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GUIDANCE PAPER C

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

THE TREATMENT OF KITS AND SYSTEMS UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE

(Revision Sep 2002)

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Updated following consultation of SCC Sep 02)

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They may be further elaborated, amended or withdrawn by the same procedure leading to their issue.

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THE TREATMENT OF KITS AND SYSTEMS UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE

1. Scope

1.1 This Guidance Paper is intended to clarify the scope of harmonised technical specifications under the Construction Products Directive (CPD). It is also intended to clarify the difference between the concepts of a "kit" and a "system", terms which are used in this paper.

1.2 This Guidance Paper is aimed at those involved in the preparation of harmonisation mandates and in the writing of technical specifications.

2. Definitions

2.1 **"Design system" :** a collection of components from which a "kit" may be created for subsequent installation in the works. A "design system" may, for example, be presented in a supplier's catalogue, from which the purchaser/specifier may make a choice.

A "design system" may give rise to one or many different "kits" (i.e. construction products, defined below). A "design system" cannot be a construction product, because it is possible only to buy one "kit" at a time from the "system"; the "system" itself cannot be bought.

2.2 **"Assembled system" :** a "kit" after it has been installed in the works. An "assembled system" may be made up only of the "kit" or it may comprise the "kit" assembled with one or more other products which may or may not themselves be construction products. In the wording of the CPD, "assembled system" is the equivalent of "works or part of the works".

An "assembled system" is not considered to be a construction product in the sense of the CPD because it is the result of the combination of components incorporated in the works and therefore exists only in the works and not on the market.

2.3 **"Kit":** in the wording of the CPD, a "kit" is the equivalent of a "construction product". A construction product is a "kit" when it is a set of at least two separate components that need to be put together to be installed permanently in the works (i.e. to become an "assembled system"). For a "kit" to come within the scope of the CPD, the following conditions must be satisfied :

i) the "kit" must be placed on the market, allowing a purchaser to buy it in one transaction from a single supplier,

ii) the "kit" must have characteristics that allow the works in which it is incorporated to satisfy the Essential Requirements, when the works are subject to regulations containing such requirements.

There are two possible types of "kit": those in which the number and type of components are pre-defined and remain constant, and those in which the number,

the type and the arrangement of components change according to a specific application.

2.4 **"Component":** a product which, when combined with one or more other products, makes up a "kit". A component may be a construction product in the sense of the CPD but this is not necessary for it to be considered as part of a "kit".

2.5 Figure 1 shows a schematic representation of the above definitions.

3. General provisions for "kits"

3.1 It is up to specification writers, guided by mandates, to decide whether or not components are currently, or are likely to be, placed on the market as a kit, and hence that a specification is required.

3.2 The CE marking, applied to a "kit", does not cover, or in any way guarantee, installation. It states only that the "kit" has the capability to allow the works in which it is incorporated to satisfy the Essential Requirements provided that it is correctly assembled and installed.

3.3 The manufacturer* or his agent responsible for placing a "kit" on the market may state, on the components, on the "kit" itself, or in documentation accompanying the "kit", the criteria for assembly/installation that, when followed, ensure the declared performance of the "kit". This shall be done in all cases where the correct functioning of the "assembled system" depends on correct assembly/installation of the "kit".

3.4 Some "kits" may be made up of one of many different possible combinations of components from a "design system" (a fire alarm "kit", for example, will be made up of different types and number of detectors and alarms, and different control equipment, depending on the building in which it will be installed). The CE marking in this case shall be taken to mean that the components of the "kit" have been correctly designed and selected so that the performance of the resulting "assembled system" is ensured. Technical specifications shall include provisions to allow for this.

3.5 A "kit", prior to CE marking, should be assessed in its intended use conditions. In some cases the manufacturer would need to construct a representative "assembled system" which would then be type tested. Technical specifications shall indicate the allowed variations of design and installation parameters which would still allow the "kit" to comply with the results of the type testing.

3.6 Where a "kit" may be made up of many different sets of components (see 3.4 above), it may be impractical to assess every different combination. In such cases, technical specifications shall contain provisions (for example relating to design and/or compatibility of components) so that the performance of each "kit" may be determined.

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* The person responsible for placing the "kit" on the market may not be the manufacturer of its components. In this case, "manufacturer or his agent" means the person responsible for ensuring the conformity of the "kit" with the relevant technical specification.

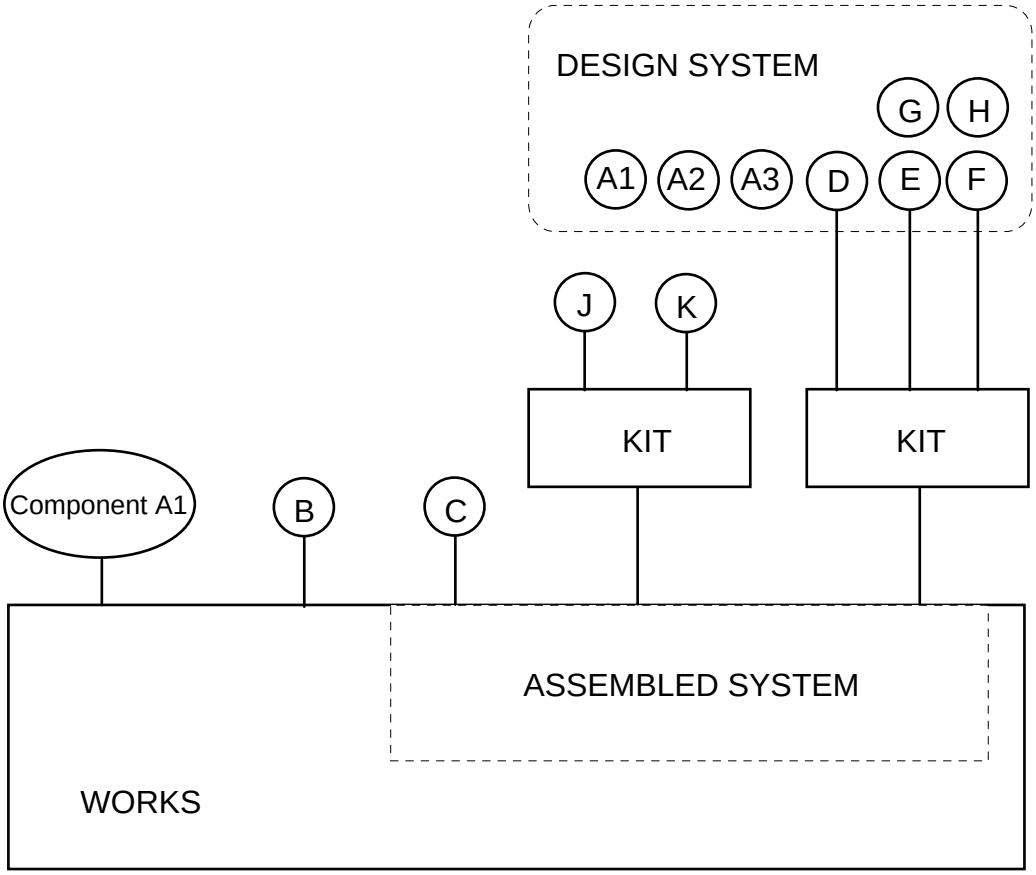
3.7 While technical specifications may contain requirements on the compatibility of components in a "kit", they must not limit the placing on the market of "kits", based on alternative systems of compatibility, by giving prescriptive compatibility requirements.

3.8 Harmonised specifications shall cover kits in which the number and type of components are pre-defined and remain constant (an example being two-part epoxy resin, sold as a tube of adhesive and a second tube of hardener). They shall also cover an entire "design system", i.e. "kits" where the number, the type and the arrangement of components change according to a specific application (see the example of the fire alarm "kit" given above).

3.9 Some "kits" include optional components. These may be, for example, adaptors or fittings that may or may not need to be used, depending on the particular installation of the "assembled system". Such optional components form part of the "kit". If their use changes the performance of the "assembled system", this change in performance should be assessed and stated with the CE marking. Matters such as this need to be covered in the technical specifications.

3.10 Individual components of a "kit", if they can be bought separately (either at the time of first purchase or later as replacement parts), may also be construction products (in the sense of the CPD) if they have characteristics contributing to the satisfaction, by the works, of regulations. The required characteristics of a component, however, are unlikely to be the same as those for the "kit". A component that is CE marked as a construction product in its own right may need to be assessed again as part of a "kit".

Figure 1 : Schematic representation of concepts "systems", "kits", and "components".



Notes :

1. A component may, or may not, be a construction product in its own right, in the sense of the CPD.
2. A design system can give rise to one or more kits, each of which may have different combinations of components.