

**Guideline regarding the  
Construction Product Regulation (CPR)  
fulfilled by Wienerberger**

## 1. General

In March 2011, the European Commission has passed a regulation for the marketing of construction products. The complete regulation with all its chapters got into force on July 1st, 2013.

### Why a Construction Products Regulation:

**1.1.** It has to be ensured that new constructed buildings in the EU satisfy the essential requirements for construction works:

- 1.1.1. Mechanical resistance and stability
- 1.1.2. Safety in case of fire
- 1.1.3. Hygiene, health and the environment
- 1.1.4. Safety and accessibility in use
- 1.1.5. Protection against noise
- 1.1.6. Energy economy and heat retention
- 1.1.7. Sustainable use of natural resources

To achieve this goal, used construction products have to comply to these criteria.

**1.2.** Creation of a common European market, making building products internationally comparable to, for example, allow tenders to offer construction products from all over Europe (principle: free movement of people and goods transport in Europe).

**1.3.** To improve comparability of construction products, European harmonized product Standards have been established that define the nature of performance specifications and the test methods to determine them.

**1.4.** In many European countries national regulations, which lay down the conditions for the use of construction products, still have to be observed. These still remain in force (and in a way these represent non-tariff trading restrictions). For example: Ü-mark, KOMO-mark, BENOR-mark, etc.

**1.5.** Wienerberger, as an international operating company, takes the position that a common market with clear defined „rules“ for the cross-border movement of goods brings benefits.

## 2. Main contents:

In addition to a variety for us not so important sections (definitions, conformity assessment, rules for micro-enterprises, accreditation, simplified procedures, etc.) there are also some very important points for us included:

### 2.1. The manufacturer has to issue a Declaration of Performance (DoP)

- 2.1.1. He has to submit this DoP active to his successor in the supply chain (obligation of the manufacture to deliver).
- 2.1.2. The manufacturer takes the responsibility of the compliance of the product with the declared performance in the DoP.
- 2.1.3. The DoP is archived and has to be kept available by the manufacturer for a minimum of 10 years.
- 2.1.4. The DoP may be made available by either in printed form or by „electronic means“. Publishing the DoP on the internet (website) is only possible after the existence of a delegated act of the European Commission.
- 2.1.5. The DoP has to be forwarded in this language where the product was marketed.

*Note: this is mostly not known by manufacturers of Rooftiles and Clay Masonry Units.*

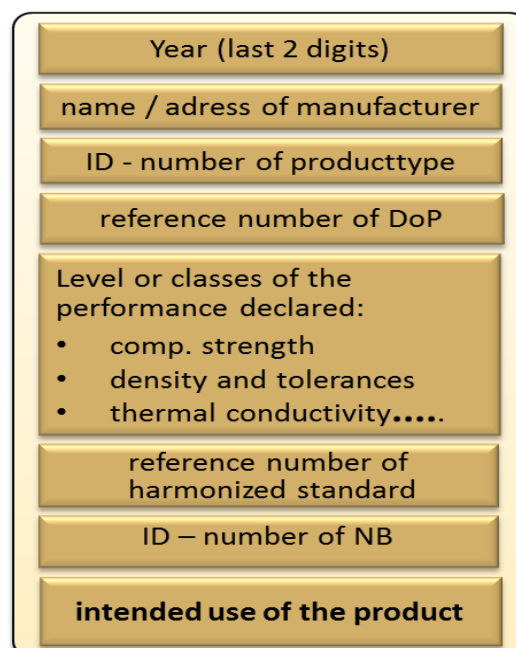
#### 2.1.6. Contents of the Declaration of Performance:

reference number of DoP
ID - number of product type
type, batch or serial number
<b>intended use of the product</b>
name / address of manufacturer
name of responsible person
system of AVoCP
ID – number of NB certificate of AVoCP
Declared Performance: • comp. strength • density and tolerances • thermal conductivity...
Declaration of conformity
date & signature of responsible person

*See also Appendix:  
Example of a declaration of  
performance*

## 2.2. The manufacturer has to provide his products with a CE-mark.

- 2.2.1. CE-marking is only possible when a Declaration of Performance has been drawn up by the manufacturer.
- 2.2.2. The CE-mark is affixed visibly, legibly and indelibly to the construction product or on a label attached to it.
- 2.2.3. Where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents.
- 2.2.4. Content of CE-marking:



### 3. Obligations of economic operators

Economic operators are:

#### 3.1. **The manufacturer:**

- 3.1.1. Shall draw up a declaration of performance and shall keep the declaration or performance for a period of 10 years after the construction product has been placed on the market.
- 3.1.2. Shall ensure that series production maintains the declared performance.
- 3.1.3. Where deemed appropriate, sample testing of construction products already placed on the market have to be carried out by the manufacturer.
- 3.1.4. Shall ensure that their construction products bear or provide on the packaging or in a document accompanying the construction product:
  - a type, batch or serial number
  - their name, registered trade name or registered trade mark and their contact address.
  - instructions and safety information
- 3.1.5. Shall in case of non-conformities:
  - take immediately the necessary corrective measures
  - inform the competent national authorities (especially the market surveillance authority) when the product presents a risk.
- 3.1.6. Shall cooperate with the market surveillance authority providing them with all the documents and information necessary when reasoned requested.

#### 3.2. **Authorised representatives:**

The manufacturer can be released for certain commitments by appointing an authorized representative by written mandate (is not considered here in detail).

#### 3.3. **Importers:**

- 3.3.1. Shall place on the Union market only construction products which are compliant with the applicable requirements of the CPR.
- 3.3.2. The obligations are substantially equivalent to those of the manufacturer.

#### 3.4. **Obligations for distributors**

- 3.4.1. Before making a construction product available on the market, distributors shall ensure:
  - that the product bears the CE-marking

- that the product is accompanied by the documents required (declaration of performance, instructions and safety information (language !)).
- that the products bear or to provide on the packaging or in a document accompanying the construction product type, batch or serial number and the contact address of the manufacturer and possibly of the importer.
- That storage or transport conditions are kept and that inspections, corrective measures and providing information for competent national authorities are carried out as for the manufacturer or the importer.

3.4.2. Cases in which obligations of manufacturers also apply to importers and distributors:

- **Where the importer or the distributor places a product on the market under his name or trademark !!**
- Where the importer or the distributor modifies a construction product already placed on the market in such a way that conformity with the declaration of performance may be affected.

## 4. Market Surveillance:

The single Member States already operate market surveillance authorities according Article 20 of Regulation (EC) No 765/2008.

These market surveillances ensure an equivalent and consistent enforcement of Union harmonisation legislation and monitor the compliance with the CPR by the economic operators.

- Where the market surveillance authorities have sufficient reason to believe that the construction product does not comply with the requirements laid down in the CPR, they shall without delay require the relevant economic operator to take all appropriate corrective actions to bring the product into compliance with those requirements, notably with the declared performance, or to withdraw the product from the market, or recall it within a reasonable period or to prohibit or restrict marketing the products.
- The market surveillance authority then informs the Notified Bodies, the Member States and the Commission without delay that prohibiting or restricting the making available of the construction product is effective.

## 5. Effectiveness

The Construction Products Regulation shall enter in force into all the Member States at the same time, without requiring a decision of a national legislative body.

## 6. Review by Wienerberger

This present CPR (Construction Products Regulation) is a Europe-wide valid regulation which imposes a number of new obligations upon us.

It is relatively imprecise in its provisions and can be explained and interpreted in many ways. This can affect both our competition and the competent Notified Bodies and the various market surveillance authorities. Thus, we will get a number of different answers to asked questions.

The construction industry and therefore Wienerberger are forced to fulfil the obligations of the CPR quickly, although some issues are still under debate in Europe.

Therefore, we have chosen a path to meet the CPR, which largely corresponds to our discretion to the intentions of the legislature, and which is expected to be at low risk of difficulties in the market.

We go into the direction not to consult all stakeholders about how the CPR could be implemented the best, but to create such facts which are least vulnerable to be attacked by authorities or our competition.

In case of problems with authorities or the competition with the below-described Wienerberger solution, contact product management Wienerberger AG immediately.

## **7. The Wienerberger solution:**

### **7.1. Product groups**

It was set for Wienerberger to include the following product groups in our solution:

#### *7.1.1. Ceramic construction products:*

- 7.1.1.1. Clay blocks
- 7.1.1.2. Facing bricks
- 7.1.1.3. Clay rooftiles
- 7.1.1.4. Clay pavers

#### *7.1.2. Concrete construction products:*

##### 7.1.2.1. Semmelrock:

- 7.1.2.1.1. Concrete pavers
- 7.1.2.1.2. Concrete curbs
- 7.1.2.1.3. Concrete masonry units
- 7.1.2.1.4. Concrete floor blocks

##### 7.1.2.2. Sandtoft:

- 7.1.2.2.1. Concrete rooftiles

Comprising essentially those products which can be delivered on pallets.

#### *7.1.3. Other products:*

- 7.1.3.1. Product group lintels, girders and chimneys:

### 7.1.3.2. Trading goods:

For those products which are sold under the Wienerberger brand and which are covered by a harmonised European Standard or a European Technical Approval (ETA), we have to take care of DoP's and CE-marking (e.g. mortar, system complementary products).

## 7.2. General information about the Wienerberger solution:

A solution was found which combines the declaration of performance and CE-marking printed on a label which is affixed to the pallet foil (except in special cases).

By doing so, it is possible to „actively“ forward and make the declaration of performance together with the products available.

As CE-marking has to be close to the product and as it has to be supplied in paper form, no additional overhead arise due to simultaneous printing the DoP.

## 7.3. Declaration of performance:

The declaration of performance shall be supplied in the language or the languages required by the Member State where the product is made available.

At the time of production, packaging and labelling, this is generally not known when producing on stock.

Therefore we decided to make the DoP available in two ways:

- By electronic means using an appropriate code on the label. This complies to the obligation of the CPR to „active“ supply the DoP.
- By electronic means using a web site. At present, this is voluntary and relieves and supports our customers and distributors in avoiding an enormous amount of paper and administration of the DoP's.

The DoP will be archived and kept available for the period of 10 years and will be printable in all official languages.

In both cases, multi-language templates will be filled with the declared performance data which already have been entered into the product database.

The QR-code printed onto the label already contains all this information encrypted into that QR-code.

Example for such a QR-code:



### **Important:**

*There is no link to a website necessary, it works offline.*



The encrypted data in the QR-code are available by using a Wienerberger-App which has been installed on a smartphone. The data will be read, arranged and copied into a template of the relevant language needed



Using screenshots it is possible to forward the DoPs from the smartphone via e-mail or MMS and to bring it on a printer. The readability depends from the resolution of the smartphone.

The DoP on a web site allows our customers to print out the DoP in cases where a DoP in paper form is required.

#### 7.4. **CE – Declaration:**

Appears on the label and contains all information required by the CPR.

Again, the declared performance of the product also has to be made available on CE-marking.

In the area of clay masonry units the information within the declared performance is very comprehensive and will be represented in an encoded form.

At the moment, the encryption of that code is being developed within the European masonry units associations as in the European standardisation body CEN where it will be adopted into the EN 771-series.

## 7.5. FAQs :

### 7.5.1. *What are the advantages of the Wienerberger solution:*

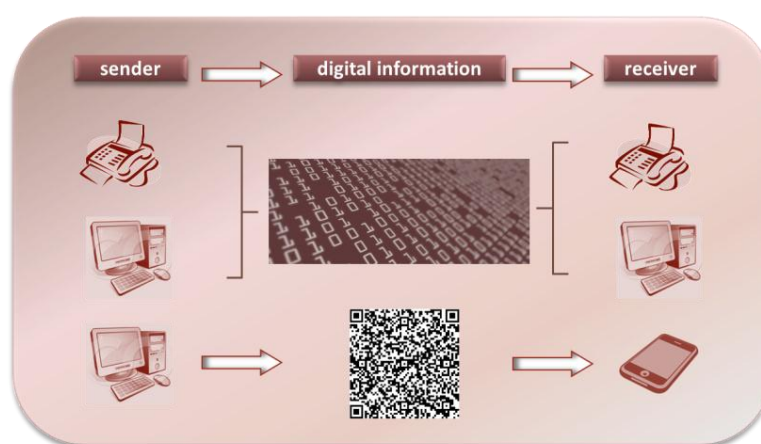
Wienerberger avoids enormous efforts on paperwork in administration and logistics and a lot of requests to get DoPs in other languages in export business. The obligation of storing the DoP data for a time period of minimal 10 years is overtaken by Wienerberger as a customer service.

### 7.5.2. *Why is a declaration of performance using a QR-code legal ?*

It's a way of supplying a declaration of performance by using electronic means which is not using a web site. According to the CPR, this is possible.

### 7.5.3. *What happens, when the customer doesn't have a smartphone ?*

Then, he will not have the possibility to read the DoP. It's like any other electronic communication: it is necessary to have a sender and a receiver.



Examples :     without a fax, no transmission of the DoP possible  
                   without a computer, no transmission of the DoP by email possible

The use of smartphones in the construction sector has in recent years grown twice as fast as the EU-average (Source: BauInfoConsult 2011)

The market penetration of smartphones in the EU (Source: ComScore Dez. 2012 )

	Oct-11	Oct-12	Percentage Change
EU big 5	41.60%	54.60%	13.0
Spain	48.40%	63.20%	14.8
UK	48.10%	62.30%	14.2
France	38.10%	51.40%	13.3
Italy	42.10%	51.20%	9.1
Germany	34.20%	48.40%	14.0

It is expected that this trend will continue.

#### 7.5.4. *What happens to the goods on the stock of our distributors ?*

These goods apply to be placed on the market before 01/07/2013 and therefore don't have to comply to the provisions of the CPR.

#### 7.5.5. *What happens to the goods on our stock ?*

It can be assumed that products which already have been CE-marked according the Construction Products Directive (CPD) also comply with the new provisions.

Those goods produced before 01/07/2013 can be considered to be made available on the market when on our stock. Therefore they can be delivered with the CE – marking according the CPD and don't need to be relabelled.

#### 7.5.6. *Why was not started earlier with the measures to fulfill the CPR by industry ?*

Because of the lack of clarity in the interpretation of the CPR, the stakeholders only got things straight concerning the CPR after long consultations between industry associations and also authorities of the European Commission.

European Standards haven't been adapted to the new requirements yet and are sometimes in conflict with the CPR and accordingly require a revision.

This also applies to our relevant Standards. Therefore, they are currently under review.

#### 7.5.7. *CPR and standardisation – how does that fit?*

The so called „Annex ZA“ of the harmonized European product Standard is for the manufacturer of construction products the legally binding part of the product standards

Currently contained therein:

- Scope and relevant characteristics
- Attestation of conformity
- CE-marking and labelling as well as examples (pattern)

All of these definitions refer to the currently valid Construction Products Directive (CPD) as a legal basis.

From 01/07/2013, this basis is not given (CPD as a legal basis doesn't exist anymore) and therefore the “Annex ZA” is no longer valid.

The legal basis of the European product standards has been withdrawn.

This is the reason, why all European product standards must undergo a revision. This work is currently already in full swing, „Work in Progress“ and unfortunately based on the long standardisation procedure of CEN in the area of masonry units to be completed in 2014 earliest.

#### 7.5.8. *What is the legal basis for marking after 01.07.2013 ?*

The Construction Products Regulation (CPR) is considered to be the sole basis, until supporting harmonised product standards or European Technical Approvals (ETA) bring up detailed information.

Due to the participation of Wienerberger in many European standardisation bodies and committees, we can anticipate the future content of our relevant product standards very well.

Therefore, we already aligned our implementation strategy well with the future

#### 7.5.9. *What are the main differences between Construction Products Directive (CPD) and Construction Products Regulation (CPR) ?*

- In the CPD, the assignment of the declaration of performance to the harmonised European standard is in focus.  
The manufacturer expresses this compliance by affixing the CE-mark and a written Declaration of Conformity.

In the Construction Products Regulation, the compliance of the properties of the construction products is in focus with its declaration of performance (DoP).

The manufacturer expresses this compliance by affixing the CE-mark. A written Declaration of Conformity with a harmonised European product standard is no longer necessary.

- The definition of „producer“ in the Construction Products Directive is the manufacturer of a construction product.

The definition of „producer“ in the Construction Products Regulation can be any economic operator in the supply chain between manufacturer and customer.

- The Construction Products Regulation is placed under national law by national legislatures (e.g. parliament, provincial assemblies and the like).

The Construction Products Regulation is directly effective European law and does not require national implementation.

- The Construction Products Directive (19 pages in English language) is not as detailed as the Construction Products Regulation (43 pages in English language).