

NAVIGATING THE CONSTRUCTION PRODUCTS REGULATION

A GUIDE FOR MANUFACTURERS



DISCLAIMER

This guide is provided for informational purposes only and is intended to assist all parties involved in the manufacturing, use, marketing, or distribution of construction products in understanding their obligations under the Construction Products Regulation (Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 on harmonised rules for the marketing of construction products).

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INTRODUCTION

The primary goal of this Guide is to foster a common understanding about how to work with the new EU Construction Products Regulation 2024 (CPR-2024). It serves as a navigational aid for manufacturers of construction products as they embark on the journey of understanding and implementing the requirements laid out in this new Regulation.

This Guide aims to facilitate a shared comprehension of the challenges inherent in the implementation of the EU Construction Products Regulation. It is not intended to provide legal advice and should not be construed as such. The information contained herein is subject to change and may not reflect the most current legal developments. In case of doubts, manufacturers and other stakeholders are advised to seek independent counsel and official sources offered by the European Commission to ensure full compliance with the Regulation and all applicable laws. Construction Products Europe do not accept any liability for any loss or damage arising from reliance on the information presented in this Guide.

Unless specified differently, references to Articles in the text of this Guide relate to the CPR-2024.

1.1 List of acronyms

AVCP	Assessment and Verification of Constancy of Performance (CPR-2011)	EAD	European Assessment Document
AVS	Assessment and Verification System (CPR-2024)	EOTA	European Organisation for Technical Assessment
BIM	Building Information Modelling	ESPR	Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC
BRCW	Basic Requirements for Construction Works	ETA	European Technical Assessment
CEN	European Committee for Standardization (Comité Européen de Normalisation, in French)	FPC	Factory Production Control
CPR-2011	Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products	GNB	Group of Notified Bodies
CPR-2024	Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011	GWP	Global Warming Potential
DoPC	Declaration of Performance and Conformity	hEN	Harmonised standard (under the CPR-2011)
DPP	Digital Product Passport	hTS	Harmonised Technical Specification
		OJEU	Official Journal of the European Union
		TAB	Technical Assessment Body

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THE NEW EU CONSTRUCTION PRODUCTS REGULATION

2.1 The objective of the Construction Products Regulation (CPR-2024)

The new EU Construction Products Regulation 2024 (CPR-2024) establishes the legal framework for the free movement of construction products within the European Union. By harmonising the conditions for assessing and declaring the product performances and conformity, the CPR-2024 aims at ensuring a consistent approach across all EU Member States. This uniform approach aims to improve the reliability and transparency of product information by requiring consistent communication of essential characteristics and requirements for a safer, more sustainable, and competitive construction sector within the European Union.

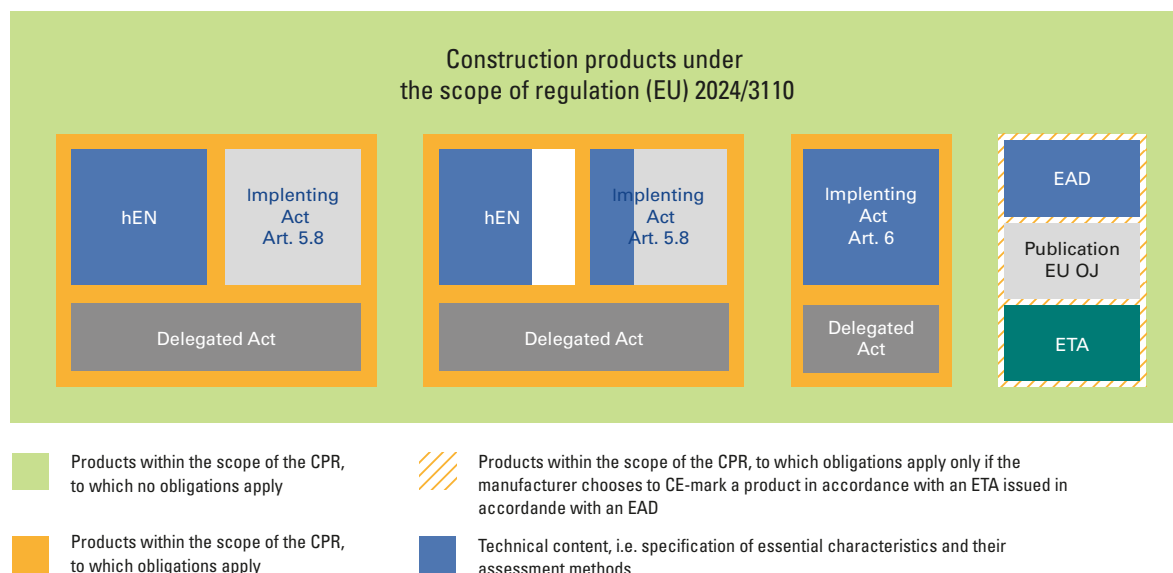
2.2 Key changes in CPR-2024

In order to align the construction sector with the European Commission's digital and sustainable transition, the new CPR-2024 sets several new requirements for construction products covered by hTS and ETAs issued under the new Regulation:

- The scope of the CPR-2024 remains largely unchanged when compared to that of the CPR-2011. Differently from the CPR-2011, **used and remanufactured products** are now explicitly included in the scope of the CPR-2024 (*Article 2(1)*).
- In contrast to the CPR-2011, the CPR-2024 distinguishes between the declared and intended use. In essence, the intended use is a broader category defining the general purpose of a product, while the declared use is a more specific description of how the manufacturer foresees the product to be used within that category.
[See Chapter 3.1.](#)
- The concept of “**harmonised zone**” has been introduced. The harmonised zone is formed by the CPR-2024 itself and the hTSs adopted in accordance with the Regulation. The harmonised zone shall ensure the free movement of construction products within the EU while maintaining a high level of safety and environmental protection.
[See Chapter 2.8.1.](#)

Figure 1

Cases of products falling within the scope of the CPR-2024 with obligations for economic operators.



- Product standards continue to play a central role for the circulation of CE marked construction products within the European single market. While under the CPR-2011 cited product standards and cited EADs were both considered harmonised technical specifications, under the CPR-2024 the term “**harmonised technical specifications**” refers to mandatory performance harmonised standards and/or Implementing Acts as well as Delegated Acts. Although EADs are no longer considered as harmonised technical specifications, products covered by European Assessment Documents (EADs), are also eligible for CE marking (*Article 37 (6)*).

[See Chapter 2.6.](#)

- The primary route for developing standards is through the existing standardisation system and its established rules. This system involves collaboration with European standardisation organisations (ESOs) in response to specific requests for the development of standards. However, under certain conditions, e.g. when standardisation requests are not accepted or the requested deliverables are incomplete or overly delayed, the European Commission is allowed to amend the deliverables or adopt essential characteristics, assessment methods and technical details on their own (*Article 6*) by means of Implementing Acts.

[See Chapter 2.6.](#)

- The CPR-2024 defines product requirements that may apply to construction products ([see Chapter 3.1](#)); the **conformity** of construction products with these applicable product requirements needs to be declared by manufacturers together with the product performance in a **single document called “Declaration of Performance & Conformity”** (*Article 13*). In the CPR-2024, there are three types of product requirements that can be related to the conformity of construction products:

- functionality requirements (*Annex III (1)*)
- inherent product safety requirements (*Annex III (2)*)
- inherent product environmental requirements (*Annex III (3)*)

➤ The declaration of the **environmental sustainability performance of products** (by means of declaring the environmental indicators according to EN 15804)¹ is new and introduced alongside the technical performance related to the basic requirements for construction works (*Article 15(2)*). The declaration of environmental sustainability performance may be mandatory for certain indicators and shall be third-party verified by a Notified Body according to AVS 3+, which is also new.

[See Chapter 3.3 and Chapter 10.](#)

➤ In comparison to the CPR-2011, the CPR-2024 specifies more in detail how general product information, instructions for use and safety information shall be provided (*Article 9*) for construction products. This includes:

- General product information (*Annex IV(1)*)
- Instructions for use and safety information (*Annex IV(2)*)

➤ The CPR-2024 is aligned with the Ecodesign for Sustainable Products Regulation (ESPR) regarding the Digital Product Passport (DPP) concept and introduces a **Construction Digital Product Passport (DPP) system** to enhance transparency and access to information about construction products. Under specific conditions information about a construction product shall be provided via a DPP ([see Chapter 10](#)). The DPP will contain the Declaration of Performance & Conformity (DoPC), as well as instructions for use and safety (*Article 76*), and other information. As of the writing of this Guide, the specifics of the Construction Digital Product Passport system are still under development; Delegated Acts by the European Commission will provide further details.

➤ When a construction product is typically chosen or purchased by consumers and its environmental performance over the life cycle is not significantly different or does not significantly depend on its installation, the European Commission can set specific **environmental labelling requirements** (*Article 22(9)*). The labelling shall be based on the product's performance assessed under *Articles 5(1)* or *6(1)* and provide consumer-friendly information for non-experts.

[See Chapter 3.2.8.](#)

➤ Under the CPR-2024, the Commission is empowered to set mandatory minimum **environmental sustainability requirements for the public procurement** of construction products (*Article 83*). In cases where such minimum environmental product requirements have been established, public authorities can set more ambitious requirements but cannot go below these minimums.

[See Chapter 2.9.3.](#)

➤ Current harmonised standards cited in the Official Journal of the European Commission under the framework of the CPR-2011 will remain applicable and valid until a harmonised technical specification, i.e. a revised performance harmonised standard covering the same product has been cited in the OJEU under the framework of the CPR-2024. All the currently applicable harmonised standards are supposed to be replaced by new harmonised technical specifications before the CPR-2011 is completely repealed (i.e. 15 years after the date of entry into force of the CPR-2024).

1. Only for products linked to heating systems, the declaration of the life-cycle environmental performance is based on EN 50693 instead of EN 15804.

2.3 Field of application of the CPR-2024

The CPR-2024 applies to construction products, including used and remanufactured products, key parts of products (*Article 3(20)*), and parts or materials intended to be used for products covered by this Regulation, if the manufacturer of those parts or materials so requests (*Article 2*).

When in doubt, a Member State can request clarification or the European Commission on its own can clarify if a specific item is a product within the meaning of the CPR-2024 (*Article 84*).

DEFINITION BOX

CONSTRUCTION PRODUCTS AND RELATED CONCEPTS

A **‘construction product’** is defined as any formed or formless physical item incorporated in a permanent (*Article 3(3)*) manner into construction works or parts thereof. 3D-printed products and kits placed on the market (including those supplied to the construction site) are also considered as construction products (*Article 3(1)*).

A **‘kit’** is defined as a product placed on the market by a single economic operator as a set of at least two separate items, intended to be incorporated together in construction works (*Article 3(17)*). None of the items need to be a product itself.

A **‘key part’** is an item which is used as a component or spare part for a product, and which has been specified by a harmonised technical specification as essential for the characterisation, safety or performance of a product (*Article 3(16)*).

A **‘remanufactured product’** is defined as a previously installed product which is not (or ceased to be) waste, and which has undergone a transformative process that is essential to the definition of the product’s performance (*Article 3(25)*).

Example: a window which, after dismantling, has its glass removed and replaced and/or its profiles strengthened or machined and then is placed on the market.

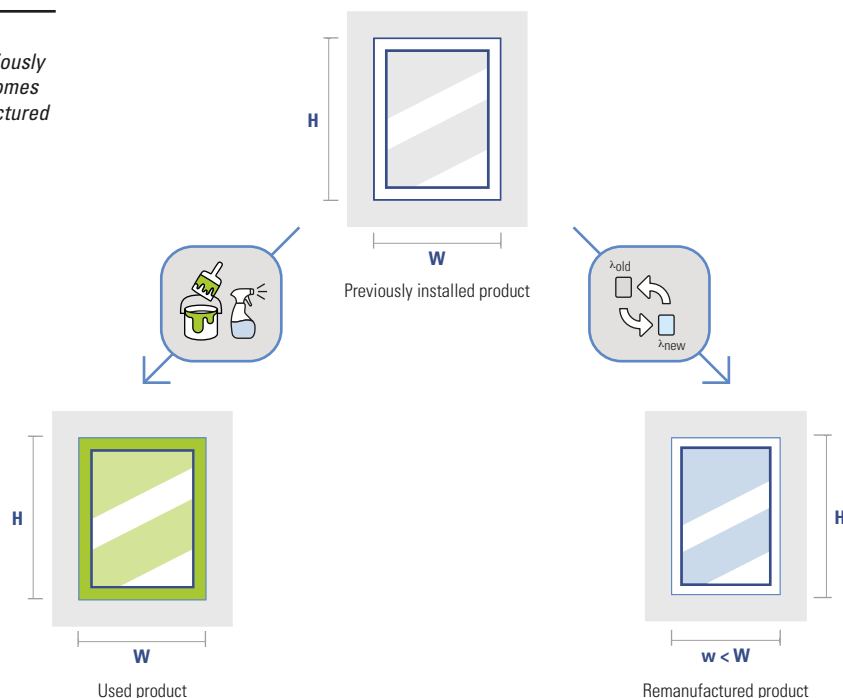
A **‘used product’** is defined as a previously installed product which is not (or ceased to be) waste, and which has not undergone a transformative process or has undergone a transformative process that is not essential to the definition of the product’s performance (*Article 3(20)*).

Example: a cladding product that is uninstalled from a building, cleaned and/or re-painted for solely aesthetic reasons and then is placed on the market.

A **‘construction work’** is defined as buildings and civil engineering work whether over or in the ground or water, including but not limited to roads, bridges, tunnels, pylons and other facilities for transport of electricity, communication cables, pipelines, aqueducts, dams, airports, ports, waterways, and installations which are the bases for the rails of railways (*Article 3(12)*).

Figure 2

Example when a previously installed product becomes a used or a remanufactured product



2.4 Products outside the scope of the CPR-2024 or not subject to the harmonising effect of this Regulation

The following list mentions the products which do not fall under the scope of the CPR-2024:

1. Lifts, escalators and their components (Directive 2014/33/EU of EP) (*Article 2(2a)*)
2. Construction products placed on the market in the outermost regions of the European Union (*Article 2(3)*) may be excluded from the application of the CPR-2024 by the relevant Member State.

The following list mentions the products that are exempted from drawing up the Declaration of Performance and Conformity:

1. Products which are not suitable for harmonisation, for instance due to their relation to cultural heritage (*Article 14(b)*)
2. Used products which are not included in a standardisation request or a harmonised Technical Specification (*Article 4(6)*) and not covered by an EAD
3. Products directly re-used in the same construction work (not considered as placed on the market)
4. Products which are manufactured on-site but not made available on the market.

DEFINITION BOX

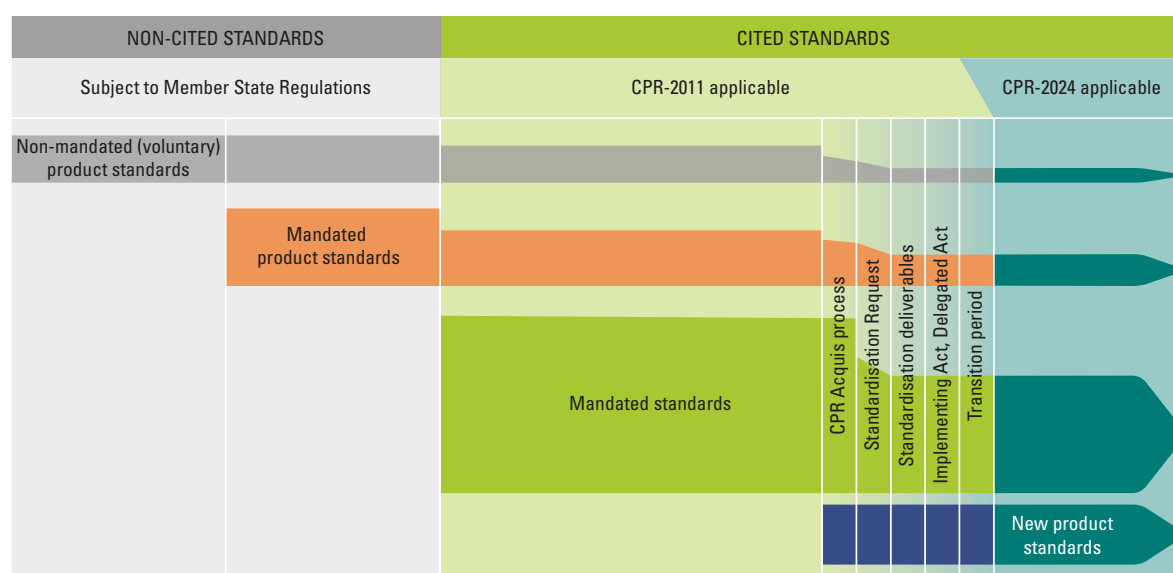
'Making available on the market' means any supply of a product for distribution or use on the European Union market in the course of a commercial activity, whether in return for payment or free of charge, regardless of whether in the framework of providing a service or not (*Article 3(4)*).

In terms of obligations, the following cases apply to products covered by standards:

- Voluntary standards, that have been developed without a Mandate from the EU Commission and not cited in the OJEU: construction products covered by such standards are not subject to any harmonising effects. Member States may or may not refer to these standards in their national legislation.
- Mandated standards, that have been developed but have not been cited in the OJEU: same situation as under the previous bullet point.
- Standards that have been developed based on a Mandate and whose reference is published and has not been withdrawn from the OJEU: construction products covered by such standards are subject to the obligations and harmonising effects of the CPR-2011.
- Standards that will be developed on the basis of a standardisation request and made mandatory under the CPR-2024: construction products covered by such standards will be subject to obligations and the harmonising effects of the CPR-2024.

Figure 3

Construction product standards and their harmonising effects



- Construction product standards with no harmonisation effect
- Construction product standards which failed to achieve a harmonisation effect under the CPR-2011
- Harmonised construction product standards with harmonisation effect under the CPR-2011
- Mandatory harmonised construction product standards with harmonisation effect under the CPR-2024

EXAMPLES

MANUFACTURING OF MORTARS

When a contractor purchases lime, cement and aggregates and produces a mortar itself, the components are CE marked but the mortar is not.

When a contractor purchases a ready mixed mortar from a manufacturer, the mortar requires a CE marking.

2.5 The 8 Basic Requirements for Construction Works (BRCW)

The Basic Requirements for Construction Works (BRCW) comprise a set of fundamental criteria that may be incorporated into national construction codes. This requires that the performance of the relevant essential characteristics is known and that specific levels of performances may apply. The CPR-2024 specifies in its *Annex I* that these BRCWs do not constitute obligations incumbent upon economic operators or Member States. However, they only serve as orientation to Member States for developing technical specifications, standards, and assessments for construction products.

The 8 BRCW established by the CPR-2024 are:

- 1. Structural integrity:** The ability of the construction work by its design, construction and maintenance to safely withstand all loads and stresses during its intended lifespan.
- 2. Fire safety:** The ability of the construction work by its design, construction and maintenance to resist fire, contain it, and enable safe evacuation.
- 3. Hygiene, health, and the indoor environment:** The ability of the construction work by its design, construction and maintenance to prevent adverse effects on hygiene, health, and the indoor environment.
- 4. Safety and accessibility:** The ability of the construction work by its design, construction and maintenance to grant safe use and accessibility to people with disabilities.
- 5. Noise protection and acoustic properties:** The ability of the construction work by its design, construction and maintenance to provide adequate protection against noise and have good acoustic properties.
- 6. Energy efficiency and thermal performance:** The ability of the construction work by its design, construction and maintenance to be energy efficient and provide adequate thermal insulation.
- 7. Emissions into the outdoor environment:** The ability of the construction work by its design, construction and maintenance to minimise emissions that could harm the environment.
- 8. Sustainable use of natural resources:** The construction must be designed, built, used, maintained, and demolished in a way that promotes the sustainable use of natural resources.

The CPR-2024 restructures and details the BRCWs that were introduced with the CPR-2011, emphasising the life cycle approach and the need to consider the environmental impact throughout the construction process. Additionally, it expands the concept of safety to include not only the safety of users but also the safety of construction workers during all stages of the construction process.

2.6 CE marking, declaring product's performance and conformity

The CE marking on a construction product (and key parts, where applicable) indicates that the product has undergone an assessment of its essential characteristics in accordance with harmonised technical specification (hTS) or EADs and complies with the CPR-2024 applicable requirements. It is the sole marking allowed to demonstrate this compliance for products covered by hTS or ETAs.

Under the CPR-2024, the manufacturer of a construction product covered by a harmonised technical specification shall draw up a declaration of performance and conformity before placing it on the market (*Article 13(1)*). It is worth noting that, under the CPR-2011, harmonised technical specifications referred both to harmonised standards (hENs) and European Assessment Documents (EADs). However, the new CPR-2024 introduces a new and extended definition of the term harmonised technical specifications which include:

- The performance harmonised standards which have been made mandatory for the purposes of the application of the CPR in accordance with *Article 5(8)*.
 - Implementing Acts adopted by the European Commission when the standardisation deliverables were not or not fully satisfactory (*Article 6(1)*).
 - Delegated Acts, if adopted by the European Commission, establishing product requirements (*Article 7(1)*).
 - The Delegated Acts adopted by the European Commission specifying the applicable systems for assessing and verifying the declared performances (*Article 10(2)*).
- See Figure 1 in Chapter 2.

WORTH NOTING

WHAT ARE DELEGATED AND IMPLEMENTING ACTS?

Delegated Acts and Implementing Acts [are legal instruments used in the European Union \(EU\)](#) to help ensure that EU laws are applied uniformly and effectively across all member states.

Delegated Acts are adopted by the European Commission to supplement or amend certain non-essential elements of a legislative act (such as a regulation or directive).

Implementing Acts are adopted by the European Commission to ensure uniform conditions for implementing legally binding European Union acts (like regulations or directives) across all member states.

By drawing up a declaration of performance and conformity and affixing the CE marking to its product or to its key part, the manufacturer takes responsibility for the conformity of the product or key part with its declared performance and any applicable product requirements (*Article 13(2)* and *Article 17(2)*).

INFORMATION RELATED TO THE CE MARKING OF CONSTRUCTION PRODUCTS ACCORDING TO THE CPR-2024	
PRODUCT PERFORMANCE	PRODUCT CONFORMITY (NEW)
Essential characteristics dealing with product performance. These are defined by the European Commission (EC) in consultation with Member States and may be addressed by: - CEN → through the development of <u>performance harmonised standards</u> and supporting standards (e.g. test methods) following a Standardisation Request by the European Commission. - EC → through the issuance of Implementing Acts in case CEN does not accept a Standardisation Request or its deliverables fail to fully satisfy the applicable conditions.	Product requirements dealing with product conformity. Such requirements may be introduced by the European Commission (EC) in consultation with Member States through Delegated Act for product families or categories and may be addressed by: - CEN → through the development of <u>voluntary harmonised standards</u> following a Standardisation Request by the European Commission. - EC → through the issuance of Delegated Acts.
Both aspects, i.e. the declaration of product performances and of the conformity with applicable requirements, shall be addressed by the manufacturer in one single document: the Declaration of Performance and Conformity (DoPC).	

As regards the rules on how to affix the CE marking, [see Chapter 3.2.3](#).

DEFINITION BOX

CHARACTERISTICS OF CONSTRUCTION PRODUCTS

‘Essential characteristics’ means those characteristics of the product which relate to the basic requirements for construction works set out in *Annex I*, and those which are listed as predetermined environmental essential characteristics in *Annex II* of the CPR-2024;

‘Product requirements’ means characteristics, as set out in *Annex III* of the CPR-2024, which a product must fulfil before it can be placed on the market. These are product safety requirements, product environmental requirements or requirements ensuring appropriate functioning and performance of the product.

It must be reminded that, if and when covered by harmonised technical specifications, also key parts must be CE marked, in line with *Article 17(2)* of the CPR-2024.

EXAMPLES

CE MARKING OF ITEMS TO BE INTEGRATED INTO A KIT

When a set of items forms a kit ([See “Definitions box” in Chapter 2.3](#)) or necessarily needs to be first integrated into another construction product, prior to being incorporated in a permanent manner into construction works, it is not obvious whether such items shall be CE marked or not. It is specified by the hTS/EAD of the product or the kit if an item is a key part or not. If the items are considered ‘key parts’ (e.g. glass in curtain walling), hTS will be made available to issue the declaration of performance and conformity for such ‘key parts’. If the items are not considered ‘key parts’ (e.g. framing members for curtain walling), it won’t be necessary to issue the declaration of performance and conformity for such items. Nevertheless, if the kit made of such items and/or key parts falls into the scope of a harmonised technical specification, it is considered as a construction product, and a declaration of performance and conformity must be issued accordingly. For EADs, the obligation applies when the manufacturer places the products on the market in accordance with an ETA.

[See Chapter 7](#), for more information about the various types of standards mentioned in the CPR-2024 (e.g. performance harmonised standard, voluntary harmonised standard, etc.).

2.7 Timeline

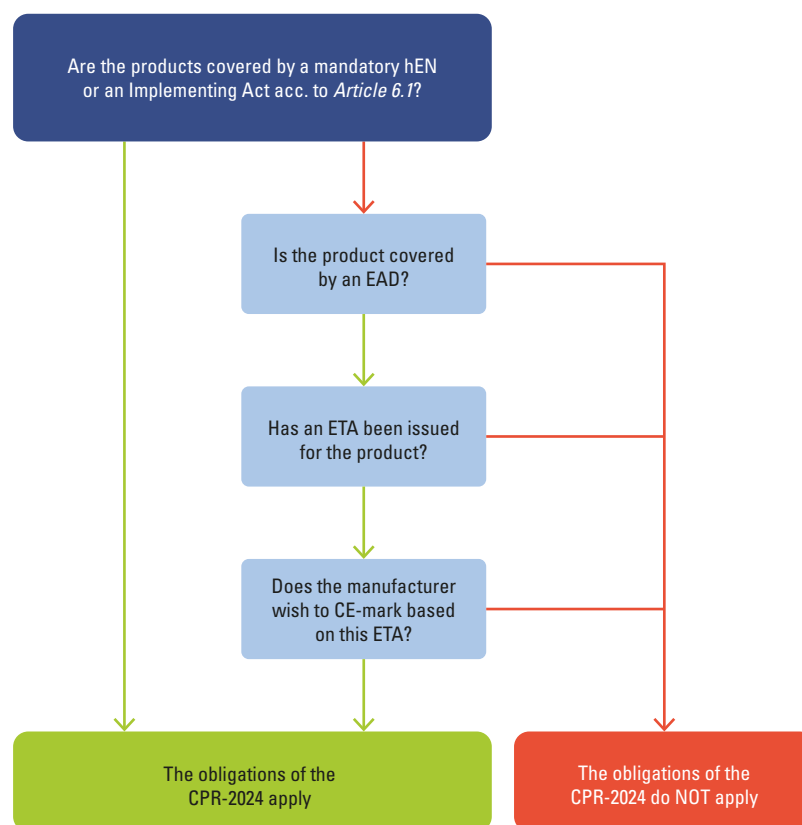
The general timeline for the application of the CPR-2024 is defined below. Timelines for the declaration of environmental performance and the introduction of the Digital Product Passport (DPP) are presented in the specific chapters.

2.7.1 Date of application

The CPR-2024 entered into force on the 7th of January 2025 and will be applicable as of the 8th of January 2026. From the date of application, all construction products for which a harmonised technical specification (hTS) has been made mandatory under the CPR-2024 must comply with the CPR-2024. The same applies to products that are not covered by harmonised technical specifications but for which a manufacturer has requested an ETA under the CPR-2024.

Figure 4

When obligations for economic operators become applicable under the CPR-2024

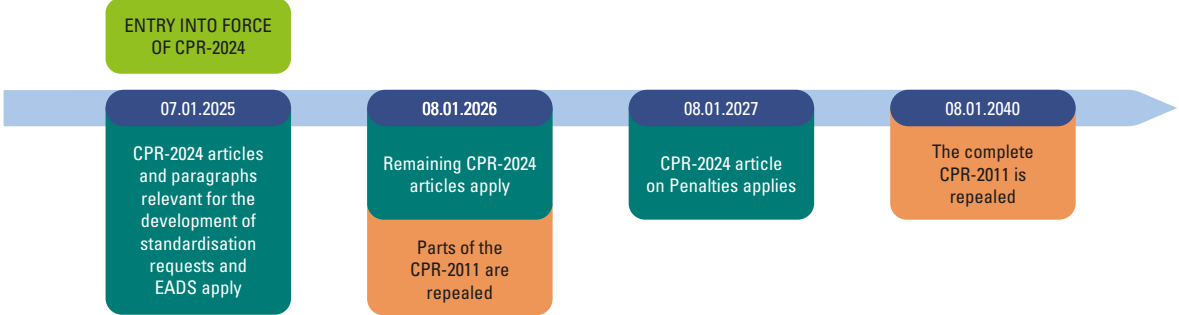


Some specific articles and annexes relevant for standardisation will apply already from the 7th of January 2025, i.e. from the date of entry into force of the CPR-2024. This will make it possible to develop and adopt standardisation requests and EADs according to the CPR-2024 before its entry into application.

The CPR-2011 will be repealed with effect from the 8th of January 2026, the date of application of this regulation, except for some specific articles and annexes that are repealed with effect from the 8th of January 2040. These exemptions make it possible to continue to CE mark construction products based on harmonised standards or ETA issued under the CPR-2011, until new harmonised technical specifications and/or EADs based on the CPR-2024 are cited.

See Chapter 2.6 (Article 94).

Figure 5
Key dates related to the application of the CPR-2024



2.7.2 Validity of hENs and EADs cited under the CPR-2011

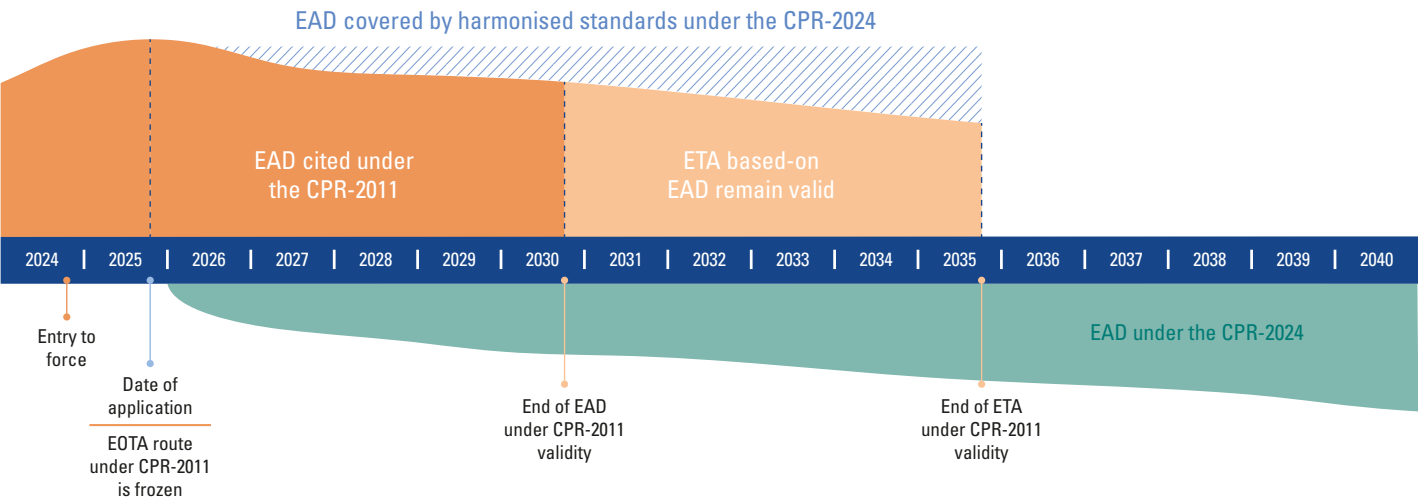
As regards products covered by an hEN, the provisions of the CPR-2024 will effectively apply only when the relevant hTS, based on the CPR-2024, is published in the Official Journal of the European Union. Until then, hEN applicable in the framework of the CPR-2011 will continue to form the basis for CE marking of the related products being placed on the market until they are withdrawn by the European Commission or otherwise repealed (*Article 95*).

WORTH NOTING

The obligations of the CPR-2024 do not immediately apply after the publication of an hTS. There is always a transition period in which the manufacturer is allowed to use hEN or hTS for the CE marking of its product.

EADs which have been cited in the OJEU will also remain valid but only until the 8th of January 2031 unless they have expired for other reasons. Products can continue to be placed on the market on the basis of ETAs issued, in accordance with these EADs for further 5 years, meaning until the 8th of January 2036 (*Article 95*).

Figure 6
Timeline of the validity of EADs and ETAs after the entering into force of the CPR-2024



2.8 Interaction with national legislation

2.8.1 National requirements and harmonised technical specifications

The CPR-2024 together with the harmonised technical specifications (hTS) adopted in accordance with the CPR-2024 form the so-called ‘harmonised zone’. When a product is within the scope of a given hTS, manufacturers must only assess the performance of essential characteristics as defined within that specification. They are not obliged to provide additional performance related information asked by single Member States beyond those covered in the hTS. This is because while Member States maintain the competences to define and regulate construction works and buildings, under the CPR-2024 Member States are also obliged to respect the “harmonised zone” (*Article 11*), to allow the European single market to function.

DEFINITION BOX

The ‘**harmonised zone**’ refers to the area regulated at the European Union level concerning construction products. It covers all products subject to harmonised technical specifications (hTS) and is presumed to be comprehensive in laying down all essential characteristics and their assessment methods, specifying all product requirements not covered by other European Union law, and determining the applicable assessment and verification systems.

During the consultation launched by the European Commission in the framework of the “CPR Acquis Expert Groups” dealing with specific product families (see [Chapter 7.3](#)) Member States shall notify the European Commission of all the essential characteristics they require or deem necessary for a product family, as well as the assessment methods, threshold levels, or performance classes (*Article 4(3)*). In this way, harmonised technical specifications (hTS) under the CPR-2024 will be exhaustive and cover all the possible essential characteristics, product requirements and assessment methods needed by the manufacturer to declare the performance of their construction product. Member States can still request information related to additional essential characteristics, but only based on imperative grounds of health, safety or environmental protection and only after notification to, and authorisation by the European Commission (*Article 11(5)*). In any case, such deviations shall be temporary and lead to a rapid revision of the harmonised technical specifications (hTS) concerned.

Member States, while remaining competent to set requirements on construction works, must not prohibit nor impede the making available of products which are under the scope of harmonised technical specifications, when they are in compliance with the CPR-2024 (*Article 11(2)*).

2.8.2 Member States incentives for construction products

The CPR-2024 indicates that in case a Member State wishes to provide incentives for a product category for which the performance is expressed as a performance class or as a class included in environmental sustainability labelling, only products satisfying the highest two classes of performance can be eligible for incentives (*Article 82*).

2.9 Interaction with other EU legislation

Fulfilling the obligations of the CPR 2024 does not mean that the obligations of other applicable laws are also (automatically) fulfilled. It is rather the opposite: by fulfilling applicable obligations of other EU law related to health, safety or environmental protection, the obligations of the CPR-2024 may, under certain conditions, be deemed to have been fulfilled (*Article 12*).

To prevent double assessment of performances or double fulfilment of requirements that already have been assessed or fulfilled in relation to other applicable EU laws, the European Commission is empowered to adopt Delegated Acts laying down the conditions to consider the obligations under the CPR-2024 as fulfilled.

However, in relation to possible conflicts between Regulation (EU) 2024/1781 (ESPR) or Regulation (EU) No 1025/2012 (Standardisation Regulation), the relevant provisions of the CPR 2024 shall prevail (*Article 12*).

2.9.1 Eco Design for Sustainable Products Regulation (ESPR) - Regulation (EU) 2024/1781

The CPR-2024 was drafted to align with the ESPR framework, dealing with sustainability of products, adapting its provisions to the specificities of the construction sector. With limited exceptions, where certain construction products fall under the ESPR, the CPR-2024 will be the primary legal act for harmonising construction product aspects, including sustainability, even if the ESPR also addresses them.

Only where CPR-2024 requirements are insufficient and cannot be amended or complemented in a reasonable time, the European Commission may consider applying the ESPR.

Also, for energy related, consuming products which are also construction products, such as boilers or HVAC systems, sustainability requirements will be set by Regulation (EU) 2024/1781.

EXAMPLES

PRODUCTS WHOSE SUSTAINABILITY REQUIREMENTS ARE SET BY THE CPR-2024 OR ESPR

CPR-2024

Pedestrian, industrial, commercial, or garage doors

Windows

Chimneys

ESPR

Heating, Ventilation and Air Conditioning Systems

Boilers

Heat pumps

2.9.2 Registration, Evaluation, Authorisation and Restriction of Chemicals – REACH ((EC)1907/2006)

REACH regulation applies to chemicals and primarily focuses on their registration, evaluation, authorisation, and restriction, but doesn't directly regulate construction products. REACH indirectly affects those construction products by regulating the chemicals used in their manufacturing.

Article 15(6) of the CPR-2024 states that the information referred to in *Article 31* or *33* of the REACH regulation must be provided together with the declaration of performance and conformity. This obligation is not new and ensures that in case a manufacturer has to supply a Safety Data Sheet in accordance with REACH or information on Substances of Very High Concern (SVHC) contained in articles above a concentration of 0,1 % (w/w), this information is available to all users alongside the DoPC.

2.9.3 Public Procurement Directives (2014/24/EU and 2014/25/EU)

The CPR-2024 aims to enhance the use of sustainable construction products in public procurement to achieve climate neutrality, improve energy and resource efficiency, as well as transition to a circular economy. It references Directives 2014/24/EU and 2014/25/EU stating that for procurement procedures under these directives, where contracts require minimum environmental sustainability performance for construction products regarding their essential characteristics, contracting authorities and entities must apply the mandatory minimum requirements, if and when specified in Delegated Acts under the CPR (*Article 83*). This does not prevent authorities and entities from setting more ambitious environmental sustainability requirements related to essential characteristics.

ESSENTIALS FOR MANUFACTURERS

3.1 What's new

CPR-2024 adopts a comprehensive approach to address the growing significance of environmental aspects, life-cycle assessments of buildings, the circular economy, and digitalisation. Its objective is to consolidate construction product related considerations under a single legislative framework, taking into account the specificities of the construction industry while harmonising with existing regulations across sectors (see Chapters 2.8 and 2.9). This entails several amendments, of which the most important are summarised below.

ENVIRONMENTAL RESPONSIBILITIES OF MANUFACTURERS

- In response to various resolutions, communications and conclusions of the European Parliament, the European Council and the European Commission highlighting the need to make the construction sector and the built environment more sustainable (*Recital (5)*), the CPR-2024 introduces a new set of predetermined environmental essential characteristics related to the life cycle assessment of construction products (*Annex II*) under the scope of the Regulation.
- Also, in contrast to the essential characteristics related to the BRCW, where manufacturers may declare the performances according to the requirements applicable at the place of use, the declaration of the product's environmental sustainability performance over its life cycle will become progressively mandatory (*Article 5(2 & 3), Annex II*).
[See Chapter 10.](#)
- Where applicable, manufacturers must ensure the availability of spare parts (*Article 22(2 & 8)*).
- While respecting the harmonised zone, which prohibits Member States from introducing requirements that would impede the single market for construction products, Member States may implement mandatory deposit-refund systems or oblige manufacturers to reclaim ownership of their new, surplus, or unsold non-custom-made products under specific conditions. They may also introduce bans on the destruction of surplus or unsold products (*Article 11(7 & 8)*).
- The European Commission is empowered to establish specific, performance based environmental sustainability labelling obligations for manufacturers of particular product families or categories, that are typically chosen or bought by consumers. A strong condition for establishing such specific environmental labelling obligations is however, that the overall environmental performance of the product over its life cycle is widely independent from its installation (*Article 22(9 & 10)*).

NEW PRODUCT REQUIREMENTS

- The European Commission may adopt Delegated Acts for certain product families or categories specifying product requirements related to safety, functionality and environmental aspects other than life cycle assessment. In general, design manufacturing and packaging of construction products shall ensure that they function effectively and reliably, that their declared performances are not negatively impacted and/or that certain inherent product safety and environmental requirements are fulfilled over the product's life cycle. All this in accordance with the state of the art (*Article 7(1), Annex III 1.1, 2.1 and 3.1*).

DECLARATION OF PERFORMANCE AND CONFORMITY

- Under the CPR-2011, the existence and availability of a declaration of performance is a principal condition for CE marking a product. Under the CPR-2024 manufacturers must not only provide a declaration of the product's performance and assume responsibility for that product's compliance with this performance, but also express conformity with a number of obligations and requirements. The new declaration of performance and conformity under the CPR-2024, encompasses both, i.e. performance information on essential characteristics and expression of the conformity with product requirements, in a single document (*Article 13*).

[See Chapter 3.3.](#)

INCREASED INFORMATION REQUIREMENTS

- CPR-2011, in *Article 11(6)*, requires manufacturers not only to provide the declaration of performance, but also instructions and safety information. The CPR-2024 formalises this obligation and details this information. Manufacturers must provide general product information, instructions for use and safety information for products covered by an hTS (*Article 9(1), Annex IV*). This applies also in case of products for which a European Technical Assessment (ETA) has been issued, if the manufacturer wishes to CE mark them (*Article 37(6)*).
- Products requiring professional expertise for use must be clearly labelled "only for professional use". Products that are not labelled in that way shall be deemed to also be intended for non-professional users and consumers within the meaning of the General Product Safety Regulation (Regulation (EU) 2023/988), (*Article 22(5)*).

AVAILABILITY OF DOCUMENTATION

- When a product:
 - that is covered by a harmonised technical specification in the framework of the CPR-2024 or
 - for which a European technical assessment has been issued in accordance with the CPR-2024 and the manufacturer wishes to CE mark is made available on the market, the manufacturer shall provide a series of documents and information ([see Chapters 3.2.2, 3.2.4, 3.2.7 and 3.2.8](#)). At first the manufacturer has to make this documentation and information available by own means, later it will become part of the digital product passport that has to be provided via the construction digital product passport system.

[See Chapter 9.](#)

USED AND REMANUFACTURED PRODUCTS

- The scope of the CPR-2024 is extended to explicitly include used and remanufactured products, with clear definitions provided for used and remanufactured items (*Article 2(1), Article 3(20), Article 3(25)*). The European Commission, with the support of the so called “CPR Acquis Expert Groups” (see [Chapter 7.3](#)), can determine whether used and remanufactured products should be covered or excluded from a standardisation request (*Article 4(6)*).

DECLARED AND INTENDED USE

- In contrast to the CPR-2011, the CPR-2024 differentiates between the declared use and intended use. This information is communicated through the technical documentation, labelling, instructions, safety information, and any promotional materials. The manufacturer must clearly communicate the declared use of the product. This ensures that the product is used as intended and avoids any misunderstandings that could lead to safety or performance issues. Also, the declared use helps market surveillance authorities ensuring that the product is not being used inappropriately. The declared use must always fall within the scope of the intended use (*Article 3(21 & 22), Article 22(3)*).

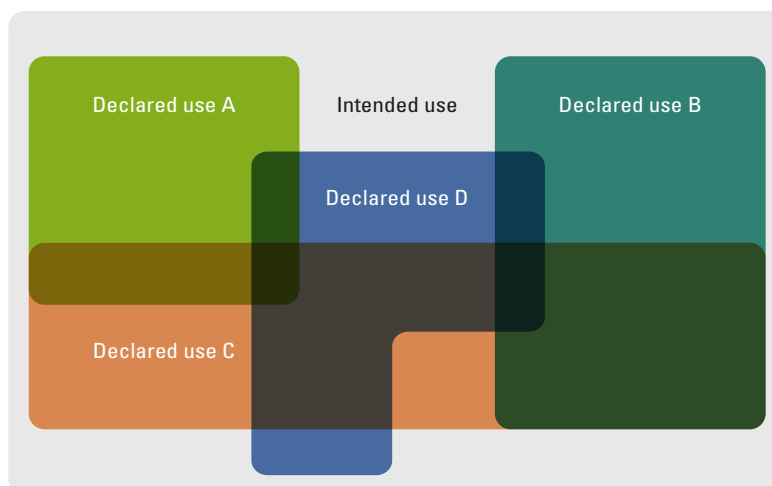
DEFINITION BOX

The **‘intended use’** is a broad definition of the purpose for which a product is manufactured, as specified in the relevant harmonised technical specifications or European Assessment Documents. The **‘declared use’** refers to the specific application of the product as intended by the manufacturer. It is a more precise description of how the manufacturer envisions the product being used within the broader scope of its intended use.

Example: the intended use of an internal pedestrian doorsets is to close, fully or partly, an opening and to provide passage mainly for pedestrians. The declared use of a specific internal pedestrian doorset might be the fire compartmentation and smoke control in case of fire. The declared use of another specific internal doorset might be the installation in buildings where access must be guaranteed also for machinery such as forklift machines.

Figure 7

Relationship between declared and intended use



3D PRINTING

- The CPR-2024 explicitly includes 3D printing as a technology for manufacturing construction products (*Article 3(1)*). Manufacturers using 3D printing technology must adhere to the CPR-2024 obligations, just as manufacturers using any other technology, along with additional specific obligations such as ensuring the use of suitable 3D datasets and compliant materials as well as verifying compatibility between datasets, materials, and printing technology (*Articles 22(1) and (4)*).

ASSESSMENT AND VERIFICATION SYSTEMS (AVS)

- The CPR-2024 establishes a revised framework for assessing and verifying the performance and conformity of construction products. It outlines several Assessment and Verification Systems (AVS, known as AVCP-systems (Assessment and Verification of Constancy of Performance systems) under the CPR-2011) in *Annex IX*, each with varying degrees of involvement from notified bodies (third-party conformity assessment bodies). It extends the responsibility of notified bodies under AVS 3, to verify that the product type and product category, as determined by the manufacturer, correspond to the assessment results. Furthermore, it introduces a new AVS 3+ to address the specificities regarding the assessment of environmental sustainability performances. The new CPR-2024 also details the tasks of notified bodies more thoroughly than before (*Annex IX (7)*).

CONSTRUCTION DIGITAL PRODUCT PASSPORT

- The CPR-2024 introduces a Construction Digital Product Passport system to enhance transparency and access to information about construction products. The system aims to be compatible and interoperable with the product passport established under the Ecodesign for Sustainable Products Regulation, while considering the specific characteristics of construction products. It will define who can access and update information in the product passport, ensuring the protection of intellectual property rights and sensitive commercial information.

[See Chapter 10.](#)

3.2 Obligations for manufacturers

The CPR-2024 places several obligations on manufacturers to ensure the safety, performance, and sustainability of construction products:

- that are covered by a harmonised technical specification in the framework of the CPR-2024; or
- for which a European technical assessment has been issued in accordance with the CPR-2024 and the manufacturer wishes to CE mark

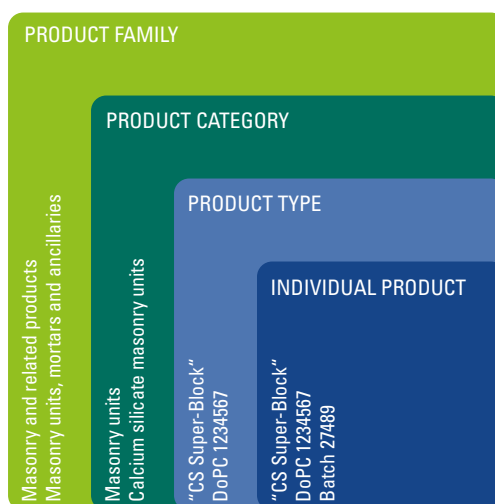
when these are made available on the market. Once confirmed that the product does not fall under the exceptions outlined in *Article 14*, the manufacturer is bound to the obligations cited further in this chapter (3.2.1 – 3.2.11).

3.2.1 Product Identification

Manufacturers must determine the product type as defined in *Article 3(27)* (see [Definition box after Figure 8](#)) ensuring that the product's performance is assessed against the mandatory essential characteristics. If the product belongs to a product family or category for which the European Commission has established product requirements in accordance with *Annex III*, the manufacturer shall ensure that the product has been designed, manufactured, and packaged in accordance with those requirements (*Article 22(1)*).

Figure 8

Concept of product families, categories and types



Product families, currently 36, are listed in *Annex VII* of the CPR-2024.

DEFINITION BOX

'Product category' means a subset of the product family encompassing those product types which have in common a certain intended use as specified in harmonised technical specifications or European assessment documents.

'Product type' means the abstract model of individual products, determined by the intended use and a set of characteristics which exclude any variation with regard to performance or to the fulfilment of product requirements set out in or in accordance with this Regulation, although identical products of different manufacturers belong to different product types.

If a notified body is involved in the assessment and verification process, it shall verify that the product type was correctly determined, and the corresponding product category correctly applied (*Annex IX*).

According to *Article 22(5)* of the CPR-2024, manufacturers shall ensure that their products carry a manufacturer-specific, unique identification code for the product type. If available, the products shall also carry a batch or serial number. This information shall be easily visible and legible for users. If it cannot be placed on the product itself due to its nature, it should be on the packaging, an affixed label, or accompanying documents.

3.2.2 Declaration of Performance and Conformity (DoPC)

The DoPC is a crucial single document whereby the manufacturer assumes responsibility for both the product's conformity with its declared performance and any applicable product requirements.

Manufacturers of products covered by a harmonised technical specification developed in the framework of the CPR-2024 must undergo the applicable assessment and verification system and draw up a declaration of performance and conformity before placing the product on the market (*Article 13 and Article 22(2)*).

For products that are not covered by any harmonised technical specification, manufacturers may decide to issue a DoPC on the basis of a European Technical Assessment in accordance with the relevant European Assessment Document.

If the manufacturer decides not to declare the performance of the product with respect to one or more essential characteristics, the word "NULL" shall be entered in replacement of the declared value.

3.2.2.1 TECHNICAL DOCUMENTATION AS BASIS OF THE DECLARATION OF PERFORMANCE AND CONFORMITY

The manufacturer shall, as the basis for the declaration of performance and conformity draw up a technical documentation including the:

- declared use
- elements necessary to demonstrate performance and conformity
- (factory production control) procedures ensuring that products fulfil their declared performances and remain in conformity with this Regulation
- applicable assessment and verification systems (AVS)
- information on applied simplified procedures (if used)
- calculation of environmental sustainability characteristics

3.2.2.2 CONTENT OF THE DECLARATION OF PERFORMANCE AND CONFORMITY

The first part of the DoPC, relating to the performance of the given construction product, in principle retains the structure of the Declaration of Performance drafted by manufacturers in the framework of the CPR-2011 but details the information more in depth.

The DoPC addresses the 8 Basic Requirements of Construction Works as defined in *Annex I* (see [Chapter 2.5](#)) and the novel predetermined environmental essential characteristics as defined in *Annex II* of the CPR-2024. On the other hand, the second part of the DoPC represents a significant novelty and concerns product requirements as defined in *Annex III* of the CPR-2024.

The model of the Declaration of Performance and Conformity is provided in *Annex V*.

See [Chapter 10](#), for more information about the declaration of the product's environmental sustainability performance.

3.2.2.3 SUPPLY OF THE DECLARATION OF PERFORMANCE AND CONFORMITY

The CPR-2024 also outlines how the DoPC shall be supplied. While the construction Digital Product Passport (DPP) system is not in force, the manufacturer shall supply a copy of the DoPC by electronic means. By derogation, the manufacturer can make the DoPC available on the website complying with all of the following conditions:

- The content of the DoPC is made available in an unamendable electronic format on the website
- The DoPC is provided in a human -as well as machine- readable format, with the option to download a copy in a commonly readable format
- The website is monitored and maintained to ensure continuous availability of the DoPC
- The DoPC is accessible free of charge
- Instructions are provided on how to access the website and the DoPCs
- A link between the product and its DoPC is provided through a unique identification code, potentially using a data carrier or permalink.

In case a batch of the same product is supplied to a single user, a single copy of the declaration may be provided.

From the moment the construction Digital Product Passport system is in force, the manufacturer may provide a Digital Product Passport (containing, inter alia, the Declaration of Performance and Conformity) via the DPP system. Eighteen months after the DPP system is in force, providing a Digital Product Passport through the DPP system will become mandatory.

See Chapters 3.2.9 and 10.

The DoPC must be provided in the language(s) required by the Member State(s) where the manufacturer intends to make the product available. Another economic operator who makes that product available in any additional Member State must translate the DoPC in the languages required by the additional Member State, together with the respective original version.

3.2.2.4 EXEMPTIONS FROM DRAWING A DECLARATION OF PERFORMANCE AND CONFORMITY

It is mandatory for manufacturers to deliver a DoPC unless their construction products fall under the exceptions outlined in *Article 14* of the CPR-2024:

- For individually manufactured or custom-made products made using a non-series process, produced for a specific order, installed in a single identified construction work by the manufacturer (who is also responsible for its safe incorporation) and complying with national rules under supervision, the manufacturer is exempted from drawing up a DoPC.
- Products exclusively manufactured for heritage conservation, using a non-series process and complying with national rules are also exempted from the DoPC requirement.

DEFINITION BOX

'Non-series process' means a process that is neither predominantly automated or predominantly carried out using assembly-line techniques, nor repeated very often in relation to the volume of production.

See [Chapter 2.4](#), for more information about products which are not covered by the CPR-2024.

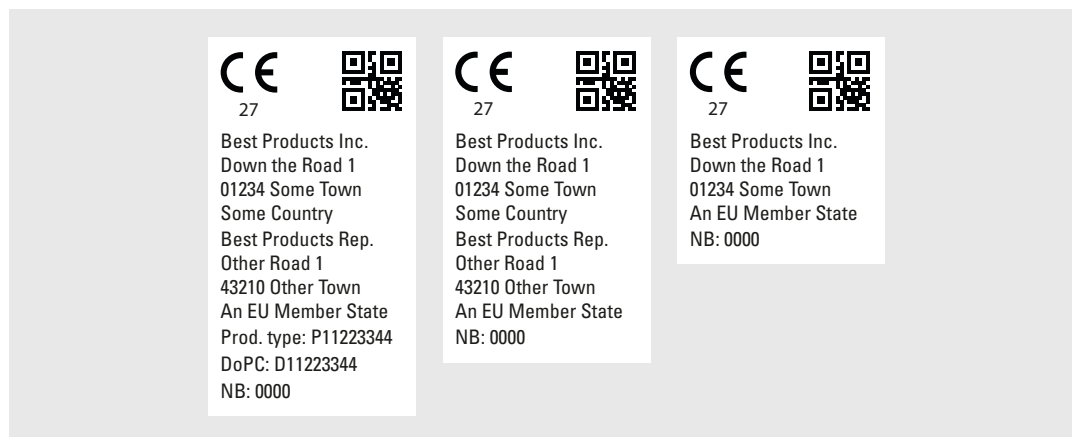
3.2.3 Affixing of CE marking

The CE marking, i.e. the “CE” symbol, shall be affixed only to those products for which the manufacturer has drawn up a declaration of performance and conformity (*Article 22(2)*). The CE marking shall be followed by:

- The last two digits of the year in which the CE marking was first affixed (or, for used products, the last two digits of the year of de-installation followed by the year of affixing).
- The manufacturer's name and registered address (or an identifying mark allowing easy and unambiguous identification of the name and address of the manufacturer).
- The name and address of the authorised representative (or an identifying mark allowing easy and unambiguous identification of the name and address of the representative), when the manufacturer has appointed one (optional for manufacturers located within the EU, mandatory for manufacturers located outside the EU).
- The unique identification code of the product type.
- The declaration code of the declaration of performance and conformity.
- If applicable, the identification number of the notified body or bodies involved in verification.
- A data carrier connected to the Digital Product Passport, if (when) the product passport is available through the digital system.

[See Chapter 10.](#)

Figure 9
CE marking examples



The unique identification code and the declaration code can be replaced by a data carrier if (*Article 18(2)*):

- it includes a permalink that is connected to the declaration of performance and conformity, when the declaration is accessible on a website; or
- it is linked to the DPP

The CE marking shall be affixed visibly, legibly and indelibly to the product. Where this is not possible or not warranted due to the nature of the product, the CE marking shall be affixed to a label attached to the product or to the packaging or, where that is also not possible, to the accompanying documents.

3.2.4 Constancy of performance and conformity

Manufacturers must have procedures to ensure that their products continue to meet the declared performance and comply with the CPR-2024, including the applicable requirements. These procedures should cover product design, production processes, and materials used in manufacturing. For products manufactured in series, the procedures – a.k.a. Factory Production Control (FPC) - should also ensure that the declared performance is maintained, and any changes in design, production, or materials are addressed appropriately (*Article 22(4)*). If these changes affect the product's performance or conformity, a reassessment may be required.

DEFINITION BOX

'Factory production control' means the continuous documented, internal production control in a factory with regard to certain parameters or quality aspects, reflecting the specificities of a respective product family or

category and manufacturing processes, and which aims at the constancy of performance or of continuous fulfilment of product requirements, executed in accordance with *Annex IX*.

3.2.5 General information, instructions for use, and safety information

According to *Article 22(6)* of the CPR-2024, when making a product available on the market, manufacturers must ensure it is accompanied by general information, instructions for use, and safety information, as set out in *Annex IV*. This information must be provided in a language to be determined by the Member State concerned or, if not specified, in a language easily understood by users.

Annex IV of the CPR-2024 further details the content of these instructions and safety information. The instructions for use should cover aspects such as safety during transport, installation, maintenance, deconstruction, and demolition; compatibility and integration with other systems or kits; maintenance needs to maintain product performance; safety during use; training and other requirements for safe use; risk mitigation measures; and recommendations for repair, reuse, remanufacturing, recycling, and safe disposal. The safety information should include potential risks associated with the product and any foreseeable misuse, along with instructions for safe assembly, installation, operation, and maintenance. The manufacturer should also provide guidance on protective measures during these activities and information on what to do in case of product failure or accidents.

As part of the standardisation request for performance harmonised standards covering a product family of category, the European Commission may also request guidelines for drawing up general product information, instructions for use and safety information in accordance with *Annex IV*.

3.2.6 Procedures related to products already placed on the market

In order to ensure the accuracy, reliability, and stability of the declared performance and product conformity, the manufacturer shall, where deemed appropriate conduct sample testing of products placed or made available on the market, investigate, and, if necessary, maintain a register of complaints, non-conforming products, and product recalls, and inform importers and distributors accordingly (*Article 22(4)*).

3.2.7 Product labelling (other than CE marking)

Markings other than the CE marking, including private ones, may be affixed to a product only if they do not relate to the product's performance in relation to essential characteristics covered by applicable harmonised technical specifications.

If a product requires expertise for its use, it must be labelled as "Only for professional use". When products are not labelled this way, it can be assumed that they are also intended to be used by non-professional users and consumers.

Where the European Commission has established specific, performance based environmental sustainability labelling obligations for particular product families or categories, manufacturers of such products must also comply with these labelling obligations (*Article 22(9 & 10)*).

[See Chapter 3.2.8.](#)

3.2.8 Environmental Sustainability Labelling

The European Commission may establish specific environmental sustainability labelling requirements for particular product families or categories (*Article 22(10)*). This may be the case only when the product is typically chosen or purchased by consumers and does not have significantly different environmental performance depending on its installation. The labelling must be based on the product's assessed performance and provide consumer-friendly information understandable to non-experts.

The European Commission will determine through Delegated Acts how the label should be affixed.

EXAMPLES

ENVIRONMENTAL LABELLING

The environmental labelling does not apply for:

- metallic profiles that can be used for different applications
- bricks, which can be used internally/externally for load bearing/non load bearing with or without thermal insulation

The environmental labelling may apply for:

- indoor flooring for normal applications

3.2.9 Supply of Digital Product Passport

Article 22(7) of the CPR-2024 states that manufacturers must make a product passport available through the Construction Digital Product Passport system. The Digital Product Passport becomes obligatory 18 months after the entry into force of the Delegated Act mentioned in *Article 75(1)*, which still remains to be adopted. The product passport should be connected to a data carrier (i.e. a linear bar code symbol, a two-dimensional symbol, or another automatic identification data capture medium that can be read by a device) as outlined in *Article 18(2)(g)*.

It is worth reminding that the supply of the Digital Product Passport, as any other provisions of the CPR-2024 applicable to manufacturers, will only become mandatory to products covered by harmonised performance technical specifications and EADs adopted under the new regulatory framework.

See [Chapter 9](#), for more information about the Digital Product Passport.

3.2.10 Spare Parts Availability

The European Commission may adopt Delegated Acts imposing, for certain product families and product categories, an obligation on manufacturers to ensure the availability on the market of specific spare parts which may not be commonly available for their products. The obligation applies for a period of 10 years after the last product of the respective type has been placed on the market, unless the Delegated Act sets a different period.

EXAMPLES

SPARE PARTS

To ensure the continued functionality and reparability of products, manufacturers may be required to make available specific spare parts that are not commonly found in the market, especially those essential for replacing

components with proprietary designs. This could be the case of window hardware developed as proprietary design and integrated in specific windows.

3.2.11 Corrective Measures and Risk Management

Article 22 (11 & 12) of the CPR-2024 outlines the corrective measures and risk management procedures that manufacturers must implement:

- A manufacturer who knows or has reason to believe that a product that has been placed on the market but does not conform to its declared performance or does not comply with the CPR-2024, must immediately take corrective actions to bring the product into compliance or otherwise withdraw or recall it. If the issue is due to a supplied component or externally provided service, the manufacturer must inform the supplier or service provider and its competent national authority.
- If the product poses a risk, the manufacturer must inform all parties involved in its distribution, as well as the competent national authorities of the Member States where the product was made available. This information should include details of the non-compliance, the frequency of accidents or incidents, and any corrective measures taken or recommended.
- In cases where the product has reached end-users or consumers who cannot be directly identified or contacted, the manufacturer must use media and other channels to disseminate information about measures to eliminate or reduce the risks. If there is a serious risk, the manufacturer must withdraw and recall the product at its own cost.

3.3 Product contact points for construction

Product contact points for construction are entities designated by Member States to support economic operators, thus also manufacturers, dealing with construction products (*Article 72*). The Regulation specifies the following regarding product contact points for construction:

- | | |
|---|---|
| <ul style="list-style-type: none">➤ Each Member State must designate and maintain at least one product contact point within its territory. These contact points should have sufficient authority and resources to carry out their tasks effectively.➤ The contact points are responsible for providing information to economic operators and authorities from other Member States about all construction products, even those not yet covered by harmonised technical specifications. This information includes:<ul style="list-style-type: none">• Electronic copies of or online access to national technical rules and administrative procedures concerning construction products in their territory.• Information on whether products require prior authorization under national law.• Rules regarding the incorporation, assembly, or installation of products.• Information on product-related provisions of the Construction Products Regulation and related acts. | <ul style="list-style-type: none">➤ The contact points must provide the requested information free of charge within 15 working days of receiving a request. |
|---|---|

The European Commission maintains and publishes an updated [list of national product contact points](#) for construction.

3.4 Assessment and Verification Systems (AVS)

Assessment and Verification Systems (AVS), known as Assessment and Verification of Constancy of Performance systems (AVCP) under the CPR-2011, are defined in *Annex IX* of the CPR-2024 to assess and verify the performance of construction products and their compliance with the Regulation. There are 6 possible systems. System 3+ was considered an additional, new system introduced by the CPR-2024, until the European Commission adopted a Delegated Act, amending the CPR-2011 in that respect, shortly before the CPR-2024 was cited in the OJEU. System 3+ was introduced to deal with environmental sustainability characteristics, applying horizontally, i.e. irrespective of the product family or category. The applicable AVSs for a specific product family or category are determined by the European Commission by means of Delegated Acts and specified in the standardisation request. When defining the applicable AVS factors such as the product's intended use, potential risks, and production variability are considered. More than one AVS can apply to the same product family or category.

Manufacturers must adhere to the requirements and tasks specified in the applicable AVS, which can involve factory production control, testing, and technical documentation. The complexity of these tasks vary depending on the specific system. They can range from full Notified Body control including audit sample testing (System 1+) to self-verification and self-certification by the manufacturer (System 4):

- **SYSTEM 1+:** Full control by notified body, including audit sample testing
- **SYSTEM 1:** Full control by notified body, excluding audit sample testing
- **SYSTEM 2+:** Notified body focuses on factory production control
- **SYSTEM 3+:** Notified body oversees environmental sustainability assessment
- **SYSTEM 3:** Notified body concentrates on determining product type
- **SYSTEM 4:** Manufacturer undertakes self-verification and self-certification

The following table helps visualising the AVS tasks for the manufacturers by juxta positioning them with the AVCP system tasks described under the CPR-2011. Elements marked in blue formed already part of the AVCP systems under the CPR-2011 and remain so in the AVS under the CPR-2024. The elements marked in orange highlight all the changes and/or additions that apply to the AVS in the CPR-2024 context, irrespective of their impact in practice. Some of the changes add truly new obligations. Others detail measures which already are in place as part of the AVCP systems under the CPR-2011 and where it is yet unknown if these will require adapting current practices.

Figure 10:

Tasks of the manufacturer in relation to the applicable AVS

- ✕ Was also required within the old AVCP system
- ✕ Additional / new requirements within the new AVS

	MANUFACTURER'S TASK				
	DETERMINATION OF THE PRODUCT TYPE AND APPLICATION OF THE CORRESPONDING PRODUCT CATEGORY				
	Further assessment of the performance of the product on the basis of testing (including sampling)	Assessment of the performance of the product on the basis of data collection for input values, assumptions and modelling	Factory production control	Further testing of samples taken at the manufacturing plant in accordance with the prescribed test plan	The drawing up of technical documentation containing proof of: - the correct application of this Regulation with regard to the assessment of performance - conformity with the applicable product requirements under this Regulation
SYSTEM 1+ Full notified body control including audit sample testing			✕	✕	✕
SYSTEM 1 Full notified body control without audit sample testing			✕	✕	✕
SYSTEM 2 Notified body focusing on the factory production control	✕		✕	✕	✕
SYSTEM 3+ Notified body's control of environmental sustainability assessment		✕	✕		
SYSTEM 3 Notified body focusing on the determination of the product type	✕		✕		✕
SYSTEM 4 Manufacturer's self-verification and self-certification	✕		✕		✕

Figure 11:
Tasks of the notified body in
relation to the applicable AVS

In the same manner as before, the following table helps visualising the AVS tasks for the Notified Bodies by juxtapositioning them with the AVCP system tasks described under the CPR-2011.

NOTIFIED BODIES'S TASK												
WHERE A NOTIFIED BODY IS INVOLVED IN ASSESSMENT AND VERIFICATION: VERIFICATION THAT THE PRODUCT TYPE WAS CORRECTLY DETERMINED AND THE CORRESPONDING PRODUCT CATEGORY WAS CORRECTLY APPLIED												
	Confirmation that the product type was correctly determined and the product category correctly applied	An assessment of the performance of the product on the basis of type-testing (including sampling of the items to be taken as representative of the type). Type calculation or tabulated values describing the product	An assessment of the performance of testing performed by a laboratory (based on sampling carried out by the manufacturer), calculation, labeled values or descriptive documentation of the product	Validation of the input values, made and compliance with applicable generic or product category specific rules	Validation of the manufacturer's assessment	Validation of the process applied to generate that assessment	Validation of the correct usage of software appropriate for the assessment	Initial inspection of the manufacturing plant and of the factory production control	Continuing surveillance, assessment and evaluation of factory production control including periodic inspections to the manufacturing plant	Audit testing of samples taken before placing the production on the market	Verification that the technical documentation was drawn up and contains proof of the correct application of this Regulation with regard to the assessment of performance with the applicable product requirements under this Regulation	
✗ Was also required within the old AVCP system ✗ Additional / new requirements within the new AVS	✗	✗						✗	✗	✗	✗	
SYSTEM 1+ Full notified body control including audit sample testing	✗	✗						✗	✗	✗	✗	
SYSTEM 1 Full notified body control without audit sample testing	✗	✗						✗	✗		✗	
SYSTEM 2 Notified body focusing on the factory production control	✗							✗	✗		✗	
SYSTEM 3+ Notified body's control of environmental sustainability assessment				✗	✗	✗	✗	✗				
SYSTEM 3 Notified body focusing on the determination of the product type	✗		✗									
SYSTEM 4 Manufacturer's self-verification and self-certification												

3.4.1 Horizontal tasks and rules for manufacturers

Independently from the applicable AVS the manufacturer shall:

- Determine the product type and apply the corresponding product category in accordance with the relevant harmonised technical specification or European Assessment Document (*Annex IX, introduction*).
- Establish, run and maintain a Factory Production Control ensuring that the product placed on the market conforms with the declared performance and with requirements set out by the CPR-2024. This control shall be in accordance with the specifications of relevant hTSs or EADs and identify parameters that are especially sensitive for the performance of the declared characteristics (*Annex IX(7b)*).
- Draw up technical documentation containing proof of the correct application of the CPR-2024 with regard to the assessment of performance (not applicable for AVS 3+).
- Draw up technical documentation containing proof of conformity with the applicable product requirements under the CPR-2024 (not applicable for AVS 3+).

3.4.2 Horizontal tasks and rules for Notified Bodies

Independently from the applicable AVS, except in case of AVS 4, the notified body shall:

- Verify the compliance of the manufacturer with the obligation of the CPR-2024 (*Article 55(1^e)*), including in particular verifying and confirming that the manufacturer has correctly determined the product type and correctly applied the product category (*Annex IX introduction*).
- Conduct their assessments and verifications transparently and proportionately, considering business size, sector, product complexity and production volume, while respecting the required rigour and the impact of the product on fulfilling the BRCW (*Article 55(2)*).
- Require manufacturers to take corrective actions if initial inspections reveal non-compliance and withhold certification if necessary (*Article 55(3)*).
- Enforcing corrective measures and suspending or withdrawing certification if needed, when it monitors activities related to the verification of conformity and constancy of performance, i.e. in case of AVS 1+, 1, and 2+ (*Article 55(4)*).
- Restrict, suspend, or withdraw certificates or validation reports, if corrective actions are not taken or prove ineffective (*Article 55(5)*).

- Base decisions, including those related to the suspension or withdrawal of certificates or validation reports, on clear, pre-determined criteria (*Article 55(6)*).
- Cooperate and share relevant information with other notified bodies that have recognised its assessments, in accordance with *Article 62* (recognition of assessment and verification of another notified body) and establish an agreement for this purpose, upon request of the manufacturer or provider (*Article 55(7)*).
- Cover in its inspection all locations at which significant manufacturing processes take place, where the system includes an inspection of the manufacturing plant (*Annex IX(7a)*).

3.4.3 AVCP under CPR-2011 Vs AVS under CPR-2024

The general impression, that the CPR-2024 often is more specific and more detailed in its stipulations, also shows in those parts which relate to the obligations of notified bodies and manufacturer in their role to ensure conformity and compliance, as well as constancy of performance. Many of the details are already common practice, in many cases even since the first CE marking under the Construction Product Directive (Directive 89/106/EEC). Detailing them in the CPR-2024 may ensure, that the rules are applied more generally. It is therefore impossible to conclude in a general manner if and to what extent the CPR-2024 will require adapting current practices in certain product sectors or by specific manufacturers. This is especially true because adaptation will also depend on what the clauses on AVS in harmonised performance standards and European Assessment Documents will state when implemented under the CPR-2024.

Examples where the CPR-2024 is more specific, more detailed than the CPR-2011 are:

- The CPR-2024 clarifies (*Annex IX(7a)*) that when an AVS involves an inspection of the manufacturing plant by a notified body, these inspections shall encompass all sites where significant manufacturing processes occur and indicates the elements that should at least be verified:
 - The factory production control, delineating the measures and frequencies intended to ensure constancy of performance, encompassing critical performance parameters
 - A synopsis of the intended factory production control
- Factory production control shall span the production process from the receipt of raw materials and components to the dispatch of the product (using a 'gate to gate' approach) once production has commenced, and must at least encompass the following elements (*Annex IX(7b)*):
 - Ensuring product conformity with the designated product type and the application of the corresponding product category
 - Application of the necessary technical details for the implementation of the assessment and verification system or systems as specified in harmonised technical specifications, European assessment documents.

See Chapter 8.

- If tests are not suitable for the product, the product type may be defined using the relevant extended application rules (see **Worth Noting box below**) indicated in harmonised technical specifications, European assessment documents, and

voluntary harmonised standards, where available. Notified bodies confirming the correct determination of the product type must also validate the proper application of the relevant extended application rules (*Annex IX(7c)*).

WORTH NOTING

“Extended application rules” provide an alternative way to assess the performance of the products in conformity with the Regulation. The notified bodies are responsible for confirming that these rules have been correctly applied. While CPR-2024 does not explicitly define “extended application rules,” it implies that they are a set of rules or procedures outlined in harmonised technical specifications, European assessment documents, and harmonised standards. These rules offer flexibility in assessing product conformity when standard test methods are not applicable, e.g. when the dimension of the product is larger than the allowed standardised test-setup.

- For AVS 3+ dealing with environmental sustainability, validation shall entail the validation calculations and input data. In this context, the notified body must validate (*Annex IX(7d)*):

- whether the applicable modelling and input data, as specified in the harmonised technical specification or European Assessment Document, accurately reflect the product’s performance as declared by the manufacturer
- if the characterisation factors provided by the European Commission were used
- any data used and especially the reliability of company-specific data

When the calculations are performed using software (own or third-party), notified bodies must validate if this software is appropriate and if it was correctly used (*Annex IX(IVb)*).

- For products under AVCP system 3 of the CPR-2011, the definition of the product type does not require any third-party verification. In contrast to this, CPR-2024 requires that manufacturers of products covered by AVS 3 to obtain a certificate from a Notified Body confirming that the product type and product category were correctly determined, which includes that the manufacturer has used a correct combination of reports. These certificates do not have an expiration date but can be withdrawn or made invalid by the Notified Body if e.g. it identifies that the product type certificate was wrongly issued, i.e. when there was a mistake filling it in.

CPR FOR IMPORTERS, AUTHORISED REPRESENTATIVES AND DISTRIBUTORS

4.1 Who is who

The CPR-2024 identifies 5 main economic operators:

- **Manufacturers**
See Chapter 3.
- **Authorised representatives**
Natural or legal persons established in the EU who have been mandated by a manufacturer (within or outside the EU) to act on its behalf within the given mandate and to assume certain manufacturer's responsibilities (See Definition box below). While manufactures established within the EU may appoint, manufacturers established outside the EU must appoint a single authorised representative.
- **Importers**
Natural or legal persons established within the EU, which (procure and) place products from a third country on the European Union market.
- **Distributors**
Natural or legal person trading products which have been placed on the market by a manufacturer or an importer or which are made available by other natural or legal person.
- **Fulfilment service providers**
Natural or legal persons providing services within the supply chain, excluding transport and similar services.

but generally considers any natural or legal person involved in the (re)manufacturing and placing on the market of (reused) products in accordance with the Regulation as 'economic operator' (Article 3(9)).

DEFINITION BOX

'Economic operator' means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to the CPR-2024 in relation to the manufacturing or remanufacturing of products, including reused products, or to making those products available on the market, in accordance with that Regulation (Article 3(9));

'Manufacturer' means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark (Regulation (EU) 2019/1020, Article 3(8));

'Authorised representative' means any natural or legal person established in the European Union who has received a written mandate from a manufacturer to act on that manufacturer's behalf in relation to specified tasks with regard to the manufacturer's obligations under this Regulation (Article 3(36));

'Importer' means any natural or legal person established within the EU who places a product from a third country on the European Union market (Regulation (EU) 2019/1020, Article 3(9));

'Distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market, including by offering products

for sale, hire or hire purchase, or displaying products to customers or installers in the course of a commercial activity, and including through distance selling, whether or not in return for payment (Article 3(35));

'Fulfilment service provider' means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services, parcel delivery services and any other postal services or freight transport services (Regulation (EU) 2019/1020, Article 3(11)).

4.2 Obligations for all economic operators

The overall obligation of economic operators is to ensure continued compliance with the Regulation. Besides that, which depending on the role of the economic operator entails a number of specific obligations, all economic operators have duties to cooperate with authorities and to allow consumers and users of the products to report accidents or incidents experienced with the products. These cooperation duties include:

- Reporting to the responsible market surveillance authority about the progress of corrective actions to remedy own non-compliances (*Article 20(2)*)
- Identifying, upon request of a competent national authority, from whom and to whom the economic operator has received or supplied which quantities of products (incl. components and spare parts) or services covered by the Regulation (*Article 20(3)*)
- Keeping all documents and information related to the respective economic operator's own obligations at the disposal of the competent national authorities for a period of 10 years after the last product or services was received or supplied, unless these have been made available as part of the Digital Product Passport (*Article 20(4)*)
- Making available of communication channels (e.g. telephone numbers, e-mail, etc.) to consumers and users through which these can report experienced accidents, incidents or safety issues to the economic operator (*Article 20(5)*)
- Immediately informing the competent national authorities of the Member States in which it has made a product available, when it considers that non-conforming products present a risk to human safety or the environment

As mentioned previously in this Guide, the duties of economic operators stipulated in the CPR-2024 apply however only in relation to products covered by a harmonised technical specification according to the CPR-2024 as well as to products CE marked on the basis of an ETA and EAD that were issued under the CPR-2024. As regards products covered by the CPR-2011 the obligations specified therein apply.

Compliance with the obligations of the CPR-2024 or for that matter the CPR-2011 does not imply that no further obligation under other European Union law may apply, such as obligations imposed by the General Product Safety Regulation (Regulation (EU) 2023/988) or the Classification, Labelling and Packaging Regulation (Regulation (EU) 2024/2865).

[See Chapter 2.9 for more information.](#)

4.3 Obligations of authorised representatives

Manufacturers established within the EU may appoint a single authorised representative, manufacturers established outside the EU, whether actively placing products on the EU single market or via an importer established within the EU, must appoint a single authorised representative.

The obligations of the authorised representatives widely depend on the tasks the manufacturers have specified in their mandates to them. The CPR-2024 does not restrict the tasks that may be mandated by the manufacturers, except excluded the drawing up of the technical documentation, which remains an obligation of the manufacturer (see Chapter 3).

As representatives of the manufacturers, they shall be allowed by their mandate and are obliged by the CPR-2024 to at least (Article 23(2)):

- | | |
|---|--|
| <ul style="list-style-type: none">➤ Keep the declaration of performance and the technical documentation at the disposal of competent national authorities➤ Provide the competent national authorities, in response to a reasoned request, with all the information and documentation necessary to demonstrate the conformity of a product with its declared performance and its compliance with other applicable requirements of the CPR-2024➤ Inform, when there is reason to believe a product is non-compliant or presents a risk:<ul style="list-style-type: none">• the manufacturer,• the competent national authority of his own place of business• the competent national authorities where a product is placed on the market | <ul style="list-style-type: none">➤ Cooperate with the competent national authorities to eliminate risks posed by products covered by their mandate and/or to remedy non-conformities, if requested by said authorities terminate the contract with the manufacturer, if the latter has acted contrary to its obligations under the CPR-2024 and inform about the termination:<ul style="list-style-type: none">• the competent national authorities of the Member States where the product is placed on the market• the competent national authority of his own place of business• the manufacturer |
|---|--|

In addition to the afore listed obligations and minimum tasks, the authorised representative shall verify at documentary level that:

- | | |
|---|--|
| <ul style="list-style-type: none">➤ The products placed on the market:<ul style="list-style-type: none">• are CE marked and labelled as required• bear the manufacturer-specific unique identification code of the product type• bear, where available, an easy visible and legible batch or serial number• are accompanied by a DoPC or that it is available on a website or as part of the DPP | <ul style="list-style-type: none">➤ The general product information➤ The instructions for use and safety information➤ Any other information which may need to be provided in accordance with the CPR-2024, such as safety data sheets <p>are provided in the required language(s) and that the information is displayed to customers before they are bound by a sales contract, including in the case of distance selling.</p> |
|---|--|

4.4 Obligations for importers

In the case of manufacturers placing products actively on the EU market with only an authorised representative, the initiative of placing products on the EU market is and remains with the manufacturer. The manufacturer therefore decides which tasks to assign to the authorised representative.

In contrast to this, importers procure products from third countries and place them (make them first available) on the European Union market. Therefore, the obligations of importers are comparable to those of manufacturers, in the sense that importers are ultimately responsible for ensuring that imported products comply with the CPR-2024. They shall only place products compliant with the CPR-2024 on the European Union market (*Article 24 (1)*), while in most cases they shall ensure the necessary tasks are performed rather than performing them themselves.

In addition to the obligations that apply to all economic operators ([see Chapter 4.2](#)), Table 1 lists the specific obligations of importers in comparison with those specific to manufactures.

If importers sell (also) to end users, in addition to the general and the specific obligations, they shall also fulfil the obligations that apply to distributors.

While the CPR-2024 assigns general obligations to all and specific obligations to i.e. importers, there are cases ([see Info box below](#)), where the obligations of manufacturers also apply to importers (and distributors).

WORTH NOTING

OBLIGATIONS OF MANUFACTURERS APPLY TO IMPORTERS AND DISTRIBUTORS WHEN THEY (*ARTICLE 26*):

- Place a product on the market under their own name or trade mark (i.e. their name is shown in the DoPC and CE marking)
- Modify a product intentionally or unintentionally (e.g. by storing it inappropriately) in such way that the performances or the conformity of the product is affected
- Make products available on the market with a declared use that deviates from the one declared by the manufacturer in its DoPC
- Claim for the products characteristics that deviate from those declared by the manufacturer, i.e. declare more or fewer characteristics or characteristics with deviating performances
- Decide to assume the role of a manufacturer

Table 1:

*Specific obligations of
manufacturers and importers
(simplified description, for
details see indicated Articles)*

- obligations which apply, even if only in certain cases
- obligations which apply if and when delegated acts are adopted

SUBJECT MATTER	MANUFACTURERS	IMPORTERS
Product type	shall determine ■ Article 22 (1)	
Product's performances	shall assess and declare mandatory essential characteristics ■ Article 22 (1)	shall ensure the manufacturer has demonstrated the performance of mandatory essential characteristics ■ Article 24 (2)
	shall assess essential characteristics intended to be declared ■ Article 22 (1)	shall ensure the manufacturer has demonstrated the performance of the essential characteristics intended to be declared ■ Article 24 (2)
Product requirements	shall ensure the product has been designed and constructed in accordance with requirements ■ Article 22 (1)	shall ensure that the product is in compliance with requirements ■ Article 24 (2)
Attestation and verification of performances	shall demonstrate the product's compliance with applicable requirements and its performance in accordance with the applicable AVS system ■ Article 22 (2)	shall ensure the manufacturer has demonstrated the product's compliance with applicable requirements and its performance in accordance with the applicable AVS system ■ Article 24 (2)
DoPC	shall draw-up ■ Article 22 (2)	
	shall supply or make available ■ Article 16 (1) and (2)	shall ensure the product is accompanied by the DoPC or that it is supplied or made available ■ Article 24 (2) (c)
Ce-marking	shall affix in accordance with articles 17 and 18 ■ Article 22 (2)	shall ensure the product bears the CE-marking in accordance with Article 18 ■ Article 24 (2) (b)
Spare parts	shall ensure availability ■ Article 22 (2)	
	shall offer within a reasonably short delivery period ■ Article 22 (8)	
	shall offer at a reasonable and non-discriminatory price ■ Article 22 (8)	
	shall inform the public about the availability and price ■ Article 22 (8)	
Environmental sustainability labelling	shall generate and affix if and as required by applicable delegated act(s) ■ Article 22 (2), (9) and (10)	shall ensure the product bears the label if and as required by applicable delegated act(s) ■ Article 24 (2) (b)
Technical documentation	shall draw-up ■ Article 22 (3)	shall ensure the manufacturer has drawn-up... ■ Article 24 (2) (a)
		shall verify that the use of the product has been declared by the manufacturer ■ Article 24 (3)
Design and construction of products	shall ensure appropriateness of product design, including 3-D datasets, production processes and material used ■ Article 22 (4)	
Procedures ensuring products' compliance with the declared performance and conformity with this regulation	shall put in place ■ Article 22 (4)	
Changes in the applicable harmonised technical specifications	shall take these adequately into account ■ Article 22 (4)	
	shall trigger a re-assessment, where these affect the performance or conformity of the product ■ Article 22 (4)	
Sample testing of products placed or made available on the market	shall carry out, where deemed appropriate ■ Article 22 (4)	
Register of complaints, of non-conforming products and product recalls	shall investigate complaints and keep, if necessary ■ Article 22 (4)	shall investigate complaints and keep, if necessary ■ Article 24 (7)
Non-conforming products and product recalls	shall keep importers and distributors informed ■ Article 22 (4)	shall keep manufacturers and distributors informed ■ Article 24 (7)
Manufacturer-specific unique identification code of the product type	shall ensure its products bear ■ Article 22 (5)	shall ensure the manufacturer ensures ... ■ Article 24 (2) (d)
Batch or serial number which is easily visible and legible for users	shall, where available, ensure that its products bear ■ Article 22 (5)	shall ensure the manufacturer ensures ... ■ Article 24 (2) (d)
Label 'only for professional use'	shall label products accordingly, if expertise is needed to use them and display label to customers prior to being bound to a sales contract (incl. in case of distance selling) ■ Article 22 (5)	shall ensure the manufacturer labels ... and displays the label ... ■ Article 24 (2) (d)

Table 1 continued

- obligations which apply, even if only in certain cases
- obligations which apply if and when delegated acts are adopted

SUBJECT MATTER	MANUFACTURERS		IMPORTERS	
Information which must be provided pursuant to the CPR-2024	shall display to customers, before they are bound by a sales contract (incl. in case of distance selling)	Article 22 (5)	shall ensure the manufacturer displays ...	Article 24 (2) (d)
			shall display to customers, before they are bound by a sales contract (incl. in case of distance selling)	Article 24 (3)
General product information, instructions for use and safety information in the determined language(s)	shall ensure products placed on the market are accompanied by	Article 22 (6)	shall ensure the manufacturer ensures ...	Article 24 (2) (d)
			shall ensure products are accompanied by	Article 24 (3)
Digital product passport	shall make available, when the system is available	Article 22 (7)	shall ensure the manufacturer makes available ...	Article 24 (2) (d)
Products not yet placed on the market which are considered/believed to be non-conforming and/or non-compliant			shall not place the products on the market until they are in compliance and conformity or until the DoPC is corrected	Article 24 (5)
Products not yet placed on the market which present a risk			shall inform the manufacturer and the responsible competent national authority	Article 24 (5)
Products placed on the market which are considered/believed to be non-conforming and/or non-compliant	shall immediately take necessary corrective measures to bring a product back into conformity and/or compliance or to withdraw or recall it	Article 22 (11)	shall immediately take necessary corrective measures to bring a product back into conformity and/or compliance or to withdraw or recall it	Article 24 (8)
	shall inform the supplier or service provider and the manufacturer's competent national authority, if linked to a supplied component or an externally provided service	Article 22 (11)		
Products placed on the market which present a risk	shall inform all the authorised representatives, importers, distributors, fulfilment service providers, and online market places involved in the distribution of the products	Article 22 (12)		
	shall inform competent national authorities of the Member States in which the manufacturer or, to its knowledge, other economic operators made the product available	Article 22 (12)	shall inform the competent national authorities of the Member States in which they made the product available on the market	Article 24 (8)
	shall provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents, and the corrective measures taken or recommended	Article 22 (12)	shall give details, in particular, of the non-conformity and of any corrective measures taken.	Article 24 (8)
	shall, where products have already reached an end user or consumer who cannot be identified or contacted directly, disseminate information about appropriate measures to eliminate or to reduce the risks through the media and other appropriate channels	Article 22 (12)		
Conditions of product storage or transport			shall ensure that, while a product is under its responsibility, product storage or transport do not jeopardise its conformity with the declaration of performance and conformity, or its compliance with other applicable requirements in the CPR-2024	Article 24 (4)
Business information			shall indicate preferably on the product the importer's name, registered trade name or registered trade mark, its place of business, its contact address and, where available, electronic means of communication	Article 24 (6)

4.5 Obligations for distributors (incl. DIY stores)

In addition to the obligations that apply to all economic operators (see Chapter 4.2), before making a product available on the market, distributors shall verify that:

- The product is CE marked and bears the environmental sustainability label, if required for the given product family or category by a Delegated Act.
- The product is accompanied by a DoPC or that it is available on a website or as part of the DPP.
- The product is accompanied by general product information, instructions for use and safety information, in a language to be decided by the Member State concerned or, if no language was decided, in a language which can be easily understood by users.
- The manufacturer has:
 - indicated its own unique identification code of the product type as well as, if available, a batch or serial number
 - labelled the product “Only for professional use” if its use requires expertise
- Preferably on the product, on an affixed label, on the packaging, or in the accompanying products.
- The manufacturer displays to customers, i.e. to the distributor itself, the information that must be provided pursuant to the CPR-2024 before they are bound by a sales contract (incl. in case of distance selling).
- The manufacturer provides a DPP from the moment it becomes mandatory to do so.
- In case the product was imported from a country outside the EU, the importer has indicated its business information (name, registered trade name/mark, contact details etc.) preferably on the product (see Article 24 (6)).

Same as the manufacturers, distributors shall display to their own customers the information that must be provided pursuant to the CPR-2024 before the customers are bound by a sales contract (incl. in case of distance selling).

Furthermore, distributors have duties related to preventing that products that do not conform to the declared performances or do not comply with applicable requirements are not made available on the market, especially when such products present a risk. These duties include storing and transporting products in such a way, that their conformity and compliance is not jeopardised. Where, none the less, non-conforming/non-compliant products were made available on the market, they shall take the necessary measures to bring the products in conformity/compliance. These measures include, if appropriate, withdrawing or recalling such products. Where such products pose a risk, distributors shall inform and provide details to the competent national authorities of the Member States in which it has made available said products.

Same as importers, there are cases (see Info box in Chapter 4.4), where the obligations of manufacturers also apply to distributors.

4.6 Online sales

Economic operators offering products online or through distance sales are considered to be making them available in the EU market if they target customers in the European Union, such as by using EU currencies, EU-registered domains, or offering shipping to EU countries—unless they explicitly exclude the EU market. When offering such products, they must clearly indicate the CE marking, required product information, relevant labels, and a data carrier linked to a digital product passport where applicable. Intermediaries facilitating the placement of products on the market must indicate the same set of information items as the economic operators.

COOPERATION WITH NOTIFIED BODIES

5.1 What are the Notified Bodies?

Notified Bodies, which are known and operated similarly under the CPR-2011, are organisations, which have been formally communicated (notified) by European Member States to the European Commission and other Member States, that are authorised to carry out:

- Tasks in the assessment and verification of performance
- Tasks in the assessment of conformity
- The verification of the environmental sustainability calculations

for the purposes of the CPR-2024 (*Article 42(1)*). In Chapter VI, i.e. the articles concerning notifying authorities and Notified Bodies, the latter are mostly referred to as “conformity assessment bodies.”

While generally speaking the requirements for Notified Bodies in the CPR-2011 are similar to those in the CPR-2024, the latter introduces stricter independence requirements, new restrictions on delegation, additional competence and transparency requirements, and stronger confidentiality obligations. These changes aim to improve impartiality, accountability, and reliability of conformity assessment bodies in the construction product sector.

In order to avoid conflict of interests, a conformity assessment body shall not have any business ties with organisations that have an interest in the products it assesses (*Article 46(3)*), in particular with manufacturers. However, if it belongs to a business association or professional federation representing e.g. manufacturers of products which it assesses, it may still be considered a conformity assessment body, if its independence and the absence of any conflict of interest are demonstrated (*Article 46(3)*). In any case, neither the management of the conformity assessment body, nor its personnel responsible for carrying the third-party tasks shall be involved in the design, manufacture construction, marketing, installation, use or maintenance of the construction products assessed.

Conformity assessment bodies shall have the necessary means to perform the technical and administrative tasks connected with the activities for which it intends to be operated. They shall be adequately equipped with all the necessary facilities to perform the work for which they have been designated and notified (*Article 46(6)*). The conformity assessment bodies’ personnel that is responsible for assessments, must have relevant technical training, knowledge of applicable hTSs, EADs and relevant provisions of the Regulations as well as the ability to document assessment results and draw up certificates (*Article 46(7)*). The personnel of the conformity assessment body shall observe professional secrecy regarding the information obtained while carrying out its tasks, except in relation to the notifying and competent national authorities of the Member State in which its activities are carried out (*Article 46.11*).

When carrying out tests under AVSs 1+, 1 and 3, Notified Bodies are fully responsible for the accuracy and traceability of calibration and measurements as well as the reliability of the test results. This applies particularly when using facilities outside their own testing laboratory (*Article 49*).

5.2 Using subsidiaries, subcontractors and external facilities

Notified bodies may subcontract tasks or assign them to a subsidiary (*Article 48*). When doing so, they must ensure that any subcontractors or subsidiaries meet the requirements for Notified Bodies (*Article 46*) and inform the notifying authority. They remain fully responsible for all outsourced tasks and must monitor the competence of subcontractors or subsidiaries. Subcontracting requires client approval, and all relevant qualification and performance records must be available to the notifying authority.

Upon request or with consent of the manufacturer, Notified Bodies may conduct or oversee tests under AVS 1+, 1 and 3 at manufacturing plants or external laboratories if justified by technical, economic, or logistic reasons, provided they are specifically designated as competent to work outside their own facilities (*Article 49*). Before performing

such tests, they must verify compliance with test method requirements, including calibration systems and result quality. When performing tests outside their own laboratories, Notified Bodies remain fully responsible for the accuracy, traceability, and reliability of the test results.

EXAMPLES

Air permeability tests for windows (AVS 3) are often carried out at the facilities of the suppliers of window frames under the responsibility of the respective Notified Body (*Article 49*). The suppliers then cascade the results to the manufacturers of the windows, who are responsible for the drawing

up of the declaration of performance and conformity of their product types (*Article 62(2)*). As part of this cascading, upon request of the suppliers, their Notified Bodies shall cooperate with the Notified Bodies that have recognised their assessments (*Article 55(7)*).

5.3 Identification number and list of Notified Bodies

Both according to the CPR-2011 and the CPR-2024, manufacturers are free to choose any conformity assessment body that has been notified for the relevant hTS, EAD or regarding groupings of essential characteristics of a horizontal nature (*Annex X*). Each Notified Body receives a unique identification number from the European Commission.

As is the case under the CPR-2011, the European Commission will make publicly available the full and up-to-date list of Notified Bodies that manufacturers can contract according to their needs. At present and until otherwise decided, the European Commission maintains the New Approach Notified and Designated Organisations (NANDO) information system, which

includes the [NANDO-database](#), that allows searching Notified Bodies by legislation, such as the CPR-2011 ([Regulation \(EU\) No 305/2011 - Construction products](#)). The list of conformity assessment bodies notified under the CPR-2024 shall be published at the latest as of 8th of January 2026.

5.4 Tasks and obligations of Notified Bodies

The operational obligations (*Article 55*), as well as the horizontal and specific tasks of Notified Bodies (and manufacturers) related to the different AVSs are described in Chapter 3.4.

In addition to the operational obligations and AVS related tasks, Notified Bodies have a number of information and coordination obligations:

- Notified Bodies must inform the notifying authority of any refusal, restriction, suspension, or withdrawal of certificates, validation reports, or test reports. They must also report any changes affecting their notification scope and respond to information requests from national authorities regarding assessment or verification activities. Upon request, they must provide details on third-party tasks, including cross-border activities and subcontracting, carried out within their notification scope (*Article 56(1)*).
- They must share relevant information with other Notified Bodies performing similar tasks, particularly concerning negative assessment results such as certificate withdrawals or restrictions. Upon request, they must also provide details of positive results from assessments. Additionally, they must confirm the status of any certificates, validation reports, or test reports when requested by another Notified Body, national authority, or the European Commission (*Article 56(2)*).
- If the European Commission or a competent national authority requests information about an assessment conducted by a Notified Body that is established in another Member State than the one of the requesting authorities, it shall send a copy of that request to its own notifying authority. The Notified Body must respond to the request without delay and no later than 15 days later. The notifying authority of the Notified Body must ensure that the request is resolved unless a valid reason prevents it (*Article 56(3)*).
- Notified Bodies must alert and share evidence with (*Article 56(4)*) the relevant:
 - notifying authority, when another Notified Body is not complying with its regulatory obligations
 - market surveillance authority if they discover non-compliant products on the market or if a product poses a serious risk due to its physical condition
- Notified Bodies shall participate in the work of the Group of Notified Bodies (GNB) directly or via appointed representatives and shall apply as general guidance any relevant documents produced as a result of the work of the GNB (*Article 58*).

EXAMPLES

Notified Body X in charge of assessing and verifying the performance and conformity of sliding windows from Manufacturer Y finds out that the product does not meet the criteria concerning the minimum class for watertightness. Notified Body X shall inform other Notified Bodies carrying out assessment and verification of watertightness performance about the negative results obtained by Manufacturer Y.

Figure 11:
Tasks of the notified body in
relation to the applicable AVS

NOTIFIED BODIES'S TASK											
WHERE A NOTIFIED BODY IS INVOLVED IN ASSESSMENT AND VERIFICATION: VERIFICATION THAT THE PRODUCT TYPE WAS CORRECTLY DETERMINED AND THE CORRESPONDING PRODUCT CATEGORY WAS CORRECTLY APPLIED											
	Confirmation that the product type was correctly determined and the product category correctly applied	An assessment of the performance of the product on the basis of type-testing (including sampling of the items to be taken as representative of the type). Type calculation or tabulated values describing the product	An assessment of the performance of testing performed by a laboratory (based on sampling carried out by the manufacturer), calculation, labeled values or descriptive documentation of the product	Validation of the input values, assumptions made and compliance with applicable generic or product category specific rules	Validation of the manufacturer's assessment	Validation of the process applied to generate that assessment	Validation of the correct usage of software appropriate for the assessment	Initial inspection of the manufacturing plant and of the factory production control	Continuing surveillance, assessment and evaluation of factory production control including periodic inspections to the manufacturing plant	Audit testing of samples taken before placing the production on the market	Verification that the technical documentation was drawn up and contains proof of the correct application of this Regulation with regard to the assessment of performance with the applicable product requirements under this Regulation
✗ Was also required within the old AVCP system ✗ Additional / new requirements within the new AVS	✗	✗						✗	✗	✗	✗
SYSTEM 1+ Full notified body control including audit sample testing	✗	✗						✗	✗	✗	✗
SYSTEM 1 Full notified body control without audit sample testing	✗	✗						✗	✗		✗
SYSTEM 2 Notified body focusing on the factory production control	✗							✗	✗		✗
SYSTEM 3+ Notified body's control of environmental sustainability assessment				✗	✗	✗	✗	✗			
SYSTEM 3 Notified body focusing on the determination of the product type	✗		✗								
SYSTEM 4 Manufacturer's self-verification and self-certification											

The CPR-2024 does not consider contractors to be economic operators and does not specify any obligations or responsibilities for them.

Construction products CE marked and placed on the market in accordance with the CPR-2024 are accompanied by extensive information, first and foremost the Declaration of Performance and Conformity (DoPC), but also general product information, instructions for use and safety information. This information must be displayed to customers before they are bound by a sales contract (incl. in case of distance selling) and will, at a certain time, all become part of the Digital Product Passport (DPP). With the DoPC manufacturers declare the product's compliance with the declared performances, the applicable product requirements that have been specified by Delegated Acts, as well as the conformity with the CPR-2024. In addition to the intended use of the product, which since long is a commonly known term defining the general purpose of a product, under the CPR-2024 the manufacturer must also express the declared use. This declared use outlines how the manufacturer foresees the product to be used within that wider, general purpose. The manufacturer is responsible and liable for the compliance and conformity of the products, and this is where the manufacturer's responsibility and liability under the CPR-2024 end towards customers.

On the basis of the extensive information that is available from manufacturers and other economic operators in the supply chain, even

before buying the product, contractors and any other buyers have to choose the products that are fit for their own purposes. Even where the declared use (e.g. for load bearing structural elements) matches with their purposes, contractors and buyers are responsible for selecting products which comply with the local building Regulations (where applicable) and the performance and other specifications of the designers. Where the declared performances of the offered product do not comply or meet these necessities, they need to select an alternative product or inform the designer of the need to verify or adapt the calculations.

Where products are made to measure, the situation is similar. The one placing the order (the contractor, the designer, etc.) with the manufacturer is responsible for specifying the necessary performance and other properties of the product. The manufacturer is responsible and liable for delivering a product in accordance and compliance with the specifications of the customer (incl. with applicable product requirements that have been specified by Delegated Acts for the applicable product family or category) and for the conformity with the CPR-2024. But the manufacturer is not responsible or liable for meeting the requirements that apply where the product is installed.

STANDARDISATION

7.1 Overcoming deficiencies in the standardisation system: from CPR-2011 to CPR-2024

Harmonised standards (hENs) under the CPR-2011 were crucial for establishing the internal market, including for construction products. However, the system faced deficiencies, such as imprecise mandates (substituted by standardisation requests under the CPR-2024) or incomplete standards that did not meet Member States' regulatory needs. With the CPR-2024, standards will continue to be a key element, while introducing fallback solutions for situations where the standardisation system fails to deliver.

7.2 Type of harmonised standards

The two types of harmonised standards that are defined in the CPR-2024 are:

- Mandatory performance harmonised standards
- Voluntary presumption of conformity harmonised standards.

7.2.1 Mandatory performance harmonised standard

This type of standards forms the basis for issuing the declaration of performance. Drafted upon a request by the European Commission through standardisation requests, these standards define product scope, including whether used products are covered. They specify essential characteristics, assessment methods (including alternatives to testing), and technical details for verification. These standards may also outline guidelines for product information, safety instructions, and ensure interoperability of the human and machine-readable formats in which the DoPC has to be provided.

Performance harmonised standards are made mandatory by the European Commission through Implementing Acts. Manufacturers must apply these standards by the specified date, typically within one year of the act's adoption, though they may choose to apply them earlier.

In simpler terms, the mandatory performance harmonised standards in the CPR-2024 serve a similar purpose to the harmonised standards (hENs) in the CPR-2011. They both define the essential characteristics of a construction product and specify how to assess its performance in relation to those characteristics.

7.2.2 Voluntary presumption of conformity harmonised standards

This type of standards is new and has been introduced by the European Commission to help manufacturers demonstrate compliance with product requirements under *Annex III* of CPR-2024. Declaring conformity with product requirements (if they have been established by a Delegated Act) is mandatory, but manufacturers have the option to comply by using voluntary harmonised standards. If they choose not to, they must demonstrate compliance through other means.

Conformance with voluntary harmonised standards provides a presumption of conformity, addressing aspects such as:

- **Appropriate functioning and performance:** Standards may specify materials, components, dimensions, shapes, or other measures to ensure proper product performance.
- **Inherent product safety:** Standards may define state-of-the-art methods to reduce risks, offer technical solutions, or provide warnings where risks cannot be eliminated.
- **Product environmental aspects:** Standards may establish the best practices for mitigating negative environmental impacts, offering technical solutions or warnings to reduce or avoid these effects.

7.3 Ensuring comprehensive standardisation requests for the development of harmonised standards

To ensure CEN Technical Committees can develop exhaustive standards, standardisation requests must be thorough in reflecting the required content. In the case of mandatory performance harmonised standards and voluntary harmonised standards, it's essential that the specific needs of Member States are fully considered. To support this, a so called "CPR Acquis Expert Group" will assist the European Commission in drafting the technical aspects of the request. This group will include experts appointed by Member States, along with representatives from European standardisation and stakeholder organisations.

Key elements of a standardisation request include:

- The product family or categories to be covered by the standard(s)
- The technical content, especially the essential characteristics that need to be addressed
- The deadline for delivering the standard(s)

Once CEN accepts the request, it must develop the standards within the deadline specified in the standardisation request and submit them to the European Commission for review.

7.4 Procedure for assessing and implementing harmonised standards

7.4.1 Mandatory performance harmonised standards

After receiving performance harmonised standards from the CEN, the European Commission must assess compliance with the standardisation request and European Union law within six months. The results, along with reasons, are then presented to CEN and the CPR Acquis Expert Group.

If the assessment is positive, the European Commission will:

- Adopt an Implementing Act making the standard mandatory, typically applicable one year after adoption, though manufacturers may apply it earlier.

Filing complaints

- Member States, the European Parliament, or the European Commission (with the CPR Acquis Expert Group's support) can file formal complaints if they believe the performance harmonised standard does not meet legal requirements or fails to address essential characteristics adequately.

If the European Commission finds the performance harmonised standard unsatisfactory, it may:

- make the performance harmonised standard mandatory with restrictions; or
- make other harmonised technical specifications applicable [See "Fall-back solution" below.](#)

Fall-back solution conditions

The European Commission can adopt other harmonised technical specifications only when:

- CEN rejects the standardisation request
- the requested standard is not delivered by the deadline and no later than three years after accepting the standardisation request
- the delivered standard does not meet the standardisation request

Additionally, if the request involved revising an existing mandatory performance harmonised standard, when:

- no previous mandatory standard has been made mandatory in the last five years without restrictions or
- a previous mandatory standard was made mandatory with restrictions

European Commission's procedure

Even if these conditions are met, the European Commission must follow a process before making other technical specifications mandatory, including:

- considering the views of the CPR Acquis Expert Group
- consulting relevant stakeholder organisations that receive financing to support standards development.

Objections to Implementing Acts

If a Member State or the European Parliament believes that an Implementing Act does not fully meet the essential characteristics, they must inform the European Commission with detailed reasons. The European Commission will review the objections and may amend the Implementing Act if necessary.

7.4.2 Voluntary presumption of conformity harmonised standards

The process for handling voluntary presumption of conformity harmonised standards closely mirrors the procedure for performance harmonised standards. However, there are a few key differences:

No fixed timeframe

Meaning that the European Commission is not bound by a specific deadline when assessing whether the voluntary presumption of conformity harmonised standard complies with legal requirements and meets the standardisation request regarding the presumption of conformity for the requested product requirements.

Voluntary nature

Unlike performance harmonised standards, the publication of a reference to the voluntary conformity harmonised standard in the Official Journal of the European Union does not make it mandatory; it remains voluntary for manufacturers.

Fall-back solution

If the voluntary presumption of conformity harmonised standard cannot be referenced in the OJEU (with or without restrictions), a similar fall-back solution applies, but with fewer time constraints compared to the procedure for performance harmonised standards.

VOLUNTARY ROUTE FOR CE MARKING

Like the CPR-2011 also the new CPR-2024 allows for a voluntary route to CE marking, based on a European Technical Assessments (ETAs) (*Article 3(19), 37*), issued by Technical Assessment Bodies (TAB) (*Article 3(57), 31(3), 32*) in accordance with European Assessment Documents (EAD) (*Article 3(18), 13(1), 31*). TABs continue to be organised, and their work coordinated in the European Organisation of Technical Assessment Bodies (EOTA) (*Article 41(1)*).

However, the new CPR-2024 introduces some remarkable differences for the voluntary route, as a result of the experiences made under the CPR-2011 (*Recitals (69), (70)*). The key differences are listed below, and explained further in this chapter in more detail:

- EADs do not qualify as 'harmonised technical specifications' ([see Chapter 2.6](#)) and are therefore also not part of the harmonised zone.
[See Chapter 2.8.1.](#)
- EADs cannot be adopted if a product is covered by i.e. a harmonised standard made mandatory by an Implementing Act (*Article 31 1a*) or one to be delivered in a period shorter than one year (*Article 31(1c)*).
- The European Commission is empowered to add rules, via Delegated Acts, to ensure good functioning of the system of EADs (*Article 32(5)*).
- EADs provide a legal basis for issuing European Technical Assessments (ETA). They are cited in the OJEU and may be used for a default period of 10 years, unless the reference in the publication is withdrawn. Towards the end of the validity period, EOTA may submit EADs to the European Commission for renewal (*Article 34(2)*).
- ETAs issued on the basis of an EAD remain valid until 5 years after the validity of the EAD ends (*Article 37(5)*).
- The content of EADs includes the:
 - description of the product, or product category (new) and intended use
 - relevant essential characteristics and the predetermined environmental characteristics
 - assessments methods
 - technical details for the AVS system
 - guidelines for drafting general product information, instructions for use and safety information
 - guidelines for machine readable DoPC (*Article 35*)

8.1 European Assessment Documents (EADs)

European Assessment Documents (EADs) are documents adopted by the Organisation of Technical Assessment Bodies (TABs) for the purpose of issuing European Technical Assessments.

See Chapter 8.2.

An EAD lays down the methods and criteria for assessing the performance of products in relation to their essential characteristics. It also sets out the technical details necessary for implementing the assessment and verification systems, guidelines for drawing up instructions and safety information, and guidelines to ensure interoperability of human and machine-readable formats for the declaration of performance and conformity.

8.1.1 What remains valid compared to EADs under the CPR-2011

- | | |
|---|---|
| <ul style="list-style-type: none">➤ EADs under the CPR-2024 still lay down methods and criteria for assessment of products in relation to their essential characteristics (<i>Article 31 (1)</i>).➤ EADs may cover products from within the full scope of the CPR, incl. used products (<i>Article 2, 31 (1)</i>).➤ EADs can however only be developed for products not covered by:<ul style="list-style-type: none">• a harmonised standard made mandatory by an Implementing Act• an Implementing Act that was adopted where a harmonised standard was requested, but not delivered as requested• a harmonised standard to be delivered in a period shorter than one year (<i>Article 31 (1)</i>) | <ul style="list-style-type: none">➤ The criteria defining when a product shall not be considered covered by harmonised standards are described in (<i>Article 31 (2)</i>). They include among others, reference to materials (which shall not be identical to the materials covered in the scope of the harmonised standard) and reference to assessment methods which shall be considered not appropriate for the product in question. |
|---|---|

8.1.2 Novelties introduced by the CPR-2024 for EADs

- | | |
|---|--|
| <ul style="list-style-type: none">➤ The CPR-2024 aims at avoiding proliferation (<i>Article 31 (4,5), 32 (4)</i>) and increasing the transparency in the development of EADs, i.e. by involving Member States (<i>32 (2)</i>).➤ An EAD can be requested not only by a single manufacturer but also by a group of manufacturers, associations or the European Commission (<i>Article 31 (3)</i>). | <ul style="list-style-type: none">➤ All EADs published until 8 January 2026 will remain valid only until 9 January 2031, unless they expire before that date for other reasons, e.g. when the respective product is covered by an hTS (<i>Article 95 (4)</i>). Adopted EADs not published until 8 January 2026 can no longer be the basis for the issue of new ETAs after this date. |
|---|--|

- Where essential characteristics and their assessments including thresholds are already given in a harmonised technical specification or other EADs, EADs shall refer to these as long as technically feasible (*Article 35(3)*).

8.2 European Technical Assessments (ETAs)

A **European Technical Assessment** (ETA) is a voluntary document that evaluates the performance of a construction product in relation to its essential characteristics. It is based on a European Assessment Document (EAD) and is issued by a Technical Assessment Body (TAB).

8.2.1 What remains valid compared to ETAs under the CPR-2011

- An ETA is issued upon request of a manufacturer to a TAB. The TAB does not necessarily have to be located in the Member State of the manufacturer. Manufacturers have the right to choose among the available TABs.
- An ETA is issued based on an EAD. If an EAD is not yet available, an existing EAD may need to be updated or a new one to be developed by EOTA, if the product is not covered by a harmonised standard, etc.
[See Chapter 8.1.1.](#)

8.2.2 Novelties introduced by the CPR-2024 for ETAs

- Under the CPR-2024, an ETA can only be issued based on an EAD the reference of which has been published in the OJEU (*Article 37(1)*). Under the CPR-2011, a pre-requisite for the citation of an EAD in the OJEU was that at least one ETA was issued based on the basis of that EAD. Under the CPR-2024, an ETA can only be issued after the citation of the EAD in the OJEU.
- There is no longer an obligation to CE mark a product covered by an ETA (*Article 37(6)*).
- The validity of ETAs will be limited to five years after the expiry date of the respective EAD (10 years after publication of the reference in the OJEU, unless renewed (*Article 34(2), Article 37(5)*).
- ETAs shall also include the assessment of the performance for the predetermined environmental essential characteristics starting as from 8th of January 2026 (*Article 96, 37(3)*) with the first 5 characteristics related to GWP (*Annex II point (a) to (d)*), followed by further environmental essential characteristics according to the implementation timeline indicated in Article 15 (3).
- ETAs can be issued even after a standardisation request has been cited until the respective harmonised technical specification has been published (*Article 37(1)*).

8.3 Technical Assessment Bodies (TABs) and their coordination

Technical Assessment Bodies (TABs) are independent organisations designated under the CPR-2024 to assess and issue European Technical Assessments (ETAs) for construction products that do not fall under harmonised technical specifications.

8.3.1 What remains valid compared to TABs under the CPR-2011

- An organisation for coordination of TABs shall be established (*Article 41*). Under the CPR-2011, this was the European Organisation for Technical Assessment (EOTA).
- TABs shall respect the time limits, assess EADs and share them with the European Commission, be cost effective for manufacturers, ensure coordination between TABs.
- The European Commission can modify the EAD procedures via Delegated Acts.
- TABs must inform the applicant about the reasons why a request is rejected, about the AVS applicable to the product and about the EAD citation.
- Designating authorities can restrict, suspend or withdraw the TABs designation if they see that there is no compliance anymore (for specific product family) with the CPR-2024.
- The organisation of TABs shall make publicly available in annual reports the references to EADs and ETAs as well as the list of TABs responsible for specific ETAs and the list of manufacturers who use them (*Article 41 (2h)*).

8.3.2 Novelties introduced by the CPR-2024 for TABs

- TABs are requested to give preference to the extension of the scope of existing EADs, rather than creating new ones.
- TABs are requested to have more transparency and efficiency, e.g. the organigram shall be public, personnel should be trained, TABs can be requested to prove that they follow the CPR-2024.
- TABs can issue EADs also upon requests of a group of manufacturers, a manufacturer's association or the European Commission.
- TABs are requested to have close cooperation with CEN and the European Commission. They shall check each EAD request against existing hTS and standardisation requests: if there is a harmonised standard under development, covering the product in question and expected to be delivered within 1 year, TABs shall inform the applicant about the fact that the EAD can be used to issue ETAs until the date the harmonised standard becomes mandatory.
- TABs should inform their customers about publication of hTS and consequent withdrawal from the OJEU of related EADs covering the same product.

- The European Commission has a broader role in the monitoring of TABs work and in the evaluation of TABs and assessing of EADs. For example, TABs may have to prove to the European Commission that they follow the CPR-2024 if requested, they should report about even geographic distribution of tasks and about their independency.
- When using simplified procedures (*Article 59, 60 and 61*), a TAB shall assess and certify the equivalence to the assessment required for essential characteristics in accordance with the applicable EAD.
- Procedures for requesting an ETA as a manufacturer are almost unchanged compared to the CPR-2011 (the TAB has 6 months to draft an EAD, and the manufacturer has 20 working days to react). However, groups of manufacturers or associations of manufacturers as well as the European Commission address their requests to the organisation of TABs.

DIGITAL PRODUCT PASSPORT (DPP)

The Digital Product Passport (DPP) initiative in the EU will apply to a wide range of products, including textiles, furniture, batteries, electronic devices, and construction products, among others. The overarching framework for the DPP is outlined in the Regulation (EU) 2024/1781, also known as the Ecodesign for Sustainable Products Regulation (ESPR). Overall, the DPP initiative aims to provide clear and accessible information about products, including their origin, composition, and environmental impact. This chapter looks into the provisions of the CPR-2024 dealing with the Digital Product Passport (DPP) for construction products.

9.1 Purpose and function of the DPP for construction products

While the construction Digital Product Passport (DPP) system is outlined in the CPR-2024, it is actually the Ecodesign for Sustainable Products Regulation (ESPR) that lays down the groundwork and establishes the overarching framework for the DPP system. The construction DPP system is inherently linked to and integrated within this overarching DPP system established by the ESPR.

Despite not being yet defined at the time of writing this Guide, the purpose and function of the construction DPP system, as envisioned in the CPR-2024, should be a digital record containing comprehensive information about construction products throughout their lifecycle. It should be designed to enhance transparency

and traceability in the construction sector. The DPP for construction products is supposed to include a range of information which should, facilitate informed decision-making for users and authorities, improve market surveillance, and promote the circular economy e.g. by providing information on reuse and recycling.

9.2 Content of the DPP for construction products

The CPR-2024 defines the required content of the Digital Product Passport (DPP) for construction products in *Article 76*. The following information must be included in the DPP:

- Declaration of Performance and Conformity (DoPC) according to *Article 15*
- General product information, instructions for use and safety information according to *Article 22(6)*
- Technical documentation according to *Article 22(3)*
- Information about specific labelling according to *Article 22(9)*
- Unique identifiers to ensure products' traceability according to *Article 79(1)*
- Documentation required by other EU laws only in case other EU Regulations mandate specific documentation for the product
- Data carriers of key parts only in case the product has key parts which also have already their own product passports available

9.3 Timeline for implementation of the DPP for construction products

The CPR-2024 mandates that the European Commission adopt Delegated Acts to establish the construction Digital Product Passport system (*Article 75(1)*). The system should be fully operational and meet its objectives within six months of the entry into force of these Delegated Acts (*Article 80(1)*) even if it has not yet been defined at the time of writing this Guide. Manufacturers of construction products in the scope of harmonised technical specifications published in the framework of the CPR-2024 will then be required to make product passports available through the system within 18 months (*Article 80(1)*).

The CPR-2024 requires the DPP to be accessible for a period of 25 years after the last product corresponding to its product type has been placed on the market. Also, manufacturers and economic operators acting as manufacturers are obliged to make available the digital product passport of his construction products for at least 10 year (*Article 75(2)*).

9.4 Obligations for manufacturers concerning the DPP for construction products

In essence, manufacturers are responsible for creating, maintaining, and providing access to a DPP that contains comprehensive and accurate information about their construction products.

The main obligation for manufacturers concerning the Digital Product Passport is outlined in *Article 22(7)*: 18 months after the entry into force of the Delegated Act establishing the Construction Digital Product Passport system, manufacturers must make a DPP available through that system for those construction products covered by harmonised technical specifications published in the framework of the CPR-2024. For those construction products, the DPP must be linked to a data carrier such as QR codes on the product, affixed to the product or its packaging.

IMPORTANT: For construction products in the scope of harmonised standards developed under the CPR-2011 and not yet revised after the entry into force of the CPR-2024, the provisions concerning the Digital Product Passport for construction products do not apply.

DEFINITION BOX

‘Data carrier’ means a linear bar code symbol, a two-dimensional symbol, or other automatic identification data capture medium that can be read by a device.

‘Unique identifier’ is not explicitly defined in the CPR-2024. However, the context of the DPP and the reference to *Article 12* of the Ecodesign for

Sustainable Products Regulation (ESPR) provide more clarity: it is a code or string of characters that distinguishes one product type from another, enabling traceability and precise information management throughout the product’s lifecycle. A unique identifier serves to unambiguously identify a specific product type.

9.5 Data accessibility and interoperability

The CPR-2024 emphasises the importance of data accessibility and interoperability. The DPP should be based on open standards and use an interoperable format to ensure seamless data exchange. It should also provide different levels of access to the digital system, catering to the needs of various stakeholders while protecting intellectual property rights and sensitive commercial information.

The CPR-2024 does not provide more specific guidelines on data formats and protocols to ensure seamless integration with other digital systems used in the construction sector, such as Building Information Modelling (BIM).

CEN Committees are presently working on a harmonised approach for the implementation of the DPP for construction products.

The “EU Green Deal”, which aims to achieve climate neutrality by 2050, has put forward the proposal of revising the CPR-2011 to align it with the new climate and circular economy targets. The overall objective is reducing the climate-impact and increasing material efficiency of the whole construction products sector. The CPR-2011 already considered environmental sustainability, even if to a more limited extent compared to its revised 2024 version which is now introducing mandatory sustainability declarations, envisioning a greater use of recycled materials and encouraging product design for reuse and recycling.

In a nutshell, manufacturers of construction products covered by harmonised technical specifications developed in the framework of the CPR-2024 will have to declare the life-cycle environmental performance of their product (based on EN 15804²) in their DoPC but may also need to address other environmental aspects (durability, recyclability, reused content, etc.) in the very same document. Furthermore, manufacturers

should expect the introduction of mandatory sustainability requirements for eligibility in public procurement projects; requirements to ensure the availability of specific spare parts; as well as the implementation of sustainability labelling requirements for certain construction products.

2. Only for products linked to heating systems, the declaration of the life-cycle environmental performance is based on EN 50693 instead of EN 15804.

10.1 Obligations for manufacturers

The CPR-2024 mandates that, when covered by harmonised technical specifications developed in the framework of the CPR-2024, manufacturers must declare the environmental performance of their products over their life cycle for a set of predetermined environmental essential characteristics. This will take place in a phased approach:

- From the date of application of the CPR-2024, the DoPC must cover the essential characteristics listed in points (a) to (d) of *Annex II*.
- From 4 years after the date of application, the DoPC should additionally cover the essential characteristics listed in Section 2, points (e) to (m) of *Annex II*.
- From 6 years after the date of application, the DoPC needs to further encompass the essential characteristics listed in points (n) to (s) of *Annex II*.

On top of environmental essential characteristics to be mandatorily addressed by manufacturers in to declare the environmental sustainability performance of their products (if covered by harmonised technical speci-

fications developed under the framework of the CPR-2024), other environmental obligations for manufacturers may also be set through voluntary harmonised standards covering other safety and/or environmental product requirements concerning the manufacturing, design and packaging of products established by the European Commission in collaboration with Member States. In this case, i.e. if the construction product is covered by product requirements established by Delegated Acts referred to in *Article 7(1)*, manufacturers shall make reference to the relevant voluntary harmonised standards in order to the draw up of technical documentation containing proof of conformity with the safety and/or environmental requirements (*Article 22(1)*).

IMPORTANT: For construction products in the scope of harmonised standards developed under the CPR-2011 and not yet revised after the entry into force of the CPR-2024, the provisions concerning the environmental sustainability do not apply.

WORTH NOTING

The Declaration of Conformity and Declaration of Performance must be combined in one single document. Environmental sustainability essential characteristics (like GWP) are covered by harmonised technical specifications and shall be presented in the “performance section” of the DoPC. If

environmental product requirements (like recyclability of the product) have been established by the European Commission, they may be covered in voluntary harmonised standards and conformity shall be presented in the “conformity section” of the DoPC.

10.2 Changes to Basic Requirements for Construction Works in the field of environment introduced by the CPR-2024

The Basic Requirements for Construction Works, as outlined in *Annex I* of the CPR-2024, are the fundamental principles that should guide the design, construction, use, maintenance, and even deconstruction or demolition of construction works.

When it comes to Basic Requirements for Construction Works concerning environmental aspects, some differences in the CPR-2024 in comparison to the CPR-2011 must be highlighted.

BRCW RELATED TO ENVIRONMENT RELATED IN CPR-2024	COMPARISON WITH BRCW IN CPR-2011
3 - Protection against adverse hygiene and health impacts related to construction works	Similar to BRWC 3 “Hygiene, health and the environment” in CPR -2011
7 - Emissions into the outdoor environment of construction works	New, but partly covered by BRWC 3 “Hygiene, health and the environment” in CPR -2011
8 - Sustainable use of natural resources of construction works	Similar to BRWC 7 “Sustainable use of natural resources” in CPR -2011, reference to durability was (re)moved in CPR -2024

Overall, the CPR-2024 introduces a more detailed and comprehensive approach to environmental considerations within the Basic Requirements for Construction Works. In the new text, the various environmental concerns including emissions, resource use, and waste management extend throughout a construction work’s life cycle, including the deconstruction phase.

10.3 The Assessment and Verification System 3+ on products' environmental sustainability performance

In the CPR-2024, the AVS 3+ is the system addressing the assessment of environmental sustainability.

For the declaration of the environmental sustainability performance of its products, the manufacturer is responsible for assessing the product's environmental performance using methods like data collection, modelling, and other assumptions based on company-specific data (e.g. the energy consumption of the plant). Manufacturers are also asked to implement factory production control to ensure a consistent manufacturing process. On the other hand, the notified body(ies) validate(s) the manufacturer's environmental assessment. This involves the validation of input data and assumptions, validation of the assessment and of the assessment process,

validation of the software and the conduction of a physical initial inspection to validate any company specific data.

For construction products covered by harmonised standards developed in the framework of the CPR-2024, the calculated life cycles should include all stages of a product's life, from raw material acquisition or generation from natural resources to its final disposal, including potential benefits and loads outside the boundary limits (e.g. Module D for the calculation of environmental sustainability net benefits and loads).

10.4 Green Public Procurement

Article 83 of the CPR-2024 mandates that for procurement procedures falling under specific EU directives (2014/24/EU or 2014/25/EU), contracting authorities and entities must adhere to the mandatory minimum environmental sustainability requirements outlined in Delegated Acts when contracts necessitate a minimum level of environmental sustainability performance for construction products concerning their essential characteristics covered by harmonised technical specifications.

10.5 Environmental sustainability labelling

There is a possibility (given by *Article 22(9)* of the CPR-2024) that the European Commission might adopt Delegated Acts to establish specific environmental sustainability labelling requirements for particular product families. However, this can be possible only for those construction products whose overall environmental performance over its life cycle does not change significantly depending on their installation.

10.6 Spare parts

The CPR-2024 mentions spare parts and their availability as relevant for ensuring the durability of construction products. By mandating the availability of spare parts, the CPR-2024 aims to promote a circular economy where products are repaired and maintained rather than replaced, thus reducing waste and environmental impact. That's the core of *Article 22(9)*, which makes it possible for the European Commission to adopt Delegated Acts obliging manufacturers of certain product families to make available on the market specific spare parts not commonly available. If such an obligation is established, this would apply for a period of 10 years after the last product of the respective type has been placed on the market, unless the Delegated Act sets a different period.

[See Chapter 3.2.10.](#)

MARKET SURVEILLANCE

The experience with the CPR-2011 indicated that market surveillance needed to be improved and that the procedures for (complaints on) non-compliance had to be made easier.

Some notable new items concerning concepts related to market surveillance introduced in the CPR-2024 are the:

- Introduction of a complaint portal (*Article 63*).
- Possibility for any natural or legal person to share complaints or reports related to possible non-compliance (*Article 63*).
- Training to be offered to market surveillance staff (*Article 67, 73*).
- Coordination of market surveillance (*Article 68*).
- Recovery of costs made by market surveillance in case of non-compliance (*Article 69*).

The CPR-2024 specifies that market surveillance authorities are designated by Member States. They operate at national level (unless they consider that the non-compliance is not limited to its national territory) and have, among others, the role of receiving complaints or reports shared by any natural or legal person related to possible non-compliance of construction products with the CPR-2024 (*Article 63*).

DEFINITION BOX

‘Market surveillance authority’ according to Definition from Regulation (EU) 2019/1020 means an authority designated by a Member State [...] as responsible for carrying out market

surveillance in the territory of that Member State. The official list of market surveillance authorities by sector can be found here <https://ec.europa.eu/docsroom/documents/64535>

According to (*Article 65*), when a national market surveillance authority has sufficient reason to believe that products covered by a harmonised technical specification or for which a European technical assessment has been issued are non-compliant, the authority has the power to carry out an evaluation of the products and the manufacturer or any other relevant economic operator concerned. In such cases, manufacturers are required to cooperate with the market surveillance authority to clarify the situation.

Also, in case the inspection carried out by the market surveillance authority confirms the non-compliance with the requirements and obligations laid down in the CPR-2024, the manufacturer (or other relevant economic operator concerned) will be asked to take immediate corrective measures. Should the manufacturer (or other relevant economic operator concerned) not collaborate, the market surveillance authority has the power to withdraw or recall the product concerned as well as prohibit the making available of the product on the market (*Article 65.4*). Also, in case a product has been found to be non-compliant, the manufacturer (or other relevant economic operator concerned) shall pay for the costs incurred by the market surveillance authority for inspection and physical product testing (*Article 69*).

WORTH NOTING

Even in the case that a product is in compliance with the CPR-2024, a market surveillance authority can ask the manufacturer to take appropriate measures in case if

they consider that the product presents a risk to the health or safety of persons or to the environment (*Article 67*).



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