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## CPR: One year later

**Barbara Sorgato, secretary-general of the European Consortium of Anchor Producers (ECAP), reflects on the first anniversary of the implementation of the Construction Products Regulation.**

It hasn't been a good season for tomatoes in Italy this year. We have been waiting for summer so long, and we somehow still are, even though autumn is coming.

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I have the same feeling for the CPR: The Construction Products Regulation seems to have suffered from the 2014 weird European climatic conditions. Things were frozen for many months, and, after one year, the CPR crop is small and grows slowly. Let's see where we are, and why.

The CPR entered into force on 1st July 2013 to ensure reliable information on construction products in relation to their performances. This means that since 1st July 2013 manufacturers have provided information through the DoP – the Declaration of Performance of their products. The information comes from CEN standards and EOTA European Technical Assessments, which are there to provide a common European technical language. The users (architects, engineers, constructors...) shall use the DoP as a tool, when selecting or specifying their products. Member States shall establish information points to help European citizens with the implementation of the CPR in their country. And, of course, Member States shall educate their citizens about the CPR, to make them aware of the CPR obligations and legal implications, while the market surveillance and enforcement bodies shall check that everything is fine and nobody tries to cheat. all across Europe.

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Regulation  
in October 2013 (EU 1002/2013).

Without all these legal instruments, manufacturers and customers experienced a confusing and unclear situation for months. Questions like: 'How must I draft a DoP?'; 'Am I allowed to put the DoP on my website?'; 'When can I have an ETA under the CPR?' remained unsolved for months.

Product Contact Points, which are offices where citizens can get information on rules and regulations on construction products, were not created at the beginning, and were (and sometimes are) not able to give exhaustive information, either because there actually was no information or because gathering information on single products in the construction sector implies great in-depth analysis, which is difficult for non-specialised people.

Nor have things been easy for standardisation. CEN standards are assessed to the CPR progressively, so that changes are not very evident for the final user. EOTA, instead, had to face a major process of change since the beginning, and this also brings confusion in the market.

The ETA format has only been defined since October 2013, so no ETAssessments were issued for months. Then, until June 2014 no CE marking was possible, due to a legal problem caused by the CPR. And, after more than one year, no European Assessment Document – which serves as a basis for ETAssessments – has received the green light from the European Commission. So, manufacturers are stuck in a situation that is difficult to explain to their customers, particularly non-European customers, who can hardly follow the complicated CPR situation anyway, and certainly cannot comprehend the delays in the ETA certification machine.

The main reason for such political impasse can be found in some mistakes within the CPR, but above all in EOTA's role within the CPR, which is completely different from the previous one it had under the Construction Products Directive. TABs (former Approval Bodies) are no longer in charge for the approval (or disapproval) of the product: On the contrary they now care about the product assessment – a sort of snapshot at one specific moment. According to the European Commission, the EOTA's role as "judge and inspector", performed under the CPD by the combination of the Approval Bodies, would not be suitable for the CPR anymore. Hence the conflict between the European Commission and EOTA on the EAD's format and content, which the Commission wants to change radically in comparison with the previous ETAG. The member states that are more EOTA oriented are not happy with what they perceive as a loss of role and of image – and related loss of business. The firms that created the 'EOTA marketing' together

to maintain the status quo as it was before

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where mainly two different DoPs formats are 'empty' firms – and some unaware firms that simply adhere to this approach – issue DoPs without performances, just writing 'see ETA'. The 'empty' DoP automatically links the user to the related ETA, as the unique reference technical document. No matter if this is against the CPR: Market surveillance does not seem to react up to now, and who fears the black wolf, when it is nowhere to be seen? Other firms, which do not want to go against the CPR and fear the risk of market surveillance, issue DoPs with performances. This is hard work, because DoPs are long and some EOTA TABs go on issuing ETAssessments in the old way, spreading performance data all over the ETAs, instead of summarising them in a copy and paste table.

Due to the EOTA-EC impasse, some TABs are now trying to go back and issue national approvals. What is proposed as a help to the manufacturer ("it is better than nothing") is in fact completely against the CPR, and against a European approach. The answer to the question 'Is a national certification legal?' is therefore: No, when related European certification exists.

However, things should be un-blocked at the latest on 31st January 2015. This is the deadline given by the EC to EOTA for developing the most urgent European Assessment Documents. Manufacturers are actively cooperating with TABs to deliver timely documents in accordance with the CPR.

The official format of the DoP is published in the Official Journal of the European Union L159, 28th May 2014. Downloadable copies of this and the other delegated and implementing regulations relating to the CPR can be found here (versions are available in all EU official languages):

[ec.europa.eu/enterprise/sectors/construction/legislation/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/construction/legislation/index_en.htm)