European Technical Assessments and European Assessment Documents in the framework of Regulation (EU) n°305/2011

(ETAs and EADs in the framework of CPR)

Version with references

In accordance with Regulation (EU) No 305/2011 (Construction Products Regulation - CPR), a manufacturer is responsible to provide a declaration of performance (DoP) for a construction product covered by a European Technical Assessment (ETA) which is issued for it, when such a product is placed on the market[1]. The CE marking shall be affixed on this product indicating that the manufacturer is taking responsibility for the conformity of this product with the declared performance[2].

A European Technical Assessment (ETA) is issued on the basis of a European Assessment Document (EAD)[3] which describes the type of product(s) it applies to, the list of essential characteristics in relation to the intended use foreseen by the manufacturer, the methods and criteria for assessing the performance in relation to the essential characteristics, and the principles for the applicable factory production control[4].

The ETA's focusses on the claims of the manufacturer, i.e. the essential characteristics the manufacturer wants to declare in relation to the intended use(s) he foresees[5].

As a consequence of the CPR, its Commission delegated regulations (delegated acts) and further European Commission Services' interpretation:

1) Some essential characteristics that are relevant in a specific type of construction works and/or in certain Member States may not be identified and the associated performances not declared (e.g. a national regulatory requirement not expected in relation to its type or location under the manufacturer's foreseen intended use), or/and a declared performance may not fit a specific construction work requirement.
   Therefore, CE marking based on an ETA supports the placing on those markets the manufacturer is intending to service with its construction product. But, due to (potential) lack of consideration of essential characteristics relevant for certain Member States, it does not necessarily serve the free circulation amongst EU 28 countries[6].

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[1] See CPR, Articles 11, 4 and 6 mainly.
[2] See CPR, Articles 11, 8 and 9 mainly.
[3] ETAGs, guidelines for European technical approval, published before 1 July 2013 in accordance with Article 11 of Directive 89/106/EEC may be used as EADs.
[4] See CPR, Articles 26(1), and 24(1) and 24(2).
[5] See CPR, Article 26(2).
[6] See CPR, Article 2(14) " 'intended use' means the intended use of the construction product as defined in the applicable harmonized technical specification", Article 24(1) "A EAD shall contain, at least, … the list of essential characteristics, relevant for the intended use of the product as foreseen by the manufacturer and agreed between the manufacturer and the organization of TABs, …" and Article 26(2) "… of those essential characteristics agreed by the manufacturer and the TAB receiving the request for the ETA for the declared intended use, …".

2) The decision on a product-type, i.e. to which product the ETA applies and the content of the declaration of performance that may be drawn up, lies with the manufacturer; the ETA is focusing on the essential characteristics which the manufacturer wants to declare a performance for and, in general, no detailed identification of the assessed product is expected[7].
   Any modification in the product may not be identified or/and traced back to the DoP, referring to the ETA and EAD, when the performances related to the declared essential characteristics are not changed. However such modifications may affect other characteristics that could influence, to a significant extent, the behavior of the product during the construction phase or once installed or incorporated in the construction work.

3) The manufacturer is responsible for defining the intended use of his product which is reflected in the ETA. The EAD cannot specify assumptions on the use of the product or on conditions related to its assessment or performance, which will form a requirement, a constraint, on any other similar product to which the EAD may apply. To draw up technical information, of importance for the construction work performance or behavior, related to design and installation, life phase between manufacture and incorporation (e.g. packaging, transport, storage …)[8] or working life (e.g. use, maintenance, replacement or repair) is the responsibility of the manufacturer[9].

4) Assumption on the working life of a construction product in relation to an expected durability, related to its' assessment or performance, is also being considered as creating a requirement, a constraint, on any other similar product to which the EAD may apply. Therefore, at the request of another manufacturer the related assessment methods and criteria, in another EAD may lead to deviations in the "assumed working life".
   Normally products should be assessed for the aging scenario based on cycles, time to …, etc[10].
   It is up to the user to make a decision, based on the manufacturer's declaration on durability: cycles, time to …, referring to the assessment method given in the EAD, which performance is fitting the expected construction work life.

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[7] EC services letter, dated 30 July 2014, point 4 "The responsibility of the TAB is to assess the performance of the product before it is placed on the market. … (except very specific few cases where the product is a chemical mixture and therefore the identification of the substances in the mixture may be necessary) no product identification testing is required for the assessment of the product.".

[8] EC services letter, dated 30 July 2014, point 1 "EOTA is expected to **assess the product before it is placed on the market**. … the role of the TAB is not to guarantee that the performance of the product remains constant, i.e. that the packaging, transport and storage are carried out appropriately. It is the responsibility of the manufacturer to undertake the appropriate packaging, as well as to issue instructions on the transport and storage of his product, if this can be deemed necessary. For these reasons the EADs are not to contain any provisions on product packaging, transport, storage, maintenance, replacement and repair. …"
See EC services FAQ n°14.

[9] EC services letter, dated 30 July 2014, point 1 (see note 9 above)
See EC services FAQ n°14.

[10] EC services letter, dated 30 July 2014, point 2 "The EAD shall foresee an assessment of the durability of the product which will provide reliable indication of the durability of all products which will be assessed using the same EAD. Therefore the durability assessment method cannot change according to which durability the manufacturer intends to declare."

EOTA members (TAB) have had to develop and adopt an EAD following strict rules resulting from the implementation of the CPR, despite their overall competence and technical knowledge on all related aspects for products and their use and behavior in works[11]. The TABs need to disregard some further requests of construction stakeholders on the sustainable competitiveness of the construction sector when issuing the ETA based on the EAD[12].

Based on this information, any and all users remain liable to check and make an appropriate choice that the products made available on their market with harmonized essential characteristics are fitting the whole set of conditions and requirements for the construction work[13].

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[11] See CPR, Articles 29(3), 29(4) and 30(1), and Annex IV, Table 2.
[12] In addition to the already referred issues, EC services letter, dated 30 July 2014, point 5 "Neither the EAD nor the ETA is expected to cover other product features than essential characteristics as foreseen in the CPR. Additional aspects of the product … are not to be addressed in the EAD or in the ETA."
[13] See CPR, Whereas (1), (2), (3) and (4), and Article 8(5).