



## **Frequently Asked Questions on Delegated Regulation (EU) No 574/2014 of 21 February 2014 amending Annex III to Regulation (EU) No 305/2011 on the model to be used for drawing up a declaration of performance on construction products**

### **1. *Is it necessary and legitimate to amend Annex III to the CPR pursuant to Article 60(e) of the Construction Products Regulation (EU) No 305/2011(the CPR)?***

The Commission proposes to adapt Annex III to the CPR in order to fulfil three main objectives:

- a) to allow the flexibility which is necessary for the different families of construction products and manufacturers, also in view of responding to technical progress;
- b) to simplify the declaration of performance; and
- c) to provide instructions to manufacturers in order to help them when drawing up the declaration of performance.

The aspects mentioned under (a) concern technical adaptations to Annex III to the CPR which are considered essential and urgent to address by stakeholders.

The reference to "technical progress" included in Article 60 of the CPR is a generic expression used in EU legislation to refer to amendments of elements included in technical annexes. For this reason, it should not be understood as precluding the amendments proposed by the Commission in Annex III which aim at simplifying the Annex or the information to be provided by manufacturer and at giving instructions on the correct way to draw up the DoPs.

### **2. *When is it necessary to attach the technical documentation to the DoP?***

Point 7 of the proposed instructions for drawing up the DoP responds to the need to ensure that the performance is declared in a clear and explicit manner. In this context, it is allowed that the performance of structural behaviour of a construction product may be expressed in different ways, including by referring to the respective production documentation or structural design calculations. Only in case the manufacturer expresses the performance of structural products by referring to production documentation or structural design calculations, the

relevant documents should be attached to the declaration of performance so as to ensure that all the necessary information on the product performance is provided.

The reference to "relevant documents" in the Delegated Regulation (last sentence of point 7) and above shall not be understood as requiring the full documentation or calculations to be attached to the DoP. Only those sections of such documentation, or calculations, or drawings which are relevant for expressing or calculating the performance of the product would be needed.

This obligation to attach the relevant documents needs to be understood as applicable to the original DoP, as the delegated act at hand, and Annex III more in general too, do not deal with the supply of the DoP, but instead only envisage how to draw it up.

In the context of the supply of the copy of the DoP, in cases where no other economic actors are involved than the manufacturer and the final user of the product who commissioned the product, it is acceptable that these attached documents do not follow the DoP copy in case the final user already has the information necessary to identify the performance of the product (in fact, the same documentation). This is the case for made-to-measure construction products for structural intended use.

In case other economic operators are comprised (as importers or distributors) in the supply chain, the CPR obliges them to ensure that the documents prescribed by the CPR accompany the product or are made available for market surveillance purposes, including product documentation or structural design calculations referred to in the DoP. These obligations imposed by the CPR cannot be derogated by amending Annex III to the CPR.

In case a copy of the DoP is made available on a website, the abovementioned relevant documents which form part of the original DoP should also be available as part of the copy of the DoP, as technological progress allows it, under the conditions mentioned in the two different cases mentioned above.

**3. *What is the meaning of the terms "production documentation" and "structural design calculations" used in the explanatory memorandum and in point 7 of the proposed instructions for drawing up the DoP?***

In the case of made-to-measure structural construction products (e.g. a prefabricated reinforced concrete beam) and in order to declare the performance of the product, the manufacturer refers to certain documents (or relevant parts of these documents) which he has received from the client or he has prepared in order to manufacture the specific made-to-measure construction product. These referred documents are either production documentation received from the client or structural design calculations of the structural construction product prepared by the manufacturer.

The term “production documentation” is referred to in the DoP when such a business model is used where the manufacturer takes the responsibility only to manufacture the structural construction product based on production documents received from the client.

The term “structural design calculations” is referred to in the DoP when such a business model is used where the manufacturer or his designer prepares structural design calculation documents on the basis of data (e.g. drawings, including specific geometric details, loads, safety factors, etc.) provided by the client. In this case the manufacturer takes the responsibility to calculate the structural construction product.

Production documentation is also referring to the case where the manufacturer of not made-to-measure structural products declares the performance of the product by referring to geometric details of the product and to the performance of the materials used.

The term "production documentation" is preferred in point 7 of the Regulation than the term "product documentation", because the second term is wider and includes documents which are not relevant for expressing the performance (e.g. instructions for the use of the product, specific measures for the transport and storage, examples of how the product can be used, references to specific projects where the product has been used, etc.).

**4. *Is it necessary to identify NBs and to list all certificates, tests, calculation or assessments in the DoP?***

The current Annex III requires including much information under its points 7 and 8. Based on comments received during the consultation phase, the Commission proposes to delete the obligation to list all certificates, test, calculation or assessment reports issued for a construction product. This is proposed because it was generally considered that listing all this information may add significant complexity to the declaration of performance and administrative burden, while it would not bring about real added value for the users of the products and for market surveillance authorities as far as the references of NBs were retained.

On the contrary, the Commission has retained the obligation set in the CPR to include in the DoP the identification number of the notified bodies involved in the AVCP of a construction product, given the limited evidence of disproportionate burden in this context and the importance of such references for the purposes of market surveillance.