



ETICS and the EU Internal Market

The European framework

G. Katsarakis
European Commission,
DG GROWTH
Unit C-1: Clean technologies and products

THE EU CONSTRUCTION SECTOR



The importance of the construction sector for the Internal Market has been recognized already in 1985 by the fathers of the Internal Market and therefore they decided to open the market in the sector of construction products and services

The EU Internal Market

To create the Internal Market it is necessary to:

- **abolish barriers in trade of products/services**
(EU legislation for specific product families e.g. the Construction Products Directive and Regulation 305/2011)
- **control the effective functioning of the market**
(effective market surveillance)
- **avoid creating new unjustified barriers**
(Directive 98/34/EC - notification of new regulations)
- **open the public procurement to competition**
(EU Directives on public procurement)

The Basic Mechanism for construction products

Directive 89/106/EEC → Regulation 305/2011 requires:

- elaboration of harmonised European standards (hEN),
- implementation of the harmonised European standards in all EU Member States through approximation of their national regulations,
- use of the hEN by all actors (regulators, engineers producers, contractors) applying a “common European technical language”

Some Basics

Member States **remain competent to define the level of Basic Works Requirements ("safety" of construction works)** in their territory.

Member State cannot prohibit the making available on the market or the use of construction products bearing the CE marking, when the declared performances correspond to the requirements for such use in their territory.

The elaboration of harmonised European standards

EU Commission invites CEN through **mandates for specific product families** to elaborate harmonised European standards for construction products.

The harmonised ENs are expected:

- to be written in **performance** terms and
- **not to exclude products** which are legally placed today on the EU market.

Therefore hENs are not expected to set **performance limits** (unless this is requested in the mandate or by a EU legal act).

And the “old” hENs under the CPD?

ENs cited as harmonised standards under the Directive 89/106/EEC are considered also as harmonised standards under the Regulation 305/2011.

Principle to remember when reading hENs:

The provisions of CPR prevail over any conflicting provisions in the hENs !!!

Important CEN related work

For CEN:

- **develop assessment methods for dangerous substances (mandate M/366)**
- **finalize expected standards under existing mandates (e.g. ETICS, motorcyclists protection systems, etc.)**

For EC services:

- **Finalize new mandates (fire protective products, horizontal mandate on classes and thresholds, etc.)**
- **examine need for new product mandates (e.g. photovoltaic panels, paints, metal anchors, etc.)**

If a harmonised EN does not exist?

For products not covered (or not fully covered) by hENs the basis for the product assessment is the European Assessment Document (EAD).

A Technical Assessment Body (TAB) can assess the product on the basis of the EAD and issue a European Technical Assessment. TABs have formed EOTA.

This allows the manufacturer to issue the DoP and affix the CE marking on the product.

Important is the change for the “approval” approach into the “assessment” approach.

ETA is a “assessment of product performance” not an “approval to place the product on the market”.

The work in EOTA

The first EADs have already been cited in July 2015. Next citation is foreseen in mid November.

EOTA is gradually transforming existing ETAGs into EADs. Priority to transform those ETAGs in areas in which manufacturers have applied for ETA.

In the meantime ETAGs may be used as EADs as in CPR, Art 66(3).

Commission Implementing [Regulation \(EU\) 1062/2013](#) defines the format of the European Technical Assessment.

Assessment and Verification of Constancy of Performance (AVCP) system

AVCP system (previously called "Attestation of Conformity") is defined by a Commission legal act and foresees the tasks which the manufacturer and (possibly) a 3rd party have to undertake in order:

- to assess the performance of a construction product,
- to verify that the performance remains constant over time.

Existing Commission Decisions on AoC **remain valid** under the CPR.

Declaration of Performance (DoP) by the manufacturer

- after assessing the performance in accordance with hENs/EAD
- DoP is expressing the product performance accurately & reliably
- contains the performance of the ess characteristics related to the intended use taking into account the provisions where the manufacturer intends the product to be made available on the market (at least one ess. characteristic)
- Member States presume that DoP is correct and allow the product to be used without further controls (if the declared performance correspond to the requirements for such use in that Member State).
- Manufacturer supplies the DoP with each product (possibly also by electronic means)
- The DoP is accompanied by info required by REACH regulation

Simplified procedures

Under specific conditions (Article 36) all manufacturers can use **simplified procedures** to declare the performance of their products without testing.

A specific additional facility (Article 37) is foreseen only for **micro-enterprises** only (i.e. enterprises with less than 10 employees, annual turnover less than 2 million euros).

Notified Bodies / TABs / Product Contact Points

Notified Bodies and TABs (EOTA) must be designated by the notifying authorities of the Member States after verification that they comply with **strict criteria** set in the CPR.

Each Member State designates also a **Product Contact Point for Construction** to provide information, using transparent and easily understandable terms, on its provisions aimed at fulfilling the basic requirements for construction works.

Frequent misunderstandings !!!

The CE marking on a construction product is a passport for use in all Member States. (No! The product can be used if the declared performance corresponds to the requirements for such use in that Member State).

The manufacturer receives the CE marking from a notified body. (No! The manufacturer who undertakes the responsibility for the DoP and affixes the CE marking on the product).

The CE marking shows conformity with the standard and/or sets performance requirements (No! It shows conformity of the construction product with the declared performance and compliance with all applicable requirements laid down in the Regulation 305/2011 and in other relevant EU legislation).

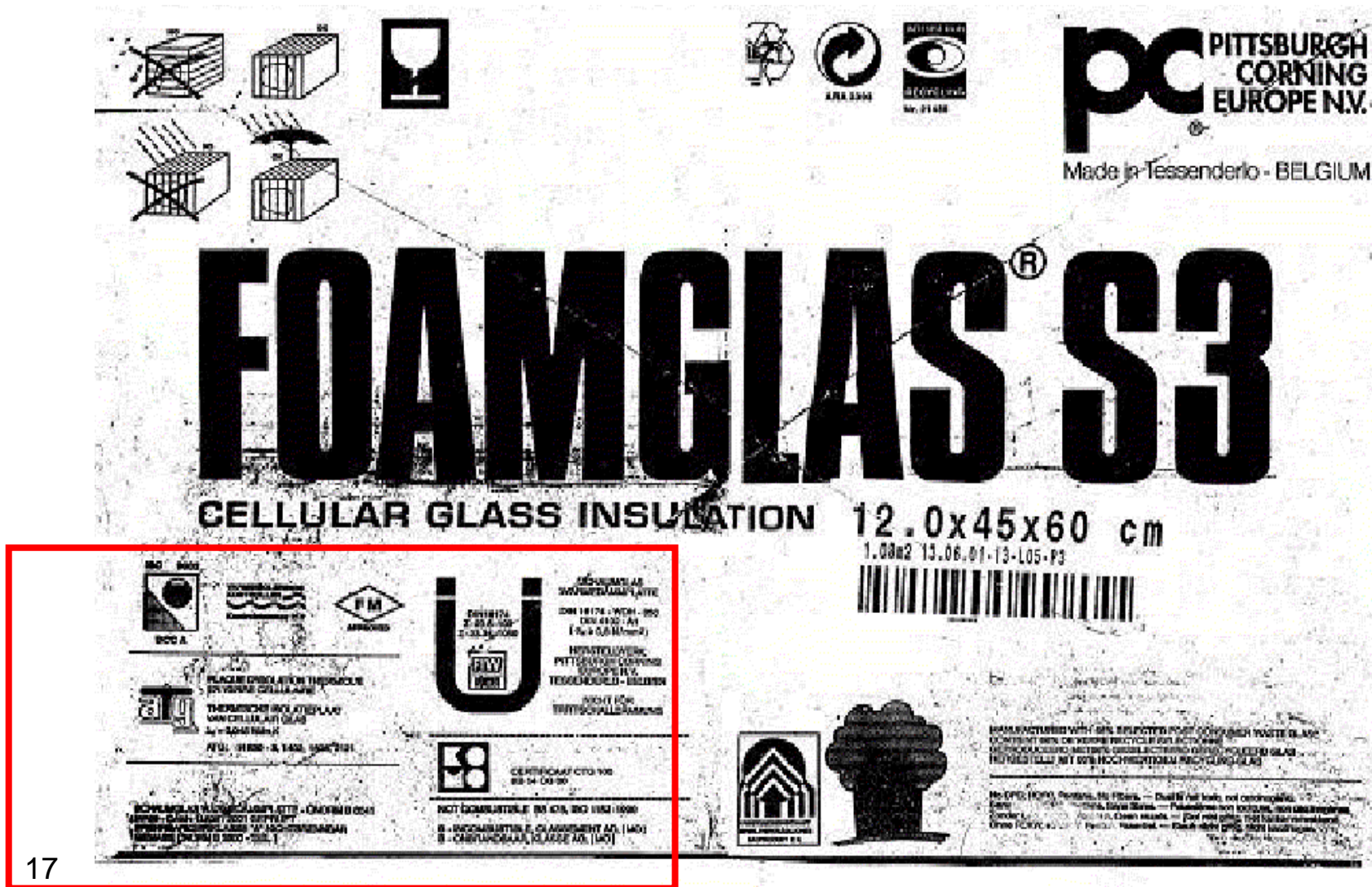
Does this mean that CE marked products are "dangerous"? (No! The designer must specify the product with the necessary performance for the works. The contractor needs to use the product which has the specified performance).

What about OTHER MARKINGS ?

CPR Art 8(3):

Member States shall not introduce any references (and shall withdraw any existing references) in national measures to markings attesting conformity with the declared performance in relation to the essential characteristics covered by a harmonised standard other than the CE marking.

EXAMPLE OF OTHER MARKINGS AFFIXED BEFORE THE CE MARKING



ETICS = a product of particular importance today

The need for energy savings in buildings drives the need for good thermal insulation.

This results in the increased importance of ETICS as these products are particularly important for retrofitting existing building stock.

At the same time, the wide application of ETICS represents a new challenge to regulatory authorities which need to ensure safety of the construction works in their territory.

A safety issue for certain regulators (not all) is the behaviour of these new facades in case of fire.

Facade Fire Assessment

Two main fire scenarios found today in national building regulations:

- attack to the façade from a **fully developed room fire**;
- attack to the façade from an **adjacent fire**;

In view of the technical harmonisation in hENs/EADs this issue is under examination by the EU Commission to find a realistic solution to respond to the regulatory needs of the authorities without however submitting manufacturers to excessive burden.

Several assessment methods are today available from large scale fire tests to significantly smaller fire tests.

Each approach has its merits and disadvantages from the regulator's and from the manufacturer's point of view.

The Commission is at this moment in a dialogue with regulators, manufacturers, CEN and EOTA in order to agree by the end of 2015 on the approach to take and develop the European assessment for facade fire assessment.

Our website

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

Contains (besides the CPR) interesting info on:

- **Legal acts issued for the CPR implementation**
- **Frequently Asked Questions (FAQs)**
- **List of the Product Contact Points**
- **CE marking step-by-step (guidance for manufacturers)**
- **List of harmonised standards and EADs**

Thank you for your attention