

INDUSTRY ADVOCATE



Dr Geoff Edgell of Ceram calls for clarity from Europe on whether 'bespoke' products are exempt from CE marking, as the July deadline looms.

The response of the industry to CE marking has been mixed, almost universal though, is criticism of the Construction Products Regulation (CPR) for its lack of clarity.

This much is clear: after 1 July it will be mandatory for manufacturers to apply CE marking to any of their construction products covered by a harmonised European standard (hEN) or product-specific European Technical Assessment (ETA). There are still significant uncertainties for suppliers, however. There are many different standards with a variety of scopes, and finding out which standard applies to a product and which level of assessment and verification is applicable, and hence whether a product needs to be independently tested, is a challenge.

Given past experience, expecting simple rules is a pipe dream. I would, however, urge the EU to clarify the position in several key areas. The CPR acknowledges that there should be some relief for producers of 'bespoke' products, but there seems to be little or no helpful guidance as to definitions. Products constructed 'onsite,' and 'heritage' type products, do not need to be CE marked. A refurbishment of a listed building, for example, could use a non CE-marked product as long as that product was "manufactured in a traditional manner or in a manner appropriate for heritage conservation and following a non-industrial process."

However, although there is a gesture towards "non-series" production, in other words one-off items made for specific jobs, this does not cover the usual situation for manufacturers of ancillary components.

The derogation covers the case where "the construction product is individually manufactured or custom made in a non-series process, in response to a specific order and installed in a single identified construction work, by a manufacturer who is responsible for the safe incorporation of the product into the construction works, in compliance with the applicable national rules."

These manufacturers are not in the "supply and fix" business. Some trade guidance I have seen that suggests non-series production is exempt, but this looks like a very liberal

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interpretation of the CPR. I think it would be a hard-hearted Trading Standards Officer who pursued a manufacturer that had all of its standard range properly CE marked because of a 'special', but the market might well see more literal interpretations of the CPR by major purchasers.

And what happens when manufacturers know a standard will change, necessitating new testing requirements shortly after 1 July? Do they CE mark to the existing standard and associated test methods when they know, after a period of coexistence, that another extensive range of testing is required? Do they CE mark to the new standard before it is properly in place and stay in some sort of compliance limbo for a period after 1 July? Or do they pay lip service to the current CE mark

with less than complete supporting data, and gear up for the new standard?

I don't believe the introduction of Product Contact Points will help a great deal. Experience in other parts of the industry shows they operate in what seems like a vacuum and are not well equipped to address problems at this level of detail.

There are of course cases that have remained unresolved under the Construction Product Directive (CPD), such as products which cannot be tested to the requirements of the relevant harmonised standard because of their shape. In many ways the solution under the CPR, although administratively simple, makes matters worse for manufacturers, as they are pointed towards obtaining a European Technical Assessment, the successor to the European Technical Approval. So products that are within scope but which are unable to be assessed using the standard will be treated as being outside the harmonised system.

The route open to manufacturers in this case is long-winded and expensive. To my mind, this is a failure of the standardisation process: I accept it is difficult to produce standards to cover products made throughout Europe, but the failure to produce standards that cover all products within the scope must be addressed.

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