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Guidance on the application of CE marking and preparation of Declaration of Performance for sanitary appliances

Leitfaden zur Anwendung der CE-Kennzeichnung und Vorbereitung der Leistungserklärung für Sanitärgeräte

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Guidance on the application of CE marking and preparation of Declaration of Performance for sanitary appliances

Leitfaden zur Anwendung der CE-Kennzeichnung und
Vorbereitung der Leistungserklärung für Sanitärgeräte

This draft Technical Report is submitted to CEN members for Vote. It has been drawn up by the Technical Committee CEN/TC 163.

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Recipients of this draft are invited to submit, with their comments, notification of any relevant patent rights of which they are aware and to provide supporting documentation.

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EUROPEAN COMMITTEE FOR STANDARDIZATION
COMITÉ EUROPÉEN DE NORMALISATION
EUROPÄISCHES KOMITEE FÜR NORMUNG

CEN-CENELEC Management Centre: Avenue Marnix 17, B-1000 Brussels

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FprCEN/TR 17221:2017 (E)

European foreword

This document (FprCEN/TR 17221:2017) has been prepared by Technical Committee CEN/TC 163 “Sanitary appliances”, the secretariat of which is held by UNI.

This document is currently submitted to the Vote on TR.

This document is guidance only and has no mandatory function. Legal requirements stated in 305/2011 EC and complementary delegated acts of EC e.g. 148/2014 EC and 574/2014 EC.

Introduction

Harmonized standards for Sanitary Appliances have been available for some time. CE marking of construction products started with the Construction Products Directive (CPD) 89/106 EC. This directive was replaced by 305/2011 EC “Construction Products Regulation” (CPR) in July 2013. The introduction of the CPR legislation brought with it a new legal framework mandating CE marking for compliant products and the supply of Declaration of Performance (DoP) documents when placing compliant products on the market.

The harmonized standards available at the present time may not show the actual legal situation according to the Construction Products Regulation (CPR). Nevertheless, the products when placed on the market must follow the latest legal requirements detailed from the European Commission (EC).

It is allowed to use harmonized standards only after the citation of the standards in the European Official Journal [OJEU] (followed by the citation in national official Journals).

It is only permissible to use harmonized standards only after the citation of the standards in the European Official Journal [OJEU] (followed by the citation in national official Journals). Currently the harmonized standards cited in the OJEU are reporting older product CE marking details, requesting a Declaration of Conformity (DoC), while e.g. the revised standards still waiting for citation in the OJEU include the reference to the Declaration of Performance (DoP) in accordance with the CPR. This situation can easily occur due to time delays between the publication of a regulation and the necessary revision of the underlying standards.

This document has the aim to show the current CPR requirements and examples for DoP and CE marking procedure of sanitary appliances. This guide is to help everyone to understand the actual legal requirements in terms of Declaration of Performance and CE marking that must be used for sanitary appliances.

FprCEN/TR 17221:2017 (E)**1 Scope**

This document is primary a guidance and shows instructions, explanations and examples for both preparation of declarations of performance and CE marking in accordance with 305/2011 EC. The guidance is especially for harmonized standards of CEN/TC 163 e.g. EN 997, EN 12764, EN 13310, EN 13407, EN 14055, EN 14296, EN 14428, EN 14516, EN 14527, EN 14528 and EN 14688.

Products covered by these harmonized standards and therefore the CPR are WCs and WC suites, whirlpool baths, kitchen sinks, wall-hung urinals, WC and urinals flushing cisterns, communal washing troughs, shower enclosures, baths for domestic purposes, shower trays for domestic purposes, bidets and wash basins.

The relationship of the above mentioned standards with EU Construction Products Regulation can be found in the informative Annex ZA of the respective standard.

This document is guidance only and has no mandatory function. Legal requirements stated in 305/2011 EC and complementary delegated acts of EC e.g. 148/2014 EC and 574/2014 EC.

European legislation e.g. 305/2011 EC and delegated acts could be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1492068177606&uri=CELEX:32011R0305>.

At the web pages of the European Commission DG GROWTH could be found an overview of existing legislation for 305 /2011 EC, the so called construction product Regulation (CPR). The webpage can be found at https://ec.europa.eu/growth/sectors/construction/product-regulation_en.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

EN 997, *WC pans and WC suites with integral trap*

EN 12764, *Sanitary appliances — Specification for whirlpool baths*

EN 13310, *Kitchen sinks — Functional requirements and test methods*

EN 13407, *Wall-hung urinals — Functional requirements and test methods*

EN 14055, *WC and urinal flushing cisterns*

EN 14296, *Sanitary appliances — Communal washing troughs*

EN 14428, *Shower enclosures — Functional requirements and test methods*

EN 14516, *Baths for domestic purposes*

EN 14527, *Shower trays for domestic purposes*

EN 14528, *Bidets — Functional requirements and test methods*

EN 14688, *Sanitary appliances — Wash basins — Functional requirements and test methods*

3 General

This document is a guidance paper for products complying with harmonized standards of CEN/TC 163. The basis for this guidance is the requirements laid out including and specific delegated acts of the CPR.

The EC 305/2011 “Construction Products Regulation” (CPR) lays down harmonized rules for marking construction products in the EU. The Regulation provides a common technical language to assess the performance of construction products. It ensures that reliable information is available to manufacturers, public authorities, market surveillance and consumers, etc., so they can compare the performance of products from different manufacturers in different countries.

The Declaration of Performance (DoP) is a new key part of the CPR. It provides information to the market of the performance of a product. Each construction product covered by an European harmonized standard or for which a European Technical Assessment has been issued, needs such a DoP and has to be CE marked. This helps to increase transparency of information concerning the product in the market.

All EU countries are obliged to allow the selling of construction products bearing the CE mark. This means that public authorities cannot ask for any additional marks or certificates, or additional testing. Therefore, manufacturers are able to trade their products in any country of the European Internal Market with the same documentation and assessed product performance. In some cases, an EU country may have local regulations that do not allow the installation of some CE marked products despite the fact that they can legally be placed on the market.

The affixing of the CE marking to a product means that the manufacturer is assuring that the performance of the sold product is the same as what was declared and indeed that it is fit for purpose.

- The CE marking indicates that a product is in accordance with the requirements of the CPR;
- With the CE marking of a product, the responsible person declares, that:
 - the corresponding conformity assessment procedures were carried out and
 - the product is subject to all applicable Community regulations;
- CE marking shall be the only marking which attests conformity of the construction product with the declared performance in relation to the essential characteristics, covered by relevant harmonized standard;
- Other markings e.g. trade marks may be used, provided that they help to improve the protection of users of construction products and are not covered by existing European Union harmonization legislation, but only on condition that the visibility and legibility of the CE marking are not reduced, and provided that such marks are not likely to deceive third parties as to the meaning and form of the CE marking;
- Member States cannot impose any additional requirement at national, regional or local level on construction products that bear CE marking;
- Member States are allowed to select necessary properties by means of requirements on build level. Hence not all CE marked products could be installed all over Europe.

The format of the above mentioned Declaration of Performance (DoP) is defined in the CPR (EC 305/2011; Annex III). Further definitions for the preparation of DoPs as well as an amended template for the DoP were introduced with EC 574/2014.

All language versions of EC 574/2014 can be accessed through the following link: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1492068560977&uri=CELEX:32014R0574>

4 Declaration of Performance

The declaration of performance shall express the performance of construction products in relation to the essential characteristics of those products in accordance with the relevant harmonized European Standard.

In case, e.g. a dealer or a wholesaler distributing a product under his own brand (private label), the responsibility for the CE-marking procedure will be passed to the product owner. In this case the product owner is the wholesaler or dealer as they have taken the responsibility by placing the product on the market under their own label / brand as if they are a manufacturer.

A copy of the declaration of performance of each product which is made available on the market shall be supplied either in paper form or by electronic means:

- common practice is to distribute DoP documents via manufacturers websites.

The model of the DoP is provided in Annex III of the Regulation (EU) No. 305/2011.

In accordance with this Regulation, the DoP shall contain, in particular, the following information:

- the reference of the product type for which the declaration of performance has been drawn up;
 - all products covered by a single standard are deemed to be the same product type e.g. WC suite or pan, flushing cistern, urinal, wash basin, bidet, bath shower enclosure shower tray, communal washing trough and kitchen sink. For sanitary appliances –all products must be one of the 11 for mentioned types;
 - any one type can cover lists of multiple products that have only to satisfy the same Essential Characteristics;
- the Assessment, Verification and Constancy of Performance (AVCP) system or systems of the construction product, as set out in Annex V of the CPR;
 - Sanitary Appliances are set at AVCP system level 4 according to mandate M/110;
- the reference number and date of issue of the harmonized standard which has been used for the assessment of each Essential Characteristic;
 - e.g. EN 997:2017;
 - e.g. EN 997:2012+A1:2015;
 - the only applicable product standards for use are those that are cited in the OJEU;
- where applicable, the reference number of the Specific Technical Documentation used and the requirements with which the manufacturer claims the product complies;
 - for sanitary appliances this will always be the reference to the cited product standard.

The DoP shall in addition contain:

- the intended use or uses for the construction product, in accordance with the applicable harmonized technical specification;
 - Personal hygiene or PH;

- Preparation of food, Washing of dishes and Drainage of waste water, or PWD (kitchen sinks only);
- the list of Essential Characteristics, as determined in the harmonized technical specification for the declared intended use or uses:
 - see Table ZA.1 in Annexes ZA of harmonized technical specification (e.g. product standard);
- the performance of at least one of the essential Characteristics of the construction product, relevant for the declared intended use or uses;
 - common practice for Sanitary Appliances is to assess and declare all essential characteristics;
 - abbreviations of the essential characteristics are defined in the cited product standard(s);
- where applicable, the performance of the construction product, by levels or classes, or in a description, if necessary based on a calculation in relation to its Essential Characteristics determined in accordance with the Commission determination regarding those Essential Characteristics for which the manufacturer shall declare the performance of the product when it is placed on the market or the Commission determination regarding threshold levels for the performance in relation to the Essential Characteristics to be declared;
 - Sanitary Appliances do not have assessments for levels or classes within the product standards according to the CPR;
 - in some cases, where product standards were cited under CPD, classes may be used but this will be temporary situation that gets resolved with the publication and citation of newer harmonized product standards under the CPR;
- the performance of those Essential Characteristics of the construction product which are related to the intended use or uses, taking into consideration the provisions in relation to the intended use or uses where the manufacturer intends the product to be made available on the market;
 - not all essential characteristics are mandated in all EU member states. The essential characteristics of a product that are mandated in any member state shall be assessed and declared for the market;
 - common practice for Sanitary Appliances is to assess and declare all essential characteristics;
- for the listed Essential Characteristics for which no performance is declared, the letters “NPD” (No Performance Determined) were used:
 - common practice for Sanitary Appliances is to assess and declare all essential characteristics.

Regarding the supply of the DoP, Article 7 of the Regulation (EU) No. 305/2011 applies.

The CPR permits the distribution of the DoP on websites of the manufacturer or agent by means of the regulation:

COMMISSION DELEGATED REGULATION (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website.

The document could be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1488896098312&uri=CELEX:32014R0157> in all official languages.

At present, the declaration of Performance must fulfil the following delegated regulation:

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“COMMISSION DELEGATED REGULATION (EU) No 574/2014 of 21 February 2014 amending Annex III to Regulation (EU) No 305/2011 of the European Parliament and of the Council on the model to be used for drawing up a declaration of performance on construction products”.

This document could be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2014:159:TOC> in all official languages.

The following gives examples of a filled-in DoP.

The following pages give an example for full text version of a filled-in DoP for close-coupled suites, one-piece and independent WC pans with integral trap.

DECLARATION OF PERFORMANCE

No. ABC1234

1. Unique identification code of the product type:

For product number(s) see list attached.

2. Type, batch or serial number or any other element allowing identification of the construction product as required under Article 11(4):

Pedestal WC pan(s)

3. Intended use or uses of the construction product, in accordance with the applicable harmonized technical specification, as foreseen by the manufacturer:

Personal hygiene (PH)

4. Name, registered trade name or registered trade mark and contact address of the manufacturer as required under Article 11(5):

AnyCo SA,

PO Box 21

B-1050 Brussels, Belgium

Tel. +32987654321

Fax: +32123456789

Email: anyco.sa@provider.be

5. Where applicable, name and contact address of the authorized representative whose mandate covers the tasks specified in Article 12(2):

Anyone Ltd

Flower Str. 24

West Hamfordshire

UK-589645 United Kingdom

Tel. +44987654321

Fax: +44123456789

e-mail: anyone.ltd@provider.uk

6. System or systems of assessment and verification of constancy of performance of the construction product as set out in CPR (305/2011/EU), Annex V:

System 4