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| **What changes have occurred to Annex V of the CPR following**  **the introduction of the Delegated Act (EU) No. 568/2014?** |



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| 1. **SYSTEM OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE** | | |
| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| **Common text:**  Declaration of the Performance of the essential characteristics of the construction product by the manufacturer on the basis of the following items: | **Common text:**  The manufacturer shall draw up the Declaration of Performance and determine the product-type on the basis of the assessments and verification of constancy of performance carried out under the following systems: | Notified Bodies would not necessarily have the expertise covering all aspects of a construction product whereas the manufacturer would possess the full oversight of a product and is, therefore, best suited to determine the product-type. |
| ***SYSTEM 1+*** | | |
| 1. **Manufacturer shall carry out:** 2. Factory production control 3. Further testing of samples taken at the factory in accordance with the prescribed test plan | 1. **Manufacturer shall carry out:** 2. Factory production control 3. Further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan | The term factory has been replaced by manufacturing plant on certain occasions as a better fit with the general wording of the Regulation. |
| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| 1. **Notified Product Certification Body**   Shall issue the Certificate of Constancy of Performance of the product on the basis of:   1. Determination of the product type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product 2. Initial inspection of the manufacturing plant and of factory production control 3. Continuous surveillance, assessment and evaluation of factory production control 4. Audit-testing of samples taken before placing the product on the market | 1. **Notified Product Certification Body**   Shall decide on the issuing, restriction, suspension or withdrawal of the Certificate of Constancy of Performance of the construction product on the basis of the outcome of the following assessments and verifications carried out by that body:   1. An assessment of the performance of the construction product carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product 2. Initial inspection of the manufacturing plant and of factory production control 3. Continuing surveillance, assessment and evaluation of factory production control 4. Audit-testing of samples taken by the notified product certification body at the manufacturing plant or at the manufacturer’s storage facilities. | The addition of the terms restriction, suspension or withdrawal just formalises what was previously implied.  It is now the manufacturer’s task to determine the product-type whereas the Notified Body undertakes the assessment of the products performance.  Since constant surveillance of factory production control by a Notified Body is not possible and is not carried out in practice, the reference has been changed to reflect the continuing nature of the surveillance.  This highlights the requirement of samples still being under the manufacturers control when auditing occurs. |

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| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| ***SYSTEM 1*** | | |
| 1. **Manufacturer shall carry out:** 2. Factory production control 3. Further testing of samples taken at the factory by the manufacturer in accordance with the prescribed test plan 4. **Notified Product Certification Body**   Shall issue the Certificate of Constancy of Performance of the product on the basis of:   1. Determination of the product type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product 2. Initial inspection of the manufacturing plant and of factory production control 3. Continuous surveillance, assessment and evaluation of factory production control | 1. **Manufacturer shall carry out:** 2. Factory production control 3. Further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan 4. **Notified Product Certification Body**   Shall decide on the issuing, restriction, suspension or withdrawal of the Certificate of Constancy of Performance of the construction product on the basis of the outcome of the following assessments and verifications carried out by that body   1. An assessment of the performance of the construction product carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product 2. Initial inspection of the manufacturing plant and of factory production control 3. Continuing surveillance, assessment and evaluation of factory production control | The term factory has been replaced by manufacturing plant on certain occasions as a better fit with the general wording of the Regulation.  The addition of the terms restriction, suspension or withdrawal just formalises what was previously implied.  It is now the manufacturer’s task to determine the product-type whereas the Notified Body undertakes the assessment of the products performance.  Since constant surveillance of factory production control by a Notified Body is not possible and is not carried out in practice, the reference has been changed to reflect the continuing nature of the surveillance. |
| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| ***SYSTEM 2+*** | | |
| 1. **Manufacturer shall carry out:** 2. Determination of the product-type on the basis of type testing (including sampling), type calculation, tabulated values or descriptive documentation of the product 3. Factory production control 4. Testing of samples taken at the factory in accordance with the prescribed test plan 5. **Notified Production Control Certification Body**   Shall issue the Certificate of Conformity of the factory production control on the basis of:   1. Initial inspection of the manufacturing plant and of factory production control 2. Continuous surveillance, assessment and evaluation of factory production control | 1. **Manufacturer shall carry out:** 2. An assessment of the performance of the construction product on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of that product 3. Factory production control 4. Testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan 5. **Notified Factory Production Control Certification Body**   Shall decide on the issuing, restriction, suspension or withdrawal of the Certificate of Conformity of the factory production control on the basis of the outcome of the following assessments and verifications carried out by that body:   1. Initial inspection of the manufacturing plant and of factory production control 2. Continuing surveillance, assessment and evaluation of factory production control | The manufacturer retains the task of determining the product-type whereas the Notified Body undertakes the assessment of the products performance.  The term factory has been replaced by manufacturing plant on certain occasions as a better fit with the general wording of the Regulation.  The addition of the terms restriction, suspension or withdrawal just formalises what was previously implied.  Since constant surveillance of factory production control by a Notified Body is not possible and is not carried out in practice, the reference has been changed to reflect the continuing nature of the surveillance. |
| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| ***SYSTEM 3*** | | |
| 1. **Manufacture shall carry out:** 2. Factory production control 3. **Notified testing laboratory** 4. Shall carry out determination of the product-type on the basis of type testing (based on sampling carried out by the manufacturer), type calculation, tabulated values or descriptive documentation of the product | 1. **Manufacturer shall carry out:** 2. Factory production control 3. **Notified laboratory** 4. Shall assess the performance on the basis of testing (based on sampling carried out by the manufacturer), calculation, tabulated values or descriptive documentation of the construction product | It is now the manufacturer’s task to determine the product-type whereas the Notified Body undertakes the assessment of the products performance. |

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| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| ***SYSTEM 4*** | | |
| 1. **The manufacturer shall carry out:** 2. Determination of the product-type on the basis of type testing, type calculation, tabulated values or descriptive documentation of the product 3. Factory production control 4. **Notified body**   No tasks | 1. **The manufacturer shall carry out:** 2. An assessment of the performance of the construction product on the basis of testing, calculation, tabulated values or descriptive documentation of that product 3. Factory production control 4. **Notified body**   No tasks require the intervention of a notified  body | The manufacturer retains the task of determining the product-type. |
| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| **Construction products for which a European Technical Assessment has been issued** | | |
| No Text | Notified bodies undertaking tasks under Systems 1+, 1 and 3 as well as manufacturers undertaking tasks under Systems 2+ and 4 shall consider the European Technical Assessment issued for the construction product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall therefore not undertake the tasks referred to in points 1.1.(b)(i), 1.2.(b)(i), 1.3.(a)(i),  1.4.(b) and 1.5.(a)(i) respectively. | A European Technical Assessment (ETA) already contains an assessment of the performance of the construction product in relation to its essential characteristics. If this has to again go through a further assessment process it merely adds cost for the manufacturer. Hence the decision to allow the ETA to be the assessment of the product performance.  The points numbered in the Delegated Act are referenced in this document as follows:   |  |  | | --- | --- | | Actual  Delegated Act | This Document  Column 2 | | 1.1.(b)(i) | System 1+ : (b)(i) | | 1.2.(b)(i) | System 1 : (b)(i) | | 1.3.(a)(i) | System 2+ : (a)(i) | | 1.4.(b) | System 3 : (b) | | 1.5.(a)(i) | System 4 ; (a)(i) | |

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| 1. **BODIES INVOLVED IN THE ASSESSMENT AND VERIFICATION OF CONSTANCY OF PEERFORMANCE** | | |
| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| With respect to the function of notified bodies involved in the assessment and verification of constancy of performance for construction products, distinction shall be made between:   1. **Product certification body**   A governmental or non-governmental notified body, possessing the necessary competence and responsibility to carry out a product certification in accordance with given rules of procedure and management.   1. **Factory production control certification body**   A notified body, governmental or non-governmental, possessing the necessary competence and responsibility to carry out factory production control certification in accordance to given rules of procedure and management.   1. **Testing laboratory**   A notified laboratory which measures, examines, tests, calibrates or otherwise determines the characteristics or performance of materials or construction products. | With respect to the function of notified bodies involved in the assessment and verification of constancy of performance for construction products, distinction shall be made between:  **1.Product certification body**  A body notified, in accordance with Chapter VII, to carry out constancy of performance certification.   1. **Factory production control certification body**   A body notified, in accordance with Chapter VII, to carry out factory production control certification.   1. **Laboratory**   A body notified, in accordance with Chapter VII, to measure, examine, test, calculate or otherwise assess the performance of construction products. |  |
| 1. **Horizontal notifications: Cases of Essential Characteristics where reference to a relevant harmonised technical specification is not required** | | |
| **Original Annex V Text (2011)** | **Delegated Act Annex V Text (2014)** | **Notes** |
| 1. Reaction to fire 2. Resistance to fire 3. External fire performance 4. Noise absorption 5. Emissions of dangerous substances | 1. Reaction to fire 2. Resistance to fire 3. External fire performance 4. Acoustic performance 5. Emissions of dangerous substances | *“Noise absorption”* is not an appropriate technical term so it has been replaced by *“acoustic performance”* following a convincing explanation accepted from Finland. This new term more accurately describe the essential characteristic to be assessed and provides consistency with terminology used in harmonised technical specifications. |

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| **Transitional Arrangements** |
| To ensure a smooth transition for manufacturers, they now have the right to continue to use the certificates and other documents which were issued by Notified Bodies in accordance with the original Annex V of the CPR (EU) No. 305/2011 before this Delegated Act (EU) No. 568/2014 came into force. |

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| **Tasks Allocated to Manufacturers and Notified Bodies under each of the Five Systems of Assessment of Verification of Constancy of Performance as per Delegated Act (EU) No. 568/2014 for construction products using hENs and/or ETAs** |  |

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| **Task** | **System 4** | **System 3** | **System 2+** | **System 1** | **System 1+** |
| Factory Production Control (FPC) | **Manufacturer** | **Manufacturer** | **Manufacturer** | **Manufacturer** | **Manufacturer** |
| Manufacturing Plant Sample Tests | **-** | **-** | **Manufacturer** | **Manufacturer** | **Manufacturer** |
| Assessment of Performance**1** | **Manufacturer2** | **Notified Laboratory3** | **Manufacturer4** | **Notified Product Certification Body4** | **Notified Product Certification Body4** |
| Initial Inspection of the manufacturing  plant & FPC | **-** | **-** | **Notified Factory Production Control Certification Body** | **Notified Product Certification Body** | **Notified Product Certification Body** |
| Continuing surveillance, assessment & evaluation of the FPC | **-** | **-** | **Notified Factory Production Control Certification Body** | **Notified Product Certification Body** | **Notified Product Certification Body** |
| Audit  Testing | **-** | **-** | **-** | **-** | **Notified Product Certification Body5** |
| Certificate of Constancy of  Performance**6** | **-** | **-** | **Notified Factory Production Control Certification Body** | **Notified Product Certification Body** | **Notified Product Certification Body** |
| Determination of Product Type**7** | **Manufacturer** | **Manufacturer** | **Manufacturer** | **Manufacturer** | **Manufacturer** |
| **Notes:-**  1 Notified Bodies and manufacturers shall consider a European Technical Assessment issued for a construction product as the Assessment of Performance of that product and, therefore, do not  have to undertake this specific task i.e. see CPR Annex V (revised by the Delegated Act) points 1.1.(b)(i), 1.2.(b)(i), 1.3.(a)(i), 1.4.(b) and 1.5.(a)(i).  2 An assessment of performance of the construction product on the basis of testing, calculation, tabulated values or descriptive documentation of that product.  3 The assessment of the performance will be on the basis of testing (based on sampling carried out by the manufacturer), calculation, tabulated values or descriptive documentation of the construction product.  4 Assessment of performance of the construction product to be carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product.  5 Samples taken by the notified product certification body at the manufacturing plant or the manufacturers storage facilities.  6 The Notified Body shall decide on the issuing, restriction, suspension or withdrawal of the *Certificate of Constancy of Performance* of the construction product based on their tasks.  7 The manufacturer shall draw up the Declaration of Performance and determine the product-type on the basis of the assessment and verification of constancy of performance carried out under the relative  systems of AVCP given above. | | | | | |