



Temporary Works  
forum

Promoting best practice in  
the construction industry.

TW15.051

## TWf INFORMATION SHEET No. 1

### CONSTRUCTION PRODUCTS REGULATION (EU) CE marking and temporary works

#### Introduction and Executive Summary

The Construction Products Regulation (2011)<sup>1 2</sup> replaces the Construction Products Directive (1998). The CPR (2011) requires many products and items used in construction to be CE marked.

This information sheet concludes that CE marking is not required for items used as temporary works:

- provided they are removed from the permanent works as a part of the construction process;
- or, if they are left in place:
- they play no part in the permanent works functions;
  - nor can their presence have an effect on the performance of the permanent works in regard to one of the seven 'Basic Requirements for Construction Works' (see 1(c), below).

However, it is recommended that:

- (a) All temporary works welding materials and welded steels (or other welded materials) are CE marked, and that the processes of welding conform to CE requirements
- (b) Wherever practical, that temporary works products are CE marked;
- (c) Whether or not CE marked products are used, an appropriate quality management regime is required to ensure the works meet specifications and are generally fit for purpose.

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<sup>1</sup> **Regulation (EU) No 305/2011** of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (4.4.2011, L 88/5), see [link](#)

<sup>2</sup> The CPR (2011) is implemented in the UK through **SI 2013 No. 1387**, The Construction Products Regulations 2013, see [link](#)



## 1. Background

It is useful to highlight three parts of the Regulations when considering CE marking and temporary works:

(a)

### **Article 2** *Definitions*

For the purposes of this Regulation the following definitions shall apply:

1. 'construction product' means any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works;

(b)

### **Article 3** *Basic requirements for construction works and essential characteristics of construction products*

1. The basic requirements for construction works set out in Annex I shall constitute the basis for the preparation of standardisation mandates and harmonised technical specifications.
2. The essential characteristics of construction products shall be laid down in harmonised technical specifications in relation to the basic requirements for construction works.

(c)

### **ANNEX I** *Basic Requirements for Construction Works*

Construction works as a whole and in their separate parts must be fit for their intended use, taking into account in particular the health and safety of persons involved throughout the life cycle of the works. Subject to normal maintenance, construction works must satisfy these basic requirements for construction works for an economically reasonable working life.

The headings of the basic requirements are:

1. Mechanical resistance and stability ...
2. Safety in case of fire ...
3. Hygiene, health and the environment ...
4. Safety and accessibility in use ...
5. Protection against noise ...
6. Energy economy and heat retention ...
7. Sustainable use of natural resources ...



## 2. Guidance<sup>3</sup>

A guide is available from the Construction Products Association (CPA)<sup>4</sup>. Within it, Appendix D provides a useful checklist on the steps to take in deciding if a product must carry CE marking:

- Step 1: Decide if product is a “construction product” as defined under the CPR.
- Step 2: Check if a “harmonised technical specification” exists for the product.

In summary, unless these criteria are met the CPR **do not** apply to temporary works.

Examples of *harmonised technical specifications* are either:

- a harmonised European Norms (hEN) (see [link](#)); or
- a European Technical Approval Guideline (ETAG) or European Assessment Document (EAD) (see [link](#)). These are published by the European Organisation for Technical Assessment (EOTA).

A list of FAQs is available at the European Commission (see [link](#)). Most relevant is No. 31:

*When does the CE marking have to be affixed on the basis of EN 1090-1:2009+A1:2011?*

This answer links to a non-exhaustive list of items **not** covered by EN 1090:2009+A1:2011 (see [link](#)). This list says that, “**steel and aluminium components and elements produced on work site**” are not covered by EN 1091-1

## 3. Welding standards

Whilst it seems clear that CE marking of the material is not required it is recommended that the fabrication process conforms to CE requirements using an execution class (EXC) stipulated by the Temporary Works Engineer. Where no class is stipulated then EXC2 should be adopted in line with the *National Structural Steelwork Specification for Building Construction* (5th Edition CE Marking Version), BCSA 52/10 (NSSS, see [link](#)).

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<sup>3</sup> The “Product Contact Point” in the UK is DCLG at [enquiries.br@communities.gsi.gov.uk](mailto:enquiries.br@communities.gsi.gov.uk) (It is understood that most queries relate to EN1090-1).

<sup>4</sup> *Guidance Note on the Construction Products Regulation; Version 3 - October 2014*, Construction Products Association (see [link](#)).



#### 4. Frequently asked questions

○ **(a) Does CPR apply to timber?**

Yes, if there are hENs and/or ETAGs (see 2, above). If not permanent works then no need to comply (The main caveat being “permanently incorporated”).

○ **(b) Does CPR apply to temporary works that is not removed from the structure?**

Not if it is redundant (non-structural).

○ **(c) What about temporary works that plays a role in the final works?**

Generally, temporary works do not fall within the scope of the CPR, i.e. scaffolding, falsework, formwork, etc. This is based on an interpretation of the phrase ‘permanently incorporated’. It can be argued that this has nothing to do with ‘time’, but concerns whether or not the construction product has a role to play in the final works, i.e. does the construction product support one or more of the ‘Basic Requirements for Construction Works’ (For example, does it provide strength and stability to the works, albeit for a short period of time?).

The vast majority of temporary works are there to aid construction and are removed prior to or on completion and, therefore, do not play a role in the final works. However, this is not always the case. For example, the refurbishment of a bridge may involve replacement of the bearings and temporary works may be in place whilst the bridge is in use.

Under this scenario the temporary works do play a role and, arguably, **are** covered by the CPR. However, whether CE-marking itself applies or not the execution class still applies and there needs to be confidence in the quality measures adopted, e.g. through the procurement of a fabricator that meets the requirements of NSSS 5th Edition (CE-marking version), BCSA 52/10. A client may specify their own requirements in respect of the requirement to CE-mark.

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## **ANNEX - REFERENCES AND SUPPORT MATERIAL**

### **A. Online publications and sources of information (all accessed 18.8.15):**

Construction products regulations & CE marking, including UK product contact point for construction

[www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/cpr](http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/cpr)  
(Planning Portal)

CE marking

[www.steelconstruction.info/CE\\_marking](http://www.steelconstruction.info/CE_marking) (Steelconstruction.info)

CE marking

[www.tatasteelconstruction.com/en/products/structural-steel/advance-sections/ce-marking/ce\\_marking](http://www.tatasteelconstruction.com/en/products/structural-steel/advance-sections/ce-marking/ce_marking) (Tata Steel)

Preparing your joinery manufacturing business for CE Marking

[www.bwf.org.uk/toolkit/ce-marking](http://www.bwf.org.uk/toolkit/ce-marking) (BWF)

CE marking and the Construction Products Regulation (CPR)

[www.bre.co.uk/page.jsp?id=256](http://www.bre.co.uk/page.jsp?id=256) (BRE)

Specification of CE Marking in NBS?

[www.thenbs.com/topics/contractslaw/articles/specification-of-ce-marking-in-nbs.asp](http://www.thenbs.com/topics/contractslaw/articles/specification-of-ce-marking-in-nbs.asp) (NBS)

Construction Products Regulation

[www.constructionproducts.org.uk/publications/industry-affairs/display/view/construction-products-regulation/](http://www.constructionproducts.org.uk/publications/industry-affairs/display/view/construction-products-regulation/) (CPA)

The Construction Products Regulation (CPR 305/2011), What is the Construction Products Regulation?

[www.bsigroup.com/en-GB/our-services/product-certification/ce-mark/eu-directives/construction-products-regulation-cpr/](http://www.bsigroup.com/en-GB/our-services/product-certification/ce-mark/eu-directives/construction-products-regulation-cpr/) (BSI)

CE marking - 'Legal position'

[www.steelconstruction.org](http://www.steelconstruction.org) (BCSA)

Guide to the CE marking of structural steelwork, Publication No. 46/08

[www.steelconstruction.org](http://www.steelconstruction.org) (BCSA)

CE marking of steel products, BCSA SN17, 07/2007

[www.steelconstruction.org](http://www.steelconstruction.org) (BCSA)



## B. Publications/books on CE Marking and CPR

Getting started with CE marking for construction products, December 2013, BM TRADA

Getting started with factory production control for construction product certification, 2013, BM TRADA

Guide to the CE Marking of Structural Steelwork, 2014, ECCS

The Construction Products Regulation and CE marking, May 2012, BRE

The Construction Products Directive: A Practical Guide to Implementation and CE Marking, May 2007, AuthorHouse UK (Authored by A. Pinney and S. Rein)

CE Marking Handbook (Test & Measurement), 1 Aug 1998, Butterworth-Heinemann (authored by David Lohbeck)

CE Conformity Marking: and New Approach Directives, 1 May 2000, Elsevier (authored by Ray Tinker)

Policy paper: European internal market: government response to the BIS public consultation on the draft Market Surveillance and CE Marking Regulations, 24 February 2012, Department for Business, Innovation & Skills

CE Marking in the 21st Century: The Drive for Product Conformity, 30 Jun 2003, PRIME Faraday Partnership (authored by Ben Wilson)

CE Marking: A Short Guide, 1 Aug 1997, Pearson Education

CE marking, product standards and world trade, 24 Feb 2005, Edward Elgar Publishing Ltd (authored by David Hanson)

End.