

**OCAB**<sub>ASBL</sub> - **OCBS**<sub>VZW</sub>

**PARTICULAR RULES**  
**FOR THE ASSESSMENT AND VERIFICATION OF**  
**CONSTANCY OF PERFORMANCE**  
**FOR METALLIC CONSTRUCTION PRODUCTS**  
**IN THE FRAMEWORK OF THE EUROPEAN**  
**CONSTRUCTION PRODUCTS REGULATION**

**BPR CE - 03**

Approved by the Board of OCAB-OCBS on 24 March 2023.

## **CONTENT**

<b>Chapter 1: Domain of application and scope</b> .....	<b>4</b>
Article 1.1: Domain of application .....	4
Article 1.2: Scope .....	4
Article 1.3: Validity.....	4
<b>Chapter 2: Capacity of OCAB-OCBS</b> .....	<b>4</b>
Article 2.1: Statute of OCAB-OCBS .....	4
Article 2.2: Registered office .....	4
Article 2.3: Notified Body for the CPR.....	5
<b>Chapter 3: Relevant reference documents</b> .....	<b>5</b>
Article 3.1: Legal reference documents .....	5
Article 3.2: Harmonised technical specifications.....	5
Article 3.3: Documents of the coordination group of notified bodies .....	6
Article 3.4: Other documents of OCAB-OCBS.....	6
<b>Chapter 4: Assessment and Verification of Constancy of Performance according to the Construction Products Regulation</b> .....	<b>7</b>
Article 4.1: Context.....	7
Article 4.2: Systems for Assessment and Verification of Constancy of Performance .....	7
Article 4.3: The assessment of performance .....	9
<b>Chapter 5: Tasks and obligations of the Manufacturer</b> .....	<b>10</b>
Article 5.1: Tasks according to the CPR .....	10
Article 5.2: Obligations arising from the application for certification .....	10
Article 5.3: Obligations for maintaining certification .....	10
<b>Chapter 6: Tasks and obligations of OCAB-OCBS as Notified Body</b> .....	<b>12</b>
Article 6.1: Tasks according to the CPR .....	12
Article 6.2: Obligations as a Notified Body.....	12
<b>Chapter 7: The certification procedure</b> .....	<b>13</b>
Article 7.1: Application .....	13
Article 7.2: (Preliminary) examination .....	13
Article 7.3: Decision .....	14
Article 7.4: Certification agreement.....	14
Article 7.5: Certificate and publication.....	14
Article 7.6: Surveillance and maintaining certification.....	14
<b>Chapter 8: Corrective actions and sanctions</b> .....	<b>15</b>
Article 8.1: Corrective actions .....	15
Article 8.2: Sanctions .....	15

<b>Chapter 9: Objection, appeal, disputes .....</b>	<b>15</b>
Article 9.1: Objection.....	15
Article 9.2: Appeal.....	15
Article 9.3: Disputes .....	16
<b>Chapter 10: Financials.....</b>	<b>16</b>
Article 10.1: Retributions and fees .....	16
Article 10.2: Applicable rates .....	16
Article 10.3: Payability.....	16
<b>ANNEXES TO THE PARTICULAR RULES .....</b>	<b>17</b>
<b>Annex A The Declaration of performance (informative) .....</b>	<b>17</b>
<b>Annex B CE marking (informative).....</b>	<b>19</b>
<b>Annex C Abbreviations and glossary.....</b>	<b>20</b>
<b>Annex D Document revisions .....</b>	<b>21</b>

## **CHAPTER 1: DOMAIN OF APPLICATION AND SCOPE**

### **Article 1.1: Domain of application**

These Particular Rules (also referred to as 'BRP CE') contain provisions for the activities that OCAB-OCBS deploys within the application of the European Construction Products Regulation<sup>1</sup>, hereinafter referred to as 'CPR'.

These Particular Rules describe the capacity, tasks and obligations of OCAB-OCBS for providing these services and set out the tasks and obligations of the Manufacturer who calls upon OCAB-OCBS for this purpose.

### **Article 1.2: Scope**

These Particular Rules apply to all certification activities carried out by OCAB-OCBS in the capacity of Notified Body under the CPR for systems 1, 1+ or 2+

Additional provisions specific to one or more of the products concerned may additionally be published as separate documents by OCAB-OCBS.

### **Article 1.3: Validity**

These Particular Rules have been approved by the Board of OCAB-OCBS and are updated whenever required.

In accordance with contractual provisions, new versions shall take effect immediately for all Manufacturers relying on OCAB-OCBS for certification services falling within the scope of these Rules.

Legal provisions, such as those of the CPR, take precedence over the provisions of the version in force of these Particular Rules.

## **CHAPTER 2: CAPACITY OF OCAB-OCBS**

### **Article 2.1: Statute of OCAB-OCBS**

OCAB asbl - OCBS vzw is a non-profit association founded in 1977 and has the selfless goal of promoting quality in the steel, ferrous and non-ferrous metals sector by controlling and enforcing in an independent way the application and enforcement of laws, regulations and decisions.

The statutes of OCAB-OCBS were first published in the annexes of the Belgian official journal of 6 October 1977 and have been updated several times since then.

### **Article 2.2: Registered office**

The registered office of OCAB-OCBS is in 1000 Brussels, rue Ravensteinstraat 4.

---

<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 (CPR, Construction Products Regulation).

### **Article 2.3: Notified Body for the CPR**

OCAB-OCBS was notified by the Belgian State to the European Commission as a Notified Body for the European Regulation (EU) No 305/2011 (CPR) and is registered there under identification number 1148. The notification concerns specific products which are the subject of European Decisions and harmonised technical specifications as referred to in Article 3.2.: The current status of the notification of OCAB-OCBS can always be consulted in the [Nando](#)-database of the European Commission.

This notification authorises OCAB-OCBS, as a third party, to carry out tasks that are part of the procedure of *assessment and verification of constancy of performance* of construction products according to the CPR. Depending on the systems applicable to the products concerned, OCAB-OCBS may perform tasks as a product certification body or as a factory production control certification body.

OCAB-OCBS is bound by the conditions on which this notification is based, including the provisions of the CPR, the provisions of the Royal Decree of 21 July 2014<sup>2</sup> and the resulting accreditation conditions.

Pursuant to the CPR, OCAB-OCBS is also required to participate in the activities of the coordination group for Notified Bodies for the CPR (GNB-CPR, Group of Notified Bodies for the CPR).

## **CHAPTER 3: RELEVANT REFERENCE DOCUMENTS**

### **Article 3.1: Legal reference documents**

The legal framework for the marketing of construction products in the European single market is formed by the CPR, corrected or supplemented by additional regulations. At the time of publication of these Particular Rules, the following were the most relevant references for their implementation:

- 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 (CPR);
- Commission Delegated Regulation (EU) No 568/2014 of 18 February 2014 amending Annex V to Regulation (EU) No 305/2011 of the European Parliament and of the Council as regards the assessment and verification of constancy of performance of construction products.

### **Article 3.2: Harmonised technical specifications**

Harmonised technical specifications are European harmonised standards and European assessment documents that form the basis for the assessment of the performance of construction products regarding their essential characteristics.

Harmonised standards were drawn up by the European Committee for Standardisation (CEN) following a mandate given by the European Commission and the European Free Trade Association.

---

<sup>2</sup> *Royal Decree on notified bodies authorised to carry out, as third parties, tasks that are part of the procedure of assessment and verification of constancy of performance of construction products from 21 July 2014 [Belgian official journal, 25.05.2014]*

Harmonised standards contain an Annex ZA which gives substance to the Decision making a construction product subject to the construction products legislation. This Annex ZA defines the provisions according to which the *assessment and verification of constancy of performance* of the product concerned may be carried out<sup>3</sup>.

A harmonised standard is made applicable under the CPR by publication in the Official Journal of the European Union (OJEU).

Upon publication of these Particular Rules, OCAB-OCBS is notified to the European Commission for the following harmonised standards<sup>4</sup>:

- EN 10025-1 and EN 10088-4: Structural steel, following Decision 98/214/EC (system 2+);
- EN 40 series: Lighting columns, following Decision 96/579/EC (system 1);
- EN 12899 series: Fixed, vertical road traffic signs, following Decision 96/579/EC (system 1);
- EN 1090-1: Execution of steel structures and aluminium structures, following Decision 98/214/EC (system 2+).

Harmonised standards also refer to supporting standards such as test standards.

### **Article 3.3: Documents of the coordination group of notified bodies**

In its capacity of Notified Body, OCAB-OCBS is obliged to apply the administrative decisions and documents of the GNB-CPR (Group of Notified Bodies for the CPR) as a guideline. These documents are intended to harmonise the working methods of the various notified bodies and can be obtained from OCAB-OCBS on simple request.

### **Article 3.4: Other documents of OCAB-OCBS**

In addition to the provisions of these Particular Rules, OCAB-OCBS publishes, for the different products or product families, specific procedures, called Implementation Rules (referred to as 'TRA') to underpin a transparent, equal and repeatable implementation of the *assessment and verification of constancy of performance*.

The provisions of these Implementation Rules are binding for the Manufacturer who applies for CE-certification to OCAB-OCBS.

---

<sup>3</sup> Some harmonised standards have not yet been adapted to the CPR. The CPR shall always take precedence, including over the provisions of Annexes ZA of such non-adapted harmonised standards.

<sup>4</sup> In the present document harmonised standards are shown in an undated manner. For the exact applicable version, please refer to the OJEU or the [Nando](#)-database. In this database one can also consult the current list of harmonised specifications on the basis of which OCAB-OCBS was notified.

## CHAPTER 4: ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE ACCORDING TO THE CONSTRUCTION PRODUCTS REGULATION

### **Article 4.1: Context**

The CPR lays down conditions for the placing or making available on the market of construction products by establishing harmonised rules on how to express the performance of construction products in relation to their essential characteristics and on the use of CE marking on those products.

To this end, the CPR imposes obligations on the Manufacturer<sup>5</sup> who wishes to place or make available a construction product concerned on the European single market (cf. Article 5.1:).

The Manufacturer has the responsibility, amongst others,

- to determine the product-type,
- to establish, maintain and retain the appropriate technical documentation;
- to implement and maintain Factory Production Control (FPC);
- to draw up the Declaration of Performance (DoP) and
- to affix de CE marking on the product to attest that the performances of the product comply with the performances he has declared.

However, before the Manufacturer may draw up a Declaration of Performance, depending on the system for *Assessment and Verification of Constancy of Performance*, he must rely on a Notified Body to carry out tasks defined by the CPR.

### **Article 4.2: Systems for Assessment and Verification of Constancy of Performance**

The *Assessment and Verification of Constancy of Performance* (AVCP) is a harmonised system that determines how products must be assessed and how is ensured that the assessment results are maintained. This aims to ensure the reliability and correctness of the Manufacturer's Declaration of Performance.

The CPR provides for 5 different systems (cf. Annex V of the CPR). Each of these systems assigns tasks to the Manufacturer and, where required, to a Notified Body. The choice of the applicable system is determined by the European Commission. This is done for a product or product family, for an essential characteristic or in function of the intended use of the product.

As certification body OCAB-OCBS can develop activities under systems 1, 1+ and 2+.

---

<sup>5</sup> "Manufacturer" means any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under his name or trademark. The responsibilities of a Manufacturer also apply to the natural or legal person who assembles, packages, processes or labels ready-to-use products with a view to placing them on the EU market under his own name (cf. Art. 15 of the CPR). The responsibility of a manufacturer shall also be placed on any party that modifies the intended use of a product in such a way that other essential requirements enter into force, or that substantially modifies or rebuilds a product (thereby creating a new product) with the intention of placing it on the EU market.

### **System 1+**

The manufacturer carries out:

1. the factory production control;
2. further testing of samples taken at the factory by the manufacturer in accordance with the prescribed test plan.

The *notified product certification body* decides on the issuing, restriction, suspension or withdrawal of the certificate of constancy of performance of the construction product on the basis of the outcome of the following assessments and verifications carried out by that body:

1. an assessment of the performance of the construction product carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product;
2. initial inspection of the factory and of the factory production control;
3. continuing surveillance, assessment and evaluation of the factory production control;
4. audit testing of samples taken by the notified product certification body at the factory or at the manufacturer's storage facilities.

### **System 1**

The manufacturer carries out:

1. the factory production control;
2. further testing of samples taken at the factory by the manufacturer in accordance with the prescribed test plan.

The *notified product certification body* decides on the issuing, restriction, suspension or withdrawal of the certificate of constancy of performance of the construction product on the basis of the outcome of the following assessments and verifications carried out by that body:

1. an assessment of the performance of the construction product carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product;
2. initial inspection of the factory and of the factory production control;
3. continuing surveillance, assessment and evaluation of the factory production control.

### **System 2+**

The manufacturer carries out:

1. an assessment of the performance of the construction product on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of that product;
2. the factory production control;
3. testing of samples taken at the factory by the manufacturer in accordance with the prescribed test plan.

The *notified factory production control certification body* decides on the issuing, restriction, suspension or withdrawal of the certificate of conformity of the factory production control on the basis of the outcome of the following assessments and verifications carried out by that body:

1. initial inspection of the factory and of factory production control;
2. continuing surveillance, assessment and evaluation of the factory production control.



**System 3<sup>6</sup>**

The manufacturer carries out the factory production control.

The notified laboratory shall assess the performance on the basis of testing (based on sampling carried out by the manufacturer), calculation, tabulated values or descriptive documentation of the construction product.

**System 4<sup>7</sup>**

The manufacturer carries out:

1. an assessment of the performance of the construction product on the basis of testing, calculation, tabulated values or descriptive documentation of that product;
2. the factory production control.

There are no tasks for which he must call upon a Notified Body.

**Article 4.3: The assessment of performance**

The purpose of the Assessment of performance is to determine the performance of the product for essential characteristics.

The Assessment of performance is carried out on the basis of tests (including sampling), calculation, tabulated values or descriptive documentation of the product.

The Assessment of performance must be carried out according to the methods imposed by the harmonised technical specification. If this allows multiple methods, the Manufacturer can choose the desired method provided that OCAB-OCBS agrees that it is suitable for the product in question.

Sampling must be carried out by the party responsible for the assessment of performance or under its responsibility (i.e., under the responsibility of the certification body for systems 1 and 1+).

Under systems 1 and 1+, the tests must be carried out in a laboratory that works for and under the responsibility of OCAB-OCBS. Tests may only be carried out outside the facilities of such a laboratory if the specific competence to do so has been demonstrated (Art. 46 of the CPR).

The assessment of performance shall be the subject of a report containing all necessary information, including the precise description of the product, the reference to the harmonised technical specification and the methods used.

---

<sup>6</sup> Only for information, does not fall under the scope of the present Particular Rules.

<sup>7</sup> Only for information, does not fall under the scope of the present Particular Rules.

## CHAPTER 5: TASKS AND OBLIGATIONS OF THE MANUFACTURER

### **Article 5.1: Tasks according to the CPR**

The CPR imposes tasks and obligations on the Manufacturer, some of which are synthetically reproduced here, for information purposes:

- under system 2+: carrying out the *assessment of performance of the construction product* on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product (cf. Article 4.3:);
- determine the *product-type* on basis of the *assessment of performance of the construction product*;
- establish, maintain and retain the appropriate *technical documentation*;
- Carry out and maintain the *Factory Production Control (FPC)* in accordance with the provisions of the harmonised technical specification, in order to ensure the constancy of performance of the product;
- execute the prescribed test plan on samples taken in the factory;
- draw up the Declaration of Performance (see Annex A );
- affix the CE marking (see Annex B )

### **Article 5.2: Obligations arising from the application for certification**

The Manufacturer who submits an application for certification under systems 1, 1+ or 2+ to OCAB-OCBS thereby undertakes to:

- comply with all provisions of the present Particular Rules and all applicable reference documents;
- comply with all provisions of the specific reference documents applicable to the product concerned, such as the Implementation Rules;
- provide all information and data necessary for OCAB-OCBS to fulfil its tasks and obligations under these Particular Rules;
- grant access to all places, registrations and persons relevant for carrying out the tasks of OCAB-OCBS, to all persons appointed thereto by OCAB-OCBS or to any observers from an entitled authority or accreditation body;
- keeping a register of complaints relating to the subject matter of certification and of their handling.

### **Article 5.3: Obligations for maintaining certification**

The Manufacturer to whom OCAB-OCBS has issued a certificate undertakes to:

- permanently comply with the requirements of certification, including the implementation of changes to the reference documents that have been notified by OCAB-OCBS;
- fully cooperate with OCAB-OCBS in all actions necessary to maintain the validity of the certification;

- notify OCAB-OCBS spontaneously and without delay about any change in the manufacturing process, Factory Production Control or the performance of the products concerned that could affect the assessment of performance, the evaluation of Factory Production Control or the validity of the certification;
- use the certificate issued by OCAB-OCBS only for drawing up the Declaration of Performance and affixing the CE marking for products covered by the certificate;
- only mention the notification number of OCAB-OCBS in relation to the scope of the OCAB-OCBS certificate;
- in the event of suspension or withdrawal of the certificate, immediately cease reference to it;
- not to make or make public false, deceptive or misleading statements that would misrepresent the scope of certification by OCAB-OCBS or that would disadvantage OCAB-OCBS.

## CHAPTER 6: TASKS AND OBLIGATIONS OF OCAB-OCBS AS NOTIFIED BODY

### **Article 6.1: Tasks according to the CPR**

Upon publication of these Particular Rules, OCAB-OCBS acts

- as *notified factory production control certification body* (system 1) for:
  - road lightning columns according to the harmonized standards of the EN 40 series;
  - permanent and fixed road traffic signs according to the harmonized standards of the EN 12899 series.
- as *notified factory production control certification body* (system 2+) for:
  - structural steel according to the harmonized standards of the EN 10025 series;
  - structural steel according to the harmonized standards of the EN 10088 series;
  - execution of steel structures and aluminium structures according to the harmonized standards of the EN 1090 series.

In its capacity as Notified Body, OCAB-OCBS carries out the tasks provided for by the CPR (cf. Annex V of the CPR), which are synthetically reproduced hereafter, for information:

- for systems 1 and 1+: the *assessment of the performance of the construction product* carried out on the basis of testing (including sampling), calculation, tabulated values or descriptive documentation of the product (cf. Article 4.3:);
- the initial inspection of the factory and of the *Factory Production Control* (FPC);
- continuing surveillance, assessment and evaluation of the *Factory Production Control* (FPC);
- for system 1+: audit testing of samples it has taken at the factory or at the manufacturer's storage facilities.

OCAB-OCBS carries out these tasks in accordance with the provisions of the applicable harmonised technical specifications and of any guidelines of the Group of Notified Bodies (GNB-CPR).

Additional provisions to ensure that these tasks are carried out correctly and efficiently are laid down in the applicable OCAB-OCBS Implementation Rules.

For carrying out these tasks, OCAB-OCBS may be assisted by subcontracting inspection bodies and laboratories acting its responsibility. OCAB-OCBS ensures that these parties meet the requirements that also apply to itself as Notified Body.

Based on the outcome of the above-mentioned tasks for the *Assessment and Verification of Constancy of Performance*, OCAB-OCBS may decide to issue, restrict, suspend or withdraw a certificate (cf. Chapter 7: and Chapter 8:).

### **Article 6.2: Obligations as a Notified Body**

The CPR imposes several obligations on the status and operation of notified bodies. In carrying out its tasks, a Notified Body must ensure, amongst others, confidentiality, objectivity, impartiality, professional integrity and competence.

Regarding ensuring confidentiality, OCAB-OCBS staff (and those acting on its behalf) are bound to observe professional secrecy about all information obtained in the performance of their duties, except vis-à-vis the competent public authorities of the Member State in which the activities take place.

In the following cases, pursuant to the provisions of the CPR and the Royal Decree on notification by the Belgian State, OCAB-OCBS is bound to:

- inform its notifying authority (FPS Economy) of, among other things,
  - any refusal, restriction, suspension or withdrawal of certificates;
  - on request, information on the carrying out of its tasks as a Notified Body;
  - any amendment of rules relating to its activities as a Notified Body;
- cooperate with the Member States' authorities responsible for market surveillance regarding the placing on the market of construction products;
- provide other notified bodies with information on negative (and, on request, positive) results of assessments and/or verifications.

## **CHAPTER 7: THE CERTIFICATION PROCEDURE**

### **Article 7.1: Application**

The Manufacturer<sup>8</sup> who wishes to obtain a certificate from OCAB-OCBS may apply using a form provided for this purpose.

Upon submission of his application, the Manufacturer agrees to comply with the provisions of these Particular Rules and the applicable underlying reference documents and shall provide all information necessary to examine his application.

### **Article 7.2: (Preliminary) examination**

OCAB-OCBS examines the admissibility of the application and, subject to agreement on the conditions for implementation, OCAB-OCBS organizes the examination necessary to determine whether the requirements of the certification are met.

This examination covers all actions necessary to carry out the following tasks:

- *the assessment of the performance of the construction product* (only for systems 1, 1+);
- *the (initial) inspection of the Factory Production Control* (systems 1, 1+ and 2+)

This examination shall be carried out in accordance with the provisions of the applicable reference documents and is organised in accordance with the procedures laid down by OCAB-OCBS in its documents.

---

<sup>8</sup> *Definition of Manufacturer according to the CPR: "any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under his name or trademark" [CPR, Article 2]*

### **Article 7.3: Decision**

The issuing or maintaining of the certificate shall be decided by OCAB-OCBS for the products concerned if the results of the *Assessment and Verification of Constancy of Performance* meet the requirements and provided that all conditions of technical and administrative nature have been met.

### **Article 7.4: Certification agreement**

The issuing of the certificate can only take place after the signing, by the Manufacturer and by OCAB-OCBS, of a certification agreement drawn up by OCAB-OCBS to comply with the applicable standards and regulations.

Except in the case of a sanction (cf. Chapter 8:) the certification is granted for a period of 3 (three) years and is renewable by tacit agreement, unless it is terminated according to the modalities provided for in the agreement.

The agreement shall be terminated by operation of law if the Manufacturer definitively ceases to produce the product concerned. In this case, he shall inform OCAB-OCBS as soon as possible and at least three months in advance, unless exceptional circumstances oblige him to shorten this period.

The termination of an agreement by a Manufacturer shall automatically entail the withdrawal of all certificates resulting therefrom.

### **Article 7.5: Certificate and publication**

After a positive decision on certification and a mutual signature of the agreement, OCAB-OCBS delivers to the Manufacturer a *certificate of constancy of performance of the construction product* (systems 1 and 1+) or a *certificate of conformity of the factory production control* (system 2+).

This certificate states, among other things:

- the designation of the product(s) concerned;
- the reference of the harmonised technical specification;
- the system under which the certificate was issued;
- the date of issuing.

OCAB-OCBS publishes on its website:

- the list of products certified by OCAB-OCBS;
- the list of Manufacturers to whom OCAB-OCBS has issued a certificate.

The validity of each certificate can be checked on the OCAB-OCBS website.

### **Article 7.6: Surveillance and maintaining certification**

To be able to confirm and maintain the validity of the certification, OCAB-OCBS organizes the carrying out of the tasks provided for by the CPR. This is done according to the provisions of the reference documents.

The finding of shortcomings in relation to the requirements of the certification may give rise to a request to the Manufacturer to implement corrective actions so that the certification can be maintained, or it can lead to sanctions (cf. Chapter 8:).

## **CHAPTER 8: CORRECTIVE ACTIONS AND SANCTIONS**

### **Article 8.1: Corrective actions**

If OCAB-OCBS finds that the Manufacturer does not comply with the requirements of these Particular Rules or of the applicable reference documents, OCAB-OCBS will request the Manufacturer to take appropriate corrective actions.

The maintaining of the certification can be subjected by OCAB-OCBS to the requirement of carrying out additional verification tasks to check whether the Manufacturer, after having taken corrective actions, (again) meets the criteria on the basis of which the certificate has been issued.

### **Article 8.2: Sanctions**

Depending on the infringement detected, OCAB-OCBS may decide to impose reinforced surveillance. The costs thereof shall be borne by the Manufacturer.

OCAB-OCBS also has the right, depending on the seriousness of the infringement found and after formal notice and/or warning, to restrict, suspend or withdraw the use of the certification for all or some of the products concerned.

This is also the case if the Manufacturer does not pay on time the provided retributions and fees (cf. Chapter 10:).

Sanctions shall be imposed by OCAB-OCBS only after having heard the Manufacturer or his representative and any other interested parties, unless there are compelling reasons not to do so. The Manufacturer has the possibility to lodge an objection or appeal against the sanctions imposed in accordance with the modalities set out in Chapter 9:.

## **CHAPTER 9: OBJECTION, APPEAL, DISPUTES**

### **Article 9.1: Objection**

The Manufacturer who has applied to OCAB-OCBS or to whom a certificate has been issued may submit to OCAB-OCBS a reasoned *objection* against a certification decision taken by OCAB-OCBS during the processing of his file.

An objection is handled by the bodies of OCAB-OCBS that have taken and ratified the original certification decision. If the Manufacturer so wishes or if this is necessary to investigate the objection, the Manufacturer will be invited to be heard.

This procedure does not suspend the original decision.

### **Article 9.2: Appeal**

A Manufacturer who feels aggrieved by a decision regarding the handling of an objection may lodge an *appeal* by registered letter.

An appeal shall be handled by an Appeal Committee set up for that purpose in accordance with a procedure which has been made publicly available. The costs of the setting up, the work and the decision-making of the Appeal Committee shall be borne by the party that the Appeal Committee sets in default or at fault.

The decision of the Appeal Committee shall be of an amicable or conciliatory nature and cannot not be subject to any further appeal.

This procedure is not suspensive to the decision under appeal.

### **Article 9.3: Disputes**

If no conciliation can be achieved through the appeal procedure (cf. Article 9.2:) and a permanent dispute arises as a result, a Manufacturer who feels aggrieved by the decision of the Appeal Committee may initiate a judicial appeal procedure before CEPANI, the Belgian Centre for Arbitration and Mediation in accordance with the rules of that centre.

This dispute resolution procedure does not have a suspensive effect.

## **CHAPTER 10: FINANCIALS**

### **Article 10.1: Retributions and fees**

The applicant for certification or the holder of a certificate undertakes to pay OCAB-OCBS the retributions and fees for carrying out the tasks of Assessment and Verification of Constancy of Performance, whatever the outcome.

If the performance of these tasks leads to one or more insufficient result and gives rise to the need to carry out additional tasks such as tests or inspections, additional amounts will also be charged for these services.

### **Article 10.2: Applicable rates**

The costs of certification are charged according to the applicable rates, which are included per product in a tariff document TAR CE. These rates are reviewed annually and are available via the OCAB-OCBS website.

### **Article 10.3: Payability**

In the event of withdrawal of the certification, the Manufacturer must comply with all obligations that still exist towards OCAB-OCBS on the date of withdrawal, and, in particular, with the costs associated with the (preliminary) examination and the inspections.

The Manufacturer may not request any refund, even partial, of the retributions and fees already paid.



## **ANNEXES TO THE PARTICULAR RULES**

### **ANNEX A THE DECLARATION OF PERFORMANCE (INFORMATIVE)**

Note: The content of this annex is provided for information purposes only and reflects the legal provisions in force at the time of publication of this document.

#### **Article A.1: Situation and meaning**

Cf. Article 4 of the CPR:

When a construction product is covered by a harmonised technical specification, the manufacturer draws up a Declaration of Performance when such a product is placed on the market.

When a construction product is covered by a harmonised technical specification, information in any form about its performance in relation to the essential characteristics, as defined in the applicable harmonised technical specification, may be provided only if included and specified in the Declaration of Performance, except where, in accordance with any derogations defined in the CPR, no Declaration of Performance has been drawn up.

By drawing up the Declaration of Performance, the manufacturer assumes responsibility for the conformity of the construction product with such declared performance. In the absence of objective indications to the contrary, Member States shall presume the Declaration of Performance drawn up by the manufacturer to be accurate and reliable.

#### **Article A.2: Responsibilities**

The drawing up of the Declaration of Performance and the information provided herein are the sole responsibility of the Manufacturer.

It is not the role of the Notified Body to verify that the Manufacturer has correctly drawn up its Declaration of Performance. This power to verify that the Manufacturer complies with its responsibilities under the CPR is vested in the national authorities responsible for market surveillance in the Member State concerned.

#### **Article A.3: Content of the Declaration of Performance**

Cf. Article 6 of the CPR:

The Declaration of Performance expresses the performance of construction products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications.

The Declaration of Performance contains, in particular, the following information:

1. the reference of the product-type for which the Declaration of Performance has been drawn up<sup>9</sup>;
2. the system or systems of assessment and verification of constancy of performance of the construction product, as set out in Annex V of the CPR;

---

<sup>9</sup> To be able to clearly identify a product in a Declaration of Performance regarding its performance levels or classes, Manufacturers must link each individual product to the respective product-type and to a certain set of performance levels or classes using a unique identifier.

3. the reference number and date of issue of the harmonised standard or the European Technical Assessment which has been used for the assessment of each essential characteristic;
4. where applicable, the reference number of the Specific Technical Documentation used and the requirements with which the manufacturer claims the product complies.

In addition, the Declaration of Performance contains:

1. the intended use or uses for the construction product, in accordance with the applicable harmonised technical specification;
2. the list of essential characteristics, as determined in the harmonised technical specification for the declared intended use or uses;
3. the performance of at least one of the essential characteristics of the construction product, relevant for the declared intended use or uses);
4. where applicable, the performance of the construction product, by levels or classes, or in a description, if necessary, based on a calculation in relation to its essential characteristics determined in accordance with Article 3(3) of the CPR;
5. the performance of those essential characteristics of the construction product which are related to the intended use or uses, taking into consideration the provisions in relation to the intended use or uses where the manufacturer intends the product to be made available on the market;
6. for the listed essential characteristics for which no performance is declared, the letters "NPD" (No Performance Determined).

The Declaration of Performance must be drawn up in accordance with the model and provisions of relevant legal provisions, at the time of this publication Delegated Regulation (EU) Nr. 574/2014<sup>10</sup>.

#### **Article A.4: Supply of the Declaration of Performance**

Cf. Article 7 of the CPR

A copy of the Declaration of Performance of each product which is made available on the market must be supplied either in paper form or by electronic means. However, where a batch of the same product is supplied to a single user, it may be accompanied by a single copy of the Declaration of Performance either in paper form or by electronic means.

A paper copy of the Declaration of Performance is to be supplied if the recipient requests it.

By way of derogation from what is mentioned before, the copy of the Declaration of Performance may be made available on a web site in accordance with conditions to established by the Commission by means of delegated acts. This is laid down in particular in Delegated Regulation (EU) Nr. 157/2014<sup>11</sup>.

The Declaration of Performance is to be supplied in the language or the languages required by the Member State where the product is made available.

---

<sup>10</sup> Commission Delegated Regulation (EU) No 574/2014 of 21 February 2014 amending Annex III to Regulation (EU) No 305/2011 of the European Parliament and of the Council on the model to be used for drawing up a declaration of performance on construction products.

<sup>11</sup> Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website.

## **ANNEX B CE MARKING (INFORMATIVE)**

Note: The content of this annex is provided for information purposes only and reflects the legal provisions in force at the time of publication of this document.

### **Article B.1: General principles and use of CE marking**

Cf. Article 8 of the CPR

The general principles set out in Article 30 of Regulation (EC) No 765/2008 shall apply to the CE marking.

The CE marking is to be affixed to those construction products for which the manufacturer has drawn up a Declaration of Performance. If a Declaration of Performance has not been drawn up by the manufacturer, the CE marking shall not be affixed.

By affixing or having affixed the CE marking, manufacturers indicate that they take responsibility for the conformity of the construction product with the declared performance as well as the compliance with all applicable requirements laid down in this Regulation and in other relevant Union harmonisation legislation providing for its affixing.

For any construction product covered by a harmonised standard, or for which a European Technical Assessment has been issued, the CE marking is to be the only marking which attests conformity of the construction product with the declared performance in relation to the essential characteristics, covered by that harmonised standard or by the European Technical Assessment.

### **Article B.2: Rules and conditions for the affixing of CE marking**

Cf. Article 9 of the CPR.

The CE marking is to be affixed visibly, legibly and indelibly to the construction product or to a label attached to it. Where this is not possible or not warranted on account of the nature of the product, it is to be affixed to the packaging or to the accompanying documents.

The CE marking is to be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity, the unique identification code of the product-type, the reference number of the Declaration of Performance, the level or class of the performance declared, the reference to the harmonised technical specification applied, the identification number of the Notified Body, if applicable, and the intended use as laid down in the harmonised technical specification applied.

The CE marking is to be affixed before the construction product is placed on the market. It may be followed by a pictogram or any other mark notably indicating a special risk or use.

### **Article B.3: Responsibilities**

The affixing of the CE marking and the accompanying data are the sole responsibility of the Manufacturer.

It is not the role of the Notified Body to verify that the Manufacturer has correctly affixed the CE marking. This power to verify that the Manufacturer complies with its responsibilities under the CPR is vested in the national authorities responsible for market surveillance in the Member State concerned.

## **ANNEX C ABBREVIATIONS AND GLOSSARY**

### **Article C.1: Abbreviations and acronyms**

AVCP	Assessment and Verification of Constancy of Performance
BRP	Bijzonder Reglement – Règlement Particulier
CEN	Comité Européen de Normalisation
CPR	Construction Products Regulation
DoP	Declaration of Performance
FPC	Factory Production Control
GNB-CPR	Group of Notified Bodies for the CPR
OJEU	Official Journal of the European Union
TRA	Toepassingsreglement – Règlement d'Application

### **Article C.2: Glossary**

Essential characteristics: Characteristics of the construction product which relate to the basic requirements for construction works.

Manufacturer: any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under his name or trademark

Harmonised technical specifications: harmonised standards and European Assessment Documents

Performance of a construction product: the performance in relation to the essential characteristics, expressed by levels or classes, or in a description.

Factory Production Control: the documented, permanent and internal control of production in a factory, in accordance with the relevant harmonised technical specifications

Product-type: the set of representative performance levels or classes of a construction product, in relation to its essential characteristics, produced using a given combination of raw materials or other elements in a specific production process.

**ANNEX D DOCUMENT REVISIONS**

Version	Date	Changes
BRP CE-00 EN XX	prior to 2011	First versions
BRP CE-01 EN XX	March 2011	Adjustment of the notification scope of OCAB-OCBS Amendment of the chapters on sanctions and corrective actions Addition of a clause on informing the notifying authority
BRP CE-02 EN XX	March 2015	Adjustment of the notification scope of OCAB-OCBS Mention of the CPR (instead of the CPD) Amendment of the chapters on sanctions and corrective actions and CE marking Removal of the chapter on informing the notifying authority
BRP CE-03	March 2023	Complete overhaul of structure, content and wording