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# **Supplement 3 to EA-2/17 EA Document on Accreditation for Notification purposes**

## **Specific aspects of the Construction Products regulation (Informative)**

### ***PURPOSE***

This document is a supplement to the main text of EA-2/17 and describes the specific aspects of the construction products regulation, as this legislation is specific and some deviations from the principle layout of the NLF need to be considered. The supplement serves informative purposes only.

*Authorship*

This document has been prepared by the Horizontal Harmonization Committee.

*Official language*

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## 1 CONSTRUCTION PRODUCTS REGULATION

The Construction Products Regulation 305/2011 is based on the concept of the common technical language approach. The objective of the regulation remains to achieve a proper functioning of the internal market. When basic work requirements are on the construction work these requirements are on the product made available on the market. To achieve those goals the CPR is based on the mandatory application of Harmonised Technical Specification (HTS) and different levels of assessment and verification of constancy of performance of the products.

From the Construction Products Regulation 305/2011 (CPR 2011) to the new Construction Products Regulation (EU) 2024/3110 (CPR 2024), a defined transition period applies. Requirements for notified bodies (NBs) under CPR 2011 are repealed as of 8 January 2026, from which date the requirements of CPR 2024 apply. Notified bodies under CPR 2011 will continue to be notified during the transition and will be re-assessed in accordance with their applicable accreditation/notification cycle. During this period, they shall operate in compliance with the relevant requirements of CPR 2024. For products, CPR 2024 will apply only once a new harmonised technical specification (HTS) or European Assessment Document (EAD)/European Technical Assessment (ETA) is published.

## 2 REGULATION (EU) 305/2011

In the area of the construction products regulation (CPR 2011) - Regulation (EU) No 305/2011 – several aspects of the NLF are not applicable. In some cases these differences are obvious and the text of this document already makes reference to them (like the used AVCP-systems), in other cases the differences are not that obvious but nevertheless need to be taken into account carefully. As EA-2/17 is also applicable for the area of the CPR 2011, this supplement has been developed to explain differences between the NLF and the CPR 2011 and tries to clarify how EA-2/17 should be used in the specific environment of the CPR 2011. EA-2/17 makes reference to this supplement whenever considered necessary.

Notes regarding the CPR and the following clauses of EA-2/17:

EA-2/17	CPR
3.2 Use of Harmonised Standards (HS) for accreditation	See this supplement paragraph 2.3
3.4 Application to legislation	The requirements to NB are specified in article 43 of the CPR (and articles 45 and 46 as well as articles 52, 53 and 55) It is of particular importance that the assessment of the NB by the NAB covers these requirements.
4. Obligatory harmonised standard	See this supplement paragraph 2.3
5. Accreditation scopes	Considering the number of HTS for some families of products and their similarities in terms of requirements: Flexible scope based on product areas classification stated in annex IV of the CPR (including mandates /Standardization request) should be considered. More information on scopes for CPR, see EA-2/17 S2

Note: Requirements on notified bodies from the CPR 2011 are repealed by 8th January 2026 and the requirements of the CPR 2024 articles 46, 48, 49, 55, 56 and 58 will apply from that date.

## **2.1 Common Technical Language Approach**

The expression “constancy of performance” used in the CPR 2011 has a different meaning from conformity and it shall be understood as following: Under the CPR 2011, only specific/defined performance of the product is evaluated. In this context harmonised standards define the methods and criteria for assessing the performance, but their role is not to set requirements for all product characteristics to evaluate conformity. In some cases only part of the requirements of the standard are applied while conformity to the standard would mean compliance with the complete standard

Under the CPR 2011, the constancy of performance is evaluated on the basis of harmonised technical specifications. These are harmonised standards or European assessment documents (EAD). EADs are technical specifications used to assess a product and to issue a European Technical Assessment (ETA) at the manufacturer’s request when the product is not covered, or not fully covered, by a harmonised standard

Under the CPR 2011 the documents issued/approved by the group of NBs (position papers) need to be taken into account by NBs.

## **2.2 Application of article 46 under the CPR 2011**

The CPR 2011 allows under certain conditions NBs to carry out tests using testing facilities outside the testing laboratory of the notified body. The conditions are:

- On request of the manufacturer
- And justified by technical, economic or logistic reasons
- The NB carry out the test or have the tests carried out under their supervision
- The NB shall be specifically designated as competent to work away from their own accredited facilities.
- The NBs remains responsible to verify that the equipment is properly calibrated (including traceability of measurements) and the quality of results is ensured.

## **2.3 Mandatory Use of Harmonized Technical Specifications**

The CPR 2011 makes application of harmonised technical specification (HTS) mandatory to evaluate the constancy of performance of a product, see chapter IV of the CPR 2011. It is not possible for a NB to work on the basis of essential requirements only (as possible in other UHL). The HTS become applicable by NBs only when they have been published in the official journal of the EU.<sup>1</sup>

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<sup>1</sup> The HTS listed in the official journal are always dated and NBs shall only apply those referenced documents even when a revised HTS has been issued but not referenced in the Official Journal

## 2.4 Systems of Assessment and Verification of Constancy of Performance

The CPR 2011 uses AVCP systems instead of modules. For accreditation purposes only 5 of the AVCP systems are applicable and are summarised as follow:

AVCP 1+: Product certification including regular inspection of the manufacturing plant and of the factory production control and with regular additional audit testing based on methods and criteria in HTS

AVCP 1: Product certification including regular inspection of the manufacturing plant and of the factory production control without audit testing based on methods and criteria in HTS

AVCP 2+: Certification of the factory production control based on methods and criteria in HTS

AVCP 3: Product evaluation according the HTS (and test2 standard referenced in HTS)

AVCP 3+ Validation of environmental sustainability - Delegated Act (EU) 2024/2769

Note: Under AVCP3, the CPR 2011 allows for horizontal notification based on testing standards. For some products, mounting and fixing for test are in the HTS and not in the testing standards.

Information on the obligatory harmonised standard relevant for accreditation of NB for these AVCP systems, see EA-2/17 S1.

## 2.5 Declaration of Performance

The declaration of performance (DoP), issued by the manufacturer, states only the performance for which the product has been evaluated and that the manufacturer declares to remain constant. Therefore only parts of the requirements of HTS may be concerned which makes the difference with declaration of performance to a HTS.

Note: The DoP is under the responsibility of the manufacturer. Under the CPR NBs do not play a role in the issuance of the DoP.

## 2.6 CE Marking of Construction Products

The CE marking is a declaration, for a product type, of certain performances of the product and the sign that the manufacturer ensures the constancy of the declared performance and all applicable requirements. It is a summary of the information contained in the declaration of performance. Beside this, article 9.2 of the CPR 2011 requires some additional information to be affixed to the CE marking.

Note: Affixing the CE marking is under the responsibility of the manufacturer who is then taking full responsibility for his product conformity to his DoP and all applicable requirements. Under the CPR 2011 NBs do not play a role in the issuance of the CE marking labelling.

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<sup>2</sup> Testing shall be understood as: Evaluation by testing, calculation, tabulated values or descriptive documentation of the construction product and in case of fire performance EXAP and Classification standards

### 3 REGULATION (EU) 2024/3110

Regulation (EU) 2024/3110 (CPR 2024) introduces several new requirements and shifts in scope that directly affect the responsibilities and operations of NBs under the Construction Products Regulation. Beside this, the requirements on NBs (Art. 46, 48, 49, 55, 56 and 58) contain several important changes. These changed requirements are applicable for all NBs (also those being notified under the CPR 2011) from 8<sup>th</sup> January 2026 on.

#### 3.1 Combined Declaration of Performance and Conformity

CPR 2024 is defining essential characteristics that must be declared (e.g. in relation to the environmental sustainability). In addition to performance of the product in relation to mandatory European harmonised standards, the CPR 2024 is also introducing “product requirements and general product information” that the manufacturer has to conform to. The manufacturer is required to issue a combined declaration of performance and conformity. NBs will play a role in verifying information that feeds into this new combined declaration, which may encompass structural, environmental, and safety aspects in one document.

#### 3.2 Assessment and Verification Systems (AVS)

The CPR 2024 introduces new AVS with slightly different content as the AVCP-Systems of the CPR 2011. General changes in this regard are:

- In addition to performance of the product in relation to mandatory European harmonised standard, the CPR 2024 is also introducing “product requirements and general product information” that the product/manufacturer has to meet/conform to; the attestation issued by the manufacturer is then a declaration of performances and conformity.
- Whereas in CPR 2011, the manufacturer has to declare at least one performance, considering the use of his product / where he is placing it on the markets. CPR 2024 is defining essential characteristics that should be declared (e.g. in relation to the environmental sustainability).

AVS 1+: Requires the NB to confirm the correct determination of the product type and category and to verify the manufacturers technical documentation. Beside this there are no significant changes to CPR 2011

AVS 1: Requires the NB to confirm the correct determination of the product type and category and to verify the manufacturers technical documentation. Beside this there are no significant changes to CPR 2011

AVS 2+: Requires the NB to confirm the correct determination of the product type and category and to verify the manufacturers technical documentation. Beside this there are no significant changes to CPR 2011

AVS 3: Requires the NB to decide on the issuing, restriction, suspension or withdrawal of the certificate of performance and of conformity on the basis of an assessment of the performance on the basis of testing performed by a notified testing laboratory, calculation, tabulated values or documentation describing the product. Beside this the NB shall confirm the correct determination of the product type and category.

AVS 3+ No significant changes to CPR 2011 as revised by delegated regulation (EU) 2024/2769

Note: Under AVS3, also the CPR 2024 allows for horizontal notification based on testing standards.

Information on the obligatory harmonised standard relevant for accreditation of NB for these AVS systems, see EA-2/17 S1.

### **3.3 Independence of notified bodies**

Article 46 of the CPR 2024 requires third-party independence of the Notified Body (as the CPR 2011 did as well). The new text of the CPR 2024 makes clear in article 46 paragraph 4 that the independence (as well as confidentiality) requirements also apply to parent and sister companies. Beside this it is clarified that the conformity assessment body, its top-level management and the personnel responsible for carrying out the third-party tasks in the assessment and verification process shall not be importer or distributor of the products which it assesses. With regard to consultancy the new text clarifies that consultancy is prohibited for NBs in relation to the complete product families for which they have been notified.

### **3.4 Personnel of notified bodies**

In addition to the requirements on competence of the personnel of the notified body, the CPR 2024 requires in Article 46 paragraph 8 (a) and (d) that personnel responsible for taking assessment decisions shall be employed under the national law of the notifying Member State and need to be sufficient in number to ensure business continuity. This makes clear that the CPR 2024 puts a big emphasis on availability of sufficient staff within the organization of the notified body itself.

### **3.5 Subcontracting by notified bodies**

Subcontracting of activities of a notified body is (and already was under CPR 2011) subject to detailed requirements. These are laid down in article 48 of the CPR 2024 and contain requirements which are very similar to those of the CPR 2011. However, two important changes have to be taken into consideration when assessing NBs:

- Article 46 paragraph 4 requires that the notified body shall not delegate to a subcontractor or a subsidiary the establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of its personnel to specific tasks and the conformity assessment decisions. This significantly limits subcontracting for organizations which in the past did rely very much on external resources.
- Article 48 paragraph 1 requires that the subcontractor (or subsidiary) meets the requirements for NBs contained in article 46 of the CPR 2024.