

Construction Products Regulation (CPR) and cables

British Cables Association Guidance to Distributors and Wholesalers

Distributors and wholesalers are strongly recommended to familiarise themselves with the CPR as it applies to cables. In particular they are advised to recognise that they, as well as manufacturers, have legal responsibilities under CPR.

It is especially recommended to distinguish between cables subject to CPR, i.e. those intended for permanent installation in buildings and construction works, and those that are not. For the former it will be essential to check for compliance, most importantly via:

- **The Declaration of Performance (DoP). Your supplier should provide it. The DoP is permitted to be made available in electronic format.**
- **The CE marking. This should accompany the product and, in the case of cables, should be on a label associated with the particular batch.**

Examples of DoP and CE marking are given in this guide.

In case of difficulty, the relevant legislation and other guidance documents should be consulted. Whilst BCA will assist further if possible (see details at the end of the document), the responsible government department should also be consulted. In UK that is the Department for Communities and Local Government (DCLG).

Outline

In July 2016 BCA issued a statement concerning cables and the Construction Products Regulation (CPR). The statement informed that the application of the regulation is at present within a transition period known as 'co-existence'. With effect from 1st July 2017, i.e. at the end of co-existence, it will be obligatory for cables, having an intended use for permanent installation in buildings and construction works, to be accompanied by a Declaration of Performance (DoP) and to have CE marking under the CPR. This requirement relates only to the **Reaction to Fire** performance of the cables.

NOTE: Cables that have **Resistance to Fire**, meaning retention of functionality during a fire, are currently excluded from these requirements. Requirements for a DoP and CE marking are under consideration and may be introduced at a later date.

It is the legal responsibility of the manufacturer to provide the DoP and to apply CE marking, but the main purpose of this paper is to offer advice and guidance to those who are the initial purchasers of the cable, typically Distributors and Wholesalers, and who then make the cable available on the market. The paper also covers two special cases. These are:

- when cable is imported from outside the EU, where the importer has special responsibilities;
- when a distributor sells cable using his own brand name.

(For convenience, the term "Distributor" is used in this paper to cover both distributors and wholesalers).

Background

The essential origins of bringing cables within the Construction Products Regulation and the associated timetable for implementation were explained in BCA's statement of July 2016 – see

<http://bcauk.org/wp-content/uploads/2013/05/BCA-CPR-public-statement.pdf>

NOTE: The statement and this paper exclude any complications or changes arising from BREXIT

The CPR covers the way in which the product is placed on the market, typically by the manufacturer, and then made available in the market, typically by a distributor. It does not say how and where a particular product should be used. Crucially it does not say what class of product should be used in any given circumstance.

It should be noted that when a distributor supplies product under their own brand or name, they become subject to the same legal obligations as the manufacturer.

Where are we today?

Since 10 June 2016 it has theoretically been possible for cables to be placed on the market with a CPR Declaration of Performance (DoP), and accompanied by CE marking. In practice, because the process involves 3rd party testing and certification via Notified Bodies (for instance BASEC and BRE/LPCB in UK), such cables have only gradually been reaching the market. However, as from 1st July 2017 this will change, and all cables with an intended use for permanent installation in buildings and construction works must then be accompanied by the DoP and have relevant CE marking.

It is important to note that the DoP may be in paper form or as an electronic version. The CE marking, in accordance with the relevant harmonised standard, EN 50575, must be on the product label or labels.

Particular obligations of distributors

Responsibilities and obligations for distributors derive from the EU legislation (REGULATION (EU) No 305/2011) and in particular Article 14. The full text of Article 14 is attached as Annex A. Key points may be summarised thus:

- From the 1st July 2017 a distributor must ensure that if a cable he is buying has an intended use for permanent installation in a building or constructions works it is CPR compliant. This means he needs to make certain that the manufacturer's product is accompanied by a Declaration of Performance (DoP) and has the CE marking correctly affixed, and to ensure that the information is available when making a sale.
- If there is any suspicion that any cable that claims to be CPR compliant, i.e. has a DoP and relevant CE marking, but is not, then you must ensure the cable is brought to conformity, to withdraw it or recall it as appropriate. If the product presents a risk, the National Authority should be informed.

NOTE: In UK the responsibility for CPR rests with DCLG. Their helpline is at:
enquiries.br@communities.gsi.gov.uk

- If requested by the National Authority, the distributor must provide information and documentation to demonstrate that the products comply with the requirements in the regulation.
- While in his possession the distributor should ensure the storage and transportation of the cable does not jeopardise its conformity with the DoP.

“Own brand” cables

Where a distributor has cable manufactured and supplied such that it may be sold on under his own brand name, he has the obligations of both a de-facto manufacturer and as a distributor under CPR. It is thus essential to ensure that a DoP is drawn up in the name of the distributor.

Issues relating to the holding of stock

Cable that has been legally placed on the market prior to the 1st July 2017, and is in the stock of a distributor, does not need to be CPR compliant.

BCA is not aware of any timescales relating to the sale of such stock that has been legally placed on the market before 1st July 2017.

If a distributor has imported cable from outside the EU, and it is held in his stock, he should take care to ensure that it has a date that can be verified as to when it is legally placed on the market, i.e. before or after 1st July 2017. This will determine the need for compliance with CPR or not.

The distributor as an importer

Cable manufactured within the EU will have been placed on the market by the manufacturer. The distributor, subject to his obligations under article 14, is not required to do more.

Where a distributor imports cable from a non-EU country, he has the same responsibilities as a manufacturer, thus he becomes the person first placing the product on the market. He must ensure that the non-EU manufacturer has verified the performance of the cable, drawn up the appropriate technical documentation and the DoP, and that a CPR compliant CE marking and label has been applied. In addition, the distributor acting as importer shall indicate on the product, in one of a number of designated ways, their name, registered trade name and their contact address.

Importers also have an obligation, when appropriate, to carry out sample testing of cables and to maintain a register of complaints, of non-conforming products and of product recalls as deemed appropriate.

All the other obligations as a distributor – documentation, action regarding non-compliance, storage – also apply

The obligations of manufacturers and of importers are covered by Articles 11 and 13 respective of the EU Regulation. These Articles are reproduced in full in Annexes B & C.

Checking CPR compliance

The two most important things to check are:

- The Declaration of Performance (DoP). Your supplier should provide it. An example of a typical Declaration of Performance is shown in Annex D. The DoP is permitted to be made available in electronic format.
- The CE marking. This should accompany the product and, in the case of cables, should be on a label associated with the particular batch. An example of a typical CE Marking label is shown in Annex E.

It is advisable to establish a product withdrawal and recall system in case of any non-compliance, or suspicion of non-compliance.

Note that the examples of DoP and CE marking in Annexes D and E quote the European Standard CENELEC EN 50575 (In UK – BS EN 50575). This is the fundamental cable product standard covering Reaction to Fire for all cables having an intended use for permanent installation in buildings and construction works. It should be found on the DoP and CE marking of all CPR compliant cables.

Cables outside CPR

Many cables will continue to fall outside the CPR. Such cables are those not intended for permanent installation in buildings and construction works. Examples include those for direct burial in the ground, and those for connection to appliances and machinery. Even so, it is entirely possible that anomalies will arise, especially as the accepted practice, or even precise regulations, in some countries may permit the use of certain cables for permanent installation, whereas they may not be permitted in others. It is the responsibility of the manufacturer, or equivalent, who first places the product on the EU market to decide whether or not CPR applies to his product.

In addition, some customers are asking for relevant testing to be done according to CPR requirements, even though the cables in question are not for permanent installation in buildings or construction works. This is permissible, but the results must not be used to claim CPR compliance.

Other matters

It is not the responsibility of the distributor to give advice to the end-user about the reaction to fire performance of the cable, but it is helpful to be aware of the key factors relating to that performance.

The key aspect that will be shown on both the DoP and the CE marking label (and may be marked on the cable) is the Reaction to Fire Euroclass. For cables there are seven basic Euroclasses designated as A_{ca} , $B1_{ca}$, $B2_{ca}$, C_{ca} , D_{ca} , E_{ca} and F_{ca} . These classes are hierarchical in respect of performance, thus class A_{ca} denotes a cable that is essentially non-combustible, and class F_{ca} is for a cable that burns readily and usually completely. In practice the vast majority of cables intended to be used in buildings and construction works will have a minimum performance of class E_{ca} .

For classes, $B1_{ca}$, $B2_{ca}$, C_{ca} and D_{ca} there is an important refinement, as these classes are accompanied by additional classifications covering:

- Evolution of smoke – designated by the letter *s* (sub classes *s1*, *s1a*, *s1b*, *s2* and *s3*)
- Occurrence of flaming droplets – designated by the letter *d* (subclasses *d0*, *d1* and *d2*)
- Evolution of acidic gases – designated by the letter *a* (sub classes *a1*, *a2* and *a3*)

Thus a typical full designation may be $B2s1a1d2$.

A full explanation of the classifications can be found in the relevant British Standard which is:

BS EN 13501-6 *Fire classification of construction products and building elements Part 6: Classification using data from reaction to fire tests on electric cables*

Cautionary note

It is important to remember that for cables under CPR at present there are two essential requirements (Basic Requirements of Construction Works – BRCW). These are ‘Reaction to Fire’ and ‘Dangerous substances’. A cable that satisfies only these BRCWs is most certainly not fit for purpose. Electrical and mechanical performance are covered via existing standards and distributors should ensure that the relevant performances for these requirements are also satisfied, for instance in the UK via a 3rd party certification and approval scheme, before “CPR” cables are made available on the market.

Useful documents

The Construction Products Regulation - REGULATION (EU) No 305/2011

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0305&from=EN>

UK Statutory Instrument 2013 No 1387

http://www.legislation.gov.uk/uksi/2013/1387/pdfs/uksi_20131387_en.pdf

Guidance Note on the Construction Products Regulation (BBA, BRE, BSI, CPA, TSI)

http://www.mineralproducts.org/documents/CPA_Guidance_Document_on_CPR_v3_Oct14.pdf

Annex A - Article 14 - Obligations of distributors

1. When making a construction product available on the market, distributors shall act with due care in relation to the requirements of this Regulation.

2. Before making a construction product available on the market distributors shall ensure that the product, where required, bears the CE marking and is accompanied by the documents required under this Regulation and by instructions and safety information in a language determined by the Member State concerned which can be easily understood by users. Distributors shall also ensure that the manufacturer and the importer have complied with the requirements set out in Article 11(4) and (5) and Article 13(3) respectively.

Where a distributor considers or has reason to believe that a construction product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the distributor shall not make the product available on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. Furthermore, where the product presents a risk, the distributor shall inform the manufacturer or the importer thereof, and the market surveillance authorities.

3. A distributor shall ensure that, while a construction product is under his responsibility, storage or transport conditions do not jeopardise its conformity with the declaration of performance and compliance with other applicable requirements in this Regulation.

4. Distributors who consider or have reason to believe that a construction product which they have made available on the market is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, shall make sure that the corrective measures necessary to bring that product in conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, where the product presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.

5. Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Regulation in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by construction products which they have made available on the market.

Annex B - Article 11 - Obligations of manufacturers

1. Manufacturers shall draw up a declaration of performance in accordance with Articles 4 and 6, and affix the CE marking in accordance with Articles 8 and 9.

Manufacturers shall, as the basis for the declaration of performance, draw up technical documentation describing all the relevant elements related to the required system of assessment and verification of constancy of performance.

2. Manufacturers shall keep the technical documentation and the declaration of performance for a period of 10 years after the construction product has been placed on the market.

Where appropriate, the Commission may, by means of delegated acts in accordance with Article 60, amend that period for families of construction products on the basis of the expected life or part played by the construction product in the construction works.

3. Manufacturers shall ensure that procedures are in place to ensure that series production maintains the declared performance. Changes in the product-type and in the applicable harmonised technical specifications shall be adequately taken into account.

Manufacturers shall, where deemed appropriate with regard to ensuring the accuracy, reliability and stability of the declared performance of a construction product, carry out sample testing of construction products placed or made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and of product recalls, and keep distributors informed of any such monitoring.

4. Manufacturers shall ensure that their construction products bear a type, batch or serial number or any other element allowing their identification, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the construction product.

5. Manufacturers shall indicate on the construction product or, where that is not possible, on its packaging or in a document accompanying it, their name, registered trade name or registered trade mark and their contact address. The address shall indicate a single point at which the manufacturer can be contacted.

6. When making a construction product available on the market, manufacturers shall ensure that the product is accompanied by instructions and safety information in a language determined by the Member State concerned which can be easily understood by users.

7. Manufacturers who consider or have reason to believe that a construction product which they have placed on the market is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, shall immediately take the necessary corrective measures to bring that construction product into conformity, or, if appropriate, to withdraw or recall it. Furthermore, where the product presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the construction product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

8. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by construction products which they have placed on the market.

Annex C - Article 13 - Obligations of importers

1. Importers shall place on the Union market only construction products which are compliant with the applicable requirements of this Regulation.
2. Before placing a construction product on the market, importers shall ensure that the assessment and the verification of constancy of performance has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation referred to in the second subparagraph of Article 11(1) and the declaration of performance in accordance with Articles 4 and 6. They shall also ensure that the product, where required, bears the CE marking, that the product is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 11(4) and (5).

Where an importer considers or has reason to believe that the construction product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the construction product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. Furthermore, where the construction product presents a risk, the importer shall inform the manufacturer and the market surveillance authorities thereof.

3. Importers shall indicate on the construction product or, where that is not possible, on its packaging or in a document accompanying the product their name, registered trade name or registered trade mark and their contact address.
4. Importers shall ensure that, when making a construction product available on the market, the product is accompanied by instructions and safety information in a language determined by the Member State concerned which can be easily understood by users.
5. Importers shall ensure that, while a construction product is under their responsibility, storage or transport conditions do not jeopardise its conformity with the declaration of performance and compliance with other applicable requirements in this Regulation.
6. Importers shall, when deemed appropriate with regard to ensuring the accuracy, reliability and stability of the declared performance of a construction product, carry out sample testing of construction products placed or made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and of product recalls, and shall keep distributors informed of any such monitoring.
7. Importers who consider or have reason to believe that a construction product which they have placed on the market is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, shall immediately take the necessary corrective measures to bring that construction product into conformity, or, where appropriate, to withdraw or recall it. Furthermore, where the product presents a risk, importers shall immediately inform the competent national authorities of the Member States in which they made the construction product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.
8. Importers shall, for the period referred to in Article 11(2), keep a copy of the declaration of performance at the disposal of the market surveillance authorities and ensure that the technical documentation is made available to those authorities, upon request.
9. Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by construction products which they have placed on the market.

Annex D – Example of a Declaration of Performance (Illustrative only)

DECLARATION OF PERFORMANCE

No. XXXX

No. to be given by the manufacturer

1. Unique identification code of the product-type: *To be given by the manufacturer*
2. Type, batch or serial number or any other element allowing identification of the construction product as required under Article 11(4):
To be given by the manufacturer
3. Intended use or uses of the construction product, in accordance with the applicable harmonised technical specification, as foreseen by the manufacturer:
Supply of electricity in buildings and other civil engineering works with the objective of limiting the generation and spread of fire and smoke
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 authorised 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, Annex V: *System 1+*
7. In case of the declaration of performance concerning a construction product covered by a harmonised standard:
Notified product certification body No. XXXX performed the determination of product type, the initial inspection of the manufacturing plant and of FPC, the continuous surveillance, assessment and evaluation of the FPC and the audit testing of samples taken before placing the product on the market and issued the certificate of constancy of performance

8. Declared performance

<i>Essential characteristics</i>	<i>Performance</i>	<i>Harmonised technical specification</i>
Reaction to fire	B2_{ca}-s1,d1,a1	EN50575:2014
Dangerous substances		

9. The performance of the product identified in points 1 and 2 is in conformity with the declared performance in point 8.

This declaration of performance is issued under the sole responsibility of the manufacturer identified in point 4.

Signed for and on behalf of the manufacturer by:

.....
(name and function)

.....
(place and date of issue)

.....
(signature)

Annex E – Example of CE marking and label (Illustrative only)

 XXXX	<i>CE marking, consisting of the "CE"-symbol</i> <i>Identification number of the product certification body</i>
AnyCo Ltd, PO Box 21, B-1050, Brussels, Belgium 14 (To be given by the manufacturer)	<i>Name and the registered address of the manufacturer, or identifying mark</i> <i>Last two digits of the year in which the marking was first affixed</i> <i>Reference number of the DoP</i>
EN 50575:2014 (To be given by the manufacturer) Supply of electricity in buildings and other civil engineering works with the objective of limiting the generation and spread of fire and smoke Reaction to Fire: B2 _{oa} -s1,d1,a1 Dangerous substances: none	<i>No. of European Standard applied, as referenced in OJEU</i> <i>Unique identification code of the product-type</i> <i>Intended use of the product as laid down in the European Standard applied</i> <i>Class of performance</i>

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