



Timber Trade Federation
growing the use of wood

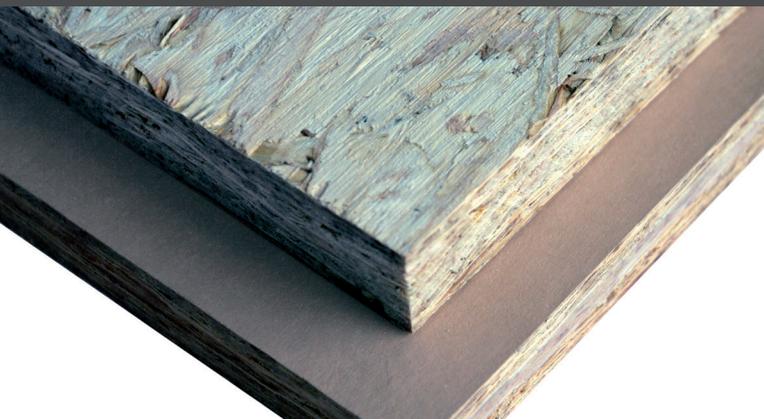
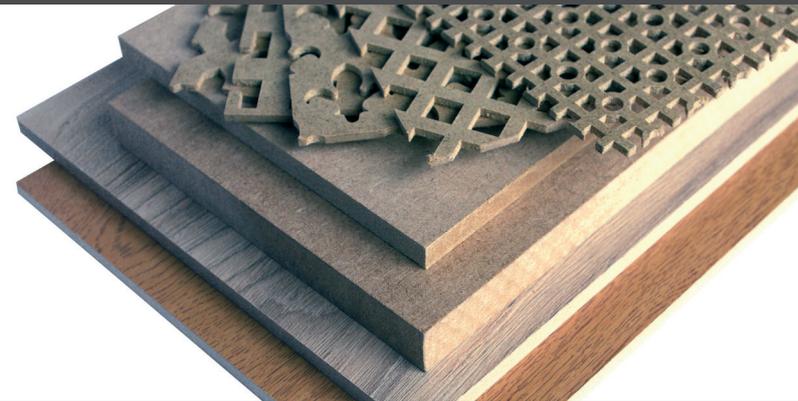
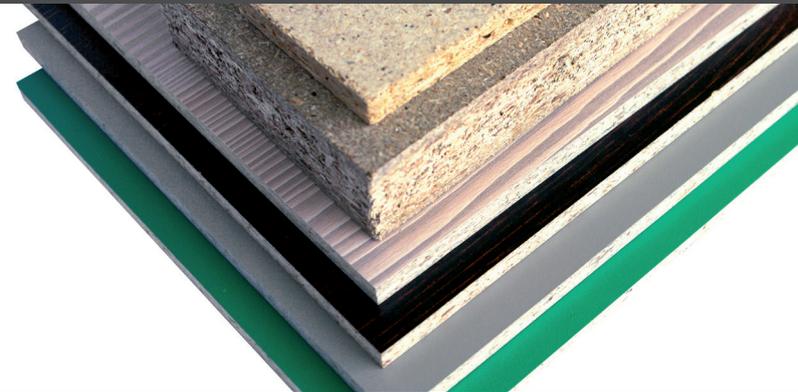


The leading authority on wood

WOOD
PANEL
INDUSTRIES
FEDERATION

Panel Guide

Version 4.1



2 Panels for use in construction

2.1 General

2.1.1 Legislation and regulations

Probably the single most important piece of European technical legislation for the construction industry in the last few years was the Construction Products Directive (CPD)¹ which was adopted by the Council of Ministers in 1988. The Directive has now been replaced by the Construction Products Regulation (CPR)² which came fully into force on 1 July 2013.

Construction Products Regulation 2013 is the enabling law in the UK and in the main it covers enforcement and penalties for failure to meet the requirements of the European CPR legislation.

Replacing the Directive with a Regulation means that Member States no longer have the option to interpret the Directive into national law. In the UK this means that CE marking is now mandatory, where it wasn't previously, because the UK had interpreted the CPD to mean CE marking was not compulsory. The CPR now makes it clear that construction products covered by the scope of a harmonised European standard (hEN) or a European Technical Approval (ETA) must be CE marked.

Wood-based panels used for construction purposes are covered by a hEN (*EN 13986*, implemented in the UK as *BS EN 13986 Wood-based panels for use in construction. Characteristics, evaluation of conformity and marking*³) and therefore it is now mandatory to CE mark those products. Having said this, the European wood-based panel sector has always embraced CE marking and the UK industry has been CE marking its construction panel products since 2004.

2.1.2 Product supply chain

One significant difference between the previous Directive and the current legislation is that the requirements of different economic operators (manufacturer, distributor and importer) are specified in detail and it has sought to address the issue of limited information regarding the performance of products being available to those in the supply chain.

The issue of poor information has been addressed by the introduction of the Declaration of Performance (DoP) which is central to the concept of the CPR. The DoP is the legal statement from the manufacturer that their product meets the performance criteria presented in the DoP relating to that product. It is this DoP which is passed down the supply chain from manufacturer to distributor to user so that it is clear what is being claimed and, in addition, provides the name, registered trade name or registered trade mark and contact address of the manufacturer.

For products bought from outside the European Economic Area (EEA), the name, registered trade name or registered trade mark and contact address of the importer based in the EEA that has supplied the product in the EEA for the first time has to be given with the product (on the product, the packaging or accompanying documentation).

It is worth noting that one trading company, when considering the CPR, could be a manufacturer, an importer and a distributor for different products that they are handling rather than forming part of their core business activities. For example, a company that is essentially a distributor of panel products would be:

- the manufacturer if it sells a product under its own brand
- an importer if it bought a product directly from outside of the EEA
- a distributor if it passes on a product either bought or sold from an importer or from a manufacturer in the EEA.

As such, the company would have to abide by the rules given in the CPR for each role it plays in the supply of construction products.

2.1.3 CE marking

Much confusion has arisen in the past over the significance of the CE mark. Basically it is only a symbol of conformity with its declared performances and it gives a product a 'passport' enabling it to be legally placed on the market in the EEA. Therefore it is not a mark of quality, and it is not intended to be interpreted as such.

One very important point which must be appreciated is that EU Member States have the freedom, where different levels of performance are included in a Standard, to opt for whichever level they wish for the purposes of legislation. This means that if the higher of two levels is adopted in a particular EU Member State, boards complying with the lower level will not satisfy the legislation in that country for that particular end use, despite bearing the CE mark.

Conversely, a Member State may indicate that its law or building regulations do not require compliance with a specified level for a given property of the product. In this case, there is provision for 'no performance determined' (NPD) to be declared for that property in the market of such a Member State. Under the CPR however, there must be at least one performance declared.

Once the CE mark is affixed to a product, the burden of proof for non-compliance of the product with the hEN or the ETA passes to the national enforcement authority which, in the UK, is the Trading Standards Department.

2.1.4 UK Building Regulations

In the UK, construction is governed by Building Regulations. These Regulations have been amended to

include the fact that it is mandatory for products to be CE marked if they fall within the scope of a hEN or an ETA, but as a whole CE marking has very little effect on the majority of Building Regulations, as these are concerned with the performance of the structure and not the individual products used to construct it.

Having said that, Approved Document 7 (material and workmanship) of the UK Building Regulations⁴ does stress that just having a CE mark does not in itself mean that a product is fit for purpose. This can be determined by assessing the requirements of the materials to be used in the construction works with the properties declared in the DoP of the material under consideration.

One other aspect of UK building practice which should be mentioned is that for the purposes of structural design, *BS 5268-2 Structural use of timber. Code of practice for permissible stress design, materials and workmanship*⁵ (permissible stress design) has now been withdrawn and replaced by the Eurocodes (limit state analysis). This in itself does not mean that *BS 5268* should not/cannot be used but over time the information it contains will become increasingly out of date as it will no longer be updated by the British Standards Institute (BSI). It will most definitely still be used by some, but it would be expected that designers will start using the Eurocodes over the next few years. This edition of PanelGuide has been updated to reflect this (see *Section 2.2*).

2.1.5 Further information

For further information regarding Building Regulations and CE marking the following websites should be consulted:

- For England, Wales: www.planningportal.gov.uk
- For Northern Ireland, 'Buildings and energy efficiency of buildings' section: www.dfpni.gov.uk
- For Scotland via the 'Technical handbook' section: www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards
- For the Republic of Ireland the Technical Guidance Documents can be found at: www.environ.ie/en/TGD
- Other information can be sought from the Regulations and Codes section of: www.trada.co.uk
- Information on the Construction Products Regulation can be found here: http://ec.europa.eu/enterprise/sectors/construction/index_en.htm

2.1.6 References

- 1 Construction Products Directive (CPD), Council Directive 89/106/EEC (repealed)
- 2 Construction Products Regulation (CPR), Regulation 305/2011/EU
- 3 BS EN 13986. Wood-based panels for use in construction. Characteristics, evaluation of conformity and marking, BSI

- 4 UK Building Regulations Approved Document Regulation 7 – Materials and workmanship, available at www.planningportal.gov.uk
- 5 BS 5268-2. Structural use of timber. Code of practice for permissible stress design, materials and workmanship [WITHDRAWN], BSI

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This is a technical book for professionals in the built environment sector. While every effort is made to ensure the accuracy of the advice given, the project partners cannot accept liability for loss or damage however caused arising from the use of the information supplied

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