

Construction Products Regulation Understanding of Specific Technical Documentation (STD)

1) Executive summary:

The Construction Products Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 (CPR) contains simplified procedures to provide a Declaration of Performance. There are different possibilities for micro-enterprises (Art. 37), and for SMEs or Enterprises of all sizes (Art. 36 and 38). This paper is the clarification of questions of interpretation, especially the "Specific Technical Documentation" (STD) described in Article 38 of the CPR.

Note: The definition of "micro-enterprises" (Article 37) is

< 10 people employed and annual turnover resp. annual balance sheet < 2 Mio. EUR according official journal of the European Union L 124/36 of 20.5.2003)

2) Key excerpts from the Construction Products Regulation

The Construction Products Regulation states in the recitals that explain the actual text of the CPR:

(27) It is necessary to provide for simplified procedures for the drawing up of declarations of performance in order to alleviate the financial burden of enterprises, in particular small and medium-sized enterprises (SMEs).

In sections 36 to 39 this is further explained. It is concretized in

(38) To further decrease the cost to micro-enterprises of placing construction products, which they have manufactured, on the market, it is necessary to provide for simplified procedures for the assessment of performance when the products in question do not imply significant safety concerns while complying with the applicable requirements, whatever the origin of those requirements. Enterprises applying those simplified procedures should, in addition, demonstrate that they qualify as micro-enterprises. Moreover, they should follow the applicable procedures for verification of constancy of performance provided for in the harmonised technical specifications for their products.

The CPR in its Article 2 (15) gives as a definition:

"Specific Technical Documentation" means documentation demonstrating that methods within the applicable system for assessment and verification of constancy of performance have been replaced by other methods, provided that the results obtained by those other methods are equivalent to the results obtained by the test methods of the corresponding harmonised standard;

The different options for simplified procedures are stated in chapter VI, Simplified Procedures, under

Article 36 Use of Appropriate Technical Documentation

1. In determining the product-type, a manufacturer may replace type-testing or type-calculation by a Appropriate Technical Documentation demonstrating that:

- (a) for one or several essential characteristics of the construction product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out in the relevant harmonised technical specification or a Commission decision;
- (b) the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised standard. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. The manufacturer may use the test results obtained by another manufacturer only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results; or
- (c) the construction product, covered by a harmonised technical specification, which the manufacturer places on the market is a system made of components, which the manufacturer assembles duly following precise instructions given by the provider of such a system or of a component thereof, who has already tested that

system or that component for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the component provided to him. The manufacturer may use the test results obtained by another manufacturer or system provider only after having obtained an authorisation of that manufacturer or system provider, who remains responsible for the accuracy, reliability and stability of those test results.

2. If the construction product referred to in paragraph 1 belongs to a family of construction products for which the applicable system for assessment and verification of constancy of performance is system 1+ or 1, as set out in Annex V, the Appropriate Technical Documentation referred to in paragraph 1 shall be verified by a notified product certification body as referred to in Annex V.

Article 37

Use of simplified procedures by micro-enterprises

Micro-enterprises manufacturing construction products covered by a harmonised standard may replace the determination of the product-type on the basis of type-testing for the applicable systems 3 and 4 as set out in Annex V by using methods differing from those contained in the applicable harmonised standard. Those manufacturers may also treat construction products to which system 3 applies in accordance with provisions for system 4. When a manufacturer uses these simplified procedures, the manufacturer shall demonstrate compliance of the construction product with the applicable requirements by means of a Specific Technical Documentation and shall demonstrate the equivalence of the procedures used to the procedures laid down in the harmonised standards.

Article 38

Other simplified procedures

1. In relation to construction products covered by a harmonised standard and which are individually manufactured or custom-made in a non-series process in response to a specific order, and which are installed in a single identified construction work, the performance assessment part of the applicable system, as set out in Annex V, may be replaced by the manufacturer by Specific Technical Documentation demonstrating compliance of that product with the applicable requirements and equivalence of the procedures used to the procedures laid down in the harmonised standards.

2. If the construction product referred to in paragraph 1 belongs to a family of construction products for which the applicable system for assessment and verification of constancy of performance is system 1+ or 1, as set out in Annex V, the Specific Technical Documentation shall be verified by a notified product certification body as referred to in Annex V.

3) Analysis of the rules to procedures according previous Construction Products Directive 89/106/EEC

3.1) Article 36 in the Construction Products Regulation describes the three procedures that have already been valid before CPR in its predecessor, the Construction Products Directive (CPD) and explained in the former Guidance Paper M for the CPD:

In paragraph a) „CWFT“ resp. „Commission decision“

In paragraph b) „shared“

In paragraph c) „cascaded“

3.2) Article 38 also allows manufacturers not covered under the micro-enterprise regulation the use of STDs for custom-made resp. non-series products, which are regulated by a harmonised standard. For security-related products (conformity system 1 and 1+) the STD is to be verified by a notified product certification body.



4) On the question of possible interpretations of Article 37

Article 37 permits micro-enterprises¹⁾ not only the change of the AVCP system from system 3 to system 4, but also that the type testing for the determination of the product-type may differ from the procedures provided in the applicable harmonized standard. In each case a factory production control is required. Requirements of the then required „specific technical documentation“ are not sufficiently clear and leave significant scope for interpretation. **From the perspective of the fenestration industry STDs must only be based on generally accepted documents, accompanied by comprehensible test reports.**

4.1) Scenarios for valid STDs

Scenario:	A „Cascading“ with differences	B „Cascading“ with differences and own testing	C verifiable sources	D non-verifiable sources	
Description:	Manufacturer (ME) uses the system and test report of a system provider with his approval, but also uses components not covered by the system provider with his approval but without having the test report for it	Manufacturer (ME) uses the system and test report of a system provider with his approval, but also uses components not covered by the system provider with his approval and test report for it	Manufacturer (ME) produces according to own documents on the basis of national standards or generally accepted guidelines (based on standards)	a) without test report Manufacturer (ME) produces according to documents (e.g. press information without underlying test reports) and declares without test reports	b) with test report Manufacturer (ME) produces according to documents (e.g. press information without underlying test reports) and declares according to test reports
Contents in STD	Test report with contract and description of the differences with assessment by the manufacturer	Test report with contract and description of the differences with test certificates	Indication of the sources, evidence that these were generated by tests complying with the standards	Sources, own system description, own assessments	Sources, own system description, test reports
Evaluation: STD provides equivalent result (Art. 2 (15))	No	Yes	Yes	No	Yes
Proves the STD an equivalence of the results?	No ²⁾ as assessments of the differences from the manufacturer itself cannot be evaluated	Yes Differences are being evaluated by test reports	Yes as long as sources are available and verified and used material identical with the test specimen	No own assessments cannot be evaluated without test reports	Yes differences can be evaluated by test reports
Possible review of the characteristics	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard

¹⁾ **ME:** Micro-enterprises; definition: < 10 people employed and annual turnover resp. annual balance sheet < 2 Mio. EUR according official journal of the European Union L 124/36 of 20.5.2003

²⁾ Unless the differences do not require testing again according to Table A of EN 14351-1



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