



GUIDANCE NOTE

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An Introduction to Fire Rated Wood-based Products and the Construction Products Regulation (CPR) as amended for Great Britain (GB)



Marking of construction products (*those and only those covered by a **designated [GB]**¹ or **harmonised [EU]** European standard*) is mandatory, under respectively, The Construction Products (*Amendment etc.*) (*EU Exit*) Regulations 2019 (UKCPR) and the EU Construction Products Regulation (CPR).

Designated and harmonised standards include guidance on the minimum information that should be included with the mark – **UKCA (GB)** or **CE (EU)**. The following is a list of designated and harmonised standards for wood-based products that include provisions for fire where the reaction to fire classification may be changed by treatment.

- **EN 13986:2004 +A1:2015** Wood-based Panels for use in Construction. Characteristics, evaluation of conformity and marking
- **EN 14374:2019** Timber structures – Structural laminated veneer lumber (LVL). Requirements
- **EN 14342: 2013** Wood Flooring. Characteristics, evaluation of conformity and marking
- **EN 14915:2013** Solid wood panelling and cladding. Characteristics, evaluation of conformity and marking

Declaration of Performance

Those who manufacture construction products for which a designated or harmonised standard exists have an obligation to draw up a **Declaration of Performance (DoP)** and apply a mark when the product is first placed on the market.

Key definitions include:

Construction product means any product which is produced and placed on the market for incorporation in a permanent manner in construction works and the performance of which has an effect on the performance of those works

Manufacturer means any person who manufactures a construction product or who has such a product designed or manufactured and markets that product under his name or trademark.

Placing on the market means the first making available of a construction product on the market.

It is the person who first places the product on the market who must produce and take responsibility for the DoP. The legislation places obligations on manufacturers to draw up documentation as the basis for the DoP describing all the relevant elements related to the required system of assessment and verification of constancy of performance. Such documentation must be underpinned by Factory Production Controls which are audited and accredited by an **approved body (GB)** or **notified body (EU)**².

Commercial Implications

The pressure impregnation of sheet materials marked for structural use with a flame retardant is likely to sufficiently alter the structural integrity of those materials to invalidate the information on the original DoP and the associated mark. If the treated boards are not subsequently retested, then that material must be reclassified as non-structural and the DoP amended.

It is the responsibility of those placing the materials on the market to remove or replace the mark on the product to reflect this change in status and issue an amended DoP. This will normally be the owner and distributor of the product as the timber treater cannot do this if the material is not its property.

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Article 5 of the EU CPR (as amended for GB by UK CPR)

Article 4 of the CPR is clear that producing a DoP is mandatory for manufacturers of products covered by a designated or harmonised standard. Article 5 provides for a derogation from producing a DoP in strictly limited circumstances, including Article 5(a) when:

‘... the construction product is individually manufactured or custom-made in a non-series process in response to a specific order ...’.

The relevant definitions include:

Individually manufactured are products manufactured according to customer designs and installed as part of a single project

Custom made means ‘made to fit the needs or requirements of a particular person’ or ‘made according to the specifications of an individual purchaser’.

Series process is the manufacture of goods in large quantities using standardised designs and assembly-line techniques (*and advertised through e.g. published catalogues, website etc.*)

It follows that a ‘non-series process’ should be understood as the manufacture of goods without using standardised designs and assembly line techniques. Where products are produced which are similar in various aspects, you should normally assume a series process. The difference in just one characteristic (*e.g. dimensions*) is usually not sufficient to assume non-series process

Commercial Implications

Where, for example, a cladding manufacturer is supplying the same species, profile and finish to multiple projects, then that constitutes placing that product on the market and DoP and marking obligations apply, even if the flame retardant treatment of that material is carried out by a third party on a project by project basis.

In these circumstances, that service treatment company must operate factory production controls which have been audited and accredited by an approved body (GB) or notified body (EU), alongside those of the company placing the product on the market, so as to maintain the full traceability which must underpin the mark and associated claims on the DoP.

NOTES

1. **GB:** England, Scotland and Wales. Northern Ireland is currently regulated under **EU** rules.
2. An **approved body** is an organisation approved by the **UK** government (*a notified body in the EU*) to assess the conformity of certain products before being placed on the market. These bodies carry out tasks related to conformity assessment procedures set out in the applicable legislation, when a third party is required. Third party assessment is required for safety critical criteria such as the performance of a material in fire.

For further information or advice, please contact either :

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