



## **Fire Industry Association**

Thames House, 29 Thames Street  
Kingston upon Thames, Surrey, KT1 1PH  
Phone: +44 (0) 20 8549 5855  
Website: [www.fia.uk.com](http://www.fia.uk.com)

# CONSTRUCTION PRODUCTS DIRECTIVE

## **BACKGROUND**

The Construction Products Directive (CPD) is one of a series of so called New Approach Directives that have been developed by the European Commission and agreed by the European Parliament. Their objective is to promote the free movement of goods throughout the European Union (EU). As its name implies, the CPD relates to the free movement of Construction Products. These include components associated with Safety in Case of Fire. The components of fire detection and alarm systems and fixed fire suppression systems are included within the scope of the Directive but products that are not fixed, such as portable fire extinguishers, are not included.

The CPD specifies the means by which components covered by the Directive are assessed to ensure they meet the desired standard and also specifies how CE Marking should be applied to signify compliance.

The CPD does not cover the application of the components. The application will continue to be addressed by National Building Regulations which take account of the local requirements such as the temperature range over which the components must operate. The implication of this is that while CE marking will permit free movement, it does not guarantee the sale of the components throughout the EU as national Building Regulations may exclude their application

## **PRODUCT CONFORMITY**

The normal means by which components are assessed to check their CPD compliance is by their "attestation" against the requirements of harmonised European Norms (hENs). The hENs have either been drafted specifically to meet the needs of the CPD or are based upon existing European Norms with appropriate amendments and additions. Examples of hENs include EN54-7:2002 for smoke detectors and EN12094-7:2000 for CO<sub>2</sub> extinguishing system nozzles.

### **Note:**

There is theoretically another route for the demonstration of compliance of components where there is no applicable hEN. This uses the European Technical Approval (ETA) procedure however this has not been implemented for fire detection or fire suppression system components.

**Fact File No 0009**

In some cases the hENs include requirements that are over and above those required by the CPD and therefore each hEN includes an Annex Z that specifies which clauses are to be used during the attestation process.

There are four “Systems” of attestation and the one that is relevant to a particular component is specified in the Annex Z of the hEN. These range from System 4, a manufacturer’s self declaration of compliance, through to System 1+ which involves component testing and subsequent sample testing and ongoing factory production control assessment by a Notified Body. Fire detection and fire suppression systems are subjected to System 1 which is similar to Systems 1+ but without the subsequent sample testing. A Notified Body is an organisation that has been recognised by its national government and notified to the European Commission as able to undertake attestation work on specific types of products. BRE and VdS are two examples of Notified Bodies with fire detection and fire suppression components within their scope.

Having successfully undertaken the attestation process, the Notified Body authorises the manufacturer (or an importer) to affix the CE Marking to a component.

A component cannot undergo the formal attestation process until such time as the relevant hEN is published. This is defined as the “Date of Availability” (DAV) and the EC then allocate a time period for attestation after which all components covered by the hEN need to include CE marking. This end date is termed the “Date of Withdrawal” (DOW) and refers to other, e.g. national, standards covering the same component that have to be withdrawn by that date. The intervening period is often referred to as the transition period and is split into two parts; the first is from the DAV to the date of applicability which is when the hEN is announced in the Official Journal of the EC. From then to the DOW is termed the period of coexistence during which manufacturers can voluntarily fix CE Marking to components that have successfully undergone attestation.

The default transition period is 21 months which is made up of 9 months from DAV until the date of applicability and then a 12 months period of coexistence. Due to some concerns relating to fire protection component volumes and attestation resources, the default period has been extended for fire detection and suppression components. The EC are, however, monitoring progress with attestation and may reduce the period if it is found to be over-generous.

## **UK’S IMPLEMENTATION OF THE CPD**

While the UK government is recommending attestation and subsequent CE Marking of construction products, it is not a mandatory requirement for placing the components on the market within the UK. This is contrary to the EC’s interpretation of the CPD and only two other countries within the EU are adopting a similar position. These are Southern Ireland and Sweden. Portugal and Finland were also taking a similar view but have recently announced that they require CE Marking supported by attestation.

The Department of Transport, Local Government and Regions (DTLR), now known as the Office of the Deputy Prime Minister (ODPM), has produced a booklet, entitled “The Building Regulations 2000 – Materials and Workmanship – Approved Document to support regulation 7”. In addition to CE Marking, this lists other options for demonstrating the fitness of materials, these are:

- British Standards
- Other national and international technical specifications
- Technical approvals
- Independent certification schemes
- Tests and calculations
- Past experience
- Sampling

BFPSA finds it very difficult to understand how the majority of these can be relevant to the components of fire detection and fire suppression systems. It also finds it difficult to understand why the DTLR / ODPM can believe that this document is consistent with the UK being a signatory of the CPD. It may be that the UK’s present position is, at some future date, successfully challenged by the EC and those

manufacturers without components bearing CE Marking could find themselves being excluded from the UK market place until attestation has been completed. Notified Body resources for attestation work may, under these circumstances, also be somewhat limited due to the number of additional components requiring attestation.

## **OPTIONS FOR THE UK MANUFACTURER (OR IMPORTER) OF FIRE DETECTION AND FIRE SUPPRESSION COMPONENTS**

If a component is to be placed on the market throughout Europe, CE Marking is the only option as it will be a mandatory requirement in most EU Member States. This will require the component to undergo attestation to System 1 involving submission to a Notified Body with the appropriate Scope. Attestation will also include assessment of the factory production control system for the component.

If a component is to be placed on the market only in the UK and / or, Ireland\*\* and / or Sweden\*\* then, according to the DTLR / ODPM who are the relevant government department, it is not a mandatory requirement for products to be CE marked or to be subjected to attestation. **They do, however, recommend that components include CE Marking and therefore undergo the attestation process.**

*Note \*\*: This was true at the time of writing this Fact File in October 2002.*

## **CONCLUSIONS**

- The CPD is now beginning to take effect
- Harmonised European Norms for fire protection products are now being published and Notified Bodies are undertaking attestation
- The first fire suppression components with CE Marking signifying compliance with the CPD can be expected to be placed on the market in the near future
- In the UK, CE Marking is the recommended means of signifying compliance.
- CE Marking is the only method of signifying compliance in most EU Member States.
- The UK Government are interpreting the CE Marking and attestation requirements of the CPD in a different way to the majority of EU member states and to the European Commission. If, or when, the difference of interpretation has been resolved, there may be commercial disadvantages for those companies who have not subjected their components to the attestation process.

## **BFPSA'S RECOMMENDATIONS**

- Manufacturers should undertake attestation and CE Marking irrespective of whether they are selling product only in the UK
- Manufacturers should make sure that they are aware of the progress with the development of hENs and submit their products for attestation as soon as the finalised requirements are known
- Relevant documents should be obtained and websites monitored for news of matters relating to the CPD's introduction
- For those who are members of BFPSA, full use should be made of the information available on the BFPSA website and that is sent to members via the "Technical Update" e-mail service.

## **FURTHER SOURCES OF INFORMATION**

- For general information on the CPD from the ODPM (was DTLR):  
<http://www.odpm.gov.uk> then click on Subject Index, then Construction Legislation, then CE Marking under the CPD
- For Approved Documents supporting the Building Regulations 2000:  
<http://www.odpm.gov.uk> then click on Subject Index then Construction Legislation, then Building Regulations 2000, then Approved Documents
- For the Construction Products Regulations – Statutory Instrument 1991 No 1620 and the Construction Products (Amendment) Regulations – Statutory Instrument 1994 No 3051. These are available from the Stationery Office Website :

<http://www.hmso.gov.uk> then click on Legislation, then United Kingdom, then Statutory Instruments then the relevant year and SI number

- For the Construction Products Directive and associated information  
The DG Enterprise Website of the European Commission:  
<http://europa.eu.int/comm/enterprise/construction/index.htm>
- For a full list of Harmonised and Candidate Harmonised Norms together with information of their progress towards harmonisation:  
[www.cenorm.be/sectors/construction.htm](http://www.cenorm.be/sectors/construction.htm)
- For the list of harmonised European Norms published in the Official Journal of the EC:  
<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist/construc.html>
- For information relating to fire detection and fire suppression component attestation within the UK, the BRE website provides useful guidance:  
[www.brecertification.co.uk](http://www.brecertification.co.uk) then click on EU Directives, then Construction Products
- For the purchase of standards relating to the CPD the following BSI website may be found useful however a number of its facilities are for subscription only users:  
[www.cpd-tracker.com](http://www.cpd-tracker.com)

**October 2002**

#### **DISCLAIMER**

The information set out in this document is believed to be correct in the light of information currently available but it is not guaranteed and neither the Fire Industry Association nor its officers can accept any responsibility in respect of the contents or any events arising from use of the information contained within this document.