

CE MARKING OF WOOD-BASED PANELS



The origin of the term “CE marking” is in various EU directives laying down the European regulatory base for the conformity criteria for 12 families of products. One of these product groups is **construction products**, and its governing directive is the Construction Products Directive (89/106/EEC), the CPD.

THE PURPOSE OF CE MARKING

The function of the CE mark is to stake a claim that the product bearing the mark has been legally put on the market within the EU, as required by the CPD (and, by extension, legally put on the market within the wider EEA), on the ground that:

- the product has been subject to an appropriate system of attestation of conformity with one or more technical specifications;
- the product does in fact conform with the relevant aspects of the identified technical specifications; and
- therefore the product is fit for its express intended use or with its implied range of suitable uses

This composite claim is shortened in the CPD to the focus of enabling the “works” in which products are used to comply with the Directives **essential requirements**. In the words of Article 2, construction products are fit for their intended use if

“they have such characteristics that the works in which they are to be incorporated, assembled, applied or installed can, if properly designed and built, satisfy the essential requirements referred to in Article 3 when and where such works are subject to regulations containing such requirements”.

THE ESSENTIAL REQUIREMENTS
and
THE TECHNICAL SPECIFICATION

Under the regulatory procedure, the EC generally issues a mandate for an appropriate form of **technical specification**. This will contain conformance criteria reflecting the **essential requirements** deemed by the Commission to be relevant to the product group in question.

The possible types of technical specification that may be suitable for a construction product group include:

- **Harmonised Standards** (the mandates for these are issued to CEN or Cenelec);
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- **European technical approvals** (either on the basis of a mandated guideline or issued by an approved body without a guideline); or
- possibly a **national technical specification** where neither of the above exists, provided these are notified to the Commission and gain a presumption of conformity with the essential requirements.

The **essential requirements** that may be given in a Mandate as relevant to any product group are:

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

WOOD-BASED PANELS THE HARMONISED STANDARD

For present purposes, it can be stated that the conformity of **wood-based panels** with the regulatory requirements rests almost entirely on the criteria contained in the mandated Harmonised Standard (hEN)

EN 13986 “Wood-based panels for use in construction –
Characteristics, evaluation of conformity and marking”

The hEN encapsulates the requirements of around 100 individual standards containing specifications, performance criteria and test methods applicable to particleboards, fibreboards, OSB, plywood and/or solid wood panels, and which covers performance characteristics that relate to the full range of **essential requirements** already mentioned, as well as durability.

This is the document according to which CE marking will be carried out for the great majority of wood-based panels supplied to the EEA territories, whether they are manufactured inside or outside the EEA.

The hEN specifies all the conformity elements that need to be satisfied, viz

- the **technical class** appropriate to the product and the particular requirements of each technical class
- the **reaction to fire class**
- the **formaldehyde class**
- a threshold value for **pentachlorophenol** content

It also

- itemises the **marking requirements** themselves
- lists the appropriate **systems of attestation of conformity** – the required system and the degree of involvement of a **Notified Body** depending on whether the panel product is to be used as a structural or a non-structural element, and on the reaction to fire class to which the product belongs. (For details, see Annex III of the CPD and Annex ZA.2 of the hEN)

AFFIXING OF THE MARK

- “It is for the manufacturer, or his agent established in the [EEA], to take responsibility for affixing the EC mark on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents”. (CPD, Article 4.6).

For “EC mark”, now read “CE marking”.
(CD 96/68/EEC).

- “The order in which [the above list of CE marking locations] is presented clearly reflects a hierarchy of preference. Wherever possible, the CE marking and accompanying information shall be placed on the product itself. If this is not practical, for physical, technical or economic reasons, the CE marking and accompanying information may be placed in the next location specified and so on until a suitable location is found”.
- “For some products a combination of locations for the CE marking and the accompanying information may be appropriate. For example, a minimum of information could appear on the product itself, with the complete information appearing on the accompanying commercial documents. Where the information is split in this way, the location(s) lower in the hierarchy must always repeat that part of the information already placed higher up in the hierarchy”. **(Harmonised Standard, EN 13986. Annex ZA.3.1).**
- “The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5mm”.
(CD 93/68/EEC).
- “The CE marking must be affixed visibly, legibly and indelibly”.
(Council Decision of 22/7/93).
- “A product may bear different marks ... provided such marks are not liable to cause confusion with the CE marking”. **(Council Decision of 27/7/93).**
- “Any statements accompanying a product but relating to non-harmonised aspects must be kept distinct from the information accompanying the CE mark”. **(EC Guidance Paper D).**
- The CE marking must be affixed before the product is placed on the market ... Where the CE marking is affixed sometime after the manufacture of the product, for example after storage in a warehouse, the validity of the testing carried out during production must be confirmed”. **(EC Guidance Paper D).**

INFORMATION ACCOMPANYING THE CE MARK

The CE mark is only the basic symbol but accompanying information consists first and foremost of:

- Identification of the notified Body and the number it has given to the certified product. [This generally only applies to load-bearing (structural) boards, but in the case of cement-bonded particleboard to both load-bearing and non-load-bearing boards].
- Name and/or identifying mark of the producer
- The last two digits of the year when the marking was affixed
- Reference to EN 13986 (the Harmonised Standard)
- For the remaining accompanying information, there are two options:
 - The format given in Table 13 of the hEN (marking requirements based on technical classes), which is by far the simpler approach;
 - The format given in Table 14 of the hEN (marking requirements based on declared values of each of the performance characteristics relevant to the product type).
- In the case of either option, the producer may decide that he does not wish to evaluate, or determine the performance for, any characteristic of the product that is not regulated in the EEA country in which the product is to be marketed.

In the case of the first option (marking requirements based on technical classes) he would normally indicate such an exception by subtracting the unwanted characteristic from the indication of the standard otherwise complied with,

e.g. EN 13986
(- water vapour permeability)

- In the case of the second option (marking requirements based on declared values) he would indicate “No performance determined” against the unwanted characteristic.

However, if the producer wants the CE mark to operate fully as a passport for his product into any EEA territory, he will be well advised not to risk any such exceptions. The most obvious example of an unregulated characteristic of wood-based panels in UK is the formaldehyde potential, but a producer of resin-bonded boards who declined to declare the product's formaldehyde class (with or without a declared tested value of formaldehyde content or emission) would quickly find his product unsaleable.

- “It is the name of the producer, not the authorised representative established in the EEA, that shall accompany the CE marking ... The authorised representative” [who may take responsibility for affixing the CE mark] “is a legal entity expressly designated by the producer, legally entitled to act on his behalf within the EEA, and is not to be confused with the importer. The latter is any legal entity who places a product from a third country on the EEA market, and is responsible in law for ensuring that all legal requirements on the product applicable for the EEA market have been fulfilled”. **(EC Guidance Paper D)**.

- “In the case where a producer from a third country does not have an authorised representative established in the EEA and a problem arises, the market authorities would address themselves to the importer, according to their national legislation”. **(EC Guidance Paper D)**.

THE CONSTRUCTION PRODUCTS REGULATIONS (UK)

The Construction Products Regulations 1991

The Construction Products (Amendment) Regulations 1994

The Regulations make it an offence to supply any construction product (other than a minor part product) not conforming with the requirement that it

“shall have such characteristics that the works in which it is to be incorporated, assembled, applied or installed can, if properly designed and built, satisfy the essential requirements when, where and to the extent that such works are subject to regulations containing such requirements”.

Apart from minor part products (which do not include wood-based panels) there are a few exceptions to the above prohibition, including:

- where the supplier reasonably believed that the construction product would not be used within the EEA (the exports defence), and
- where the product is not supplied as a new product (the used products defence).

Infringement of the conformity requirement can result in penalties of imprisonment or fines or both. Withdrawal of the product from the market will be required in case of misuse of the CE mark.

The enforcement authorities are the trading standards departments of local authorities in Great Britain, environmental health authorities in Northern Ireland, and the Department of Trade and Industry.

Note that the offence is non-conformity with characteristics requirements that enable the works in which the product is to be used to comply with the ERs. It is not an offence under UK law not to CE mark a conforming product. And it is not an offence where CE marking is not applied to disregard the CPD routes to conformity (hEN, ETP etc): the manufacturer of a non-CE marked product may choose to use in whole or part some other technical specification.

In practice, however, the producer must be aware from the Mandate M113 which of the ERs are relevant to his product (in the case of wood-based panels for construction use, this means all the ERs), and he must be aware from the hEN of the requirements that relate to dangerous substances that do not derive primarily from the CPD, viz. formaldehyde and PCP.

THE NON-CE –MARKING OPTION

The policy of the UK-based wood sector trade associations is to advise their members that the option not to apply the CE mark to products and not ensuring their conformity according to the CPD should be viewed as unwise and as a non-starter.

This policy will be promoted by the joint **CE Marking and Fair Trading Working Group**, and **WPIF** will be asking its member companies to assist in the market surveillance of non-CE marked products.

The absence of a CE mark on a construction product marketed in UK (or in Ireland or Portugal or Sweden, where a similar regulatory situation applies) will mean that

- the product is deprived of its “passport” symbol carrying a presumption of conformity unless and until the product is challenged by an enforcement authority;
- if the product is challenged, the onus will be on the producer to prove its consistency with the ERs, and in assessing this consistency the enforcement authority will inevitably look first and foremost at the hEN criteria; and
- although a CE mark is not a positive promotional tool (because it is not a quality mark), its absence will inevitably operate as negative promotion.

TIMING OF THE CE MARK FOR WOOD-BASED PANELS

Date of availability (DAV) of the hEN (EN 13986): **June 2002**

Latest date for publication of hEN as national standard: **December 2002**

CE marking available on a voluntary basis: **March 2003**

Period of co-existence of existing national systems and CE marking: **March 2003 to March 2004**

Latest date for withdrawal of existing national systems: **March 2004**

Compulsory CE marking in most Member States: **March 2004**

SOME OUTSTANDING QUESTIONS
(AT JUNE 2002)

- (1) To what extent will panels have to be tested for fire classification?
- The standardised classes of reaction to fire performance (CWFT, classification without further testing), which cleared the way for approval of the hEN by the SCC, are accompanied by a note restricting reference to the standard classes to

“Wood-based panels mounted without an air gap directly against class A1 or A2 – s1, d0 products with minimum density 10kg/m³ or at least class D-s2, d0 products with minimum density 400kg/m³”.
 - EPF advises that the CWFT classification will only be available for products conforming with the hEN. It would therefore not be available to a non-CE marked product relying on some other specification.
- (2) The performance level of a product characteristic not regulated in the country in which the product is marketed need not be included in the information accompanying the CE mark. (E.g. in UK: formaldehyde limits, smoke from burning materials, etc.)
- Are the Building Regulations likely to be changed to regulate these characteristics?
 - If not, could e.g. a board with a 50mg/100g formaldehyde content be considered as acceptable in the light of the ER for Hygiene, Health and the Environment?
- (3) How will Trading Standards go about enquiries into suspect products not bearing the CE mark? The industry’s CE Marking and Fair Trading WG has undertaken to assist in drawing up a procedural code for wood-based panels.