TECHNICAL MEMORANDUM 002

WAY OF ESTABLISHING THE FITNESS OF MATERIALS

The paragraphs listed on this sheet refers the relevant paragraph contained within Regulation 7 – Approved Document (2013 version which is now superceded – *an updated document has been issued in Dec 2018***) which is acknowledged as Crown copyright and the title and edition of the publication is so specified.**

If you are using materials imported into England & Wales from abroad and from a country which may not be part of a harmonised standard then you may be requested to prove the materials fitness for purpose by a Building Control Body in the UK.

1.2 You can assess the suitability of a material for use for a specific purpose in a number of ways, as described in paragraphs 1.3 to 1.21.

CE marking under the Construction Products Regulation

In general –

Countries that require or use CE marking

The countries that require CE marking are the 31 countries in the European Economic Area. This includes:

- All of the 28 EU member states: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.
- Three members of the European Free Trade Association: Iceland, Liechtenstein and Norway.

In addition, Turkey has fully implemented many of the CE marking directives, even though it's not a member of the EU or the EEA.

Switzerland is also not an EU or EEA member. However, it is part of the European Free Trade Association, so accepts CE marking as a presumption of conformity with its own national technical regulations for some products.

Products covered by the CE marking requirement

CE marking is not required for all products. However it does apply to a large number of goods, as well as many construction products. It is the manufacturer's responsibility to ensure that products are designed and made in accordance with relevant legislation applied within England & Wales. They must also draw up the required technical documentation and ensure that appropriate assessment procedures are carried out.

The Construction Products Regulation came into effect on 1 July 2013 and stated that manufacturers of construction products would need to apply CE marking to any of their goods that were covered by a hEN or ETA before being able to place them on the market. Just some of the items that need CE marking include:

- Ceilings
- Cladding
- Doors
- Facades
- Finishes
- Floors
- Roofs
- Thermal insulation
- Vents
- Walls
- Windows

. **1.3** Many materials are construction products that have CE marking under the Construction Products Regulation (305/2011/EU-CPR). The Construction Products Regulation requires that construction products on the EU market covered by a harmonised European product standard should normally have CE marking. In addition, manufacturers of products not covered by a harmonised standard can choose to affix CE marking to their products by obtaining a European Technical Assessment. **NOTE:** You can find a list of the harmonised product standards under the Construction Products Regulation on the NANDO information system website at http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=cpd.hs.

. **1.4** CE marking includes the reference of the product standard and the levels or classes of performance being declared against some or all of the characteristics covered by the standard. The CE marking should be on the product, its label, the packaging or accompanying documents. The CE symbol by itself does not necessarily indicate that the material is suitable for the building work.

. **1.5** In addition to CE marking, the product will have a declaration of performance containing more detailed information on the product. This may be a paper or electronic document, or it may be on a website. It is essential to check that the declared performance is suitable for the building works.

. **1.6** In the absence of indications to the contrary, the building control body should assume that the information given in the CE marking and declaration of performance is accurate and reliable, and that the product meets the declared performance.

. **1.7** If the declared performance of a product is suitable for its intended use, the building control body should not prohibit or impede the use of the product.

CE marking under other EU directives and regulations

. **1.8** Products may have CE marking under European legislation such as the Gas Appliances Directive or the Pressure Equipment Directive. Such CE marking shows that the product meets the essential requirements set out in the legislation – for example, minimum safety requirements – and can be placed on the EU market.

1.9 Some products have CE marking in accordance with both the Construction Products Regulation. and other legislation. The CE marking shows that the product complies with the requirements in all relevant EU legislation

British Standards

. **1.10** Nearly all British Standards for construction products are the British versions of harmonised European standards used for CE marking. The BSI numbering policy is to adopt the CEN numbering, prefaced with BS, e.g. **BS EN 197-1:2000**.

. **1.11** Some British Standards are the British version of non-harmonised European standards; these also adopt the CEN numbering, prefaced with BS. These do not contain an Annex ZA, so CE marking cannot be affixed to products made to these standards.

. **1.12** Some British Standards for products not covered by a European standard will continue to exist.

. **1.13** Where a construction product has been made and assessed in accordance with one or more British Standards referred to in 1.11 and 1.12, this may show whether the product is suitable for its intended use.

Other national and international technical specifications

1.14 An international technical specification, including those prepared by ISO, or a national technical specification of a country other than the UK, may be used to demonstrate that a product not covered by a harmonised European standard meets the performance requirements of the Building Regulations.

Where necessary, the person who intends to carry out the work should obtain translations of specifications and demonstrate how the material meets the requirements of regulation 7.

NOTE: The national technical specifications of EU member states (and non-EU countries that are full members of CEN) are being progressively replaced by harmonised European standards, as is the case with British Standards.

Independent certification schemes

. **1.15** There are many independent product certification schemes in the UK and elsewhere that may provide information on the performance of a product. Such schemes certify that a material complies with the requirements of a recognised document and indicates it is suitable for its intended purpose and use. These may be in addition to, but not conflict with, CE marking.

. **NOTE:** Materials which are not certified by an independent scheme might still conform to a relevant standard.

. **1.16** Accreditation of a certification body by a national accreditation body belonging to the European co-operation for Accreditation (EA) provides a means of demonstrating that their certification scheme can be relied upon. In the UK, most independent certification bodies are accredited by the United Kingdom Accreditation Service (UKAS), which belongs to the EA. It is important to check the scope of the accreditation of a certification body, as accreditation might cover only part of the certification body's testing or certification business.

Tests and calculations

1.17 Where there is no relevant harmonized European standard, tests, calculations or othermeans may be used to demonstrate that the material can perform the function for which it is intended. UKAS or an equivalent national accreditation body belonging to the EA may accredit the testing laboratories; this accreditation provides a means of showing that tests can be relied on.

Past experience

1.18 Past experience, such as use in an existing building, may show that the material can perform the function for which it is intended.

Sampling

. **1.19** Under regulation 46 of the Building Regulations, local authorities have the power to take samples as necessary to establish whether materials to be used in building work comply with the provisions of the regulations.

. **1.20** Regulation 46 does not apply to any work specified in an initial notice or to any work for which a final certificate has been given by an approved inspector and accepted by the local authority.

. **1.21** Regulation 8 of the Building (Approved Inspectors etc.)Regulations 2010 provides that an approved inspector, having given an initial notice which continues to be in force, may take samples of material as are reasonable to establish within the limits of professional skill and care that regulation 7 of the Building Regulations or any other applicable regulations are complied with.

Short-lived materials

. **1.22** Some materials, in the absence of special care, may be considered unsuitable because of their rapid deterioration in relation to the expected life of the building.

. **1.23** A short-lived material which is readily accessible for inspection, maintenance and replacement may meet the requirements of the regulations if the consequences of failure are not likely to be serious to the health or safety of people in and around the building.

. **1.24** If a short-lived material is not readily accessible for inspection, maintenance and replacement, and the consequences of failure are likely to be serious for health or safety, it is unlikely that the material will meet the requirements of the regulations.

. **1.25** As noted in paragraph 0.2, local authorities have the power to impose conditions on the use of short-lived materials.

Materials susceptible to changes in their properties

1.26 The properties of some materials can change in certain environmental conditions. These changes can affect the performance of the materials over time.

1.27 Materials that are susceptible to changes in their properties may be used in building work and will meet the requirements of the regulations if the residual properties, including the structural properties, meet both of the following conditions.

a. Residual properties can be estimated at the time of their incorporation in the work.

b. Residual properties are shown to be adequate for the building to perform the function for which it is intended, for the expected life of the building.

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