



POSITION PAPER on

Use of Information Technology to provide information required by the technical specification, to accompany the CE marking for Construction Products

Date: 05 April 2007

The labeling of CE marking for Construction Products is defined by the Council Directive 89/106/EEC amended by the Council Directive 93/68/EC.

Basically, the CE marking shall be affixed "*on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents*". In addition, and that is a specificity of Construction Products compared to other products subject to CE marking, the CE shall be accompanied by a series of information, including technical details on the product performances required in the harmonised technical specifications. Consequently, the label of CE marking is often complex and difficult to read for specific products.

Unfortunately, the Construction Products Directive, which was written in the late 80's, does not mention the modern instrument of communication, and requires the information to be provided using a hard copy format: usually the CE marking has to be printed on the product it-self, or on a stamp affixed to the product or directly printed on the packaging (e.g. cement, pallet of bricks, pallet of insulating materials, etc.)

CEPMC members and associate members request to be authorised to provide the detailed and technical information concerning the products, required to accompany the CE marking, by using modern communication technologies (access to web-sites), as an alternative to the *full paper CE marking* currently required by the harmonised standards:

- **For the short term (until that CPD is amended):** CEPMC supports the amendment of the template of Annex ZA prepared by CEN, to introduce in harmonised standards the possibility to provide a part of the information required to accompanying CE marking using web-site. This is complying with directive as it is (without any need to amend or to interpret the CPD), provided the information explicitly required in the CPD be provided on the support recalled above

- ***For the long term (when the amended CPD will be in force)*** CEPMC members and associate members would like to simplify again the CE marking, limiting the obligation to print *on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial document* only the three following information only:
 - o The logo CE,
 - o a reference number guaranteeing traceability and unambiguous identification of the product concerned and
 - o the address where the complete and detailed information, including technical details, may be found.

The advantages of this proposal would be:

- for manufacturers to save useless cost and burden, on the efficiency of what we may have doubts, for the client
- for the client, to facilitate the access to detailed information on the products, in the convenient linguistic versions used by the users (indeed, the information accompanying the CE marking, even if this is not required by the CPD itself, needs to be provided in the language of the country where the product is intended be used to be useful for the clients)
- for Surveillance Authorities and Notified Bodies, to facilitate access to detailed information on the product with a high level of traceability
- For everybody, to allow the developments of data banks and other instruments will facilitate communication and information on products.

At the end of the detailed annex attached to this position paper, CEPMC drafted a proposal of possible provisions dealing with the content of the CE marking which could be suggested to the Commission Services to be introduced in the amended CPD.

This position paper was agreed by the CEPMC Members and Associate Members after consultation of CPD WG and TG CE marking in April 2007.

ANNEX: Use of Information Technology to provide information required by the technical specifications to accompany the CE marking for Construction Products

1. Current situation

1.1. Legal obligations concerning CE marking

The legal obligation introduced by the directive 89/106/EEC, amended by the Directive 93/68/EEC of 22 July 1993 is the following:

- Article 4.6: the CE marking has to be affixed “*on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents*”
- Annex III section 4.1:
 - *The CE marking shall consist of the initial “CE” taking the following form¹*
 - *If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected²*
 - *The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm*
 - *The CE marking shall be followed by the identification number of the body involved in the production control stage*
 - *Additional information: the CE marking shall be accompanied by the name or identifying mark of the producer, the last two digits of the year in which the CE marking was affixed, and, where appropriate, the number of the EC certificate of conformity and, where appropriate, indications to identify the characteristics of the product on the basis of the technical specifications.*

In addition, CPD requires that a large part of this information has to be provided also in declaration or certificate (if relevant) of conformity. This requirement leads to an obligation to provide redundant information in various documents adding bureaucratic burden the producers are subject to, and possible confusion. Indeed, article 14 of the CPD requires that the attestation of conformity *shall lead to:*

- (a) a production by the manufacturer or his agent established in the Community of a **declaration of conformity** (*in the case of article 13.3.a, stating that the attestation of conformity is dependent on the manufacturer having a factory production control system to ensure that production conforms with the relevant technical specifications*)

¹ Given in the Directive 93/68/EEC

² See details in the directive itself

- (b) a production by the approved certification of a **certificate of conformity** (in the case of article 13.3.b for particular products indicated in the relevant technical specifications, in addition to a factory production control system, and approved certification body being involved in assessment and surveillance of the production control or of the product itself)

In Annex III we find the details of the information which shall be contained in EC certificate of conformity (Annex III.4.2) or in EC declaration of conformity (Annex III.4.3):

- name and address of the manufacturer,
- description of the product,
- provision to which the product conforms,
- particular conditions applicable to the use of the product,
- name and address of the approved body, where applicable,
- name and position held by the person empowered to sign the declaration
- the certificate number (in case of EC certificate)
- conditions and validity of the certificate, where applicable (in the case of EC certificate)

1.2. Template of Annex ZA

The rules to prepare harmonized product standards are given in a document established by CEN. This document specifies the manner the various clauses of the Annex ZA of the harmonized standards have to be written by CEN/TCs.

In the clause ZA.3 of the version of this template which is currently in force CMF N076 rev.15document we find the list of the information *which shall accompany the CE marking symbol*.

Evidently, this list is systematically taken into consideration in the Annex ZA of the European harmonized standards which were published by CEN until now and are compulsorily required to be in the label of CE marking.

CEPMC Comment:

- the current template goes beyond of the requirements included in the CPD itself when it adds “when not possible” in the location of the CE label, and when it requires to provide the registered address of the manufacturer in the CE marking
- The current template mixes and doubles the requirements concerning CE marking and EC declaration of conformity when it requires the intended use be declared in the CE marking
- As the use of other means (e.g. web-sites) is not mentioned in this clause, these supports are *de facto forbidden* to provide a part of the information required in CE marking.

2. For the short term: we need a revised template of Annex ZA (with the respect of the current CPD)

CEPMC could agree with following amendments of CEN template of Annex ZA, recently discussed in CEN Management center (but not yet implemented):

- *In the clause ZA.3.1, “General information for CE marking”* The description of a typical CE marking document, as it was required until now is maintained. But this clause introduces a new sentence stating that “*when this option is selected by a manufacturer*”, the CE marking may be accompanied by the required information “*provided in data stored in electronic media as explained in clause ZA.3.2*”.
- *A clause ZA.3.2 is added, titled “Simplified CE marking label with reference to a web-site”*. This clause introduces the following statements:
 - In situations when a manufacturer wants to use a web-site to provide part of the information required for CE marking as given in ZA.3.1, then a simplified label CE marking shall be used and affixed on the product it self, on a label attached to it, on its packaging or on the accompanying commercial documents.
 - Such a simplified CE marking label shall contain the following information:
 - The address of a web-site providing the information on the characteristics,
 - A unique and unambiguous reference permitting to retrieve the complete information required in ZA.3.1 belonging to the product to which the simplified CE marking label is affixed. When products are modified leading to changes in performances, a new reference shall be used
 - In addition, the following minimum information shall be specified on the simplified CE marking label (the information which is required by the CPD itself):
 - Name or identifying mark of the producer
 - Last two digits of the year in which the marking was affixed
 - Where appropriate, the number of the CE certificate of conformity and
 - European standard reference number
 - A note is added (Note 1: affixing the last two digits of the year in which the CE marking was affixed may be done through the product’s traceability code or any means, e.g. stamping, that has the same effect).

CEPMC refuses any requirements for additional information beyond those given above.

The rules resulting from the amendment of the template of Annex ZA should be introduced in future standards without any delay. Some existing standards could be revised, if necessary, on this point.

3. For the long term, we need a new definition of the CE marking (which could be introduced by the amendment of the directive)

Industry would like to go further, and to completely open the use of modern technologies for CE marking, to benefit from their advantages. The aim is to authorize a more simplified CE marking on the product (or the packaging, or commercial documents) as alternative to the “full paper CE marking”, and to allow a more extended use of data basis accessible by internet or any other means (e.g. websites, electronic or printed catalogues, etc.) to provide information required to accompany the CE marking.

But this change would need to be included by appropriate words in the **future legal document, e.g. amended directive**. Therefore, these new rules could be in use after the publication of the amended Directive (in some years)

3.1. *CE marking and additional information*

The wishes from industry are the following:

- 1) Maintain the typical solution as it is as one of the possible routes, for the CE marking and additional required information: the full paper CE marking stamped to the product, physically accompanying him by the means of a label affixed to it, its packaging or delivery documents as defined in the current CPD and ZA 3.1 of the template,
- 2) Authorize as alternative, to provide the complete information in a database electronically accessible, or by other technical means having the same effect. In this case, the information stamped to the product or its packaging should be limited to three information:
 - CE
 - Reference (e.g. number code) allowing a unique and unambiguous identification of the product (traceability)
 - Address where the CE marking and accompanying information may be found or retrieved

By the means of a web-site it would be possible to provide much additional and detailed information in all the languages corresponding to countries where the product could be placed on the market. To decide to use this option should be left to the responsibility of the manufacturers

Proposal concerning the CE marking in the amended CPD

- Article 4.6 of CPD *It is for the manufacturer or his authorized representative established within the Community to take responsibility for affixing the CE marking on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents. The model of the CE Marking and conditions of its use are given in Annex III.*

This could be re-formulated as such:

It is for manufacturer or his authorised representative established within the Community to take the responsibility for affixing CE marking and providing accompanying information which is specified in the technical specifications.

The CE marking may be on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents.

The model of the CE Marking and conditions of its use are given in Annex xxx.

The conditions (support and responsibility) to provide the information required in Technical specifications are given in Annex xxx

- Article 13.1

The manufacturer, or his agent established in the Community, shall be responsible for the attestation that products are in conformity with the requirements of a technical specification within the meaning of Article 4.

Article 14.1

For all products, the procedures of attestation of conformity shall lead to the production of a declaration of conformity for a product by the manufacturer, or his agent established in the Community.

Where an approved certification body is involved in the assessment and surveillance of the production control or of the product itself, the declaration of conformity requires a certificate of conformity issued by the certification body.

The EC declaration of conformity shall be provided by the manufacturer on the request of the market surveillance authorities.

Detailed rules for the implementation of the procedures of attestation of conformity are given in Annex III.

Annex xxx

Annex xxx.4.1 CE marking

The CE marking shall consist of the “CE symbol” and additional information concerning the product.

The CE marking may be on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents.

CE symbol: The CE symbol take the following form ... If it is reduced or enlarged the proportions given in the above graduated drawing must be respected

The various components of the CE symbol must have substantially the same vertical dimension, which may be not less than 5 mm

Additional information concerning the product.

Additional information can be provided as follows:

- a) Affixed on the product itself or on a label attached to it, on its packaging or accompanying commercial documents. This information shall contain:
 - identification number of the body involved in the production control stage (where relevant)
 - name or identifying mark of the producer
 - where appropriate the number of the EC certificate of conformity
 - reference to the relevant technical specification
 - performances of the product for the characteristics which have to be assessed on the basis of technical specifications except if the manufacturer uses the No Performance Determined option
- b) Combination of information affixed to the product itself or on a label attached to it, on its packaging or accompanying commercial documents and information provided through other technical means (e.g. web-site, catalogue, etc.)

The information affixed shall contain:

- Reference (e.g. number code) allowing a unique and unambiguous identification of the product (traceability)
- Address where the CE marking and accompanying information may be found or retrieved (e.g. web-site, catalogue, etc.)

The information provide through other means shall contain all the information required under a) above.



**Council of European Producers of Materials for Construction
Conseil Européen des Producteurs de Matériaux de Construction
Vereinigung Europäischer Baustoffhersteller**

Annex xxx.4.2 EC certificate of conformity and . EC declaration of conformity

An analysis allowing to answer the following question should be undertaken by the Commission:
“what information is useful for whom, and what is the best support to provide this information?”

Based on such analysis, the clauses dealing with EC declaration of conformity and EC certificate could be reviewed.