above cases, the CE marking itself demonstrates compliance with the required value or level. However, where the producer adopts the “no performance determined” option for a particular characteristic, this must be made clear (see clause 3.6 above).

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

- 4.6. **Durability aspects:** technical specifications must indicate how the durability aspects of a product’s performance are to be stated in the information accompanying the CE marking. Durability has many aspects, but for CE marking purposes it should generally be understood in terms of the degradation in performance of the product’s characteristics when subjected to relevant actions. The statement of the results of appropriate methods of determination would be the usual way of expressing this performance, although only those aspects not implicitly covered by compliance with the technical specification need accompany the CE marking. In order not to delay the preparation of technical specifications, the state of the art at the time of preparation is to be applied.
- 4.7. **Testing in “end-use conditions”:** technical specification writers need to address the issue of the form of accompanying information required where mandates indicate that products are to be tested in “end-use conditions”, or as part of elements rather than on their own.

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

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

- 4.8. **Dangerous substances:** information relating to the approach for dangerous substances is given in Guidance Paper H, which will be updated and supplemented as appropriate.

## 5. **EC Certificate and declaration of conformity**

- 5.1. The manufacturer, or his authorised representative established in the EEA, is responsible for the attestation of conformity of a product<sup>23</sup>.

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<sup>23</sup> CPD article 13.1

For a CE marked product, the manufacturer or the authorised representative established within the Community has to draw up a declaration of conformity, as required, when the product is placed on the market<sup>24</sup>.

Where certification is required (AoC systems 1+, 1, 2+)<sup>25</sup>, the manufacturer's declaration must incorporate a **certificate of conformity** covering those aspects that are under the responsibility of the relevant notified body. When a initial type testing is required to be performed by an approved laboratory (AoC system 3), then the manufacturer's declaration must incorporate the Initial Type Tests reports.

Whilst the CE marking circulates with the product, the declaration of conformity and the certificate of conformity, if appropriate, must only be made available by the manufacturer, or his authorised representative, in response to a substantiated request (e.g. national authorities responsible for market surveillance).

- 5.2. Annex III 4.2 and 4.3 of the CPD detail the requirements for the declaration and certificate of conformity, which comprise the items presented below (NB those items marked with an asterisk\* are only required in the case of the certificate).

Where the declaration incorporates a certificate, the duplication of information between the declaration and the certificate should be avoided.

Also, useless duplication should be avoided between the declaration of conformity, especially concerning the description of the product (see 5.5 below) and the information accompanying the CE marking itself (in particular the indications linked to the characteristics and declared performances of the product)

Examples are provided in Annex 2.

- 5.3. **Name and address of the certification body\***: this shall be as notified to the Commission under Article 18 of the CPD.
- 5.4. **Name and address of the producer, or his authorised representative established in the EEA**<sup>26</sup>: the information provided here should be identical to that accompanying the CE marking (see paragraph 3.3), except in the case where the manufacturer has expressly designated a legal entity to act on his behalf within the EEA (his authorised representative). The latter must be established within the EEA, and could be identified here instead of the producer. For reasons of traceability, the place of production of the product in question shall also be identified, possibly in a coded format.
- 5.5. **Description of the product**: the description of the product shall include the product type (generic name, and, optional, trade name), any other information required to correctly identify the product (to be defined by specification writers), and a statement of the intended use(s) and/or end-use condition(s), as defined in the

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<sup>24</sup> Guide to the implementation of directives based on the New Approach , paragraph 5.4

<sup>25</sup> CPD article 13.3.b)

<sup>26</sup> See , § 3.3

technical specification (see also paragraph 4.3). This section shall also include a copy of the information accompanying the CE marking giving indications to identify the characteristics of the product, as it is required in the Harmonised Technical Specifications.

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

In addition, a reference to the Initial Type Testing test reports and Factory Production records may be provided in the declaration of conformity.

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

If other similar cases of limitation of use apply, they will be implemented similarly to the above clauses.

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

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

- 5.10. **Validity of the certificate\*:** the certificate remains valid as long as the conditions relating to its issue have not changed significantly. This could refer to the product itself, the constituent products, the production system, or other factors. When not detailed in the technical specification, the notified body will provide an interpretation of the term "significantly" at the time of issue of the certificate, based on knowledge of the product involved. If conditions do change, the manufacturer has a responsibility to inform the notified body, so that measures may be taken to verify conformity<sup>27</sup>. If he fails to do so, he is making a false declaration. Although

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<sup>27</sup> In case of ETAs, the manufacturer will need to contact the EOTA Approval Body to verify whether the ETA needs to be modified and if so, he needs to inform the Notified Body accordingly. Failing to do so, automatically leads to a false declaration of conformity, as the technical specification (the ETA) no longer corresponds with the product.

no certificate is involved, the same principles apply to an initial type test, whether carried out by the manufacturer or by a notified body<sup>28</sup>.

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

5.12. **Language:** the certificate or declaration of conformity shall be presented in the official language or languages of the Member State in which the product is to be used, or accepted by the Member State concerned. The producer retains responsibility for the translation, which shall be in conformity with national rules relating to translated documents. The group of notified bodies has prepared and translated a set of example certificates for all relevant attestation of conformity systems. These are available on the EC website (public part).

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<sup>28</sup> If the conditions relating to the product itself, the constituent, the production system or other factors have changed, the ITT report is no longer representative for the “new” product and the declared values have to be verified by the means of another ITT.

## ANNEX 1: Examples of CE marking and accompanying information

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

### Example 1 :

<b>CE</b>
XXX 03
EN 12676

*This is an example of the CE marking with minimal accompanying information. It may be used where the reference to the European standard for the intended use contains all the information required for this product. It can also be used where the technical specifications specify a combination of locations, e.g. simplified CE marking on the product itself, with the complete information appearing on the documentation accompanying the CE marking.*

*XXX is the name and address of the producer or the identifying mark of the producer*

### Example 2 :

<b>CE</b>
XXX 04
EN 13163 YYY Epaisseur: 20 mm Conductivité thermique: $\bullet_D = 0.038 \text{ W/mK}$ Résistance thermique $R_D = 0,5 \text{ m}^2.\text{K/W}$

*This example shows the CE marking applied to a thermal insulation product covered by AoC level 3.*

*XXX is the name and address or the identifying mark of the producer*

*YYY correspond to the definition of the product (including the possibility to use the trade name)*

### Example 3 :

<b>CE</b> nnnn
XXX 04 nnnn-CPD-zzzz
EN 13162 YYY Thermal conductivity: $\bullet_D = 0.037 \text{ W/mK}$ Thermal resistance: $R_D = 1,35 \text{ m}^2.\text{K/W}$ Fire classification : A1

*This example shows the CE marking applied to a thermal insulation product covered by AoC level 1 (due to fire aspects) including thermal characteristics which do not need to be certified (AoC 3).*

*nnnn is the identification number of the Notified Body involved in the attestation of conformity*

*XXX is the name and address or the identifying mark of the producer*

*zzzz is the number of the EC certificate of conformity*

*YYY corresponds to the definition of the product (including the possibility to use the trade mark) which allows people know what the product concerned is, without any ambiguity*

**Example 4 :**


<b>XXX</b> <b>05</b>
<b>EN 13043</b> Aggregate size: 6/10 Grading: G <sub>c</sub> 85/20 Shape of coarse aggregate:FI20 / S1 NPD Particle density: 2,70 Fine content: f2 Fines quality: NPD Percentage of crushed and broken surfaces in coarse aggregate: NPD Affinity of coarse aggregate to bituminous binders: NPD Resistance to fragmentation of coarse aggregate : LA <sub>20</sub> , SZ <sub>NPD</sub> Resistance to polishing of coarse aggregate for surface courses: PSV <sub>50</sub> Resistance to surface abrasion: AAV <sub>NPD</sub> Resistance to wear of coarse aggregate: MDE <sub>15</sub> Resistance to Thermal shock: NPD Volume stability of steel slag aggregates: V <sub>NPD</sub> Chemical composition: Diorite Dangerous substances: NPD Resistance to freezing and thawing : F2 MS <sub>NPD</sub> Sonnenbrand of basalt : NPD Durability against studded tyre : NPD

*This example shows the CE marking applied to an aggregate (coarse aggregate) for bituminous mixtures and surface treatment for roads, airfield and other trafficked areas. Here, an AoC level 4 has been taken into consideration (without Notified Body intervention)*

*XXX is the name and address or the identifying mark of the producer*

*NPD means that the producer uses the “No performance determined” option*

**Example 5: CE marking and other information (e.g. voluntary marks) for construction products**

This example provides an illustration of the presentation of additional information, including voluntary marks as example. This is not intended to prescribe the format and the exact location of the frames, which will be defined in technical specifications. It does not intend also to prejudge the type or amount of information to be provided, other than those covered by CE marking, which will be determined by the producer himself on a voluntary basis or defined in technical specifications.

 <b>nnnn</b>	<i>Any other information on the product such as:</i> <ul style="list-style-type: none"> <li>. date of manufacturer,</li> <li>. identification number of the product,</li> <li>. voluntary marks including information on what is covered or brought by this voluntary mark ,</li> </ul>
XXX 02 nnnn-CPD-zzzz	
<b>EN 13162</b> <b>YYY</b> <b>Thermal conductivity:</b> •D = 0.037 W/mK <b>Thermal resistance:</b> RD = 1,35 m <sup>2</sup> .K/W <b>Fire classification :</b> A1	

***Example 6: CE marking for a construction product submitted to ETA***

 <b>nnnn</b>	<i>nnnn is the identification number of the Notified Body involved in the attestation of conformity</i>
XXX 04 nnnn-CPD-0001	<i>XXX is the name and address or the identifying mark of the producer</i>
ETA-98/0001 ETAG N° 001, Part 1 and 2, Option 1 M8	<i>It is assumed here that the entire list of mandated characteristics and the declared performances of the product, or NPD option will be provided in the documentation accompanying the CE marking</i>

## **ANNEX 2: Example of EC certification and declaration of conformity**

These examples provide an illustration of the information required for the EC declaration of conformity. There are not intended to prescribe the format by which this information has to be presented.

### **Example 1: CE marking for a construction product subjected to a harmonized standard**



The undersigned, representing the following:

Manufacturer <sup>29</sup> and the	authorised representative established within the European Economic Area <sup>30</sup> :
<b>Construction Product Cooperation 1234 West Third Street Idaho, BV 9876 USA</b>	<b>Construction Product Cooperation Limited Bankstreet, 65 Cheshire, XW22LM, United Kingdom</b>
Manufacturing plant <sup>31</sup> : CPC 003	

herewith declare that the products **CPC Door AB, AC and AD**

are in conformity with the provisions of the following EC Directive(s) when installed in accordance with the installation instructions contained in the product documentation<sup>32</sup>:

98/37/EC Machine Safety Directive

89/106/EEC Construction Products Directive

89/336/EEC EMC Directive as amended

73/23/EEC Low Voltage directive, as amended

and that the standards referenced below have been applied:

EN 292-1:1991" Safety of machinery - Basic concepts, general principles for design - Part 1 : Basic terminology, methodology"

EN 292-2:1991, incl. A1:1995 "Safety of machinery - Basic concepts, general principles for design - Part 2 : Technical principles and specifications"

EN 418:1992 "Safety of machinery – Emergency stop equipment, functional aspects – Principles for design"

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<sup>29</sup> EC Guidance Paper D, §5.4. In the case of an authorized representative in the EEA, or in case of an importer (in the EEA), there is no legal requirement to identify the manufacturer.

<sup>30</sup> EC Guidance Paper D, §5.4

<sup>31</sup> EC Guidance Paper D, §5.4. In accordance with the Guidance paper, the manufacturing plant has been identified by codified reference. The technical documentation (as referred to below) should explain the code.

<sup>32</sup> EC Guidance Paper D, §5.6. Generally, one EC Declaration may cover several directives, unless directives specify a specific form (e.g. Personal Protective Equipment directive).

EN 894-1:1997 Safety of machinery – Ergonomics requirements for the design of displays and control actuators – Part 1: General principles for human interactions with displays and control actuators"

EN 954-1:1996 "Safety of machinery – Safety-related parts of control systems – Part 1: General principles for design"

EN 12650-1:2004 "Building hardware - Powered pedestrian doors - Part 1: Product requirements and test methods"

EN 14351-1:2004 " Industrial, commercial and garage doors and gates - Product Standard - Part 1: Products without fire resistance or smoke control characteristics"

EN 50081-2:1993 Electromagnetic Compatibility - Generic emissions standard - Part 2: Industrial environment"

EN 50082-2:1995 Electromagnetic Compatibility – Generic immunity standard - Part 2: Industrial environment

EN 60204-1:1997 "Safety of machinery – Electrical equipment of machines – Part 1: General requirements"

EN 61132-2:1994, incl. A1:1996 "Programmable controllers – Part 2:Equipment requirements and tests"

Provisions to which the product conforms<sup>33</sup>:

<b>Characteristic</b>	<b>Performance declaration</b>	<b>Report<sup>34</sup></b>
LVD Compliance	EN 12650-1	CPC 2005001-1 (Technical documentation)
EMC Compliance	EN 50081-2 and EN 50082-2	CPC 2005001-2 (Technical documentation)
Machinery Directive	EN 292-1:1991, EN 292-2:1991, incl. A1:1995, EN 418:1992, EN 894-1:1997, EN 954-1:1996, EN 60204-1:1997 and EN 61132-2:1994, incl. A1:1996	CPC 2005001-3 (Technical documentation - incl. report 7777-20030089)
Construction Products Directive	EN 14351-1	CPC 2005001-4 (Technical documentation)
Resistance to wind load:	Class 3	6666-CPD-2003123
Resistance to snow and permanent load:	Class B	6666-CPD-2003124
Reaction to fire*:	Class C, s1, d0	6666-CPD-2003125
Watertightness:	Class 7A	6666-CPD-2003126
Dangerous substances:	None	6666-CPD-2003127
Impact resistance:	450 mm	6666-CPD-2003128
Load-bearing capacity of safety devices:	Pass	6666-CPD-2003129
Ability to release:	Pass	6666-CPD-2003133
Operating forces:	Pass	6666-CPD-2003134
Acoustic performance:	No performance determined	6666-CPD-2003135

33 EC Guidance Paper D, §5.6

34 EC Guidance Paper D, §5.6, this is not mandatory, but considered good practice.

Thermal transmittance:		
CPC Door AB:	2,2 W/m <sup>2</sup> K	6666-CPD-2003209
CPC Door AC:	2,4 W/m <sup>2</sup> K	6666-CPD-2003210
CPC Door AD:	2,8 W/m <sup>2</sup> K	6666-CPD-2003211
Radiation properties:	No performance determined	6666-CPD-2003136
*Particular conditions applicable to the use of the product, related to its reaction to fire characteristic <sup>35</sup> :	The test results only apply when the doorset is being installed with BG32® doorstrips.	

Description of the product<sup>36</sup>: **CPC Door AB, AC and AD**

PVC power operated external pedestrian doorsets (including unframed glass doorsets) for installation in vertical wall apertures, including related Inox hardware and weather stripping, supplied with double glazing. The difference between the CPC Door types AB, AC and AD is the thermal resistance performance.

Name and address notified certification body<sup>37</sup>: European Certifiers Ltd., Buckingham Palace Lane, 1, Glasgow, ER 32 BL, United Kingdom, notified under registration number 9999

Certificate number<sup>38</sup>: 9999-CPD-1111

Name and address notified laboratories involved<sup>39</sup>:

Excellent Machineproefname Instelling, Gravenschede 2, Rijswijk, BL 8765, The Netherlands, notified under registration number 7777

University of Torquay, Door mechanics Division, Brompton Street 34, Torbay, YY 87 UI, United Kingdom, , notified under registration number 6666

Manufacturer <sup>40</sup> and the	authorised representative established within the European Economic Area <sup>41</sup> :
Signature	Signature
Name: Louis Cattors Position: Supervisor, Standards Date: 2005-09-29	Name: Hendrik Thieigh Position: Technical Services Manager Date: 2005-11-29

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35 EC Guidance Paper D, §5.7

36 EC Guidance Paper D, §5.5

37 EC Guidance Paper D, §5.3. The notification number is sufficient.

38 EC Guidance Paper D, §5.9. Only applies in case of AoC systems 1+, 1 and 2+

39 EC Guidance Paper D, §5.8

40 EC Guidance Paper D, §5.11. In the case of an authorized representative in the EEA, or in case of an importer (in the EEA), there is no legal requirement for the manufacturer to provide a signature on the declaration of conformity.

41 EC Guidance Paper D, §5.11

**Example 2: CE marking for a construction product subjected to an ETA (this example corresponds with Example 6 of Annex 1)**



The undersigned, representing the following:

Manufacturer **XXX**

Manufacturing plant: YYY

herewith declares that the product **Mollo Anchor BX7** is in conformity with the provisions of the EC Directive 89/106/CEE when installed in accordance with the installation instructions contained in the product documentation, and that the **ETA-98/0001** has been applied.

Provisions to which the product conforms: **ETA-98/0001, ETAG N° 001, Part 1 and 2, Option 1, M8**

Description of the product: Torque-controlled shell type metal expansion anchor to be used in cracked and non-cracked concrete or in non-cracked concrete, M8.

Name and address notified certification body: European Certifiers Ltd., Buckingham Palace Lane, 1, Glasgow, ER 32 BL, United Kingdom, notified under registration number nnnn

Certificate number: nnnn-CPD-0001

Name and address notified laboratories involved:

Excellent Machineproefname Instelling, Gravenschede 2, Rijswijk, BL 8765, The Netherlands, notified under registration number 7777

University of Torquay, Door mechanics Division, Brompton Street 34, Torbay, YY 87 UI, United Kingdom, , notified under registration number 6666

Signature

Name: Ann Florus

Position: Technical Manager

Date: 2001-09-28