EUROPEAN
COMMISSION

Brussels, 30.3.2022
COM(2022) 144 final

ANNEXES 1 to 7

ANNEXES

to the

Proposal for a Regulation of the European Parliament and of the Council

laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011

{SEC(2022) 167 final} - {SWD(2022) 87 final} - {SWD(2022) 88 final} -
{SWD(2022) 89 final}

ANNEX I
Requirements

PART A: Basic requirements for construction works and essential characteristics to be covered

1. Basic requirements for construction works

The following list of basic requirements for construction works shall be taken as the basis for the identification of essential characteristics of products and for the preparation of standardization requests and harmonized technical specifications.

These basic requirements for construction works do not constitute obligations incumbent upon economic operators or Member States.

The intended life span related to basic requirements for construction works shall take into account the likely impacts of the changing climate.

1.1. Structural integrity of construction works

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.

The structure and structural elements of construction works shall be designed, manufactured, constructed, maintained and demolished in such a way that they meet the following requirements:

(a) be durable for their intended life span (durability requirement);

(b) be able to sustain all actions and influences likely to occur during construction, use and demolition with an appropriate degree of reliability and in an cost-effective way (structural resistance requirement). They shall not:

(i) collapse,

(ii) deform to an inadmissible degree,

(iii) damage other parts of the construction works, fittings or installed equipment as a result of major deformation of the load-bearing construction;

(c) remain within their specified service requirements during the intended life span with appropriate degrees of reliability and in an economic way (serviceability requirement);

(d) maintain appropriately their integrity in adverse events, including earthquake, explosion, fire, impact or consequences of human errors, to an extent disproportionate to the original cause (robustness requirement).

1.2. Fire safety of construction works

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that an event of fire is appropriately prevented. In case of a fire, the fire shall be detected and an alarm or alert shall be triggered without a delay. The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants.

The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they meet the following requirements in the case of a fire:

(a) the load-bearing capacity of the construction works is maintained for a specific period of time;

(b) the rescue and emergency services' access is ensured and there are appropriate means to facilitate their work;

(c) the generation and spread of fire and smoke is controlled and limited;

(d) the spread of the fire and smoke to the adjacent construction works is limited;

(e) the safety of rescue and emergency services is taken into consideration.

1.3. Workers, consumer and occupant protection against adverse hygiene and health impacts related to construction works

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not present acute or chronic threat to the health and safety of workers, occupants or neighbors as a result of any of the following:

(a) the emissions of hazardous substances, volatile organic compounds or hazardous particles into indoor air;

(b) the emission of hazardous radiation into the indoor environment;

(c) the release of hazardous substances into drinking water or substances which have an otherwise negative impact on drinking water;

(d) the passage of moisture to the interior of the building;

(e) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the indoor environment.

1.4. Workers, consumers and occupants protection against physical injuries of construction works

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, they do not present unacceptable risks of accidents or damage in service or in operation, including slipping, falling, collision, burns, electrocution and injury from falling or braking parts caused by external factors like extreme weather conditions or explosion.

1.5. Resistance to the passage of sound and acoustic properties of construction works

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they provide, throughout their life cycle, reasonable protection against adverse sound load through air or materials from other parts of the same construction work or sources outside its structure. That protection shall ensure that it:

(a) does not create immediate or chronic risks for the human health;

(b) allows occupants and people nearby to sleep, rest and engage in their normal activities in satisfactory conditions.

The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they provide sufficient sound absorption and reflection where these acoustic properties are required.

1.6. Energy efficiency and thermal performance of construction works

The construction works and their heating, cooling, lighting and ventilation installations shall be designed, built, and maintained in such a way that, throughout their life cycle, the amount of energy they require in use shall be low, when account is taken of:

(a) the target for nearly zero energy buildings and zero-emissions buildings in the Union;

(b) the outdoor climatic conditions;

(c) the indoor climate conditions.

1.7. Hazardous emissions into the outdoor environment of construction works

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, they are not a threat to the outdoor environment, as a result of any of the following:

(a) the release of hazardous substances or radiation into ground water, marine or surface waters or soil;

(b) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the outdoor environment;

(c) damage to the building, including damage through the transport of water-borne contaminants to the foundations of the building;

(d) the release of net greenhouse gas emissions into the atmosphere.

1.8. Sustainable use of natural resources of construction works

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, the use of natural resources is sustainable and ensures the following:

(a) use of raw and secondary materials of high environmental sustainability and thus with a low environmental footprint;

(b) minimizing the overall amount of raw materials used;

(c) minimizing the overall amount of embodied energy;

(d) minimizing the overall use of drinking and brown water;

(e) reuse or recyclability of the construction works, parts of them and their materials after demolition.

2. Essential characteristics to be covered

Harmonised technical specifications shall to the extent possible cover the following essential characteristics related to life cycle assessment:

(a) climate change effects (mandatory);

(b) ozone depletion;

(c) acidification potential;

(d) eutrophication aquatic freshwater;

(e) eutrophication aquatic marine;

(f) eutrophication terrestrial;

(g) photochemical ozone;

(h) abiotic depletion – minerals, metals;

(i) abiotic depletion – fossil fuels;

(j) water use;

(k) particulate matter;

(l) ionizing radiation, human health;

(m) eco-toxicity, freshwater;

(n) human toxicity, cancer;

(o) human toxicity, non-cancer;

(p) land use related impacts.

Harmonised technical specifications shall indicate that for the essential characteristic of climate change effects under point (a) it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1).

Harmonised technical specifications shall also cover to the extent possible the essential characteristic of capability to temporarily bind carbon and of other carbon removals.

PART B: Requirements ensuring the appropriate functioning and performance of products

1. Products shall be designed and manufactured in such a way that:

(a) they fulfil well their intended purpose;

(b) the fulfilment of the declared performance is not impaired;

(c) the fulfilment of the environmental and safety requirements set out in Part C is not impaired;

(d) they work well when being used.

2. The product requirements referred to in point 1 shall be specified in harmonised technical specifications, including by specifying where necessary:

(a) the use of specific materials which can be specified also in terms of their chemical composition;

(b) specific dimensions and shapes of products or their components;

(c) the use of certain components which can be specified also in terms of materials, dimensions and shapes;

(d) the use of certain accessories and requirements for them;

(e) a specific way of installation;

(f) a specific way of maintenance;

(g) periodic inspections.

3. Where these product requirements are necessary to ensure the performance with regard to a certain essential characteristic or the compliance with regard to a certain safety or environmental product requirement, this shall be specified in the harmonised technical specifications.

PART C: Inherent product requirements

1. Inherent product safety requirements

Safety relates to professionals (workers) and laypersons (consumers, occupants), while they transport, install, maintain, use or dismantle the product, as well as while they treat the product for its end of life phase or its reuse or recycling.

1.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product safety risks are addressed in accordance with the state of the art:

(a) chemical risks due to leaking or leaching;

(b) risk of unbalanced composition in terms of substances resulting in flawed, safety-relevant functioning of products;

(c) mechanical risks;

(d) mechanical failure;

(e) physical failure;

(f) risks of electric failure;

(g) risks linked to electricity supply breakdown;

(h) risks linked to unintended charge or discharge of electricity;

(i) risks linked to software failure;

(j) risks of software manipulation;

(k) risks of incompatibility of substances or materials;

(l) risks linked to the incompatibility of different items, at least one of them being a product;

(m) risk of not performing as intended, whilst the performance is safety relevant;

(n) risk of misunderstanding instructions for use in a field affecting health and safety;

(o) risk of unintended inappropriate installation or use;

(p) risk of intended inappropriate use.

1.2. Harmonised technical specifications shall, as appropriate, specify these inherent product safety requirements, which might relate to but are in essence independent from the phase of the installation of the product into construction works.

When specifying the inherent product safety requirements, harmonised technical specifications shall at least cover the following elements:

(a) define the state of the art of possible risk reduction with regard to the respective product category, including the risk of incompatibility of different items, at least one of them being a product;

(b) provide technical solutions that avoid safety-related risks;

(c) where risk avoidance is not possible, risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use;

When specifying the inherent product safety requirements, harmonised technical specifications may differentiate these in accordance with performance classes.

2. Inherent product environmental requirements

Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase.

2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed in accordance with the state of the art:

(a) maximising durability in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements;

(b) minimising whole-life-cycle greenhouse gas emissions;

(c) maximising recycled content wherever possible without safety loss or outweighing negative environmental impact;

(d) selection of safe, environmentally benign substances;

(e) energy use and energy efficiency;

(f) resource efficiency;

(g) identification which product or parts thereof and in what quantity can be reused after de-installation (reusability);

(h) upgradability;

(i) reparability during the expected life span;

(j) possibility of maintenance and refurbishment during the expected life span;

(k) recyclability and the capability to be remanufactured;

(l) capability of different materials or substances to be separated and recovered during dismantling or recycling procedures.

2.2. Harmonised technical specifications shall, as appropriate, specify these inherent product environmental requirements, which might relate to but are in essence independent from the phase of the installation of the product into construction works.

When specifying the inherent product environmental requirements, harmonised technical specifications shall at least cover the following elements:

(a) if possible, define the state of the art of addressing the environmental aspects with regard to the respective product category, including the minimum recycled content;

(b) provide technical solutions which avoid negative environmental effects and risks, including the generation of waste materials;

(c) where avoidance is not possible, negative effects and risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.

When specifying the inherent product environmental requirements, harmonised technical specifications may differentiate these in accordance with performance classes.

PART D: Product information requirements

1. Products shall be accompanied by the following information:

1.1. Product identification: unequivocal type number on the basis of the determination of product type pursuant to Article 3, point 31.

1.2. Product description:

(a) intended uses;

(b) intended users;

(c) conditions of uses;

(d) estimated average and minimum service life span for intended use (durability);

(e) nominal dimensions (drawings);

(f) main materials used;

(g) key parts.

1.3. Transport, installation, maintenance, deconstruction and demolition rules:

(a) Safety during transport, installation, maintenance, deconstruction and demolition:

(i) potential risks of the product and any reasonably foreseeable misuse thereof;

(ii) instructions for the assembly, installation and connection, including drawings, diagrams and, where relevant, the means of attachment to other products and parts of construction works;

(iii) instructions for operation and maintenance to be carried out safely, including the protective measures that should be taken during these operations;

(iv) if necessary, instructions for the training of the installers or operators;

(v) information on what to do in case of failure or accidents;

(b) Compatibility and integration into systems or kits:

(i) compatibility with other materials or products, regardless of whether they are covered by this Regulation or not;

(ii) electric and electro-magnetic compatibility;

(iii) software compatibility;

(iv) integration into systems or kits;

(c) Maintenance needs with a view to maintaining the performance of the product during its service life span:

(i) description of the adjustment and maintenance operations that should be carried out by the users and the preventive maintenance measures that should be observed;

(ii) the type and frequency of inspections and maintenance required for safety reasons and, where appropriate, the parts subject to wear and the criteria for replacement;

(iii) information on what to do in case of failure or accident;

(d) Safety during use:

(i) instructions on the protective measures to be taken by the user, including, where appropriate, the personal protective equipment to be provided;

(ii) instructions designed for the safe use of the product, including the protective measures that should be taken during its use;

(iii) information on what to do in case of failure or accident during use;

(e) Training and other requirements necessarily to be fulfilled for safe use;

(f) Risk mitigation possibilities going beyond points 1.2 to 1.3.

1.4. Contact details of the manufacturer or the representative:

(a) address/website/telephone number/email address;

(b) if possible, specific contact details should be given for:

(i) information on installation, maintenance, use, deconstruction and demolition,

(ii) information on risks,

(iii) information in case of failure;

1.5. Contact details of relevant authorities in case of risky or faulty products.

1.6. Rules or recommendations for repair, deconstruction, reuse, remanufacturing, recycling or safe deposit.

Product information on these items shall, both in terms of quantity and quality, suffice to make knowledgeable decisions on purchase, including the respective needed quantity, installation, use, maintenance, dismantling, reuse and recycling of the product. It shall include all the drawings, diagrams, descriptions and explanations necessary to understand it.

2. Harmonised technical specifications may specify that a certain product information requirement is not relevant for a certain product category.

3. Harmonised technical specifications shall, as appropriate, specify the product information requirements set out in point 1 that may relate both to the product itself and to its installation into construction works. Thereby, they shall take into account the needs of designers, building authorities, construction professionals, building control authorities, consumers and other users, occupants, use managers, and of maintenance professionals.

When specifying the product information requirements, harmonised technical specifications shall at least cover the following elements:

(a) address safety and environmental aspects relevant for the respective product category;

(b) specify where the respective information is to be provided, aiming, by choice of the location, at the utmost likelihood for information not be overlooked. If possible, several of the following places shall be selected: on the product, on its label, on its packaging, on its outer (sales) packaging, in paper instructions for use, in electronic instructions for use, on the website of the manufacturer or in the product database established in accordance with Article 78;

(c) in cases where information may or shall be provided on the website of the manufacturer or in the product database, the harmonised technical specifications shall require a link to be placed on the product, on its packaging, and on its outer (sales) packaging;

4. Harmonised technical specifications may permit manufacturers to provide certain information items relevant for Member States, users or occupants, under the condition that:

(a) the respective Member States' regulation is compatible with Union law,

(b) it is made clear that the respective information items permitted by the harmonised technical specifications do not relate to Union law and are not mandatory.

ANNEX II
Declaration of Performance and of Conformity[1]

Name of the Manufacturer

Declaration No ...[2]

Version No …[3]

Date of that version …

1. Product description

(a) unique identification code of the product type, and the ranges of batch numbers and serial numbers covered if already determined for the respective product type;

(b) product category as defined by harmonised technical specifications or European Assessment Documents;

(c) intended uses of the product, necessarily falling under those intended uses for which the applicable harmonised technical specification or European Assessment Document has been developed, with facultative additional information on the intended users, or the conditions for safe and good use;

(d) dimensions of the product;

(e) main materials or substances used;

(f) information to be provided in accordance with Regulation (EC) 1907/2006;

(g) key parts of the product;

(h) estimated average and minimum service life time for the intended use foreseen for the product (durability);

(i) variants, if any, and their descriptions;

(j) information falling under Annex I Part D.

2. Permalinks as regards the following:

(a) the manufacturer's products registration(s) in EU databases, and the precise location therein where the product can be found, and to his own product presentation website;

(b) any voluntarily or mandatorily used products registration database or website, and the precise location therein where the product can be found;

(c) instructions for use in accordance with Annex I Part D point 1.3.

3. Manufacturer:

(a) name;

(b) trade name;

(c) place of business;

[1] Where a Declaration of Performance is issued without parallel issuing of a Declaration of Conformity, the points 12. and 13c. shall be omitted.

[2] Only one unique, unequivocal declaration number per product type shall be used, even where there are variants, variants being variations of the product type that do not influence performance or conformity of the product.

[3] Different versions may be issued, e.g. to correct mistakes or add complementary information.

(d) postal address;

(e) telephone;

(f) email address;

(g) website;

(h) social media contact details;

(i) where available, specific contact details for providing information on installation, maintenance, use, de-construction, and on the handling of risks or product failure.

4. Authorised representative:

(a) name;

(b) trade name;

(c) place of business;

(d) postal address;

(e) telephone;

(f) email address;

(g) website;

(h) social media contact details;

(i) where available, specific contact details for information on installation, maintenance, use, de-construction, on the handling of risks and on actions in case of product failure.

5. Notified bodies:

(a) name;

(b) trade name;

(c) place of business;

(d) postal address;

(e) telephone;

(f) email address;

(g) website;

(h) social media contact details.

6. Technical Assessment Body:

(a) name;

(b) trade name;

(c) place of business;

(d) postal address;

(e) telephone;

(f) email address;

(g) website;

(h) social media contact details.

7. Assessment and verification system(s) applied

8. Harmonised technical specifications applied:

(reference number and date of issue)

9. European Assessment Document applied:

(reference number and date of issue)

10. European Technical Assessment issued:

(technical assessment body, reference number and date of issue)

11. Declared performances and sustainability characteristics:

(a) the list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared.

(b) the performance of the product, by calculated values, levels or classes, or in a description. Respective values, levels or classes shall be reproduced in the declaration of performance itself and thus cannot be expressed solely by inserting references to other documents. However, the performance of structural behaviour of a product may be expressed by referring to attached production documentation or structural design calculations.

(c) the environmental sustainability data calculated in accordance with Article 22(1), in particular where they fit under the essential characteristics listed in Annex I Part A, point 2, in case the respective rules covering the product category have become applicable at the time of placing on the market or direct installation.

12. The product identified above is in conformity with the following requirements of Annex I Part B and C as specified by[4]:

13. Declarations:

(a) the performance of the product identified above is in conformity with the set of declared performances under point 11;

(b) the sustainability data of the product identified above have been correctly calculated on the basis of the product category rules applicable to it;

(c) the product identified above is in conformity with the requirements listed under point 12.

Signed for and on behalf of the manufacturer by:

[name, function[5]]

At [place]

on [date of issue]

[signature]

[4] Cite the respective harmonised technical specifications.

[5] The person signing shall be empowered by virtue of national law to represent the manufacturer, be it on the basis of a mandate, be it due to her/his role as legal representative.

ANNEX III
Procedure for adopting a European Assessment Document

1. Request for a European Technical Assessment

(a) When a manufacturer makes a request for a European Technical Assessment to any TAB for a product, and after the manufacturer and the TAB (hereinafter referred to as the 'responsible TAB') have signed an agreement of commercial secrecy and confidentiality, unless the manufacturer decides otherwise, the manufacturer shall submit to the responsible TAB a technical file describing the product, its use as foreseen by the manufacturer and details of the factory production control the manufacturer intends to apply.

(b) When a group of manufacturers or a manufacturers' association (hereinafter referred to as the 'Group') makes a request for a European Technical Assessment, it shall address the request to the organisation of TABs that will propose to the Group a TAB to act as the responsible TAB. The Group can either accept the proposed TAB or ask the organisation of TABs to propose an alternative TAB. Once the Group has accepted the responsible TAB proposed by the organisation of TABs, the members of the Group shall sign an agreement of commercial secrecy and confidentiality with this TAB, unless the Group decides otherwise, and the Group shall submit to the responsible TAB a technical file describing the product, its use as foreseen by the Group and details of the factory production control the members of the Group intend to apply.

(c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The Commission selects the TAB to act as the responsible TAB, after consulting the organisation of TABs.

2. Contract

For products referred to in Article 37(1)(c), within 1 month from the reception of the technical file, in cases foreseen in points 1(a) and 1(b), a contract shall be concluded respectively between the manufacturer or the Group and the responsible TAB for the production of the European Technical Assessment, specifying the work programme for drawing up the European Assessment Document, including:

(a) the organisation of work within the organisation of TABs,

(b) the composition of the workgroup to be established within the organisation of TABs, designated for the product area in question, and

(c) the coordination of TABs.

In the case foreseen in point 1(c), the responsible TAB shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline. After that, the Commission shall have 30 working days to communicate to the responsible TAB its observations on it, and the responsible TAB shall amend the work programme accordingly.

3. Work programme

After the conclusion of the contract with the manufacturer or the Group, the organisation of TABs shall inform the Commission of the work programme for drawing up the European

Assessment Document, the schedule for its execution and indicating the assessment programme. This communication shall take place within 3 months of the receipt of the request for a European Technical Assessment.

4. The draft European Assessment Document

The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in cases foreseen in points 1(a) and 1(b) or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c).

5. Commission Participation

A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to abandon or modify the development of a certain European Assessment Document, including merging or splitting thereof.

6. Member States consultation

In the case foreseen in point 1(c), the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.

7. Extension and delay

Any delay in relation to the time limits set in points 1 to 4 in this Annex shall be reported by the working group to the organisation of TABs and to the Commission.

If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.

8. Amendments and adoption of a European Assessment Document

8.1. In cases foreseen in points 1.(a) and 1.(b), the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organization of TABs shall:

(a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account;

(b) adopt the draft European Assessment Document;

(c) send a copy of it to the Commission.

8.2. In the case foreseen in point 1.(c), the responsible TAB shall:

(a) adopt the draft European Assessment Document;

(b) send a copy of it to the Commission.

If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document in cases foreseen in

points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.

9. Final European Assessment Document to be published

The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the *Official Journal of the European Union*. The organisation of TABs shall publish the European Assessment Document.

ANNEX IV
Product areas and requirements for TABs

Table 1 —Product areas

AREA CODE	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).
11	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
12	WOOD BASED PANELS AND ELEMENTS.
13	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
14	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
15	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
16	WASTE WATER ENGINEERING PRODUCTS.
17	FLOORINGS.
18	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.
19	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
20	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.

21	ROAD CONSTRUCTION PRODUCTS.
22	AGGREGATES.
23	CONSTRUCTION ADHESIVES.
24	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
25	SPACE HEATING APPLIANCES.
26	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
27	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
28	POWER, CONTROL AND COMMUNICATION CABLES.
29	SEALANTS FOR JOINTS.
30	FIXINGS.
31	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
32	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.
33	CONSTRUCTION PRODUCTS NOT INCLUDED IN THE PRODUCT AREAS ABOVE.

Table 2 - Requirements for TABs

TABs shall be able to fulfil the following tasks and requirements:

Competence	Description of tasks	Requirement
1. Analysing risks	Identify the possible risks and benefits for the use of innovative products in the absence of established/consolidated technical information regarding their performance when installed in construction works.	A TAB shall be established under national law and have legal personality. It shall be independent from the stakeholders and from any particular interests. A TAB shall have staff with: (a) objectivity and sound technical judgement; (b) detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be designated; (c) general understanding of construction practice and detailed technical knowledge, concerning
2 Setting technical criteria	Transform the outcome of the risk analysis into technical criteria for evaluating behaviour and performance of the products regarding the fulfilment of applicable national requirements; provide the technical information needed by those participating in the building process as potential users of the products (manufacturers, designers, contractors, installers).	
3.Setting	Design and validate appropriate	

assessment methods	methods (tests or calculations) to assess performance for essential characteristics of products, taking into account the current state of the article.	product areas for which it is to be designated; (d) detailed knowledge of specific risks involved and the technical aspects of the construction process; (e) detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated; (f) detailed knowledge of this Regulation; (g) appropriate linguistic skills. The remuneration of the TAB personnel shall not depend on the number of the assessments carried out or on the results of such assessments.
4. Determining the specific factory production control	Understand and evaluate the manufacturing process of the specific product in order to identify appropriate measures ensuring product constancy through the given manufacturing process.	A TAB shall have staff with appropriate knowledge of the relationship between the manufacturing processes and product characteristics related to factory production control.
5. Assessing the product	Assess the performance for essential characteristics of products on the basis of harmonised methods against harmonised criteria.	In addition to the requirements listed in points 1, 2 and 3, a TAB shall have access to the necessary means and equipment for the assessment of the performance for essential characteristics of products within the product areas for which it is to be designated.
6. General management	Ensure consistency, reliability, objectivity and traceability through the constant application of appropriate management methods.	A TAB shall have: (a) a proven record of respect of good administrative behaviour; (b) a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners; (c) a document control system to ensure registration, traceability, maintenance, protection and archiving of all relevant documents;

		(d) a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate management methods; (e) a procedure to manage objectively appeals and complaints.

ANNEX V
Assessment and verification systems (AVS)

The manufacturer shall correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification. Where a notified body is involved in assessment and verification, the notified body shall verify these determinations, including the verification that no identical items are declared to be of a different type.

1. System 1+ – Full notified body control including audit sample testing

(a) The manufacturer shall carry out:

(i) factory production control;

(ii) further testing of samples taken at the manufacturing plant in accordance with the prescribed test plan;

(iii) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance;

(iv) verification whether the technical documentation contains full proof of conformity with product requirements under this Regulation.

(b) The notified body shall issue the certificate of performance and of conformity on the basis of:

(i) confirmation of the correct determination of the product type and of the product category;

(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

(iii) initial inspection of the manufacturing plant and of factory production control;

(iv) audit-testing of samples taken before placing the product on the market;

(v) full verification of the tasks under paragraphs (a) (iii) and (iv).

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 50 random points falling under the paragraphs (a) (ii) to (iv) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 50 points and the other verifications to be made in accordance with this paragraph.

2. System 1 – Full notified body control without audit sample testing

(a) The manufacturer shall carry out:

(i) factory production control;

(ii) further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan;

(iii) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance;

(iv) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.

(b) The notified body shall issue the certificate of performance and of conformity on the basis of:

(a) confirmation of the correct determination of the product type and of the product category:

(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

(iii) initial inspection of the manufacturing plant and of factory production control;

(iv) full verification of the tasks under paragraphs (a) (iii) and (iv).

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 40 random points falling under the items (a) (ii) to (iv) and withdraw the report or certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 40 points and the other verifications to be made in accordance with this paragraph.

3. System 2+ – Notified body focusing on the factory production control

(a) The manufacturer shall carry out:

(i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product;

(ii) factory production control;

(iii) testing of samples taken at the factory in accordance with the prescribed test plan;

(iv) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance;

(v) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.

(b) The notified body shall issue the certificate of conformity of the factory production control on the basis of:

(i) confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of the review of the documentation of the product;

(ii) initial inspection of the manufacturing plant and of factory production control;

(iii) full verification of the tasks under paragraphs (a) (iv) and (v).

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 30 random points falling under the paragraphs (a) (iii) to (v) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-

compliance, amongst these 30 points and the other verifications to be made in accordance with this paragraph.

4. System 3+ – Notified body's control of environmental sustainability assessment

(a) The manufacturer shall carry out the assessment of the performance of the product in relation to essential characteristics or product requirements related to environmental sustainability and keep it updated.

(b) The notified body shall, in particular in view of input values, assumptions made and compliance with applicable generic or product category specific rules:

(i) verify the manufacturer's initial and updated assessment;

(ii) validate the process applied to generate that assessment.

5. System 3 – Notified body focusing on the product type determination

(a) The manufacturer shall carry out:

(i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product;

(ii) factory production control;

(iii) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance;

(iv) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.

(b) The notified body shall issue the certificate of performance and of conformity on the basis of:

(i) confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of type testing (based on sampling carried out by the manufacturer), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

(ii) undertaking a check of 20 random points falling under the paragraphs (a) (iii) and (iv) and refuse the issuing of a certificate in case it detects more than 2 non-compliance or one particularly grave non-compliance, amongst these 20 points and the other verifications to be made in accordance with this paragraph.

6. System 4 – Manufacturer's self-verification and self-certification

(a) The manufacturer shall carry out:

(i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product;

(ii) confirmation of the correct determination of the product type and of the product category on the basis of type testing, type calculation or tabulated values and, in all these cases, review of the documentation of the product;

(iii) factory production control;

(iv) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance;

(v) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.

(b) There is no task for the notified body.

7. For all the systems above the following shall apply:

(a) Inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following elements, which shall ensure a continuous orderly manufacturing process:

(i) appropriate competence of the personnel;

(ii) appropriateness of the technical equipment;

(iii) appropriateness of the facilities and other conditions influencing the manufacturing;

(iv) outline of the intended factory production control.

(b) Factory production control shall cover the process from receipt of the raw materials and components to the dispatch of the product once the production has started ('gate to gate' approach). It shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore reach the performances declared in the declaration of performance and are compliant with the requirements set out in or under this Regulation.

(c) Further testing of samples shall constitute of testing of an adequate number of products, as defined in harmonised technical specifications, with regard to conformity with the product type, with zero tolerance for non-conformity, unless another tolerance is defined in the harmonised technical specifications.

(d) Verification of items shall, to 50 %, target items which are most likely to contain deficiencies and, to another 50 %, target items chosen at random.

(e) Verification of environmental sustainability shall constitute of the verification of all calculations and verification of 10 samples of company-specific or secondary data factored in, with zero tolerance for incorrectness. In that context, the notified body shall verify whether the applicable rules on modelling and calculation laid down in the applicable harmonised technical specification or methodology provided by the Commission are followed.

In case an IT tool provided by the Commission is used, the verification focuses on the correct use of the tool. Where secondary data is used, the notified body shall check whether the correct data sets, prescribed by applicable product-specific calculation rules contained in the applicable harmonised technical specification or methodology provided by the Commission, are used. Where company-specific data is used, the reliability of that data needs to be verified. To that end, the notified body shall undertake an audit of the manufacturing plant to which they refer and shall examine all data relating to suppliers and service providers. Notified bodies may extend their audit to suppliers and service providers who are obliged to cooperate in accordance with Article 30.

(f) Where the above mentioned failure rates have been trespassed or where a grave error or the intention to cheat has been detected, the notified body shall refuse issuing a

certificate for at least one year or withdraw the certificate whilst permitting issuing a new one only after one year.

(g) Notified bodies that are undertaking tasks under Systems 1+, 1, and 3 as well as manufacturers that are undertaking tasks under Systems 2+ and 4 shall consider the European Technical Assessment issued for the product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall therefore undertake the tasks referred to in points 1.(b)(ii), 2.(b)(ii), 3.(a)(i), 5.(a)(i) and 6(a)(i), respectively, only where there is evidence that these have not or not appropriately been executed by the TAB.

ANNEX VI

Essential characteristics for which a reference to a relevant harmonised technical specification is not required in the context of notification of notified bodies

1. Reaction to fire.
2. Resistance to fire.
3. External fire performance.
4. Noise absorption.
5. Emissions of dangerous substances.
6. Environmental sustainability.

ANNEX VII
Correlation tables

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