



Ministry of Housing,
Communities &
Local Government

Analysis of post-EU Exit European Assessment Documents (EADs)

Prepared by the Adroit Consortium for and behalf of

MHCLG



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Contents

1. Executive Summary	4
2. Introduction	7
3. Placing the EU EAD and ETA process in context	12
4. Methodology summary	28
5. Findings	30
6. Conclusion	45

1. Executive Summary

Introduction and purpose

- 1.1 In this report an independent analysis of [European Assessment Documents](#) (EADs) cited in the [Official Journal of the European Union](#) (OJEU) following the United Kingdom's departure from the European Union is presented.
- 1.2 An EAD is a harmonised technical specification developed by the [European Organisation for Technical Assessments](#) (EOTA) as the basis for [European Technical Assessments](#) (ETAs). The ETA provides an independent Europe-wide procedure for assessing the essential performance characteristics of non-standard construction products.
- 1.3 The analysis focuses on the characteristics of EADs relevant to safety, defined as measures intended to protect against risks or dangers to life and limb, including fire performance and structural integrity. The research was undertaken using publicly available sources to support policy and regulatory understanding of post-EU Exit EAD activity.

EU and UK context

- 1.4 Under the [EU Construction Products Regulation 305/2011](#) (EU-CPR 2011), EADs provided harmonised technical specifications for construction products not fully covered by [harmonised standards](#) (hEN). These allow manufacturers to obtain an ETA for a product in order to affix CE marking. Following EU Exit, the UK introduced UK Assessment Documents (UKADs) and UK Technical Assessments (UKTAs). The UK continues to recognise CE marking. The EU [Construction Products Regulation 2024/3010](#) (EU-CPR 2024) has replaced the EU-CPR 2011, introducing updated rules for EADs, ETAs and harmonised technical specifications. In the EU-CPR 2024 'harmonised technical specifications' are defined as the performance harmonised standards which will be made mandatory.
- 1.5 Although arrangements were agreed to allow UK Technical Assessment Bodies (TABs) to use EADs, there is limited public evidence of UKAD development or independent UKTA issuance since EU Exit. Four UK TABs have observer status within EOTA.

EAD use and trends

- 1.6 A total of 177 EADs cited between 2021 and 2024 were identified from [EOTA's website](#), downloaded, and reviewed. The analysis reveals a consistent rise in the number of EADs addressing products with safety relevance particularly those involving fixings, insulation systems, and external cladding. These are product types relevant to fire and structural safety.
- 1.7 A legal dispute between two construction companies resulted in a decision by the Court of Justice of the EU that harmonised technical standards must be treated as

Analysis of post-EU Exit European Assessment Documents (EADs)

legally binding, despite being developed by private standardisation bodies. As a result of the ruling, there was increased scrutiny of technical specifications by the [European Commission](#) (EC) resulting in delays to the citation of EADs. The delays impacted the speed at which EADs became available for broader market use and likely impacted competition and innovation.

- 1.8 The number of ETAs continues to grow steadily, suggesting ongoing demand for EAD-based conformity routes.

EADs and safety

- 1.9 The analysis used two complementary approaches to assess the safety relevance of EADs:
- using the essential characteristics mentioned in EADs;
 - using the [Assessment and Verification of Constancy of Performance](#) (AVCP) systems defined in each EAD.

Essential characteristics approach

- 1.10 The first approach examined the presence of safety-related essential characteristics in EADs, focusing particularly on fire performance. Two key characteristics dominate: Reaction to Fire which assesses how easily a product ignites and contributes to flame and smoke spread and Resistance to Fire which measures how long a product or system can maintain its function under fire conditions (for example; maintaining structural integrity or compartmentation).
- 1.11 Reaction to Fire is cited in 79% of EADs, and Resistance to Fire in 21%, underscoring their regulatory and technical importance, especially for façades, cladding, internal linings, fire doors, ducts, partitions, and load-bearing elements.
- 1.12 Beyond fire performance, the analysis extended to structural and safety-in-use characteristics such as tensile, bending, shear strength, and wind resistance, critical for maintaining structural integrity.
- 1.13 Across all 177 safety-related characteristics reviewed, the 20 most frequently cited appear in 60% of EADs between 2021 and 2024, confirming that a concentrated set of attributes drives the safety focus in the EAD system.

AVCP system approach

- 1.14 The second approach analysed AVCP system designations assigned to EADs. These systems determine the level of third-party oversight required, with Systems 1+ and 1 representing the most stringent controls, including independent product certification, continuous surveillance, and audit testing.
- 1.15 Between 2021 and 2024, the number of EADs first mentioning AVCP System 1+ or 1 increased in absolute terms, from 17 to 25, indicating a modest rise in the use of high-assurance conformity pathways, however, the proportion of EADs first citing System 1+/1 fell from 55% in 2021 to 26% in 2024. This shift suggests that while the number

of high-risk products has grown, the scope of the EAD system has expanded to include a broader array of lower-risk products.

Summary of conclusion

- 1.16 The EAD/ETA system remains central to EU market access for innovative and safety-critical products not fully covered by harmonised standards. Fire-related essential characteristics dominate EAD content, and AVCP Systems 1+ and 1 are used with increasing frequency for higher-risk products.
- 1.17 The essential characteristics related to fire safety and safety in use and the AVCP analysis presented provide complementary perspectives: the former identifies potential fire and other characteristics (such as structural performance) based on product categories, while the latter reflects the level of third-party regulatory oversight required by EU law.
- 1.18 Together, they show that under the EU-CPR 2011, the EAD system was increasingly used for products with life safety implications - particularly those requiring AVCP Systems 1+ and 1. However, most EADs still fell under lower AVCP systems reflecting the breadth of lower risk products entering the system.
- 1.19 In a broader context, the EAD/ETA process under the EU-CPR 2011 presented challenges to the EC, including delayed citation, limited transparency in ETAs, and barriers for SMEs seeking market entry. The EU-CPR 2024 (which entered into force in January 2025) includes measures to address some of these limitations.
- 1.20 The measures include setting a clearer hierarchy between performance harmonised standards and EADs, increased EC oversight of TABs, digital and sustainability requirements, the replacement of the AVCP with the Assessment and Verification Systems (AVS) framework and mechanisms allowing the EC to intervene when standardisation bodies do not deliver harmonised standards on time.

2. Introduction

- 2.1 In this report, the results of an independent analysis of [European Assessment Documents](#) (EADs) cited in the [Official Journal of the European Union](#) (OJEU) following the United Kingdom's exit from the EU are presented.
- 2.2 The analysis focuses on those EADs that include provisions relevant to safety. For the purposes of this study, safety is defined as any measure intended to protect against risks or dangers to life and limb. This includes characteristics such as fire performance, structural integrity, and aspects of physical protection in the built environment.
- 2.3 The research was conducted by the Adroit Consortium using publicly available data. The objective is to support policy and regulatory insight by providing a systematic overview of post-EU Exit EAD activity.

The EU process

- 2.4 This section provides an overview of the EU process and how it is changing following the enactment of the EU-CPR 2024. The applicable regulations are described, the terms used are defined and the organisations involved in the development of EADs are introduced. Subsequent sections of this report look at the processes in more detail.

Background: the 2011 and 2024 EU Construction Products Regulations

- 2.5 [Regulation \(EU\) No 305/2011](#) (“the EU-CPR 2011”) established the framework for placing construction products on the EU market by defining the conditions under which manufacturers could declare performance and apply the Conformité Européenne (CE) mark. It introduced harmonised rules for EADs and ETAs as alternative routes to demonstrate compliance where no harmonised standard existed.
- 2.6 EADs were developed by [Technical Assessment Bodies](#) (TABs) coordinated through the [European Organisation for Technical Assessment](#) (EOTA), a not-for-profit organisation based in Brussels. This system allowed innovative or non-standard products to access the single market, supporting free movement of goods and a consistent level of safety and performance across Member States.
- 2.7 After more than a decade of operation, the EU-CPR 2011 was replaced by [Regulation \(EU\) 2024/3110](#) (“the EU-CPR 2024”), adopted in 2024 and entering into force on 7 January 2025. The EU-CPR 2024 modernises the regulatory framework to reflect policy priorities such as the [Green Deal](#), [digitalisation](#), and [circular economy](#) objectives. It retains the essential role of EADs and ETAs but updates procedures, terminology, and conformity assessment structures.

THE ROLE OF THE EAD AND ETA UNDER THE EU-CPR 2011

- 2.8 The EU-CPR 2011 was designed to ensure that construction products sold across the EU met harmonised safety, performance, and environmental standards, enabling the free movement of products within the single market.
- 2.9 The EU-CPR 2011 mandated that for construction products covered by a [harmonised European standard](#) (hEN) to be placed on the market, it must be subject to assessment, and the manufacturer must make a [Declaration of Performance](#) before affixing the CE mark. Once the product is CE marked, it can be freely marketed in the European Economic Area.
- 2.10 The Technical Assessment route provides a route for manufacturers of innovative or non-standard construction products to bring their products to the market with CE marking. EOTA plays a key role in this by developing EADs. A TAB, chosen by a manufacturer, worked with EOTA to develop an EAD for the product. The EC was also consulted during the development of the EAD.
- 2.11 Once adopted by EOTA, the EAD could be used by the TAB to produce a [European Technical Assessment](#) (ETA) for the product.
- 2.12 The ETA sets out the technical description of the product, the specification of the intended use(s) in accordance with the applicable EAD, the required performance of the product and references to the methods used for its assessment and other technical performance requirements specified in the EU-CPR 2011.
- 2.13 The ETA forms the basis for product testing/certification and the Declaration of Performance (DoP) which the manufacturer was required to draw up in accordance with the EU-CPR 2011 before CE marking the product.
- 2.14 The ETA could be kept confidential between the TAB and the manufacturer to protect the intellectual property of the manufacturer and to encourage innovative products to be brought to market.
- 2.15 Other manufacturers were able to use EADs to obtain ETAs for their competing products once the EAD was cited in the OJEU. The full text of all the cited EADs can be found on [EADs | EOTA](#).

CHANGES BROUGHT IN BY THE EU-CPR 2024

- 2.16 The EU-CPR 2024 Regulation modernises the framework to reflect policy priorities such as the Green Deal, digitalisation, and circular economy objectives.
- 2.17 It retains the essential role of EADs and ETAs but updates procedures, terminology, and conformity-assessment structures.
- 2.18 The [Assessment and Verification of Constancy of Performance](#) (AVCP) systems defined by the EU-CPR 2011 are progressively being replaced by [Assessment and Verification Systems](#) (AVS), and environmental as well as digital product information will become mandatory in phases. Manufacturers must prepare a [Declaration of Performance and Conformity](#) (DoPC), which combines the DoP and a new Declaration of Conformity placing stricter requirements on them and on notified bodies.

Analysis of post-EU Exit European Assessment Documents (EADs)

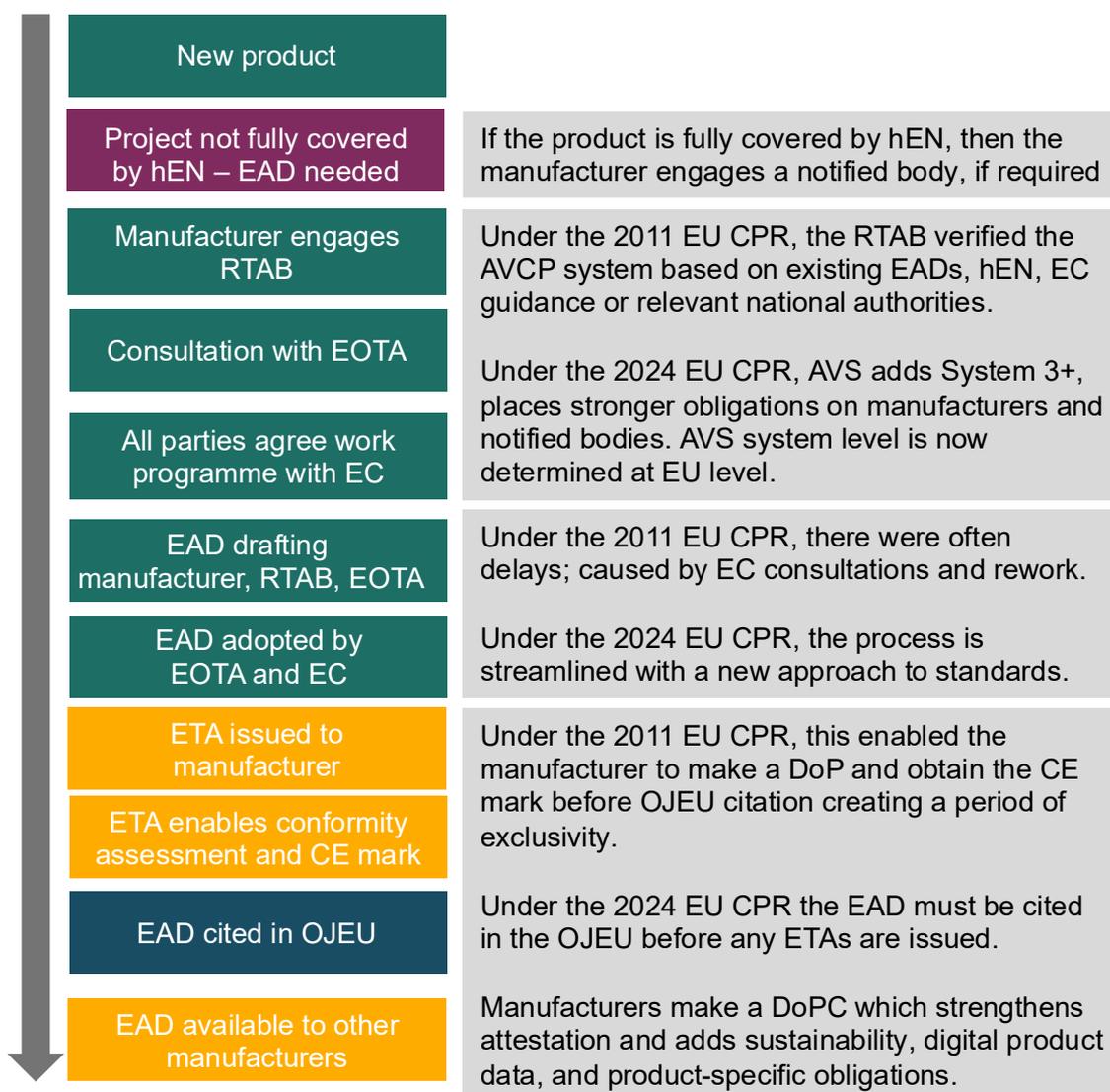
2.19 During the transition, the EU-CPR 2011 process continues to apply until the relevant [implementing and delegated acts](#) under the EU-CPR 2024 take effect. Accordingly, throughout this report:

- references to the 2011 EU-CPR and its processes are written in past tense;
- references to the 2024 EU-CPR and its provisions use present or future tense, depending on implementation status

2.20 This distinction ensures clarity between the framework that governed the EAD/ETA system under the EU-CPR 2011 and the framework that now governs or will govern it under the EU-CPR 2024.

2.21 Figure 2.1 summarises the conformity assessment process for a product not fully covered by hEN which therefore requires an EAD.

Figure 2.1 EU EAD/ETA process under the EU-CPR 2011 and changes introduced by the EU-CPR 2024



Source: Adroit analysis of EOTA website, 2011 and EU-CPR 2024 legal texts

Analysis of post-EU Exit European Assessment Documents (EADs)

2.22 The left-hand column of Figure 2.1 shows the sequence of process steps. The right-hand column provides explanatory notes, describing how those steps operated under the EU-CPR 2011 and how the EU-CPR 2024 changes, replaces or updates them. Steps shown in yellow indicate points of material process change between the 2011 and EU-CPR 2024.

Construction Product Regulation in Great Britain

2.23 The UK government has provided guidance on [Construction Product Regulation in Great Britain](#).

2.24 The UK government made [legislation in March 2019](#) which came into effect on 1 January 2021 to make arrangements for the regulation of construction products after EU Exit.

2.25 Upon EU Exit all [European harmonised standards](#) (hENs) existing at that time became UK 'designated standards'. The government has published, and maintains, a list of designated standards.

2.26 UK-based technical assessment bodies became 'UK technical assessment bodies' on 1 January 2021 and are listed on the [UKMCAB database](#).

2.27 UK technical assessment bodies can carry out the technical assessment of construction products for the GB market. The products may then be affixed with the [UK marking](#) (the UKCA mark).

2.28 Technical assessment bodies are now responsible for drawing up and, in agreement with Secretary of State, adopting UK assessment documents. The UK technical assessment bodies may collectively form an organisation to undertake the role of developing and adopting assessment documents.

Continued use of EADs by UK TABs

2.29 In December 2021, [EOTA announced](#) it had reached agreement with both the EC and the UK government to allow continued use of EADs in the British market.

2.30 The arrangement allows manufacturers to continue relying on EADs as a basis for their UK Technical Assessment (UKTA) and the associated UK Conformity Assessment (UKCA) after 31 December 2021. The prerequisite is that the EAD has been cited in the Official Journal of the European Union.

2.31 According to EOTA, UKTA bodies wishing to use EOTA documents after 31 December 2021 for their assessments need to become observers of EOTA and sign the corresponding cross-licensing agreement.

2.32 Currently, four UK organisations have observer status of EOTA; BBA - British Board of Agrément, BRE Global Limited, the UK Certification Authority for Reinforcing Steels (CARES) and UL International (UK) Ltd (Source: [EOTA](#)).

Continued recognition of CE Marking

2.33 On 2 September 2024 it was [announced](#) that CE marking for construction products will continue to be recognised in the UK, with the longer-term future of CE marking conditional on wider reforms. The UK government also issued [guidance](#) for manufacturers who will need to do one of the following:

- affix the UK marking using a UK approved body;
- affix the CE marking with UK(NI) indication using a UK approved body;
- affix the CE marking using an EU recognised notified body.

2.34 Where no third-party conformity assessment is required, the manufacturer can choose whether to affix the UK marking, or the CE marking, provided that the underlying requirements are met.

3. Placing the EU EAD and ETA process in context

- 3.1 This section provides essential background and context to understand how the EU's EAD and ETA process worked, the context for their development in the EU-CPR 2011 and how this is likely to change as the EU implements the EU-CPR 2024.

Declarations of Performance

- 3.2 Under the EU-CPR 2011, before placing a construction product on the market, a manufacturer ensured that the product complied with all relevant hENs. That involved carrying out a conformity assessment procedure, which included compiling a technical file documenting the product's design, testing data, and performance characteristics. Based on that assessment, the manufacturer prepared a Declaration of Performance (DoP) that outlined how the product met the specified criteria.
- 3.3 Once compliance was confirmed, the manufacturer affixed CE marking to the product, indicating that adhered to the applicable EU regulations and could be marketed across the European Economic Area.

Assessment and Verification of Constancy of Performance (AVCP)

- 3.4 An important part of the process was the Assessment and Verification of Constancy of Performance (AVCP) as set down in [Annex V to Regulation \(EU\) 305/2011](#). The AVCP requirements were a harmonised set of systems defining how to assess products and control the constancy of the assessment results. This system was designed to safeguard the reliability and accuracy of the Declaration of Performance.
- 3.5 Five different AVCP systems were in place for construction products in the EU-CPR 2011. They ranged from large-scale third-party involvement to self-declaration and monitoring by the manufacturer. The EC established which systems were applicable for:
- a construction product (which means any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction work);
 - a family of construction products (which in the EU-CPR 2011 context referred to a group of products that share similar characteristics and are subject to the same technical specifications and conformity assessment procedures);
 - an essential characteristic (which means those characteristics of the construction product which relate to the basic requirements for construction work).
- 3.6 The EU-CPR 2024 retains the core concepts of a construction product and an essential characteristic using wording that is substantively unchanged from the EU-

Analysis of post-EU Exit European Assessment Documents (EADs)

CPR 2011. The scope of what is considered a construction product remains the same, as does the link between essential characteristics and the basic requirements for construction works.

- 3.7 In the EU-CPR 2011, the term family of construction products was used but not defined. The EU-CPR 2024 continues to use product families ([Article 2\(31\)](#)), which are listed in [Annex VII](#). In practice, these product families group together construction products with the same intended use and broadly similar performance and manufacturing characteristics, so that assessment and verification systems and harmonised technical specifications can be applied consistently across comparable products.
- 3.8 Overall, these definitions carry forward the same regulatory scope as the EU-CPR 2011, while providing clearer criteria for grouping products under the 2024 framework.

Third-party involvement

- 3.9 Where third-party involvement was required under the EU-CPR 2011 and is still required under the EU-CPR 2024, three main types of notified bodies are involved in the assessment and verification process they are a:
- product certification body which certified the constancy of performance for the product according to the relevant AVCP system and will continue to do so under the relevant AVS system;
 - [Factory Production Control](#) (FPC) certification body which certifies the manufacturer's factory production control system, ensuring ongoing compliance with standards;
 - testing laboratory which conducts product testing, measurement, and evaluation of product characteristics based on sampling provided by the manufacturer.

Harmonised standards

- 3.10 The appropriate AVCP system was specified by the EU-CPR 2011 and determined by the applicable hENs. The system was assigned based on the product's essential characteristics, risk profile, and potential impact on safety, health, and performance in construction works.
- 3.11 The AVCP system for a product was not decided by a TAB alone, it followed a structured process. European Legislation and Delegated Acts enabled the [European Commission](#) (EC) to assign AVCP systems to product families. The AVCP system was defined in the hEN. If a product was assessed via an EAD and ETA, then the EC determined the relevant AVCP system.

Role of the Technical Assessment Body (TAB)

- 3.12 When a manufacturer applied for an ETA via a TAB, the TAB verified which AVCP system applied. To do this, the TAB followed guidance based on the relevant existing EAD, harmonised standards, and the EC's regulatory framework. If an EAD did not specify an AVCP system, the TAB sought confirmation of the AVCP system to be applied from the EC or relevant national authorities.
- 3.13 For example, if a manufacturer applied for an ETA, the TAB assigned an AVCP system based on:
- the essential characteristics assessed in the EAD;
 - whether failure of the product could cause serious safety risks;
 - whether the product required continuous third-party verification.

Roles and responsibilities for each AVCP system

- 3.14 [Annex V of the EU-CPR 2011](#) set out the roles and responsibilities of the manufacturer the notified bodies and these are described in paragraphs 3.15 to 3.23.

SYSTEM 1+

- 3.15 Under System 1+, the manufacturer was responsible for implementing Factory Production Control (FPC) and conducting further testing of factory samples in accordance with a defined test plan.
- 3.16 The involvement of a [Notified Product Certification Body](#) (Notified Body) was required. This body undertook product type determination and performed an initial inspection of the plant and the FPC. It also maintained continuous surveillance and evaluation of the production process. In addition, audit testing was conducted prior to market entry.
- 3.17 Upon successful compliance, the Notified Body issued a certificate of constancy of performance.

SYSTEM 1

- 3.18 System 1 required the manufacturer to maintain FPC and to conduct additional testing of factory samples according to a defined test plan. A Notified Body was involved, with responsibilities identical to those under System 1+, except that audit testing prior to market entry was not required.

SYSTEM 2+

- 3.19 In System 2+, the manufacturer determined the product type based on type testing (including sampling), type calculation, tabulated values, or descriptive documentation of the product. Responsibilities include FPC and the testing of samples taken at the factory in line with the specified test plan.
- 3.20 A Notified Body was required to carry out the initial inspection of both the manufacturing plant and the FPC. This body also conducted continuous surveillance, assessment and evaluation of the FPC.

SYSTEM 3

- 3.21 System 3 required the manufacturer to implement FPC.
- 3.22 A Notified Testing Laboratory was responsible for type testing, based on samples taken by the manufacturer. The laboratory may have used type calculation, tabulated values, or descriptive documentation of the product to determine product type.

SYSTEM 4

- 3.23 Under System 4, the manufacturer was solely responsible for FPC. No involvement from a notified body was required.

Assessment and Verification Systems (AVS) under the EU-CPR 2024

- 3.24 The EU-CPR 2024 replaces the AVCP systems in Annex V of the EU-CPR 2011 with the AVS set out in [Annex IX](#). Although the purpose of the system remains the same; to ensure that the declared performance of construction products is reliable and consistently assessed, the AVS framework introduces several significant changes.

KEY DIFFERENCES BETWEEN AVCP (2011) AND AVS (2024)

- 3.25 The AVS framework retains the broad structure of the previous AVCP systems with the key differences covered in paragraphs 3.26 to 3.29.
- 3.26 Environmental sustainability becomes part of conformity assessment. A new System 3+ is added for the validation of environmental sustainability assessments. This includes verifying data inputs, modelling assumptions and use of the EC's software. No equivalent existed in the 2011 AVCP system.
- 3.27 There are stronger, clearer obligations on manufacturers. Under AVS, manufacturers must prepare more detailed technical documentation demonstrating correct application of the EU-CPR 2024 to the assessment of performance and conformity with the applicable product requirements, including sustainability and digital data requirements.
- 3.28 More structured and consistent oversight is required. Notified body responsibilities are set out more explicitly and uniformly across systems. Horizontal rules in [Annex IX](#) now define minimum expectations for factory inspections ("gate-to-gate" coverage), surveillance frequency and scope, verification of extended application rules, validation of company-specific environmental data, and the use of test results from other bodies.
- 3.29 System allocation is now determined at EU level. Under [Article 10](#), the EC determines the AVS applicable to each product family or product category through [implementing acts](#). This replaces the more fragmented approach under the EU-CPR 2011.

Declaration of Performance (DoP) and Declaration of Performance and Conformity (DoPC)

- 3.30 An important change introduced by the EU-CPR 2024 is the distinction between the Declaration of Performance (DoP) and the new [Declaration of Performance and Conformity](#) (DoPC).
- 3.31 Under the EU-CPR 2011, manufacturers prepared a DoP setting out the product's performance against its essential characteristics. Under the EU-CPR 2024, manufacturers must prepare a DoPC, which combines the Declaration of Performance and a new Declaration of Conformity that confirms the product complies with all applicable requirements of the EU-CPR 2024, including sustainability, digital product data, and product-specific obligations.
- 3.32 The DoPC therefore expands the manufacturer's attestation responsibilities. Where the 2011 DoP focused solely on performance, the DoPC brings together performance and conformity, ensuring that both technical assessment and regulatory compliance are declared in a single, traceable document, including in digital form for the Digital Product Passport.

OVERALL EFFECT OF MOVING TO AVS AND DOPC

- 3.33 In summary, the EU-CPR 2024 modernises the conformity assessment framework by adding sustainability validation, increasing transparency, and embedding digital requirements.
- 3.34 The introduction of the DoPC broadens the scope of manufacturer responsibility beyond performance alone. While the basic logic of the AVCP system is retained, the AVS framework is more prescriptive, more consistent, and more tightly integrated with the wider policy objectives of the EU-CPR 2024.

When an EAD was required

- 3.35 If a construction product was not covered or not fully covered by a hEN, then the manufacturer engaged with a TAB which requested the development of an EAD. TABs are accredited by the [National Accreditation Body](#) (NAB) for each EU member state and Norway.
- 3.36 NABs evaluate and accredit organisations that conduct testing, inspection, and certification of construction products to ensure compliance with hENs and EADs.
- 3.37 EADs enabled the assessment of the product's performance concerning its essential characteristics where a hEN did not adequately apply.

Analysis of post-EU Exit European Assessment Documents (EADs)

3.38 This situation arose in the following cases:

- product scope exclusion: where the product did not fall within the scope of any existing harmonised standard;
- inappropriate assessment methods: where the harmonised standard's assessment method for at least one essential characteristic was not suitable for the product;
- lack of assessment methods: where the harmonised standard did not provide any assessment method for at least one essential characteristic of the product.

3.39 [The development of EADs](#) was designed to improve the flow of new construction products into the market and remove barriers to innovation.

How the EAD process worked under the EU-CPR 2011

3.40 When a manufacturer sought an ETA for a product not fully covered by hENs, a structured process involving the manufacturer, a TAB, and EOTA was initiated. This interaction ensured that a tailored performance assessment was developed through an EAD.

3.41 The manufacturer chose a TAB and signed a contract and a confidentiality agreement. The manufacturer and the TAB discussed what new assessment methods were required to enable a DoP to be produced. It may be that an existing EAD could be amended to cover the product, or a new EAD might be required. The TAB then became what is described as the Responsible TAB (RTAB).

3.42 The RTAB and EOTA developed and agreed on the work and assessment programme for the product in close consultation with the manufacturer. EOTA informed the EC of the proposed work programme.

3.43 Next, the RTAB and EOTA developed the EAD again working closely with the manufacturer. At this point, decisions were made about the AVCP system(s) appropriate for the product based on its essential characteristics and intended use. It is useful to note that a product may have been covered by several AVCP systems depending on its different intended uses.

3.44 Once the EAD was completed, EOTA sent the EAD to the EC for comments. Once complete, the EAD was adopted by EOTA.

3.45 This process was available to manufacturers across all product categories, regardless of national regulations in their country of origin. Once the EAD was agreed, the RTAB issued the ETA to the manufacturer.

3.46 The ETA was the basis for product testing/certification and the Declaration of Performance (DoP) which the manufacturer was required to draw up in accordance with the EU-CPR 2011 before CE marking the product.

EADs/ETAs and their role in product innovation and competition

- 3.47 [EOTA claims significant benefits](#) for the EU construction sector in that EADs and ETAs are designed to provide a dual mechanism that balances transparency for market competition with confidentiality to protect innovation.
- 3.48 By creating a common reference framework, EADs enable different manufacturers to develop and assess competing products using the same criteria. This attempts to promote fair competition by standardising how innovative or unique products are evaluated, aiming to prevent arbitrary or inconsistent assessments across the EU market.
- 3.49 In contrast, the ETA, issued for a specific product, remains confidential between the manufacturer and TAB. This confidentiality allows manufacturers to protect commercially sensitive information, such as proprietary technologies, design innovations, or production methods, while still gaining regulatory approval through the CE marking process.
- 3.50 However, the way the process operated in practice under the EU-CPR 2011 presented challenges. As described by [EOTA](#), the manufacturer initiating an EAD could use the ETA immediately after it was issued. Competing manufacturers had to wait until the EAD was formally cited in the OJEU before they could obtain their own ETAs based on the cited EAD. Any delay in citation effectively provided a temporary exclusivity period for the first manufacturer, which risked impacting market competition.

Impact of the James Elliott case on EAD citation delays and market competition

- 3.51 The [James Elliott Construction case \(C-613/14\)](#) concerning a legal dispute between two construction companies had significant implications for the EAD citation process, particularly concerning delays in publication in the OJEU. A review paper provides context and discusses the implications ([Van Waeyenberge, 2017](#)).
- 3.52 In 2005, James Elliott Construction completed a building project in Ireland, which soon exhibited significant structural defects, including cracks in floors and walls, rendering it uninhabitable. The builder accepted liability and made repairs costing over €1.55 million.
- 3.53 On 13 June 2008, James Elliott Construction started legal proceedings against Irish Asphalt, the supplier of the under-floor aggregate material, alleging a breach of contract. The claim was based on the argument that the aggregate failed to meet the specifications of Irish Standard I.S. EN 13242:2002, which reflects the EU Harmonised Standard EN 13242:2002, issued under Directive 89/106/EEC (Construction Products Directive). The Irish High Court ruled that the damage was caused by pyrite contamination in the aggregate and found that the material did not comply with the Irish standard.
- 3.54 Irish Asphalt appealed to the Irish Supreme Court, contesting its liability. While the Supreme Court ruled on issues of national law in December 2014, it deferred on EU law matters.

Analysis of post-EU Exit European Assessment Documents (EADs)

- 3.55 Specifically, the Court was uncertain about the legal status and enforceability of hENs (like EN 13242:2002) in private contractual disputes. It referred the matter to the [Court of Justice of the European Union](#) (CJEU), questioning whether the CJEU had jurisdiction to interpret a harmonised standard in the context of a private contract dispute.
- 3.56 The CJEU ruled that hENs are part of EU law and must be treated as legally binding, despite being developed by private standardisation bodies.
- 3.57 The ruling led to increased scrutiny of technical specifications, including EADs, by the EC's [Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs](#) (DG GROW) before they could be cited in the OJEU. Consequently, a backlog of EADs developed, necessitating reassessment and amendment to align with updated legal and technical requirements.
- 3.58 By July 2022, there were 137 EADs in the backlog. As a result, this legal scrutiny placed further pressure on the approval process, with industry stakeholders raising concerns about the impact on product certification timelines. In response, EOTA proposed an [Action Plan](#) aimed at expediting the citation process and clearing the backlog.

Evidence of the added value of the EAD and ETA process

- 3.59 Research done by [CSIL for EOTA in 2020](#) attempted to review the evidence of the added value of the EAD and EOTA process. While quantitative data on impact is not provided, evidence from stakeholders was used to evidence added value. CSIL consulted 333 stakeholders including manufacturers, business associations, and TABs. Out of these, 60% were manufacturers holding at least one ETA, 14% were TABs, and 13% were business associations.
- 3.60 Stakeholder feedback indicated that while the EAD-ETA system is seen as essential for market access, concerns remained about delays in approval and the administrative burden associated with compliance. A key theme emerging from the research was that, despite procedural inefficiencies, the system was still widely viewed as a necessary alternative to hENs, particularly for innovative construction products.
- 3.61 Based on the stakeholder consultation, about 70% of surveyed manufacturers and business associations indicated that EADs met industry needs. However, there were also concerns about the low rate of citation in the OJEU, with respondents highlighting that the effectiveness of the system depended on predictable and timely approvals.

EC concerns about the progress of the EU-CPR 2011 and evolution of the EAD/ETA process

- 3.62 In March 2022, as part of the process of revising the EU-CPR 2011, the EC produced an [Impact Report](#) which highlighted problems with the EU-CPR 2011 and the process of producing EADs and their associated ETAs.
- 3.63 The Impact Report contained a critical review of the EU-CPR 2011 where the EC highlighted failures and issues that needed to be dealt with in any review of construction product regulation. This section summarises the EC's own findings and should not be taken as a UK critique. The impact on the EAD/ETA system of the EU-CPR 2024 is also considered.

The internal market for construction products was not achieved by the EU-CPR 2011

- 3.64 The EC concluded that the internal market for construction products was not achieved and did not function as originally envisaged.
- 3.65 The harmonised standardisation system under the EU-CPR 2011 was intended to ensure a uniform technical language for assessing and communicating the performance of construction products. However, evidence from the Impact Report indicated that delays in standardisation and a lack of market-relevant updates prevented the EU-CPR 2011 from achieving its intended role in facilitating cross-border trade.
- 3.66 The [European Standardisation Organisations](#) (ESOs), particularly the European Committee for Standardisation (CEN), are responsible for developing hENs under the EU-CPR 2011. However, from 2019 up to 2022, the EC stated that no new harmonised standards were cited in the OJEU due to legal and technical inconsistencies.
- 3.67 This failure to update harmonised standards led to:
- an increase in outdated standards, creating inefficiencies for manufacturers;
 - a rise in national requirements, resulting in regulatory fragmentation across Member States;
 - additional costs for businesses, particularly SMEs, which struggled to navigate the lack of harmonised regulatory pathways.

Issues for digitalisation

- 3.68 Under the EU-CPR 2011, digital information was not available/required. The EC considered this a challenge particularly as they saw the future need for reliable product information, from manufacturing to the installation in the building and eventual demolition to enable product re-use and sustainability and will be required by other linked legislation (e.g. [Energy Performance of Buildings](#) or [Sustainable Product Initiatives](#)).

Analysis of post-EU Exit European Assessment Documents (EADs)

- 3.69 Similarly, the EU-CPR 2011 did not include the application of a [Digital Product Passport](#) which is a method of digitally recording information about a product to provide an easy to access, centralised bank of information.
- 3.70 The EC identified the requirement for [digital building logbooks](#) as a dynamic tool allowing a variety of data, information and documents to be recorded, accessed, enriched, and organised under specific categories. The digital building logbook is a record of major events and changes over a building's life cycle, such as change of ownership, tenure or use, maintenance, refurbishment and other interventions.
- 3.71 In terms of sustainability and the circular economy the EC saw the need for assessment and reporting tools, such as [Level\(s\)](#) developed by the EC, for the sustainable performance of buildings.

Costs related to the EU-CPR 2011 increased

- 3.72 As the [EC pointed out](#) "While the expectation for the CPR was a reduction in costs and administrative burdens, the result is in fact increased costs. Moreover, the estimate provided by the [Study on the economic impacts of the CPR](#), indicates that the smallest companies bear the largest administrative burden".

Strategic use of the EAD system by large firms

- 3.73 The original intent of the EAD process was to provide an approval pathway for genuinely innovative construction products; such as new materials, advanced composites, and novel construction techniques, that did not fit within the scope of hENs. However, stakeholder consultations suggested that a substantial proportion of EADs did not represent genuine innovations but instead covered minor modifications to existing products.
- 3.74 The evidence from the Impact Report suggested that large manufacturers were able to 'game the system' by making slight variations to existing products to justify the need for new EADs, rather than using available harmonised standards. This practice enabled them to secure exclusive access to CE marking via an ETA, while competitors had to wait until the EAD was cited in the OJEU before applying for their own ETAs.
- 3.75 While the EAD-ETA route was intended to be a complementary mechanism to facilitate innovation, the EC concluded that its then use seemed to disproportionately benefit well-resourced firms able to navigate the regulatory complexities and afford the associated costs.

Impact on SMEs and barriers to innovation

- 3.76 The Impact Report highlighted that SMEs faced significant challenges in accessing the EAD-ETA system, limiting their ability to bring innovative products to market:
- high financial barriers – SMEs must bear the full cost of developing an EAD, whereas hENs provide a shared regulatory framework that does not impose individual financial burdens;

Analysis of post-EU Exit European Assessment Documents (EADs)

- slow approval times – due to OJEU citation delays, SMEs often faced long waiting periods before they could obtain an ETA, delaying their ability to compete with larger firms;
- regulatory complexity – the administrative burden of navigating the EAD process was often prohibitive for smaller firms, particularly those lacking dedicated regulatory teams.

3.77 The EC noted that the barriers created a system where larger firms could more effectively leverage EADs, while SMEs, regarded as key drivers of innovation, struggled to achieve market entry. Some stakeholders argued that the disproportionate burden contradicted the principles of EU industrial policy, which aims to foster SME competitiveness.

3.78 The Impact Report noted significant deficiencies in the EAD/ETA system as it seemed to be evolving as a regulatory workaround rather than an innovation enabler. The EC highlighted the need for clearer eligibility criteria to ensure that only products demonstrating genuine technological or performance improvements should qualify for EAD-based approval.

Revising the EU-CPR 2011 and the EAD/ETA process

3.79 The [EC made proposals](#) in 2022 to change the EU-CPR 2011 aimed to enhance sustainability, strengthen market surveillance, and address inefficiencies in the existing framework. This initiative was aligned with the [European Green Deal](#) and the [Circular Economy Action Plan](#) which sought to make construction materials more sustainable while maintaining high safety and performance standards.

3.80 The EU-CPR 2024 was published in the OJEU on 18 December 2024 and entered into force on 7 January 2025. The EU-CPR 2011 was repealed subject to transitional arrangements contained in the EU-CPR 2024.

3.81 Key provisions include the mandatory digital availability of product performance and conformity data, integration of environmental sustainability assessments, and the promotion of circular economy practices. This section examines the implications for:

- EADs and their justification/operation;
- the development of ETAs;
- the work of the TABs;
- the transitional arrangements to the EU-CPR 2024.

EADs and ETAs under the EU-CPR 2024

3.82 The EU-CPR 2024 introduces a more harmonised and streamlined process for EADs, ensuring they complement rather than duplicate hENs. EOTA continues to coordinate the development of EADs, with increased oversight from the EC to ensure alignment with EU policies. ETAs issued under the EU-CPR 2011 remain valid during a defined transition period, after which compliance with the new requirements is mandatory.

Analysis of post-EU Exit European Assessment Documents (EADs)

- 3.83 The [EC has provided guidance](#) on how this process works under the EU-CPR 2024. The EU-CPR 2011 applied to CE marking and declarations of performance (DoP) based on EADs cited under that Regulation. Those EADs do not meet certain conditions of the EU-CPR 2024, such as the requirement to include environmental sustainability characteristics.
- 3.84 The definition of harmonised technical specifications is revised under the EU-CPR 2024. Only performance-harmonised standards and implementing acts adopted by the EC are treated as harmonised technical specifications (performance HTS).
- 3.85 The definition replaces the broader definition used in the EU-CPR 2011, under which both harmonised standards and EADs were considered as harmonised technical specifications.
- 3.86 Under the EU-CPR 2024, EADs remain valid instruments for obtaining ETAs but are no longer classified as harmonised technical specifications. Instead, they operate alongside performance HTS as complementary routes for demonstrating product performance where no harmonised standard exists.
- 3.87 ETAs based on non-cited EADs cannot be used for CE marking under either the 2011 or EU-CPR 2024 from the effective date of the EU-CPR 2024. These ETAs are treated as new ETA requests and must follow the EU-CPR 2024 rules if the product and its intended use is not covered by a performance HTS.
- 3.88 An ETA from the EU-CPR 2011 may still be used as supporting technical evidence (for example reuse of test results) under the EU-CPR 2024 if the product, use, and assessment methods remain applicable. In these cases, the existing ETA may form the technical basis for verification by the relevant technical body.
- 3.89 EADs cited under the EU-CPR 2011 can be transferred to the EU-CPR 2024 if a manufacturer requests an ETA for the respective product under the EU-CPR 2024. The new ETA and EAD must then meet all requirements of the EU-CPR 2024.

Justification for a new EAD

- 3.90 Under the EU-CPR 2024, an EAD may be created for any product that is not covered by a performance HTS, provided that:
- the product does not fall under a harmonised standard;
 - no performance HTS is expected to be adopted within two years;
 - there is no existing EAD already cited in the OJEU.
- 3.91 The TABs' organisation, in agreement with the EC, is responsible for ensuring that the development of a new EAD avoids duplication, remains cost-efficient, and aligns with existing standards.

The position of ETAs

3.92 The ETA process remains largely unchanged, with manufacturers retaining the ability to apply for an ETA based on an EAD. However, the validity period of ETAs is now five years after the expiration of the EAD under which they were issued.

3.93 Moreover, ETAs may still be issued even when a standardisation request has been initiated, but only until the new performance HTS is published in the OJEU.

Technical Assessment Bodies (TABs) will face more scrutiny

3.94 The designation, monitoring, and evaluation of TABs is subject to tighter control under the EU-CPR 2024:

- existing TABs designated or notified under the EU-CPR 2011 will be included in the EU-CPR 2024. However, they shall be re-assessed and formally re-designated by the designating Member States in accordance with their periodic re-assessment cycle and at the latest by 8 January 2030;
- Member States must designate one single competent national authority responsible for the designation and oversight of TABs;
- TABs are designated based on specific product areas ([listed in Annex IV, Table 1](#));
- the EC publishes and maintains an official list of TABs, detailing the scope of their designation;
- TABs are subject to more stringent compliance monitoring, and in the event of repeated non-compliance, their designation may be revoked.

Clarifying decision-making for EADs and relationships with harmonised technical standards

3.95 Articles 2–8 of the EU-CPR 2024 define the scope, key terms, and regulatory framework for construction products in the EU market. The regulation clarifies:

- the types of products covered, including used and remanufactured products;
- key definitions to ensure uniform application across Member States;
- processes for developing harmonised technical specifications and alternative compliance measures;
- new requirements on sustainability, digital traceability, and product performance information.

3.96 For this report, it is important to recognise the new interactions between harmonised technical specifications and EADs/ETAs. These are highlighted in Article 4 and 5 of the EU-CPR 2024 which define these relationships and their respective roles in demonstrating product compliance.

Development of harmonised technical specifications (Article 4)

3.97 The EU-CPR 2024 establishes the Acquis Expert Group, which:

- assists the EC in processing Member State requests for harmonised technical specifications;
- develops a working plan that prioritises essential product characteristics for standardisation;
- ensures alignment with EU climate, circular economy, and safety goals.

3.98 A three-year working plan is to be published and updated regularly to address Member State regulatory needs. The EC will inform the European Parliament and Member States annually about progress in implementation.

Harmonised standards for construction products (Article 5)

3.99 Harmonised standards establish the methods for assessing product performance based on essential characteristics. The process includes:

- mandatory harmonised standards adopted by implementing acts, ensuring consistent assessment across the EU;
- requests to European Standardisation Organizations (ESOs) define technical assessment methods, including:
- threshold levels (minimum performance requirements);
- performance classes (groupings of products by performance level);
- essential characteristics that must always be declared.

3.100 If a standardisation body fails to deliver a valid harmonised standard, the EC may adopt alternative technical specifications.

3.101 The EU-CPR 2024 also clarifies the hierarchy of decision-making concerning EADs:

- the EC assesses the conformity of an EAD with harmonised technical specifications and Union law;
- the EC publishes the accepted EADs in the OJEU. Until that happens, no ETAs can be issued to the manufacturer;
- legal effects of EADs expire after 10 years unless renewed;
- the EC resolves disputes in cases of disagreement between TABs.

Implications for EU regulatory and market change

- 3.102 The EU-CPR 2024 reshapes the regulatory framework by prioritising performance HTS and curbing the proliferation of EADs and ETAs. These changes aim to improve market fairness, transparency, and SME participation.
- 3.103 The EC set out the design goals and intentions in an [Explanatory Memorandum](#) in 2022; paragraphs 3.104 to 3.108 describe these.
- 3.104 Fairer Market Competition; the requirement for EADs to be cited in the OJEU before an ETA is granted is intended to remove the advantage larger firms previously had in fast-tracking proprietary (often incremental) product changes by sponsoring EAD development and securing their own ETAs based on non-cited EADs.
- 3.105 Regulatory Certainty and Transparency; by making harmonised standards the default compliance route, the regulation attempts to eliminate parallel approval pathways, reducing bureaucracy and uncertainty. The EC can now intervene and adopt alternative technical specifications if standardisation bodies fail to deliver, to prevent delays and market gaps.
- 3.106 SME Access and Innovation; SMEs are expected to benefit from better access to shared technical standards (rather than sponsoring EADs), aiming to cut costs and boost market participation. Increased EC oversight attempts to ensure that the standardisation processes remain fair, accessible and are not dominated by large firms.
- 3.107 Stable and Aligned Market Regulation; ensuring a single harmonised approach to promote clearer compliance requirements across the EU and remove conflicting national assessments. The EC's ability to develop alternative specifications if standardisation bodies cause delay is to guarantee continued availability of critical construction products, especially for infrastructure and sustainability projects.
- 3.108 Supporting Digitalisation and Sustainability; the EU-CPR 2024 aligns with digital construction trends, encouraging machine-readable declarations, digital product passports, and transparent sustainability reporting. This is intended to enhance traceability, compliance efficiency, and lifecycle assessments.

Transition and market continuity

- 3.109 The EC has defined a [transition timeline for voluntary CE marking](#) using the voluntary EOTA route from the EU-CPR 2011 to the EU-CPR 2024.
- 3.110 EADs under the EU-CPR 2011 can be used to issue ETAs from 2025 to 2030. By the end of 2030, the validity of all EADs under the EU-CPR 2011 will end. ETAs issued before 2030 can continue to be used for CE marking products under the EU-CPR 2011 until 2035.
- 3.111 The EC envisages a gradual transition as EADs covered by [Harmonised Technical Specifications](#) (HTS) are developed.
- 3.112 Within two years of new HTS being introduced, the EC will withdraw references to outdated EADs and standards from the OJEU.

UK Assessment Documents and UK Technical Assessments.

3.113 There are 9 TABs designated for UK-CPR:

- BRE Global Ltd;
- British Board of Agrément (BBA);
- FM Approvals Ltd;
- IFC Certification Ltd;
- Pavement Testing Services Ltd;
- UK Certification Authority for Reinforcing Steels;
- UL International (UK) LTD;
- Warringtonfire Testing and Certification Limited, trading as BM TRADA;
- Warringtonfire Testing and Certification Limited, trading as Warringtonfire.

3.114 There is no evidence of the systematic development of UK Assessment Documents and sparse evidence of the use of UKTAs.

3.115 BBA announced the first UKTA for Hilti for a mechanical fastener for the rear fixing of [decorative laminate panels](#) in December 2021. This was based on an EAD with the same reference number taken into UK-CPR. There are 3 other instances found of UKTAs for products all of which are based on pre-EU Exit EADs taken into UK-CPR.

3.116 Despite diligent searching of public sources and the websites of the UK TABs there is no evidence of UKADs being developed from scratch and resulting in UKTAs.

3.117 It should be noted that in September 2020 the government [provided guidance](#) that:

“Technical assessment bodies are now responsible for drawing up and, in agreement with Secretary of State, adopting UK assessment documents. The UK technical assessment bodies may collectively form an organisation to undertake the role of developing and adopting assessment documents.”

4. Methodology summary

- 4.1 The aim of the analysis is to create a comprehensive list of EADs cited post the UK's exit from the EU, summarise their content, and determine whether they include safety-related aspects; defined as measures intended to protect against risks or dangers to life and limb.

Approach overview

- 4.2 The analysis process was divided into three phases designed to ensure thorough data collection, analysis, and presentation of findings. These phases were:
- compilation of post-EU Exit EADs;
 - content analysis of EADs;
 - data organisation and presentation.
- 4.3 Each phase is described in paragraphs 4.4 to 4.8.

Compilation of post-EU Exit EADs

- 4.4 A comprehensive list of EADs was compiled by accessing the OJEU and the EOTA database. Only EADs published after 1st January 2021 were included to ensure relevance to the post-EU Exit period. A structured database was created to record key details such as EAD reference numbers, titles, publication dates, and product categories.

Content Analysis of EADs

- 4.5 Each EAD was systematically reviewed to extract relevant information. This included the scope of the document, product descriptions, and performance assessment criteria.
- 4.6 The review focused on identifying whether any safety-related provisions were present, such as measures addressing structural integrity, fire reaction/resistance, or impact protection. EADs were categorised based on the presence or absence of these safety aspects.

Data Organisation and Presentation

- 4.7 The summarised data were organised into a structured spreadsheet. The spreadsheet included fields for EAD reference numbers, descriptions, product types, and safety-related content.
- 4.8 The data were then analysed to identify patterns, such as the prevalence of safety measures in certain product categories and the overall volume of EADs addressing safety.

Limitations of the methodology

- 4.9 One limitation of this methodology is the potential gaps in data availability or interpretation. EADs often contain varying levels of detail regarding safety provisions, which may affect the accuracy of identifying and classifying safety-related aspects. Some provisions may not be explicitly outlined, making their identification subject to interpretation.
- 4.10 It is important to recognise that EADs are designed primarily to provide a general framework for the development of ETAs by TABs. EADs are intentionally broad, covering essential characteristics rather than focussing on specific product performance details.
- 4.11 This approach, while necessary to ensure flexibility for a range of products, may limit the level of specificity with which safety aspects are addressed in EADs.

Ethical and Compliance Considerations

- 4.12 Throughout the project, Adroit adhered to principles of data integrity and transparency. All information was sourced from publicly available sources and care was taken to ensure compliance with copyright and data protection regulations.

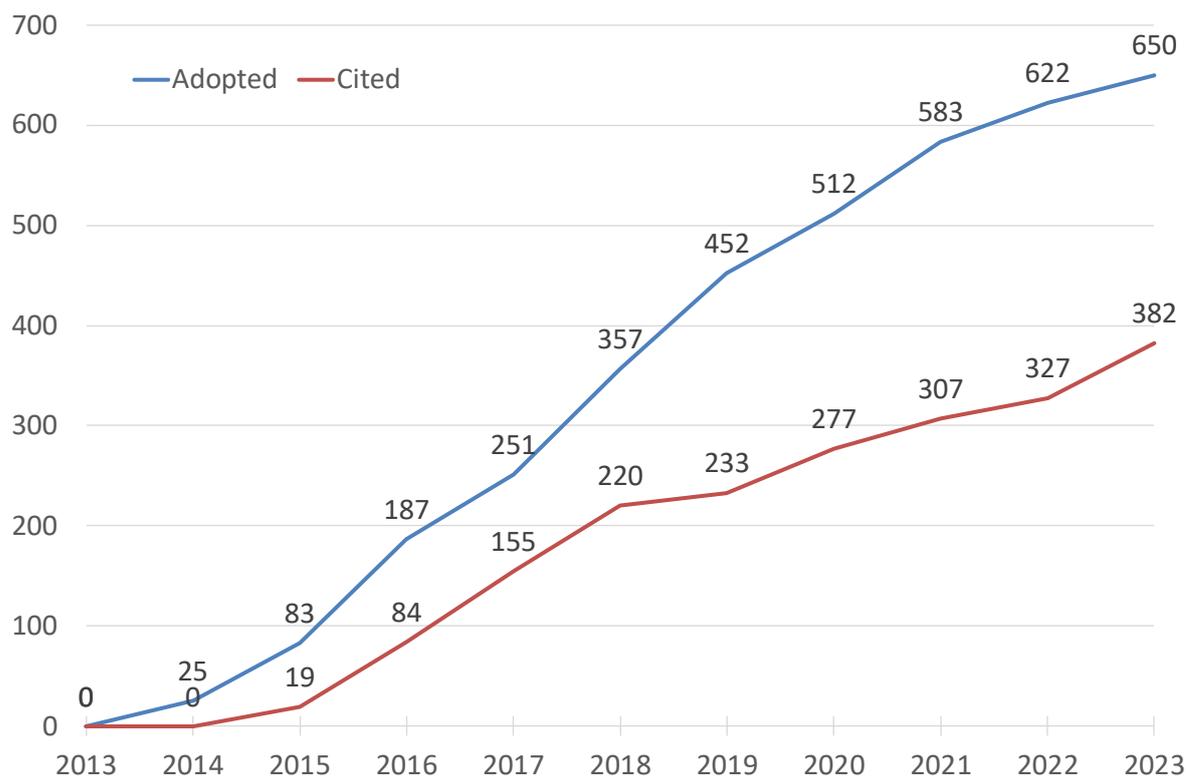
5. Findings

- 5.1 This section presents the key findings from the analysis EADs cited in the OJEU between 2021 and 2024, following the UK's departure from the EU.
- 5.2 The analysis is based on a structured review of 177 EADs and is informed by two distinct approaches to evaluating product safety relevance. Firstly, essential characteristics relating to safety. Secondly, the level of regulatory oversight was assessed by examining the AVCP system assigned to each EAD.
- 5.3 This section begins with an overview of EAD and ETA publication trends. Then the distribution of EADs by product category is explored and evaluated for their safety relevance based on the essential characteristics which relate to safety such as Reaction to Fire and Resistance to Fire and also by AVCP classification where it should be noted that the AVCP systems required do include consideration of product risk.
- 5.4 Together, these findings provide a detailed view of how the EAD/ETA system is functioning in the post-EU Exit period and the extent to which it continues to support safety-critical and innovative products.

EADs cited and adopted each year and the growth of ETAs

- 5.5 The latest available data from [EOTA](#) shows the number of EADs cited (published in the OJEU) and adopted (where the first ETA has been issued to a manufacturer) each year from 2013 to 2023 and is shown in Figure 5.1.
- 5.6 Figure 5.1 is a line chart with 2 data series showing how many EADs were cited in the OJEU (the red line) and how many were adopted (the blue line) each year from 2013 to 2023.

Figure 5.1 EADs cited and adopted 2013-2023



Source: EOTA

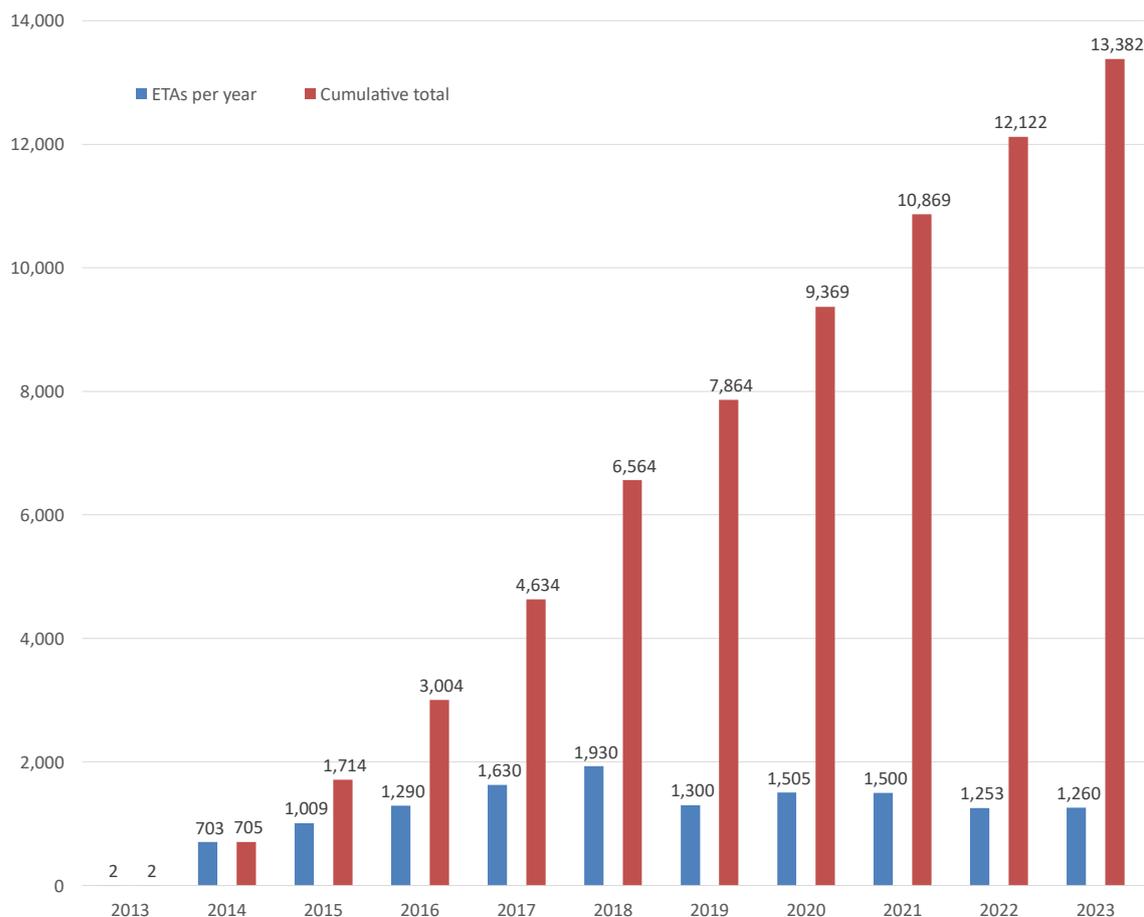
5.7 The overall trend shows a steady increase in adoption, with notable delays in citation after 2017. The gap between adoption and citation widens, particularly post-2018, reflecting known delays in the OJEU citation process and the impact of the James Elliot case described in paragraphs 3.51 to 3.58 of this report.

Analysis of post-EU Exit European Assessment Documents (EADs)

5.8 The number of ETAs produced each year and the cumulative total of ETAs from 2013 to 2023 is shown in Figure 5.2.

5.9 Figure 5.2 is a vertical bar chart with two data series and shows how many ETAs were issued each year (the blue bars), and the total cumulative number from 2013 to 2023 (the red bars). The annual number of ETAs is relatively stable and the cumulative line rises steadily, showing continuous use of the EAD/ETA system over time.

Figure 5.2 ETAs per year and cumulative totals 2013-2023



Source: EOTA, Adroit analysis

5.10 The data indicate that manufacturers consistently use this route for market access across multiple years. It should be noted that the EAD/ETA route was designed for innovative products and to be used only if a hEN was not available. As noted in Paragraph 3.65, the EC stated that no new harmonised standards were adopted between 2019 and 2022.

5.11 It is useful to note that the cumulative total of EADs cited is 2,004. The cumulative total for ETAs is 13,382. On average then, each EAD results in the production of about 7 ETAs. This shows that once an EAD (commissioned by one manufacturer) is cited, it is then used by 6 other manufacturers to obtain ETAs. Clearly there is demand from manufacturers for new EADs for products not covered by hENs and that once

Analysis of post-EU Exit European Assessment Documents (EADs)

one manufacturer sponsors the development of a new EAD, other manufacturers use that EAD to get their own ETAs.

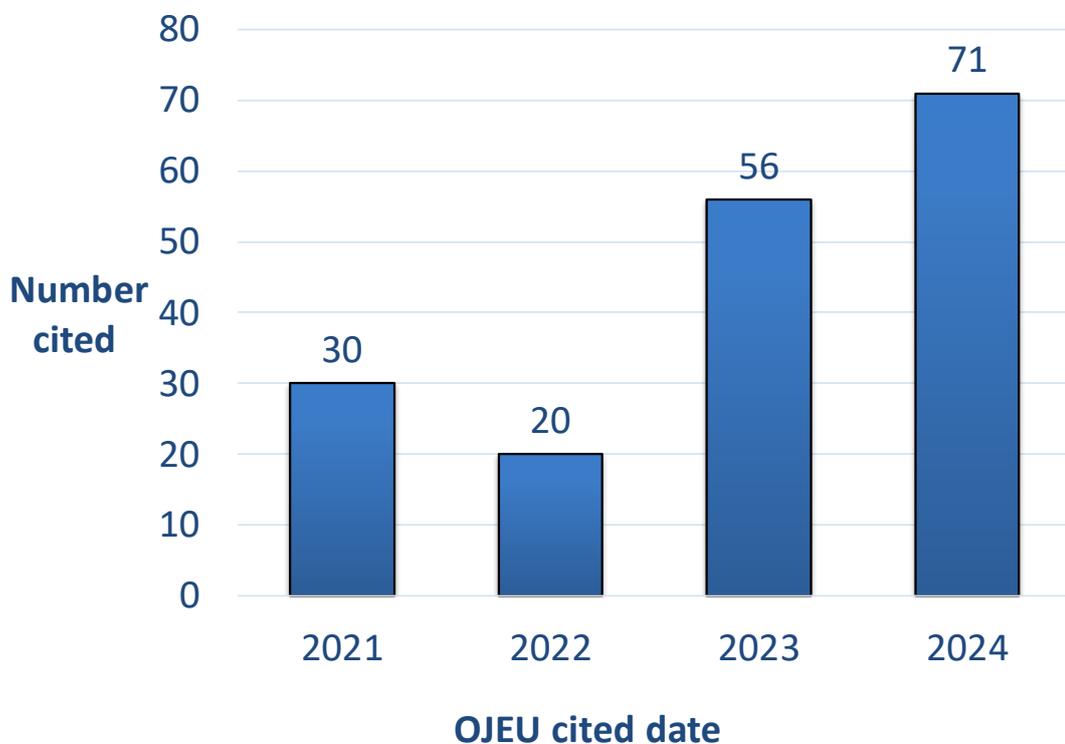
5.12 This overview provides context for considering the picture after the UK's exit from the EU.

Overview of post-EU exit EADs

5.13 From 2021 onwards, EADs cited in the OJEU are only available for use by UK TABs for the development of UKTAs providing they have observer status in EOTA and have agreed the cross-licensing agreement. In that time a total of 177 EADs were cited.

5.14 Figure 5.3 shows the number of EADs cited in the OJEU from 2021 to 2024.

Figure 5.3 EADs cited in the OJEU 2021 to 2024



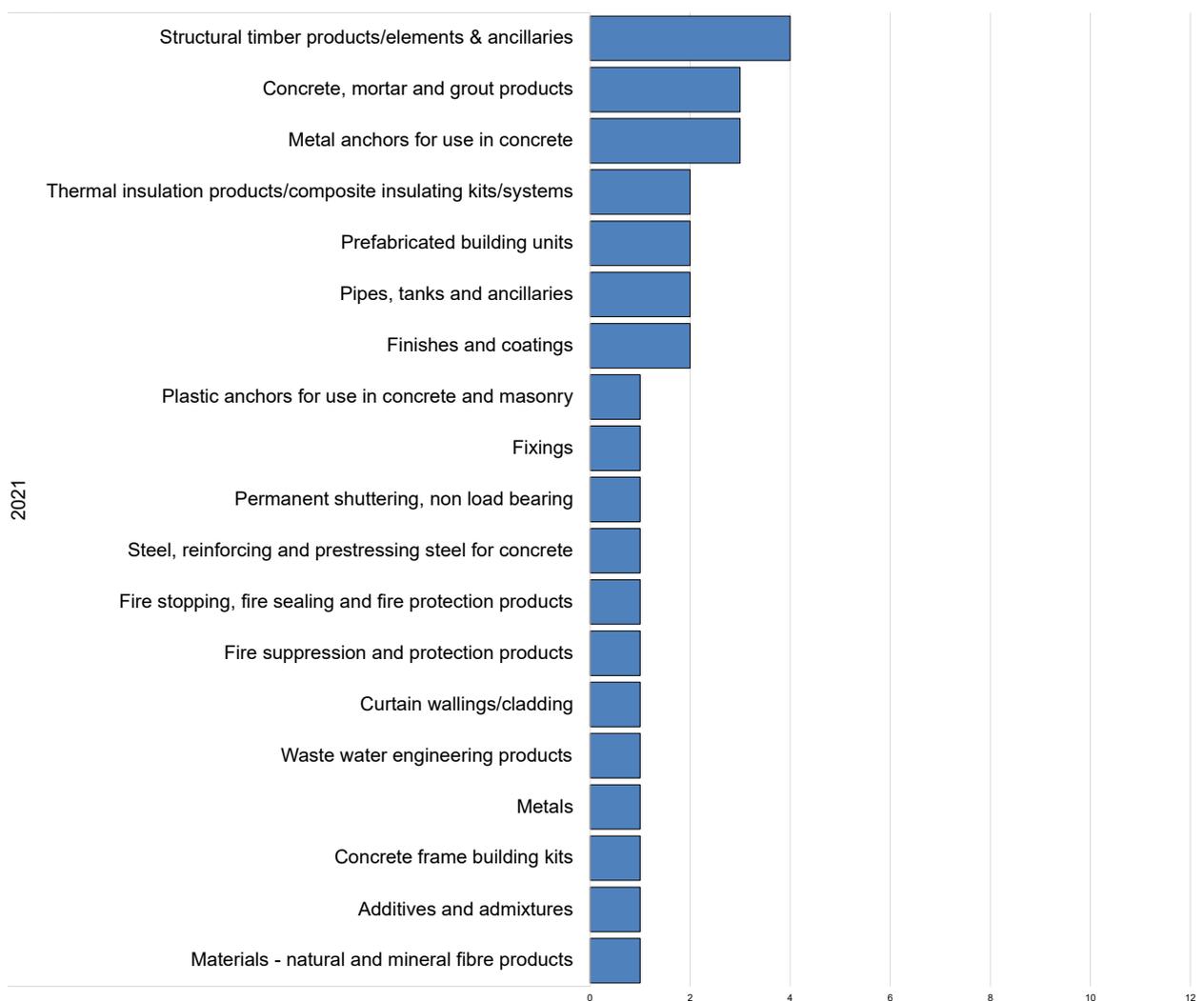
Source: EOTA

5.15 Figure 5.3 is a vertical bar chart and shows the number of EADs cited each year from 2021 to 2024. The chart clearly shows the impact of the slowdown in citations due to the James Elliot case (only 20 EADs were cited in 2022) and the subsequent Action Plan described in Paragraph 3.58.

EADs by product category

- 5.16 In undertaking the analysis as described in Paragraph 4.4, each EAD was reviewed and assigned to a product category using product categories defined for this research.
- 5.17 Assigning product categories required some judgement as EADs do not specifically state product categories; they focus on products and essential characteristics.
- 5.18 Figures 5.4 a-c show EAD citations each year from 2021 to 2024 by product category.
- 5.19 Figure 5.4a is a horizontal bar chart showing EAD citations for 2021 by product category. Each bar represents a category, with variation in length indicating the number of citations.

Figure 5.4a Total EAD citations by product category 2021



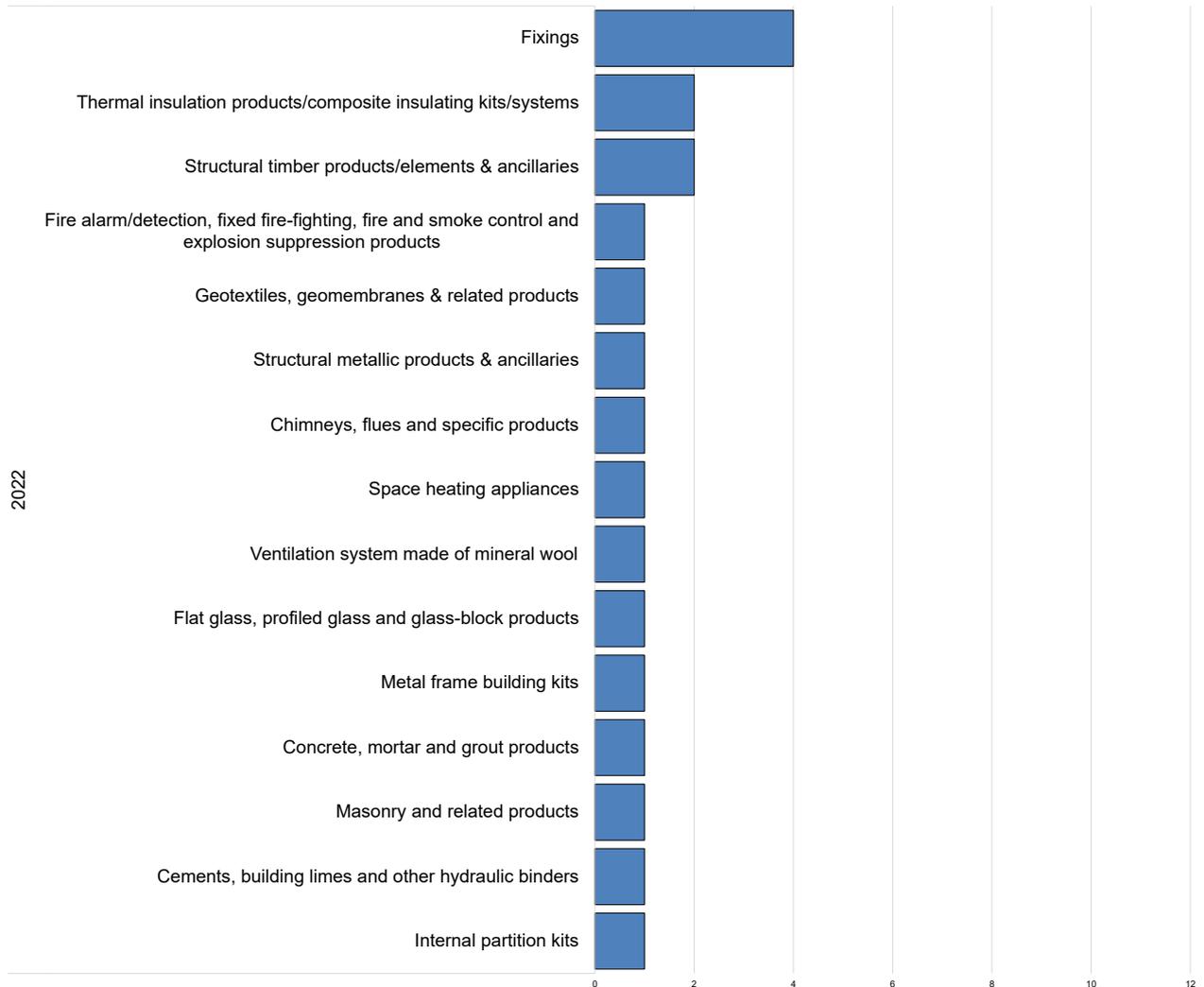
Source: Adroit Analysis, n = 30

- 5.20 The top product categories in 2021 were structural timber products, concrete and prefabricated building units and metal anchors for use in concrete.

Analysis of post-EU Exit European Assessment Documents (EADs)

5.21 Figure 5.4b is a horizontal bar chart showing EAD citations for 2022 by product category. Each bar represents a category, with variation in length indicating the number of citations.

Figure 5.4b Total EAD citations by product category 2022



Source: Adroit Analysis, n = 20

5.22 The top product categories in 2022 were Fixings, Thermal insulation products/composite insulating kits/systems and Structural timber products/elements and ancillaries.

Analysis of post-EU Exit European Assessment Documents (EADs)

5.23 Figure 5.4c is a horizontal bar chart showing EAD citations for 2023 by product category. Each bar represents a category, with variation in length indicating the number of citations.

Figure 5.4c Total EAD citations by product category 2023



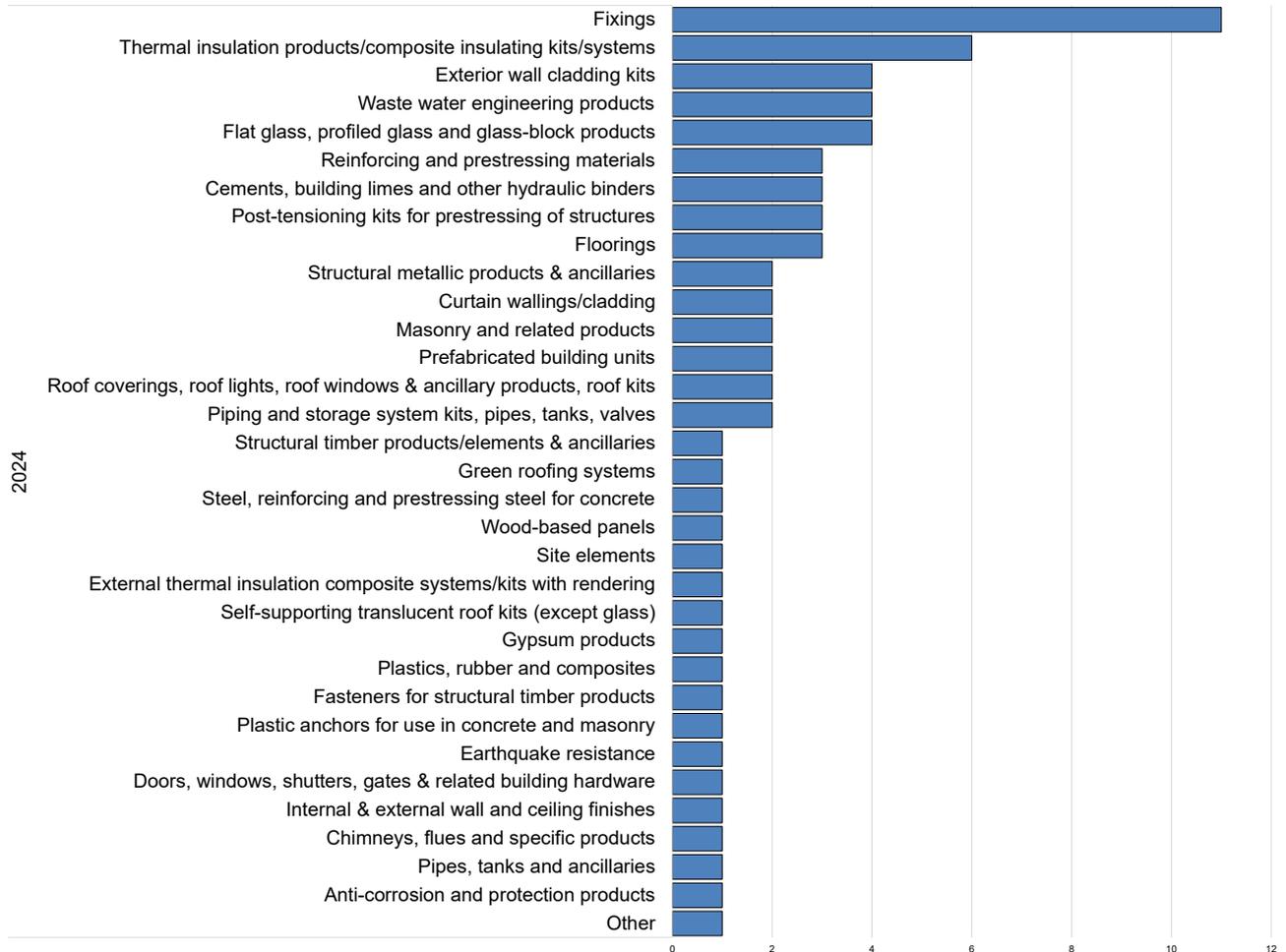
Source: Adroit Analysis, n = 56

5.24 The top product categories in 2023 were Thermal insulation products/composite insulating kits, Chimneys and flues and Fixings.

Analysis of post-EU Exit European Assessment Documents (EADs)

5.25 Figure 5.4d is a horizontal bar chart showing EAD citations for 2024 by product category. Each bar represents a category, with variation in length indicating the number of citations.

Figure 5.4d Total EAD citations by product category 2024



Source: Adroit Analysis, n = 71

5.26 The top product categories in 2024 were Fixings, Thermal insulation products/composite insulating kits, Exterior wall cladding kits, Waste water engineering products and Flat glass, profiled glass and glass block products.

5.27 It is useful to consider how the distribution of product categories covered by EADS changes over time. Table 5.1 is a comparison table showing the top five product categories cited in EADs for each year from 2021 to 2024. The table contains four columns labelled by year: 2021, 2022, 2023, and 2024. Each column lists the top five product categories (by number of EAD citations) for that year. Each row in the table corresponds to a ranking from first to fifth place, allowing for cross-year comparison.

Table 5.1 Top 5 product categories covered by EADs by year (2021 to 2024)

2021	2022	2023	2024
Structural timber products/elements & ancillaries	Fixings	Thermal insulation products/composite insulating kits/systems	Fixings
Concrete, mortar and grout products	Thermal insulation products/composite insulating kits/systems	Chimneys, flues and specific products	Thermal insulation products/composite insulating kits/systems
Prefabricated building units	Structural timber products/elements & ancillaries	Fixings	Exterior wall cladding kits
Metal anchors for use in concrete	Fire alarm/detection, fixed firefighting, fire and smoke control products	Flat glass, profiled glass and glass-block products	Waste water engineering products
Thermal insulation products/composite insulating kits/systems	Geotextiles, geomembranes & related products	Fire stopping, fire sealing and fire protection products	Flat glass, profiled glass and glass-block products

- 5.28 Fixings and thermal insulation products appear in the top five categories for three out of four years, with Fixings topping the list in 2022 and 2024. Both product types are often associated with fire safety, load-bearing capacity, or system reliability, highlighting the EAD system’s alignment with life safety functions.
- 5.29 By 2023 and 2024, categories such as chimneys and flues, flat glass, wastewater engineering products, and external wall cladding kits rise indicating a diversification of product types. This supports the view that EADs are being applied more widely across non-standard and innovative products, not limited to structural or fire-critical systems.
- 5.30 Structural timber, concrete, and prefabricated building units dominate the 2021 rankings, reflecting more traditional construction elements. Their reduced presence in later years may reflect either market saturation or increased citation of more specialist systems in subsequent years.
- 5.31 The shifts across the four years suggest that EADs are increasingly used to fill gaps where no harmonised standards exist.

5.32 Many of the top categories (e.g. cladding kits, insulation, fixings, chimneys/flues) relate to fire performance or structural safety which underscores the importance of maintaining EAD access or equivalent technical routes post-EU Exit. The absence of UKADs addressing these categories highlights a potential divergence in regulatory pathways.

Safety-related measures

Reaction and resistance to fire

5.33 The frequency with which EADs include reaction to fire and resistance to fire characteristics provides a credible proxy for assessing their relevance to life safety.

5.34 These characteristics are core elements of fire performance regulation and are particularly significant for products used in external walls, internal linings, and structural compartments.

5.35 Both characteristics are directly tied to fire performance:

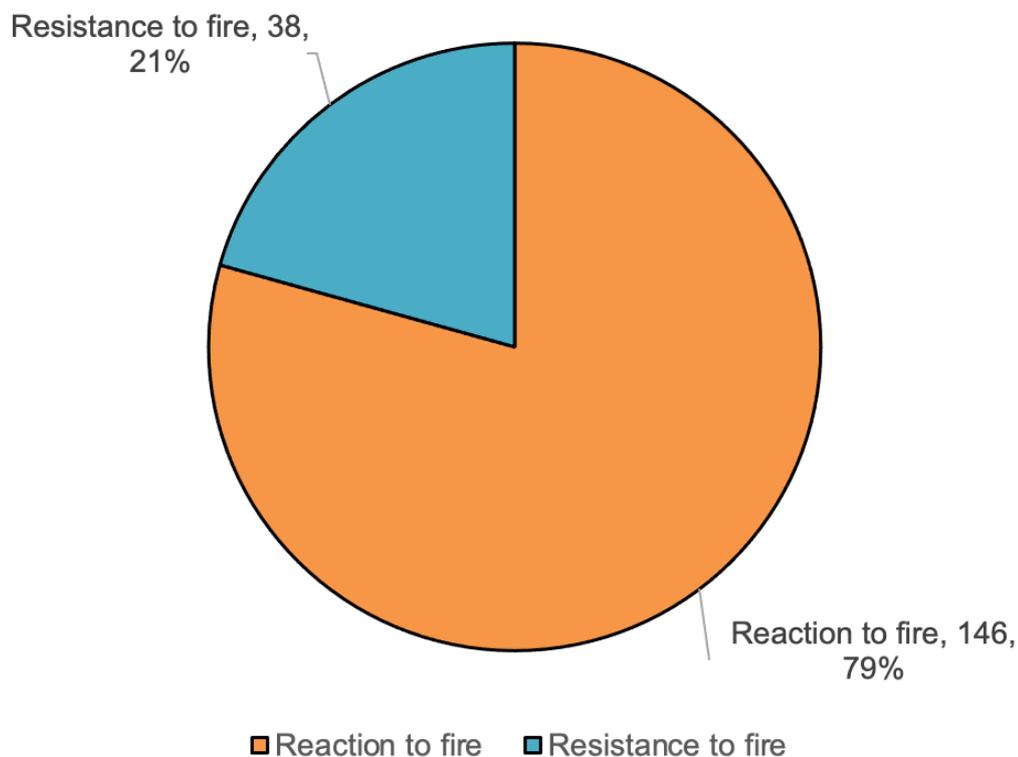
- reaction to fire evaluates how easily a product ignites and contributes to flame spread (surface spread of flame, smoke production, etc.);
- resistance to fire measures how long a product or system can withstand exposure to fire while maintaining its function (e.g. structural integrity, compartmentation).

5.36 These are among the most critical life safety attributes in building products, especially those in:

- façade and cladding systems;
- internal linings;
- doors (especially fire doors), ducts, partitions, and load-bearing elements.

5.37 The essential characteristics of reaction and resistance to fire are shown in Figure 5.5 for the EAD dataset.

Figure 5.5 Reaction and resistance to fire



Source: Adroit Analysis

5.38 Figure 5.5 is a pie chart showing the proportion of EADs that mention reaction and resistance to Fire. Overall, 146 EADs (79%) mention reaction to fire and 38 EADs (21%) mention resistance to fire. This reflects the emphasis on fire performance across a wide range of product types and provides an important link to life safety risks.

Other essential characteristics relating to safety

5.39 EADs do not explicitly identify products in terms of their life safety risk directly. Rather, they identify the essential characteristics of the product that affect safety. It is therefore possible to construct a 'proxy' metric by extracting and tabulating the number of times essential characteristics relating to safety are mentioned. Here it is assumed that products whose EADs mention numerous essential characteristics related to safety are of more importance in considering life safety risk.

5.40 Areas of interest for safety issues in EADs are therefore captured by two sets of essential characteristics defined by basic work requirements with safety subcategories:

- safety in case of fire where 33 characteristics are identified (dominated by reaction and resistance to fire);
- safety and accessibility in use where 144 characteristics are identified.

Analysis of post-EU Exit European Assessment Documents (EADs)

- 5.41 Analysing the full set of 177 characteristics and ranking them by the number of EADs which use them to describe essential characteristics related to safety, produces a comparison of how many times these characteristics are included in each EAD. This is shown in Table 5.2.

Table 5.2 Number of EADs mentioning essential characteristics related to safety 2021 to 2024

Characteristic	Number	% of total	Cumulative %
Reaction to fire	146	22%	22%
Resistance to fire	38	6%	28%
Impact resistance	27	4%	32%
Propensity to undergo continuous smouldering of ETICS	25	4%	36%
Dimensions	22	3%	39%
External fire performance	14	2%	41%
Bending strength	14	2%	43%
Tensile strength	14	2%	45%
Compression resistance	14	2%	48%
Shear strength	11	2%	49%
Wind resistance	10	2%	51%
Mechanical resistance	10	2%	52%
Resistance to freeze and thaw	9	1%	54%
Facade fire performance	8	1%	55%
Watertightness	8	1%	56%
Bond strength	8	1%	57%
Load bearing capacity	8	1%	58%
Chemical resistance	8	1%	60%
Operating temperature	7	1%	61%
Thickness	7	1%	62%

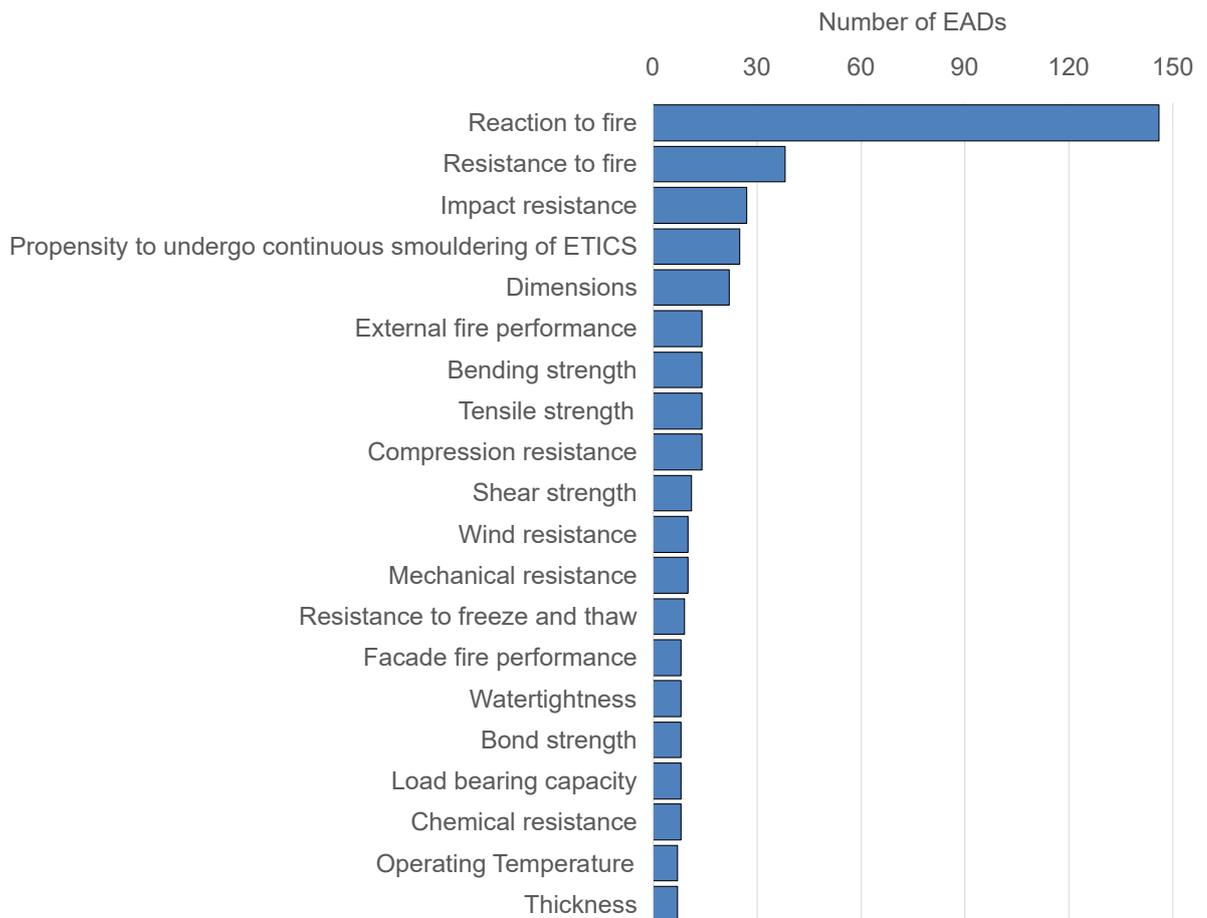
Source: Adroit Analysis

- 5.42 Table 5.2 tabulates Essential Characteristics showing the number of EADs mentioning each characteristic, the percentage of the total and the cumulative percentage of EADs. It can be seen from Table 5.2 that fire-related concerns

dominate with reaction to fire being mentioned in 146 EADs. Table 5.2 also shows the cumulative percentage showing that the ‘Top 20’ safety related essential characteristics were mentioned in 62% of all EADs cited between 2021 and 2024.

5.43 Adding characteristics specified by safety in use brings through essential characteristics related to structural integrity, for example in structural components where bending, shear and tensile strength, and wind resistance are important. Figure 5.6 shows the number of EADs by safety related essential characteristics.

Figure 5.6 The number of EADs by safety related essential characteristics



Source: Adroit Analysis

5.44 Figure 5.6 is a horizontal bar chart where the length of the bars indicates the number of times EADs mention each essential characteristic. The chart is dominated by reaction to fire and resistance to fire.

Volume of safety-focused EADs based on AVCP system analysis

5.45 Another way to look at product safety and life risk is to use the AVCP system required by the EAD as a proxy for risk. In general, higher risk products require higher levels of third-party testing and assessment as described in Paragraph 3.10.

5.46 The analytical difficulty here is that numerous EADs mention more than 1 AVCP system because the system designation is determined by the TAB in the ETA depending on the intended use of the product. However, in general, the first mention

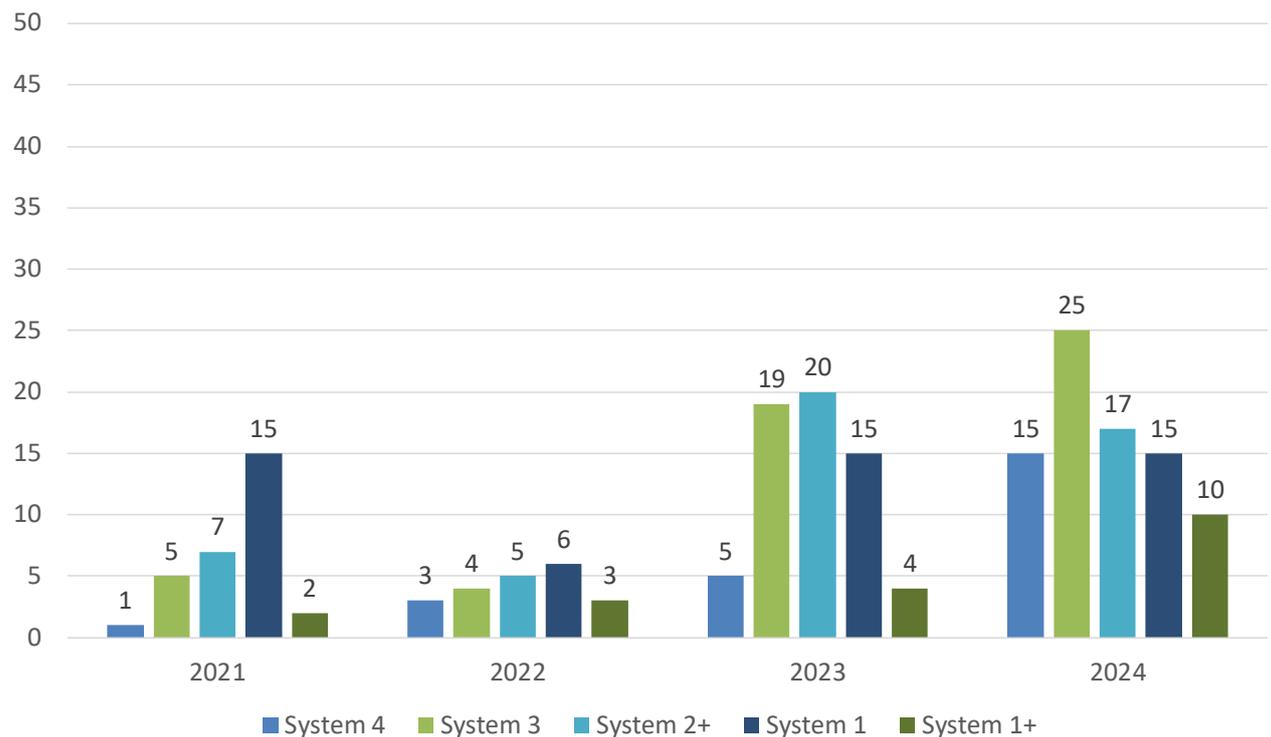
Analysis of post-EU Exit European Assessment Documents (EADs)

of the AVCP system is related to the mostly likely use of the product as described by the manufacturer. A picture of this data can be developed by looking in turn at:

- the 'first mention' of the AVCP system for its intended use;
- all AVCP systems mentioned in each EAD.

5.47 Figure 5.7 is a vertical bar chart organised by year and AVCP system with the height of the bars corresponding to the number of times each system is first mentioned in each of the EADs analysed.

Figure 5.7 First mentioned AVCP system by year and system

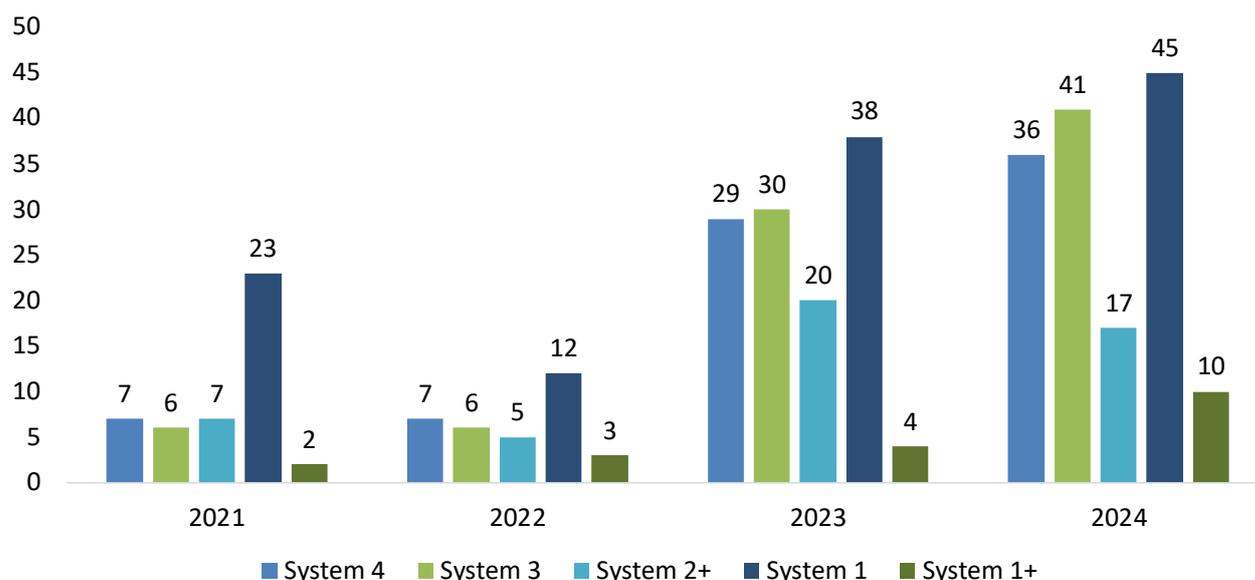


Source: Adroit Analysis

5.48 For Figure 5.7, note that AVCP System 1+ and 1 are the systems requiring the highest levels of assessment and for these, total mentions rise from 17 in 2021 to 25 in 2024.

5.49 Figure 5.8 is a vertical bar chart organised by year and AVCP system with the height of the bars corresponding to the number of times all systems are mentioned in each of the EADs analysed.

Figure 5.8 All AVCP systems mentioned by year and system



Source: Adroit Analysis

Interpreting the AVCP analysis

- 5.50 Between 2021 and 2024, the number of EADs first mentioning AVCP System 1+ or 1 increased in absolute terms from 17 to 25, indicating a modest rise in the use of high-assurance conformity pathways. However, over the same period, the total number of EADs increased more significantly. As a result, the proportion of EADs first citing System 1+/1 fell from 55% in 2021 to 26% in 2024. This shift suggests that while the absolute number of high-risk products remains steady or is growing slightly, the scope of the EAD system has expanded to include a broader array of lower-risk products.
- 5.51 This interpretation is reinforced by the distribution of AVCP Systems 2+, 3, and 4, which continue to dominate the overall dataset. System 4, in particular, allows manufacturer self-declaration and is most associated with non-structural or lower-risk products.
- 5.52 The data also show that many EADs refer to multiple AVCP systems, depending on product type and intended use. Although the “first mention” is used analytically as the most likely intended application, the presence of multiple systems within a single EAD, points to the flexibility and adaptability of the EAD framework but also introduces complexity in assessing oversight stringency at the system level.
- 5.53 Taken together, these findings suggest that the EAD framework is now functioning as a general-purpose conformity route, increasingly applied in the absence of new or updated hENs confirming the EAD system’s evolution from a specialised tool to a broader regulatory mechanism.

6. Conclusion

- 6.1 In this report the development and use of EADs and ETAs since the UK's exit from the EU is examined. A focused analysis of all EADs cited from 2021 to 2024 with an analysis of trends and product safety implications is provided.
- 6.2 This analysis provides evidence that the EAD system continues to be actively used as a route to product conformity, particularly in areas where harmonised standards (hENs) do not exist or are not being updated. It plays an especially significant role in supporting construction product regulation for items with critical safety implications, such as fire performance and structural stability.
- 6.3 The findings show that reaction to fire and resistance to fire are the most frequently cited safety characteristics, appearing in 79% and 21% of EADs respectively. These relate to product types such as external cladding, fixings, insulation systems, fire doors, ducts, and structural components. In total, 60% of all EADs referenced at least one of the 20 most common safety-related characteristics.
- 6.4 The essential characteristics related to fire safety and safety in use and the AVCP analysis presented provide complementary perspectives: the former identifies potential fire and other characteristics (such as structural performance) based on product categories, while the latter reflects the level of third-party regulatory oversight then required under the EU-CPR 2011.
- 6.5 Analysis of AVCP systems shows that while System 1+/1 usage grew in absolute terms, its proportional use declined, falling from 55% of first mentions in 2021 to just 26% in 2024. This reflects a broader use of the EAD system for lower-risk and non-structural products, many of which rely on AVCP Systems 2+, 3 or 4, with significantly lower oversight.
- 6.6 Importantly, the analysis confirms that under the EU-CPR 2011, the EAD framework functioned as a general-purpose conformity route, increasingly applied in the absence of new or updated hENs confirming the EAD system's evolution from a specialised tool to a broader regulatory mechanism. This is also evidenced by the stress on the system caused by increased scrutiny following the CJEU ruling on standardisation governance.
- 6.7 The EC noted that the AVCP process presented challenges, including delayed citation, limited transparency in ETAs, and barriers for SMEs seeking market entry. The EU-CPR 2024 introduced measures to address some of these limitations by clarifying performance HTS and EAD system assignments, increasing EC oversight of TABs, and establishing mechanisms to accelerate the development and adoption of harmonised standards where delays occur. The EU-CPR 2024 also replaces the AVCP system with the revised AVS and introduces digital and sustainability requirements.
- 6.8 From a UK perspective, no UK Assessment Documents (UKADs) are publicly evident as having been brought forward since EU Exit, and there is no evidence of independently issued UK Technical Assessments (UKTAs). While the UK permits CE-marked products and UK TABs retain observer status within EOTA, the absence of a

Analysis of post-EU Exit European Assessment Documents (EADs)

parallel UK-based technical specification process raises questions about regulatory alignment and innovation support.

- 6.9 EADs and ETAs under the EU-CPR 2011 are scheduled to be phased out by 2035. CE marking will therefore increasingly reflect EU-specific sustainability, digital, and performance requirements introduced under the EU-CPR 2024 which are not currently reflected in the UK-CPR.

Annex 1 - Glossary of acronyms/terms

Acronym/Term	Definition
AVCP	Assessment and Verification of Constancy of Performance - defined how construction products were assessed under the EU-CPR 2011.
AVCP System 1+, 1, 2+, 3, 4	AVCP systems under the EU-CPR 2011, ranging from the most stringent (System 1+) to the least (System 4). These define the level of third-party intervention required for product assessment.
AVS	Assessment and Verification Systems - the EU-CPR 2024 system replacing AVCP including updated conformity requirements and a new sustainability assessment system.
AVS System 1+, 1, 2, 3+, 3, 4	AVS systems under the EU-CPR 2024, replace the AVCP systems adding in 3+ which adds sustainability assessment.
CAB	Conformity Assessment Body.
CE Marking	Conformité Européenne - marking that indicates a product meets EU safety, health, and environmental protection requirements.
EU-CPR 2011	Construction Products Regulation 305/2011; framework regulations governing the marketing and conformity of construction products.
EU-CPR 2024	Construction Products Regulation (EU) 2024/3110; the updated regulatory framework replacing the EU-CPR 2011, introducing performance HTS, AVS, sustainability requirements and digital obligations such as the Digital Product Passport.
DG GROW	European Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
DPP	Digital Product Passport - a system for providing detailed, machine-readable product information.
DoP	Declaration of Performance - a formal statement from manufacturers detailing how a construction product performs in relation to essential characteristics.

Analysis of post-EU Exit European Assessment Documents (EADs)

Acronym/Term	Definition
DoPC	Declaration of Performance and Conformity - the EU-CPR 2024 document combining performance and regulatory conformity in a single declaration.
EAD	European Assessment Document - a harmonised technical specification developed when no suitable harmonised standard exists.
EOTA	European Organisation for Technical Assessment - the body coordinating the development of EADs across EU TABs.
ETA	European Technical Assessment - a conformity assessment issued for a specific product using an EAD.
EU	European Union.
FPC	Factory Production Control - internal quality control and testing performed by the manufacturer.
hEN	Harmonised European standard - a standard developed by European standardisation organisations (e.g., CEN) under a mandate from the EC.
HTS	Harmonised technical specification under the EU-CPR 2011 was a broad category that included both hENs and EADs.
Performance HTS	A performance HTS is a harmonised technical specification under the EU-CPR 2024, consisting of performance-harmonised standards or EC implementing acts.
MHCLG	Ministry of Housing, Communities & Local Government.
NAB	National Accreditation Body - the national authority responsible for accrediting conformity assessment bodies.
OJEU	Official Journal of the European Union - the official publication where EADs must be cited before being used for CE marking.
SMEs	Small and Medium-Sized Enterprises - businesses typically employing fewer than 250 people.
RTAB	Responsible Technical Assessment Body - the notified body contracted by a manufacturer to develop, agree and issue an ETA

Analysis of post-EU Exit European Assessment Documents (EADs)

Acronym/Term	Definition
TAB	Technical Assessment Body - a notified body authorised to carry out technical assessments and issue ETAs or UKTAs.
UKAD	UK Assessment Document - the domestic equivalent of an EAD under UK-CPR.
UKCA	UK Conformity Assessed - the UK's product marking equivalent to CE marking, introduced post-EU Exit.
UKMCAB	UK Market Conformity Assessment Bodies - the database of UK-approved bodies.
UK-CPR	Great Britain Construction Product Regulation - the UK government made legislation in March 2019 which came into effect on 1 January 2021 to make arrangements for the regulation of construction products post-EU Exit.
UKTA	UK Technical Assessment - a conformity assessment under the UK-CPR based on a UKAD.