CHAPTER II

**DECLARATION OF PERFORMANCE AND CE MARKING**

*Article 4*

**Declaration of performance**

1.When a construction product is covered by a hEN / conforms to a ETA the manufacturer shall draw up a declaration of performance when the product is placed on the market.

2. When a construction product is covered by a hEN / conforms to a ETA, information about its performance in relation to the essential characteristics, in the harmonised technical specification, may be provided only if included and specified in the declaration of performance except where, in accordance with Article 5, no declaration of performance has been drawn up.

3. By drawing up the declaration of performance, the manufacturer shall assume responsibility for the conformity of the construction product with such declared performance..

*Article 6*

**Content of the declaration of performance**

1. 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 harmonised technical specifications.

2. The declaration of performance shall contain the following information:

(a) the reference of the product-type

(b) the system or systems of AVCP

(c) the reference number and date of issue of the hEN or the ETA

(d) where applicable, the reference number of the STD and requirements with which the product complies.

3. The declaration of performance shall in addition contain:

(a) the intended use or uses for the construction product, in accordance with the hEN

(b) the list of essential characteristics, in the hEN for the declared intended use or uses;

 (c) the performance of at least one of the essential characteristics, relevant for the declared intended use or uses;

(d) where applicable, the performance of the construction product, by levels or classes, in a description, based on a calculation in relation to its essential characteristics

(e) the performance of those essential characteristics related to the intended use or uses

 (g) when a ETA the performance, in relation to all essential characteristics in the corresponding ETA

4. The declaration of performance shall be drawn up using the model set out in Annex III.

5. The information referred to in **Article 31** or, as the case may be, in **Article 33** of **Regulation (EC) No 1907/2006**, shall be provided together with the declaration of performance.

**REGULATION (EC) No 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

**Article 31**

**Requirements for Safety Data Sheets**

1. The supplier of a substance / preparation shall provide the recipient with a safety data sheet compiled in accordance with Annex II:

**Article 33**

**Duty to communicate information on substances in articles**

1. Any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0,1 % weight by weight (w/w) shall provide the recipient sufficient information, to allow safe use of the article including, as a minimum, the name of that substance.

*Article 7*

**Supply of the declaration of performance**

1. 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.

However, where a batch of the same product is supplied to a single user, it may be accompanied by a single copy of the declaration of performance either in paper form or by electronic means.

2. A paper copy of the declaration of performance shall be supplied if the recipient requests it.

3. By way of derogation from paragraphs 1 and 2, the copy of the declaration of performance may be made available on a web site in accordance with conditions to be established by the Commission by means of delegated acts in accordance with Article 60.

4. The declaration of performance shall be supplied in the language / languages required by the Member State where the product is made available.

*Article 8*

**General principles and use of CE marking**

1. The general principles set out in **Article 30** of **Regulation (EC) No 765/2008** shall apply to the CE marking.

**Regulation (EC) No. 765/2008 on accreditation and market surveillance**

**Article 30 CE MARKING**

**General principles of the CE marking**

1. The CE marking shall be affixed only by the manufacturer or his authorised representative.

2. The CE marking as presented in Annex II (see below this only relates to the ‘form’ and ‘size constraints’) shall be affixed only to products which comply with the CPR.

3. By affixing or having affixed the CE marking, the manufacturer indicates that he takes responsibility for the conformity of the product with all applicable requirements of the CPR.

4. The CE marking shall be the only marking which attests the conformity of the product with the CPR.

6. Without prejudice to Article 41, Member States shall ensure the correct implementation of the regime governing the CE marking and take appropriate action in the event of improper use of the marking.

**ANNEX II**

**CE marking**

1. The CE marking shall consist of the initials "CE" taking the following form:

+++++ TIFF +++++

2. If the CE marking is reduced or enlarged, the proportions given in the graduated drawing in paragraph 1 shall be respected.

3. Where specific legislation does not impose specific dimensions, the CE marking shall be at least 5 mm high.

**Article 41**

**Penalties**

The Member States shall lay down rules on penalties applicable to infringements of the provisions of this Regulation. The Member States shall notify the Commission of those provisions by 1 January 2010.

2. The CE marking shall be affixed to those construction products for which the manufacturer has drawn up a declaration of performance in accordance with Articles 4 and 6.

3. For any construction product covered by an hEN, or for which a ETA has been issued, the CE marking shall be the only marking which attests conformity of the construction product with the declared performance in relation to the essential characteristics

*Article 9*

**Rules and conditions for the affixing of CE marking**

1. The CE marking shall be affixed visibly, legibly and indelibly to the construction product **OR** to a label attached to it. Where this is **not possible or not warranted** on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents.

2. The CE marking shall be followed by the -

1. two last digits of the year first affixed,
2. name and the registered address of the manufacturer, or the identifying mark,
3. unique identification code of the product-type,
4. reference number of the declaration of performance,
5. level or class of the performance declared,
6. the hEN, ETA applicable,
7. identification number of the notified body, if applicable, and
8. intended use as laid down in the hEN, ETA applied.

3. The CE marking shall be affixed before the construction product is placed on the market. It may be followed by a pictogram or any other mark notably indicating a special risk or use.

*ANNEX III*

**DECLARATION OF PERFORMANCE**

No. .................................

1. Unique identification code of the product-type:

2. Type, batch, serial number, any other element allowing identification of the construction product

3. Intended use or uses of the construction product,

4. Name, registered trade name or registered trade mark and contact address of the manufacturer

5. Where applicable, name and contact address of the authorised representative

6. System or systems of AVCP

7. In case of a construction product covered by an hEN - name and identification number of the notified body, if relevant) performed ......... under system (description of the third party tasks as set out in Annex V) and issued ........... (certificate of constancy of performance, certificate of conformity of the factory production control, test/calculation reports – as relevant)

8. For a product for which a ETA has been issued - (name and identification number of the Technical Assessment Body, if relevant) issued ................ (reference number of the European Technical Assessment) on the basis of ............. (reference number of the ETA)