

## **Position Paper**

**Position on the Construction Products Directive CPD 89/106/EEC  
and the role of the system suppliers (system houses)**

## Introduction

EuroWindoor, the umbrella organization of the European Window, Door and Curtain Walling industry for the three frame materials metal, wood and plastic, together with the EAA, the European Aluminium Association, support the position outlined hereafter. All parties mentioned are in full support of a Single European market and the tools applied for its implementation.

The European window, door and curtain wall industry has studied in depth the draft product standards prEN 14351 "Windows and external pedestrian doors" and prEN 13830 "Curtain walling" and concluded that some clarifications are required. In addition, members of the Notified Body Sector Group SG 05 "Claddings, Curtain Walling" and SG 06 "Windows" raised, in the presence of the Commission Services, the question of the role of system houses as system suppliers under the Construction Products Directive CPD.

Based on these recently raised open questions, we have jointly decided to define and communicate our position through this paper in order to support the Commission's work on the completion of the Single Market.

The final product – in this case, the window, door or curtain walling unit including fillings and related hardware, are within the scope of the Construction Products Directive CPD 89/106/EC and the relevant Mandates M 101, 108, 126 and 130, on which we would like to focus our attention.

## The role of the system houses in the window and curtain walling sector

Historically, a few companies, called system houses, started to elaborate window, door and curtain walling frame systems, which are used by the window, door and curtain walling industry. Throughout the European Union a relatively small number of system houses supply thousands of Micro, Small and Medium-sized Enterprises SMEs with the necessary goods to produce perfect products for the building envelope.

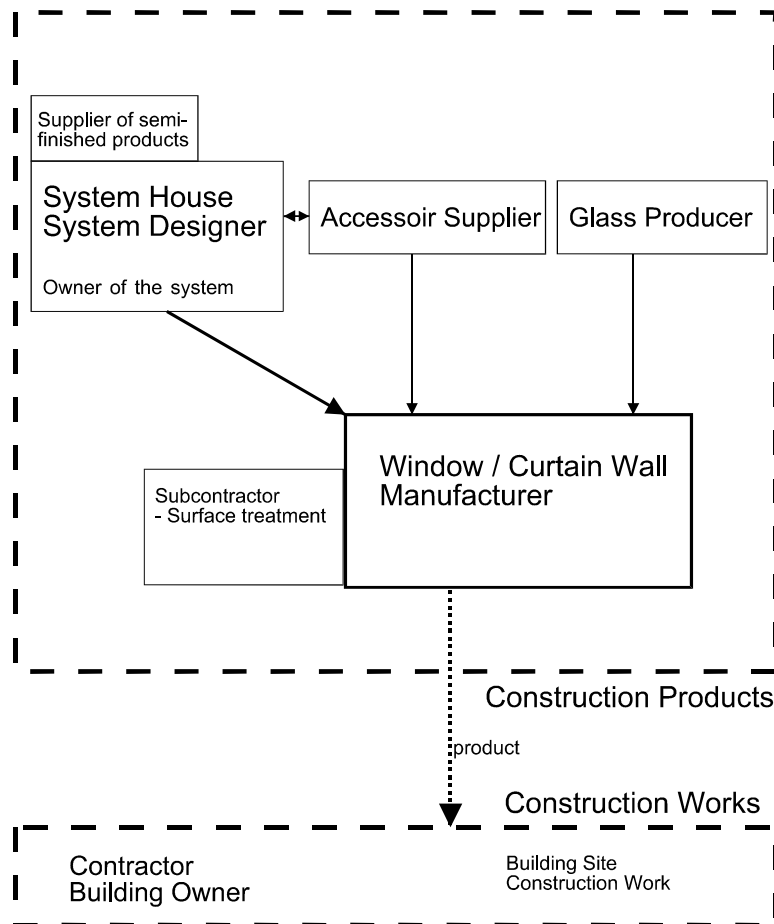
The system houses bear a high responsibility towards their costumers, the window, door and curtain walling industry, by providing them with:

- Advanced and sophisticated systems made up of frame profiles, gaskets, hardware
- Testing and evidence of conformity
- Engineering services for design and calculation
- Documentation and training for assembly
- Sales engineering
- Project support

The system houses also run all necessary or requested prototype testing of their systems on behalf of the window and curtain walling manufacturers. This includes, for instance fire safety testing according to the specific national building regulations.

The system houses do not only supply components and provide services for the final product but also take care of further developments of the systems in order to meet new regulations and take them a step further, for example with regard to sustainability or simplification of processes. These challenges and the aim to fulfil the end customer's needs are answered by continuous research and development, carried out mainly by the systemhouses.

The window, door and curtain walling manufacturers produce the final product based on the relevant guidelines and rules provided by the system house and according to the requirements of the construction works and the specifiers.



This division of work has been applied for a long time and is not only accepted but also has proven its worth both in the European market and throughout the world. Similar systems are applied to all relevant materials, metal, wood and plastics and have never been a cause for concern.

Added to which, the European standards in our sector are based on this system, including the standards and test methods prepared in the framework of the CPD.

## The legal aspect

We are fully aware that both the declaration of conformity and the affixing of the CE-Mark will always be the manufacturer's responsibility. Furthermore, the CPD does not provide for any legal instrument to transfer the responsibility to someone else, for instance upstream to the system house. However, we examined the CPD to find provisions to answer the following two questions.

- Who could commission a prototype testing as defined by the Initial Type Testing ITT?
- How can the test results from prototype testing, commissioned by the system house, be transferred to the window, curtain walling or door manufacturers and be used as input for the requested attestation of conformity, in particular under AoC<sup>1</sup> systems 1 and 3?

According to Article 13(1) in Chapter V “Attestation of Conformity” in the Construction Products Directive 89/106/EC, the manufacturer is responsible for the attestation that products are conform. However it is not stated, that the manufacturer has to be the one to commission a notified body with testing.

### § 13(1)

*The manufacturer, or his agent established in the Community, shall be responsible for the attestation that products are in conformity with the requirements of a technical specification within the meaning of Article 4.*

According to Article 13(3) a third party has to be involved but without being related to a client.

### § 13(3)

*The attestation of conformity of a product is dependent on:  
(b) for particular products indicated in the relevant technical specifications, in addition to a factory production control system, an approved certification body being involved in assessment and surveillance of the production control or of the product itself.*

Annex III of the same Directive states that Initial Type Testing of the product has to be carried out by an approved body/ laboratory under System 1 and 3 (Annex III 2. (i) (b) and Annex III 2. (ii) Second possibility (1)).

Consequently, the CPD does not express the responsibility of the manufacturer to commission the Notified Body. Therefore, we see the legal possibility for a system house to take care of testing or to mandate a prototype testing according to Initial Type Testing as described in the technical specifications/ harmonised standards respectively.

---

<sup>1</sup> Attestation of Conformity

In order to answer the second question raised, we refer to Article 13(2).

### § 13(2)

Products that are the subject of an attestation of conformity shall benefit from the presumption of conformity, with technical specifications within the meaning of Article 4. Conformity shall be established by means of testing or other evidence on the basis of the technical specifications in accordance with Annex III.

It is our understanding of Article 13(2), that it is up to the technical specifications, the harmonised product standards, to guide whether to consider testing or other evidence, in order to benefit from the presumption of conformity as such. Thus, it is up to the CEN TC in charge and, the standards writers respectively, to develop a system allowing the manufacturer, the body in charge, to prove conformity, according to Article 13(1), to consider "other evidence", such as test results from the prototype testing as introduced earlier.

We are convinced, that there will never be better evidence than prototype testing carried out according to the relevant technical specifications and considered within a given framework. The revised product standard prEN 14351 will include a section "Retesting" which explains these preconditions. Moreover it has to be clarified that the opportunity to make use of the prototype testing carried out by the system house is one of the possible ways examined in the frame of the CPD and the relevant product standards prEN 14351 and prEN 13830.

It remains in the manufacturers responsibility, in view of his production and range of products and the declaration of conformity, to decide whether to be the direct commissioner of an ITT to a Notified Body or to use the results of a prototype testing commissioned by a system house. It must be mentioned that the latter may occur only when the following conditions are met:

- The product(s) is (are) manufactured from components of a design system (e.g. profiles, accessories and gaskets purchased by an external supplier)
- All documentation and tests carried out by the supplier are in accordance to the relevant product standard
- The supplier's test specimen(s) is (are) representative of that used in the manufacturer's product range or part of it
- The components (e.g. profiles, hardware and gaskets) used by the manufacturers are those belonging to the design system
- The components are assembled by the manufacturer in accordance with the supplier's instructions ensuring that there is no reduction in performance values

In short, the harmonized standards in question, prEN 14351 and prEN 13830, already imply such relation between the system house and the window, curtain walling or door manufacturers. This is not new to the sector, as explained earlier. Therefore, these harmonised standards pre-empt the use of components tested in accordance with European technical specifications. Sections 7 and 5 include a flexible handling of different cases, for example a case in which there are product or production changes. These Sections give the decision power to the manufacturer who can judge if the explained way fits to his production process.

Finally, Commission Guidance Paper K " The Attestation of Conformity (AoC) Systems and the role and tasks of the Notified Bodies in the field of the Construction Products Directive" states:

*An Initial Type test is the complete set of tests or other procedures described in the harmonised technical specification, determining the performance of samples of products representative of the product type.*

We do not conclude from this statement the need to test each window, curtain wall or door possibly manufactured, but a support of the system used in our sector, providing the manufacturer, mainly SMEs, with the date of the test carried out on a representative product of the product type.

### **The practical viewpoint**

We are of the opinion, that running a production line according to the supplier's instructions shall be acknowledged as sufficient link between the Initial Type Testing ITT and the Factory Production Control FPC. We do not understand how it could be possible to distinguish between a "mother" production line by the supplier/ licensor and the "daughter" production line by the manufacturer built on the same basics, especially as we are talking about craftsmanship. We are not only convinced of this fact but it has also been proven in past systems, which have and do work well, that allow the production of small or large numbers of units throughout the Community.

We would understand any additional requirement as a quality requirement, which in our view is clearly not covered in the Construction Products Directive's CPD aim and scope.

Concerning the Notified Bodies, we do not expect a large number of institutional bodies notified and qualified to carry out the necessary testing/ certification in our sector. Consequently, it will not be possible to develop systems in addition to those already in practice, as this would generate tremendous delays and clearly any delay must be avoided.

We fully support a one step process to implement the system set up to provide conformity and thus maintain market balance and prevent technical barriers to trade.

## Conclusion

Firstly, it is the industry's and the system houses' unanimous position to take care of testing or to mandate prototype testing according to Initial Type Testing as specified in the technical specification/ harmonised standard respectively. This position is in our understanding not in contradiction to the Construction Products Directive CPD and is one possible way among others, e.g. the testing mandated by the manufacturer in case of modifications.

Secondly, we have identified the possibility, for the window, door and curtain walling manufacturers to consider the prototype testing data as proving conformity with the CPD.

Thirdly, the European window, door and curtain walling manufacturers identified this approach to be of great support to the existence of this sector, which is mainly composed of SMEs, and more particularly very Small Enterprises.

We look forward to a considered opinion on this matter.

Patrick de Schrynmakers

Alfons Schneider



---

Secretary General EAA

---

President EuroWindowdoor

Brussels, April 2003