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English Version

Resilient, textile, laminate and modular mechanical locked
floor coverings - Guidance on how to implement EN
14041:2004/AC:2006 under the Construction Products
Regulation EU 305/2011 (CPR)

Elastische, textile, Laminat- und modulare mechanisch
verriegelnde Bodenbeläge - Leitfaden zur Umsetzung
der EN 14041:2004/AC:2006 gemäß der
Bauproduktenverordnung EU 305/2011 (CPR)

This Technical Report was approved by CEN on 3 July 2022. It has been drawn up by the Technical Committee CEN/TC 134.

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EUROPEAN COMMITTEE FOR STANDARDIZATION
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European foreword

This document (CEN/TR 17849:2022) has been prepared by Technical Committee CEN/TC 134 “Resilient, textile, laminate and modular mechanical locked floor coverings”, the secretariat of which is held by NBN.

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. CEN shall not be held responsible for identifying any or all such patent rights.

Any feedback and questions on this document should be directed to the users’ national standards body. A complete listing of these bodies can be found on the CEN website.

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CEN/TR 17849:2022 (E)**Introduction**

The purpose of this document is to provide the different interested parties using EN 14041 (non-exhaustive list):

- designers;
- manufacturers;
- distributors;
- wholesalers;
- retailers;
- customers;
- testing and certifying facilities;
- notified bodies;
- market surveillance;
- other stakeholders

with further information and an explanation on why different versions of EN 14041 are:

- listed in the active publications of CEN and CEN national members on the one side (EN 14041:2018);
and
- referenced in the Official Journal of the European Union (OJEU) on the other side (EN 14041:2004/AC:2006).

Only the version referenced in the OJEU can be used for placing CEN TC134 products onto the European market, but since this version has been developed under now obsolete European legislation (Council Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products – (CPD)), guidance will be provided on how to use this document under the current European legislation (“Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (CPR)”).

1 Scope

This document concerns floor covering products falling under the scope of EN 14041 as well as mandate M/119 and M/119 rev.1. Such products are considered construction products for indoor use.

Excluded are products which are loose laid (barrier)mats, runners and rugs, as well as products which might be covered by other harmonized standards, such as indoor sports flooring, or other legislation such as flooring in public transport.

The purpose of this document is to provide guidance on how to deal with the situation that:

a) the version EN 14041:2004/AC:2006 has to be used for placing CEN TC134 products onto the European market, even though it:

- 1) was developed under the no longer applicable “Council Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (CPD)”;

and

- 2) has been withdrawn and replaced by EN 14041:2018 in the current CEN catalogue;

and

b) the more recent version EN 14041:2018 cannot be used for placing CEN TC134 products onto the European market, even though it:

- 1) was developed under the currently applicable legislation, “Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (CPR)”;

- 2) is the active version of the standard in the current CEN catalogue.

The focus will be on an overview of the resources available from the European commission for CE marking and placing products onto the European market as well as how to implement EN 14041:2004/AC:2006 under the current European legislation pointing out sections which are no longer valid.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

No terms and definitions are listed in this document.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <http://www.electropedia.org/>

CEN/TR 17849:2022 (E)**4 List of abbreviations**

CPR	Construction Products Regulation
CPD	Constructions Products Directive
OJEU	Official Journal of the European Union
hEN	harmonized standard
EAD	European Assessment Document
ESO	European Standardization Organizations
DoP	Declaration of Performance
DoC	Declaration of Conformity
AVCP	Assessment and Verification of Constancy of Performance
AoC	Attestation of Conformity
NPD	No Performance Determined

5 European legislation**5.1 Construction Products Regulation (CPR)**

Resilient, textile, laminate and modular mechanical locked floor coverings which are placed as a construction product on the European market after July 1st 2013 have to comply with “Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (CPR)”. The Regulation provides a common technical language to assess the performance of construction products. It ensures that reliable information is available to professionals, public authorities and consumers, so they can compare the performance of products from different manufacturers in different countries.

The CPR has the following benefits for stakeholders:

- free circulation of construction products in the EU’s single market - products have to be tested and/or assessed according to a harmonized European Standard or European Assessment Document, which are valid throughout the EU market;
- national authorities can set performance requirements using the harmonized European Standard or European Assessment Document;
- users of construction products can better define their performance demands;
- market surveillance can rely on one common information structure.

In the CPR the Basic Work Requirements are defined (Annex I of Regulation (EU) No 305/2011):

- 1) Mechanical resistance and stability
- 2) Safety in case of fire
- 3) Hygiene, health and the environment
- 4) Safety and accessibility in use

- 5) Protection against noise
- 6) Energy economy and heat retention
- 7) Sustainable use of natural resources

In order to prove compliance with the regulation (conformity assessment), manufacturers have to demonstrate that their product fulfils the essential requirements linked to the basic work requirements. These essential requirements are laid down in the applicable European technical specification(s) which are then referenced in the Official Journal of the European Union (OJEU).

5.2 European technical specifications (developed under European legislation)

5.2.1 Drafting of European technical specification (e.g. harmonized standard, hEN)

As explained in 5.1, manufacturers have to demonstrate that their product fulfils the essential requirements linked to the basic work requirements of the CPR. These essential requirements are laid down in the applicable European technical specification(s) which are then referenced in the Official Journal of the European Union (OJEU).

A European technical specification may be a:

- “harmonized” European Standard (hEN);

or, alternatively

- European Assessment Document (EAD).

Products which are not covered by the referenced European technical specification(s) cannot be brought onto the European market as Construction Product under the CPR.

NOTE It is always possible to evaluate if the product can be brought onto the European market under other legislation, but then claims made may not overlap with those made for construction products.

In the case of “harmonized” European Standards (hEN) the European commission sends a mandate (standardization request) for a set of products/product families to the European Standardization Organizations (ESO), CEN, CENELEC and ETSI, requesting them to develop the set of essential requirements applicable to these products/ product families.

In the case of CEN TC134 products, the following essential requirements have been defined in the CEN TC134 answer to Mandate M/119¹:

- Reaction to fire; durability of reaction to fire characteristics will be dealt with by test specimen procedures defined in the harmonized standard;
- Emission of pentachlorophenol, by means of content (where applicable);
- Emission to formaldehyde, by means of content or emission (where applicable);

¹ M/119 is the original mandate issued 12 November 1997; an amendment, mandate M/119 rev1, was issued 22 June 2010. Since this amendment was issued after the publication of EN 14041:2004/AC:2006 it is not applicable to this document.

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- Water tightness – by means of watertightness of seams – only for [plastic] resilient² floor coverings for special wet areas;
- Slipperiness [slip resistance];
- Electrical behaviour (where applicable) – only applicable to floor coverings for specific anti-static areas;
- Thermal conductivity.

Under Mandate M/119, CEN TC134 developed the European Standard EN 14041:2004/AC:2006, which is the currently valid European harmonized standard referenced in the OJEU for CEN TC134 products.

5.2.2 Revision of a European Standard

European Standards are revised when the respective group of stakeholders decides that an update is necessary. In the case of CEN publications, it is the respective CEN Technical Committee which revises the document, which is then published as a new version, superseding the previous version which is then withdrawn. If a previous version of a standard is withdrawn, this means that it will be marked as withdrawn in the CEN (and CEN members) catalogue but is still available for purchasing.

In the case of CEN TC134, the most recent publication of EN 14041 dates from 2018, superseding the previous version EN 14041:2004/AC:2006, which is now marked as withdrawn from the CEN (and CEN members) catalogue.

A standard becomes harmonized when it is accepted by the European Commission and referenced in the Official Journal of the European Union (OJEU). This is also valid for replacing an existing reference.

5.3 Present situation concerning the requirement to use European harmonized standards which have been replaced by a revised CEN publication

Currently there are many European harmonized standards referenced in the OJEU for which an updated CEN version has been published but which have not been replaced by an updated reference. This situation has been causing confusion and frustration among stakeholders to not be able to use the most recent version of a standard for assessing the conformity of their product before placing them on the European market.

This situation developed following a more restrictive approach of the European Commission towards the evaluation of European harmonized standards for referencing in the OJEU, which since 2018 has resulted in a decreasing number of standards being accepted, leading in 2019 to a complete stand still. This more restrictive approach was developed following some cases brought before the European Court of Justice, who concluded that standards referenced in the OJEU were part of the EU legislative framework concerning construction products. This conclusion from the European Court of Justice was interpreted by the European Commission Services as a requirement to ensure that the respective European harmonized standards are legally sound.

This new approach has, for one, caused a conflict with the working of the European Standardization Organizations (ESO), being CEN, CENELEC and ETSI, which is laid down in “Regulation (EU) No 1025/2012 on European standardisation”. For another, the procedures and requirements towards developing European harmonized standards which would be considered compliant with the CPR have not yet been sufficiently defined by the European Commission Services, making it almost impossible for CEN technical committees to prepare European Standards which could be accepted for referencing in the OJEU. This has turned out to be the case also for EN 14041:2018.

² In this passage, the original text from the answer to the mandate is cited. In EN 14041:2004/AC:2006, the following is stated: “Where required, resilient floor coverings shall meet the requirements of EN 13553 *Resilient floor coverings – Polyvinyl chloride floor coverings for use in special wet areas - Specification*”.