

## CE Marking of Construction Products

### Who is responsible for applying the CE marking – an explanation of some common commercial situations?

The following commercial situations are not uncommon but for those new to CE marking they require an explanation of the interpretation with regard to who is responsible for applying the CE marking. Companies must not overlook the possibility of products manufactured in countries outside of the European Economic Area (EEA) being imported into the EEA. These examples represent the Construction Products Association's own assessment of the rules and should not be taken as a definitive legal interpretation.

In the following example, the term CE mark includes all the manufacturers declared values as given in the CE mark itself and its accompanying documentation.

**1) A company purchases construction products which physically have the CE mark applied to the product itself. These are then cut into smaller size before selling them on.**

Examples: - (a) Wood-based panel products

(b) Copper tubing to manufacture bends etc.

(c) Doors are not panel products, therefore, it is not acceptable to shorten/alter doors beyond normal trimming for fit and carpet clearance

In this instance, the CE marking will only appear on one part of the product while the other pieces will not have a CE mark showing.

In this situation, because the product has not had any of its declared performance values altered, the accompanying information (declaration of performance, instructions for use and safety information) must still be supplied (by paper or electronic means) when each product or batch is made available on the market.

**2) A company buys in non-CE marked products and wants to CE mark them with their own details and label the product with their own brand name. (These products may well have been supplied by a 'third country' outside of the EEA.)**

Examples: - (a) Self-supporting sandwich panels (double skin metal faced insulating panels) imported from a 'third country outside of the EEA.

(b) An external wall insulation systems manufacturer purchases a non-CE marked base slab and combines it with other components which are CE marked to form a complete insulating system. The manufacturer then applies CE marking under their European Technical Assessment.

Here the company has purchased products from a manufacturer who has not CE marked them. The significant factor here is that the manufacturer may not have a written factory production control (FPC) system, which is a compulsory requirement for all manufacturers who want to CE mark products, irrespective of the system of Assessment and Verification of Constancy of Performance being used.

As the company wishes to apply the CE marking under their own trade name and/or their own product name and will be using its own name and address on the CE mark, they will be classed as placing the product on the market and therefore, are categorised as being a manufacturer. In this situation, the company should contract with the original manufacturer to ensure that the product meets the declared characteristics and that the product is produced under a FPC system with surveillance that is in conformity with Annex ZA of the appropriate harmonised technical specification. This may well include a requirement to undertake sample testing to ensure conformity of the product as part of the company's own Quality Assurance system and product specific Quality Control plan in their warehouse. In addition, the company will need certification by a Notified Body for characteristics where the system of AVCP dictates.

Exemption to this rule:

In example, (a) above - hEN 14509 clearly states that the importer/eventual supplier shall take full responsibility for demonstrating conformity for the product and if the manufacturer has no factory production control system in place, then the importer/supplier has to operate a Quality Assurance system which is equivalent to the manufacturers FPC system and incorporates their own Quality Control plan for the product.

**3) A company purchases complete products from a manufacturer that are labelled with the purchasing company's own trade name and product information and are CE marked with the purchasing companies own details.**

Examples: - (a) Pre-packed multi-packs.

(b) Insulation companies buying in product from other manufacturers which contains the purchasing companies own CE marking.

(c) Imported door hardware carrying the UK purchasing companies own CE marking and details ("badge engineered").

Under this situation the original manufacturer is acting as a sub-contractor and produces products directly for the purchasing company under contract. This contract will ensure that the products meet the declared characteristics, are produced under a FPC system with surveillance that is in conformity with the Annex ZA of the harmonised European standard and gives authorisation to the purchasing company to use the original manufacturer's test results.

Under the CPR, the purchasing company is taking on the role of the manufacturer and part of this responsibility may require them to carry out sample testing to ensure conformity of the product as part of their own Quality Assurance system plus a product specific Quality Control plan within their warehouse.

The original manufacturer will require permission from the Notified Body to cascade their test reports for use by the purchasing company.

The original manufacturer labels these products with the purchasing company's name and product details and applies the CE mark containing the purchasing company's details as outlined in the contract between the two companies.

- 4) **A company buys in products that are already CE marked with the original manufacturer's details with a view to using them as components of a final product which will be labelled with that company's own trade name and product details and will CE mark the final product with their own name and address.**

Examples: - (a) Precast concrete stairs, beams or blocks.

(b) Emergency exit devices for use on fire doors.

(c) A company buys in unglazed window frames and glazing from separate suppliers and produces finished window assemblies for placing on the market.

(d) Company A purchases a series of components which are individually CE marked to make up kits for small industrial or farm buildings. The kits are then placed on the market with a new CE mark applied by the company selling the kit building.

(e) Plasterboard bearing the CE mark of the manufacturer, Company A, is bought in by Company B and is bonded to an insulation product before being CE marked by Company B and then placed on the market.

The purchasing company buys in CE marked component, puts them through a manufacturing process and eventually places the new product on the market under their own trade name etc.

The role of the purchasing company in this case is already that of a manufacturer and needs, therefore, to take on the legal responsibility for CE marking the system as a new product in its own right i.e. determination of product type, factory production control, involvement with a Notified Body where the system of Assessment and Verification of Constancy of Performance dictates.

**5) A company buys in products that are already CE marked with the original manufacturer's details. They then modify the products before relabeling them to include their own CE mark and own details.**

Examples: - (a) Addition of fire retardants or preservative treatments to wood-based panels.

(b) Tongue & groove profiling of wood-based panels for flooring.

(c) A manufacturer produces clear float glass to hEN 572-9 and applies the CE mark. His customer then toughens the glass therefore altering the original manufacturer's declared performance values and so must apply their own CE marking.

(d) Plasterboard bearing the CE mark of the manufacturer, Company A, is bought in by Company B and is bonded to an insulation product before being CE marked by Company B and then placed on the market.

Here the company has clearly changed some or all of the original performance characteristics and must, therefore, now be designated a manufacturer and take on the full responsibilities of a manufacturer i.e. all required testing, sampling etc. The company is now responsible for all the tests but has to only test for the changed characteristic.

To accomplish this, the company should have a contract with the original manufacturer that ensures the product meets the declared characteristics (other than those that are modified), the product is produced under a FPC system with surveillance that is in conformity with Annex ZA of the hEN and gives authorisation to the company to use the original manufacturers' test results.

The company modifying the products may also have to undertake sample testing to ensure conformity of the product as part of their own Quality Assurance system and product specific Quality Control plan in their warehouse or distribution centre.

In addition, the company will need certification by a notified body for characteristics where the system of AVCP dictates. Also, the original manufacturer will need the permission from the notified body to cascade their reports for use by others.

**6) A company buys in products that are not CE marked and modifies them before labelling them with that company's own details and are CE marked accordingly.**

Examples: - (a) Plastics for producing prefabricated roof lights.

(b) Flexible facing material for use in the production of flexible faced insulation products.

In this situation the company must CE mark according to the harmonised standard for that product as if they were the original manufacturer.