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technical update

CE MARKING – THE NEXT LEVEL

Now that the industry has got used to the concept of providing CE marked products for fire and escape doors, it's time to refine the operation and rigorously screen out lurking rogue products.

Current status

CE marking of door hardware which complies with a harmonised standard is not yet compulsory in the UK, but sooner or later, it will be. In the meantime, CE marking remains the easiest way to show that a product complies with the essential requirements of the Construction Product Regulations. There have been a few well-publicised cases of CE marks being falsely applied, but the great majority of suppliers and stockists probably believe that their own stock is correctly labelled. However, it is also quite possible that some of those items are wrongly identified as CE marked, or

bear an incorrect classification code. This is in breach of at least three pieces of legislation and could lead to breaches of parts of the Building Regulations.

How can this happen?

A simple example is finishes. A manufacturer might test a lock, a hinge or a door closer with its standard surface finish applied. The classification code contains a digit that records the grade of corrosion resistance achieved. The CE mark and the classification code are valid ONLY for the product and finish tested. They do not cover any other finish in the range.

In most cases, corrosion testing of the alternative finishes is all that is needed to generate an amended classification code and the addition of the new finish to the original CE documentation. Failure to do this might seem to be an insignificant breach, but if products are supplied for a corrosive atmosphere, based on the wrong code, and the finish subsequently deteriorates rapidly, the financial consequences in changing every item could be detrimental to profitability.

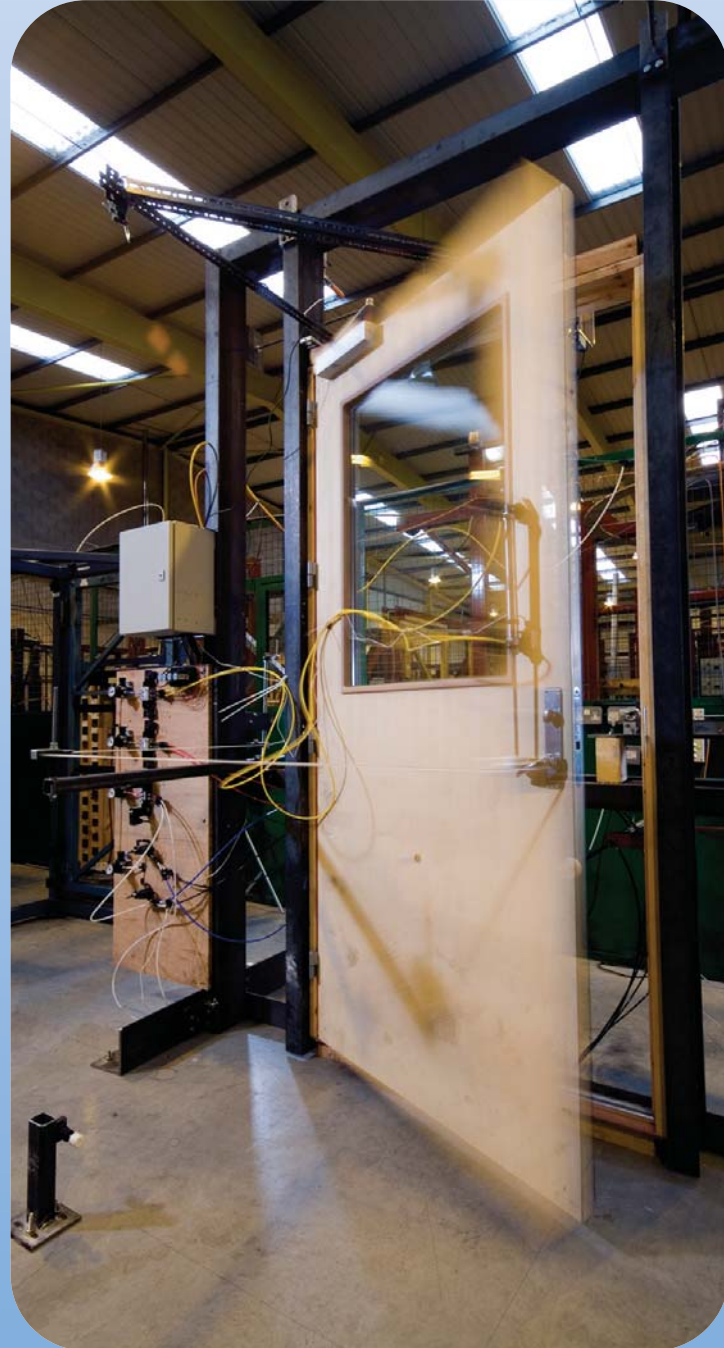
Other cases can be more serious. Panic escape hardware might have been tested in panic bolt and panic latch mode but this does not mean that the two can be combined for an application using a pair of doors. This is because the strike required for a pair of doors is almost certain to be different from the strike used for a frame. This can make a significant difference to the forces needed to release the door – a matter of potential life safety. This applies to any alternative strike or keep which might be offered to meet certain frame or threshold conditions.

// Cylinders tested to BS EN 1303 and graded as Class 2 for security MUST be sold with the security escutcheons with which they were tested, if the grading is to remain valid. //

Electro-magnetic hold open door closers will probably have been offered for test in Fig. 1 application. The CE mark and classification code obtained for Fig.1 are not valid for Fig.6 or Fig.61 – or any other application in which they might be supplied. They have to be specifically tested first. Pull-off forces and closing forces are often subject to change when a door closer configuration is altered, and these can be critical in emergency situations.

Some door closers are part of a range, where a standard model can be supplied with added optional functions such as backcheck or delayed action. It is not always made clear on sales literature or fixing instructions whether the CE mark is valid only for the standard model, and that the augmented models have no acceptable proof of their suitability for use on fire and escape doors. If the extra functions are present, they must have been successfully tested for the CE mark to be valid. It is not permitted to CE mark some of a closer's functions and to exclude others which might be present.

Cylinders tested to BS EN 1303 and graded as Class 2 for security MUST be sold with the security escutcheons with which they were tested, if the grading is to remain valid. Although outside the scope of CE marking, this situation can also arise with security cylinder locks claiming compliance with BS 3621 and its related standards, or PAS 24. They must be sold with appropriately



Cycle testing is an important part of European standards

tested cylinders and security escutcheons. Any other combination is NOT a security lock compliant with the standard or PAS.

The law

Placing a product on the market with an invalid CE mark or classification code is potentially a breach of the Trade Descriptions Act, as the description is misleading. If this in turn makes the product unfit for the purchaser's



Always check that products are CE marked and are supplied with correct documentation



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intended purpose, based on the description, the Sale of Goods Act might apply. The legislation which most certainly comes in to play is the Construction Products Regulations Act (CPR). The sanctions which can be applied include impounding and destruction of stock, fines, and up to 3 months in prison for directors. The saying that there is no such thing as bad publicity might work in the field of celebrity. It is hard to see its relevance in areas where reputation for technical knowledge and

professionalism are important.

One part of the CPR which often gets overlooked, and that is the indemnity a trader is afforded by supplying correctly CE marked products. In any litigation, the CE mark is proof that the product meets the relevant health and safety requirements of the Act. This also helps to show that the product represents the “acknowledged rule of technology” and “current state of the art”. Therefore the manufacturer or supplier has exercised “due diligence” before offering the product for use on fire and escape doors. The GAI has already seen instances where potential litigation over personal injury was stopped in its tracks because the building product concerned was CE marked. If a prosecuting solicitor were to find out that a CE mark was not valid in some way, their zeal to get compensation for their client (and their own percentage) would be redoubled.

In the past, litigation over building hardware products was often scuppered by the need to find a scapegoat – someone who would bear ultimate responsibility. This was usually so difficult to determine that cases were abandoned or not even started. The CPR neatly sidesteps that stumbling block. Everyone in the supply chain within the borders of the EU bears responsibility. All can be prosecuted if the product passed through their hands, and the courts will decide how much blame to apportion to each party. Saying that you relied on what someone else told you is not an acceptable defence, unless you are a small high street shop with no facilities to check the provenance of your stock.

Membership of the GAI, and in particular GuildMark accreditation, is a signal to the construction industry that the business intends to operate professionally and with competent, qualified staff. Therefore clients have a right to expect that the company can and will vet any documentation in support of CE marking, issued from further up the supply chain. This is not necessarily onerous, but it does require staff with proper knowledge and training to carry out the checks.

How to avoid supplying incorrectly marked products:

- Check that CE marked products are being supplied with correct documentation
- Check the documentation for accuracy and correspondence with the “Manufacturer’s Declaration of Conformity”

This can be added to the initial checks for new suppliers, and also to the first “goods in” checks, with repeats at suitable intervals.

Correct documentation

EU based manufacturers and importers are obliged to supply the documentation described in the relevant product standard.

This could be any or all of the following:

The name and contact details of the manufacturer/importer (the responsible legal entity in the EU), or other means of positive ID

A simple declaration of:

- the number and year of the standard to which the product complies
- the classification code achieved
- the year the CE mark was applied to the product
- the identification number of the Notified Body which authorised CE marking of the product
- the number of the EC Certificate of Conformity
- fixing instructions
- maintenance information

Most reputable manufacturers would be willing to give stockists a run-down of the documents accompanying their products, and explain how they fulfil the requirements of the relevant product standard. Buyers need to ensure that these are in order just as much as they need to negotiate good deals.

Manufacturers are required to supply a "Manufacturer's Declaration of Conformity" to their customers, but very few do. Instead, the CE certificate

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from the Notified Body is offered. This should not be viewed as an acceptable substitute. It is only supporting evidence. The manufacturer / importer is responsible for applying the CE mark to the product, not the Notified Body.

The Notified Body can only test and report on the products and information it receives from the manufacturer. They might not be aware that there are other products or applications in a range. Further items might be added to a range after the initial testing is done. Therefore the NB's Certificate of Conformity is a document for the manufacturer to interpret and use in the production of his own signed declaration. This manufacturer's declaration should identify unambiguously those items / applications / finishes / accessories covered by the CE mark, together with their individual classification codes. The DHF / GAI **Code of Practice: Hardware for fire and escape doors** has an example of the ARGE recommended form for Manufacturer's Declarations. It is an excellent template covering all

eventualities currently foreseen. The GAI strongly recommends this to members and can supply a blank template if required.

Check the documentation for accuracy

The following checklist is offered as a guide, but is not necessarily exhaustive:

- Is the documentation in date?
- Does the product description match on all documents?
- Are the relevant finishes/applications/accessories covered?
- Does the notified body referenced in the documentation have a record of the product and its finishes/applications/accessories? (A quick phone call will usually settle this matter.)
- Is the CE mark registered in the name of the supplier offering the product to you?

Where products are "badge engineered", a manufacturer offers a standard or slightly modified product to a wholesaler or similar, to sell on under their own brand and livery. When this is done, the CE mark does not pass to the new company. It belongs to the original manufacturer and the product under his branding, as shown on the certificate. Badge engineered products must be registered with the notified body, to ensure the traceability required by CE marking. New documentation will be generated to show CE marking under the new brand and company. All the documentation accompanying the product must refer to the new company, not the original manufacturer, as the new company is now the legal entity placing the product on the market under its new alias.

A company holding stock of products manufactured by others should hold hard copy or e-data copies of the manufacturer's declarations for each CE marked item. Registered Architectural Ironmongers preparing or supervising schedules should be able to satisfy themselves that any item they approve for use on a fire or escape door is proven to be suitable, and there is documentary evidence to back this up. If the item can and should be CE marked, the relevant documents should be on file in the company records, or via hyperlinks to manufacturers' websites. With modern computer systems, this is not difficult.

Those products that have been singled out for CE marking have characteristics which are considered essential in ensuring the health and safety of building users. Only the Notified Bodies have the right to decide whether a product has reached the minimum standards required for a CE mark to be applied. No-one in the supply chain has the right to imply or advertise that a product is CE marked, and therefore suitable for fire and escape doors, without valid documentary back-up. We are all building users. It's our health and safety ●