

# THE MINISTRY OF THE ENVIRONMENT, PHYSICAL PLANNING AND CONSTRUCTION

3136

Pursuant to Articles 32, 39 and 46 of the Construction Products Act (Official Gazette 86/08) , the Minister of the Environment, Physical Planning and Construction hereby issues the

## ORDINANCE

### ON CONFORMITY ASSESSMENT, DOCUMENTS OF CONFORMITY AND THE MARKING OF CONSTRUCTION PRODUCTS

#### I. GENERAL PROVISIONS

##### Article 1

This Ordinance stipulates the conditions for issuing, extending and revoking the authorisation to conduct conformity assessment procedures and issue certificates of conformity, systems for the conformity assessment of construction products, the conditions for issuing and the content of documents of conformity, the manner of marking construction products, the form and content of conformity markings, and the manner of keeping and the content of records of issued documents of conformity.

The provisions of this Ordinance pertaining to construction products shall also pertain to a group of individual construction products connected in a certain way in terms of technology or function, with a common intended use for which they satisfy the requirements, thus connected (hereinafter: group of construction products).

##### Article 2

For the purposes of this Ordinance the following terms have the following meanings:

- *authorised person* means a person authorised by the Ministry to conduct activities of conformity assessment, issuing certificates of factory production control and/or issuing certificates of conformity for the construction product,
- *responsible person* means an employee of the authorised person designated as the responsible person for conducting testing activities for construction products, activities of production supervision for construction products or for issuing certificates of conformity,
- *certificate of factory production control* means a certificate of conformity of the factory production control system for a construction product with the conditions for factory production control stipulated in the technical specifications for the said product,
- *certificate of conformity* means a certificate of conformity of the construction product with technical specifications,
- *declaration of conformity* means a declaration of conformity of a construction product with technical specifications,
- *authorisation* means a decision by virtue of which the Minister authorises a legal person to

conduct activities of conformity assessment, to issue a certificate of factory production control and/or to issue certificates of conformity for construction products,

– *product area* means the area of use of construction products which have a similar intended use and properties, stipulated by a special regulation.

The terms: technical specification, Ministry, minister, construction product, factory, manufacturer, distributor, importer and authorised representative shall have the meaning set out in the Act on Construction Products.

### Article 3

For the purposes of this Ordinance the following terms used in the standards to which this Ordinance makes references have the following meanings:

– testing laboratory (HRN EN ISO/IEC 17025:2007) means a person authorised to conduct testing activities on construction products,

– body conducting the inspection (inspection body) (HRN EN ISO/IEC 17020:2005) means a person authorised to conduct activities of continuous surveillance, judgement and assessment of factory production control,

– body conducting the certification of the management system (certification body) (HRN EN ISO/IEC 17021:2007) means a person authorised to conduct continuous surveillance, judgement and assessment of factory production control, i.e. a person authorised to conduct activities of initial factory inspection and activities of initial inspection of factory production control ,

– institution for product certification (HRN EN 45011:1998) means a person authorised to conduct activities of initial factory inspection and activities of initial inspection of factory production control , activities of continuous surveillance, judgement and assessment of factory production control, i.e. a person authorised for issuing certificates of factory production control and/or certificates of conformity.

## II. CONDITIONS FOR CONDUCTING THE ACTIVITIES

### Article 4

A person authorised to conduct conformity assessment activities for construction products shall meet the requirements stipulated in the following Croatian standards with the addition of special conditions for construction products or groups of construction products, and depending on the activities it is authorised to conduct, namely:

– for activities of testing construction products, the requirements stipulated in standard HRN EN ISO/IEC 17025:2007,

– for activities of continuous surveillance, judgement and assessment of factory production control, the requirements stipulated in standard HRN EN ISO/IEC 17020:2005,

– for activities of initial factory inspection and initial inspection of factory production control , the requirements stipulated in standard HRN EN ISO/IEC 17021:2007.

A person who meets the conditions for conducting the activities referred to in paragraph 1, subparagraphs 2 and 3 of this Article shall be deemed to meet the conditions for issuing the certificate of factory production control.

The conditions for conducting activities of initial factory inspection and initial inspection of factory production control, continuous surveillance, judgement and assessment of factory production control, and for issuing certificates of factory production control shall be deemed to be met by a person who meets the conditions stipulated in standard HRN EN 45011:1998

with the addition of special conditions for the construction products or groups of construction products for which the authorisation is issued.

#### Article 5

A person authorised for issuing the certificate of conformity shall meet the requirements stipulated in standard HRN EN 45011:1998 with the addition of special conditions for construction products or groups of construction products for which the authorisation is issued. In addition to the conditions referred to in paragraph 1 of this Article, a person authorised for issuing certificates of conformity shall also meet the requirements stipulated in the following standards, with the addition of special conditions for construction products or groups of construction products, namely:

- for activities of testing construction products – the requirements stipulated in standard HRN EN ISO/IEC 17025:2007, and
  - for activities of continuous surveillance, judgement and assessment of factory production control – the requirements stipulated in standard HRN EN ISO/IEC 17020:2005, or
  - for activities of initial factory inspection and initial inspection of factory production control – the requirements stipulated in standard HRN EN ISO/IEC 17021:2007,
- at least for one construction product from the product area to which belong the construction products or groups of construction products for which the authorisation for issuing the certificate of conformity for a construction product is issued.

#### Article 6

A person authorised to conduct activities of issuing certificates of conformity shall, for the purpose of securing a balance of interests, set up an internal body in charge of supervision of the conducting of activities of issuing certificates of conformity (hereinafter: the committee). The committee shall consist of representatives of the Ministry and other state administration bodies, depending on the construction products and/or groups of construction products for which the authorisation is issued, the Croatian Chamber of Economy and/or manufacturer interest groups, depending on the construction products and/or groups of construction products for which the authorisation is issued, and consumer associations registered in accordance with a special law.

State administration bodies and manufacturer interest groups whose representatives are appointed in the committee must be stated in the general legal act of the authorised person.

#### Article 7

An authorised person shall participate in the monitoring of the developments in the profession within the area of the products for which it has been authorised, and establish contact with other authorised persons and appropriate authorised persons from Member States and candidate countries for EU membership.

An authorised person shall report to the Ministry on the completion of the duties referred to in paragraph 1 of this Article, without a special request, once a year, or more frequently, at the request of the Ministry.

#### Article 8

An authorised person may not conduct activities of production, representation, import or distribution of construction products or raw materials used in the production of construction products.

An authorised person may not conduct conformity assessment activities for construction products, nor may it issue a certificate of factory production control for a construction product, or a certificate of conformity for a construction product for which the manufacturer has hired him to conduct the activities of conformity assessment for construction products in accordance with Article 16, paragraph 2 of this Ordinance.

Paragraph 2 of this Article shall not apply to a person authorised to conduct activities of testing of construction products or groups of construction products, accredited in accordance with standard HRN EN ISO/IEC 17025:2007 with the addition of special conditions for construction products or groups of construction products for which the manufacturer has hired him to conduct activities of testing a construction product.

In the case referred to in paragraph 3 of this Article, employees of the authorised person who have conducted activities of testing construction products or groups of construction products for the manufacturer may not conduct for that product other activities of conformity assessment or activities of issuing a certificate of factory production control for the construction product, i.e. a certificate of conformity for the construction product for which the legal person in which they are employed is authorised.

#### Article 9

A person authorised to conduct activities of conformity assessment for construction products shall designate one or more of its employees as the responsible person for conducting activities of testing construction products, i.e. for conducting activities of inspection of factory production control, and for issuing an appropriate document attesting to the completion of these activities, for a particular construction product or a group of construction products. The responsible person must be a permanent full-time employee and an expert for the construction product or the group of construction products for the testing, i.e. inspection of which he has been appointed.

A person shall be considered as an expert for the construction product referred to in paragraph 2 of this Article if he has at least three years of service in the following activities:

1. design and/or production of construction products from the product area of the construction product for which the person is designated;
2. conformity assessment and/or issuing certificates of conformity for construction products from the product area of the construction product for which the person is designated;
3. design and/or construction of buildings in the professional area in which construction products from the product area of the construction product for which the person is designated are used, and
4. normative and/or professional analytical construction activities connected with construction products, of which minimum two years of service must be had in conducting one of the said activities.

#### Article 10

The responsible person referred to in Article 9 of this Ordinance shall be particularly responsible for:

- accepting jobs of conducting activities of testing construction products, i.e. conducting activities of factory production control inspection and issuing the appropriate document, in terms of whether the persons participating in this procedure have appropriate professional

competence and whether appropriate equipment for conducting these activities is at the disposal of the authorised person,

- conducting activities of testing construction products, i.e. of inspecting factory production control in accordance with the regulations in force and the rules of the profession,
- ensuring independence in the conducting of conformity assessment activities for construction products from the manufacturer, authorised representative, importer, or distributor.

The responsible person must be ensured, in the articles of association of the authorised person, autonomy and independence from the management of the authorised person in making decisions pertaining to the activities referred to in paragraph 1 of this Article.

Accepting jobs of conducting activities of testing construction products, i.e. activities of factory production control supervision for which the authorised person is not authorised or for which it does not fulfil the stipulated conditions, and issuing pertinent documents against regulations in force or rules of the profession shall be considered a severe breach of duty on the part of the responsible person.

#### Article 11

A person authorised to issue certificates of conformity shall designate one or more of his employees as the responsible person for evaluating and/or final assessment of the results of conformity assessment and for issuing certificates of conformity for a particular construction product or group of construction products.

The responsible person must be a permanent full-time employee and an expert for the construction product or group of construction products for the testing, i.e. inspection of which he has been designated.

A person shall be considered as an expert for the construction product referred to in paragraph 2 of this Article if he has at least five years of service in the following activities:

1. design and/or production of construction products from the product area of the construction product for which the person is designated;
2. conformity assessment and/or issuing certificates of conformity for construction products from the product area of the construction product for which the person is designated;
3. design and/or construction of buildings in the professional area in which construction products from the product area of the construction product for which the person is designated are used, and
4. normative and/or professional analytical construction activities connected with construction products, of which minimum three years of experience must be had in conducting one of the said activities.

#### Article 12

The responsible person referred to in Article 11 of this Ordinance shall be particularly responsible for:

- accepting and performing jobs of issuing certificates of conformity, in terms of whether the persons participating in this procedure have appropriate professional competence and whether appropriate equipment for conducting these activities is at the disposal of the authorised person,
- conducting activities of issuing certificates of conformity in accordance with the regulations in force and the rules of the profession,
- ensuring independence in the conducting of activities of issuing certificates of conformity in relation to the manufacturer, importer or distributor.



In making decisions pertaining to the activities referred to in paragraph 1 of this Article the responsible person must be ensured, in the articles of association of the authorised person, autonomy and independence from the management of the authorised person.

Accepting jobs of issuing certificates of conformity for which the authorised person is not authorised or for which it does not fulfil the stipulated conditions, and conducting activities of issuing certificates of conformity against regulations in force or rules of the profession shall be considered a severe breach of duty on the part of the responsible person.

#### Article 13

Employees of the authorised person who conduct activities in the conformity assessment procedure for construction products, i.e. who conduct activities of issuing certificates of conformity, shall be responsible for the pertinent activities they conduct and in particular in terms of using devices and equipment, applying appropriate technical knowledge, and in terms of accuracy, veracity and promptness in conducting these activities.

Acting against regulations in force, failing to adhere to the rules of the profession, or failing to apply appropriate technical knowledge in conducting the activities, i.e. particular activities referred to in paragraph 1 of this Article shall be considered a severe breach of duty.

#### Article 14

A responsible person, employees of the authorised person who conduct activities in the conformity assessment procedure for construction products, employees of the authorised person who conduct activities of issuing certificates of conformity, and employees of the management of the authorised person shall not conduct activities of production, representation, import or distribution of construction products or raw materials used in the production of construction products, nor shall they have ownership of economic operators registered for conducting the said activities.

All employees of the authorised persons shall keep any information pertaining to construction products which they obtain in the course of conducting their jobs as a professional secret, unless it is otherwise stipulated by the law or this Ordinance.

#### Article 15

Severe breach of duty referred to in Article 10, paragraph 3, Article 12, paragraph 3, and Article 13, paragraph 2 of this Ordinance and other breaches of duty and appropriate disciplinary measures must be stipulated in the articles of association or another general legal act of the authorised person.

An authorised person shall ensure that any economic operators and their employees whom it includes in the conducting of particular activities of conformity assessment for construction products fulfil the conditions and observe the obligations stipulated in Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance.

A responsible person shall be responsible for any economic operators or their employees whom he includes in the conducting of particular activities of conformity assessment for construction products.

#### Article 16

For the purpose of conducting activities which make part of the conformity assessment procedure for construction products, a manufacturer shall:

- have special organisational units whose scope of work shall be to conduct the stipulated activities (testing laboratory and/or continuous factory production control),
- designate a responsible person for the operating of the organisational unit which conducts special activities in the conformity assessment procedure for construction products, and
- establish a system of written rules for conducting particular activities in the conformity assessment procedure for construction products, which must be such that it ensures technical correctness and accuracy, objectivity of obtained results and conformity to the requirements of the appropriate standard for the construction product (test subject and frequency, equipment calibration, production process supervision, etc.).

The manufacturer may entrust the conducting of activities which make part of the conformity assessment procedure for construction products to another person who fulfils the conditions referred to in paragraph 1 of this Article.

The person referred to in paragraph 2 of this Article shall conduct the entrusted activities on behalf of and for account of the manufacturer, and in conducting these activities he shall have the same position and obligations in relation to the Ministry and authorised persons as the manufacturer.

### III. GRANTING AND EXTENDING AUTHORISATION

#### Article 17

Authorisation for conducting activities of conformity assessment for construction products and authorisation for conducting activities of issuing certificates of conformity shall be granted to legal persons who fulfil the conditions stipulated in this Ordinance for the period of two years, extendable for the same period of time.

Authorisation may be extended if the authorised person continues to fulfil the conditions for authorisation and if he duly fulfils the obligations referred to in Article 7 and Article 15, paragraph 2 of this Ordinance.

The authorisation referred to in paragraph 1 of this Article shall not be granted for activities conducted in the conformity assessment procedure by the manufacturer.

#### Article 18

Authorisation shall be granted and extended by the minister on the basis of a previously obtained opinion issued by the Commission for Construction Products.

The Commission referred to in paragraph 1 of this Article shall be established and its members appointed by the minister.

#### Article 19

Authorisation for conducting activities of conformity assessment for construction products shall be granted for conducting particular activities in that procedure for a particular construction product or a group of construction products with regard to the technical specifications for that product or group of construction products, and for recognising foreign documents pertaining to conformity assessment activities.

Authorisation for conducting activities of issuing certificates of conformity shall be granted for a particular construction product or a group of construction products with regard to the technical specifications for that product or group of construction products, for conducting particular activities in the conformity assessment procedure for construction products for

which the conditions have been fulfilled, and for authenticating documents pertaining to conformity assessment activities issued by a foreign construction products manufacturer.

## Article 20

Requests for authorisation shall be submitted to the Ministry.

The following shall be enclosed with a request for authorisation:

- a list featuring information about the type and scope of activities and actions, the construction product or group of construction products for which authorisation is requested, and the technical specifications stipulated for that product or group of products,
- the decision on the registration in the court register and a court register extract,
- proof of fulfilling the conditions referred to in Articles 4 and 5 of this Ordinance,
- the articles of association and/or another general legal act which demonstrates that the applicant has fulfilled the other conditions stipulated in this Ordinance,
- the decision on the appointment of a responsible person for each construction product or group of construction products for which authorisation is requested, and proof that the responsible person fulfils the stipulated conditions,
- information on the technical equipment, staff and locations on which the activities are conducted,
- proof of insurance against damage that the legal person might do in the course of conducting the activities for which authorisation is to be granted,
- proof of payment of costs of the authorisation procedure.

A request for an extension of authorisation shall contain the lists, documents and proof referred to in paragraph 2 of this Article, and proof of fulfilling the conditions referred to in Article 7 and Article 15, paragraph 2 of this Ordinance.

For the purpose of establishing facts relevant for authorisation, the applicant shall, at the request of the Ministry, submit additional documents and proof, and permit an inspection of the technical equipment and locations on which the activities are conducted.

The proof referred to in paragraph 2, subparagraph 3 of this Article shall refer to a certificate of accreditation with regard to the appropriate Croatian standard, with the addition of special conditions for the construction products or group of construction products for the activities for which authorisation is requested, issued by the accreditation body recognised in accordance with a special regulation.

The costs of the procedure referred to in paragraph 2, subparagraph 8 of this Article shall be determined by the minister in a special decision.

## Article 21

The dispositive part of the authorisation must include:

- company name and seat of the person being granted authorisation,
- registration number from the record of authorised persons,
- type of activity for which authorisation is granted, activities in the conformity assessment procedure for construction products, and the construction product or group of construction products for which authorisation is granted, with a note of the technical specifications for that construction product or group of construction products,
- first and last name of the person with a note of the construction product or group of construction products, and the activities for which he is responsible (the responsible person),
- a note stating that the authorised person is obliged to continuously fulfil the conditions stipulated for obtaining authorisation, that it is obliged to conduct the activities for which it is being authorised in accordance with regulations in force and the rules of the profession, and



that it has the obligation to inform the Ministry without delay about any changes that may affect its capability, i.e. the conditions for conducting the activities and  
– the validity period of the authorisation.

#### Article 22

In the case of a change of the responsible person, authorisation may be amended at the request of the authorised person, in the part pertaining to the responsible person.  
The amendment procedure referred to in paragraph 1 of this Article shall be subject to the provisions of this Ordinance which regulate the granting of authorisation in an appropriate manner.

#### Article 23

Authorisation, the decision concerning amendments to the authorisation and the decision on the rejection of a request for authorisation or amendments to the authorisation may not be subject to appeals, but may be subject to administrative proceedings.  
Information from the dispositive part of the authorisation and decisions referred to in paragraph 1 of this Article, which indicates the activities and construction product or group of construction products to which the authorisation or decision pertains, shall be published on the Ministry's website.

### IV. CONFORMITY ASSESSMENT AND ISSUING CERTIFICATES OF CONFORMITY FOR CONSTRUCTION PRODUCTS

#### Article 24

Activities and actions of conformity assessment for construction products and issuing documents of conformity for construction products shall be conducted in accordance with the Act on Construction Products and this Ordinance, the technical specifications, provisions of the appropriate standard referred to in Articles 4 and 5 of this Ordinance, and in accordance with the rules of the profession, whereas the documenting of these activities shall be conducted in line with regulations governing office work.

#### Article 25

The conformity assessment procedure for construction products shall include activities of testing construction products and activities of inspection of the production of construction products.

The activities of testing of construction products shall be the following:

- initial type testing of construction products conducted by the manufacturer, i.e. initial type testing of construction products conducted by a foreign legal person authorised for conformity assessment,
- testing of production samples in accordance with a testing plan laid out by the manufacturer or the legal person authorised for conformity assessment, and
- testing of random samples taken from production of a group prepared for delivery, i.e., on the market or a building site, of a group delivered by a foreign legal person authorised for conformity assessment.

The activities of inspection of the production of construction products shall be the following:

- continuous factory production control conducted by the manufacturer,

- initial factory inspection and initial inspection of factory production control conducted by a legal person authorised for conformity assessment, and
- continuous surveillance, judgement and assessment of factory production control conducted by a legal person authorised for conformity assessment.

#### Article 26

The purpose of activities of testing construction products shall be to establish the technical properties of the construction products.

Inspection of the production of construction products shall be conducted by surveillance, judgement and assessment of the production and continuous factory production control.

Upon the completion of the activities referred to in paragraphs 1 and 2 of this Article, the authorised person, i.e. manufacturer shall issue an appropriate document attesting to the activities conducted and their results, namely:

- with regard to activities of testing of the construction product, they shall issue a testing report for the construction product,
- with regard to conducting continuous surveillance, judgement and assessment of factory production control, they shall issue an inspection report,
- with regard to initial factory inspection and initial inspection of factory production control, they shall issue an initial inspection report.

A certificate of factory production control shall be issued for conformity assessment systems 2 and 2+ on the basis of positive reports referred to in paragraph 3, subparagraphs 2 and/or 3 of this Article.

#### Article 27

The conducting of activities of issuing certificates of conformity shall include the conducting of activities of conformity assessment for construction products, assessment and/or final evaluation of the results of conformity assessment (certification) and issuing a certificate of conformity.

Assessment and/or final evaluation of the results of conformity assessment activities shall be conducted by inspecting the testing report for the construction product, and by inspecting the inspection report and the initial inspection report for factory production control.

The person authorised for issuing certificates of conformity shall assess and finally evaluate the results of conformity assessment activities for construction products regardless of whether they conducted the activities themselves or whether the activities were conducted by other persons authorised for conducting these activities.

#### Article 28

The conformity assessment procedure for construction products shall include the groups of activities marked as conformity assessment systems 1+, 1, 2+, 2, 3 and 4, laid out in the table in Annex 1, which makes a constituent part of this Ordinance, namely:

- before issuing the certificate of conformity – groups of activities marked as conformity assessment systems 1+ and 1;
- before issuing the certificate of factory production control – groups of activities marked as conformity assessment systems 2+ and 2;
- before issuing the declaration of conformity – groups of activities marked as conformity assessment systems 1+, 1, 2+, 2, 3 and 4.

Conformity assessment systems which must be completed in the conformity assessment

procedure for a particular construction product or a particular group of construction products, before issuing the certificate of conformity and the declaration of conformity, shall be stipulated in the technical specifications.

If the manufacturer, authorised representative or importer of a construction product does not conduct, or does not conduct in their entirety, the activities of the conformity assessment procedure stipulated in the technical specification for conformity assessment systems 3 and 4, the European Commission may, in accordance with the procedure stipulated in Directive 89/106/EEC, decide that, for such construction product, groups of activities in conformity assessment system 3 must be conducted.

#### Article 29

A certificate of conformity shall be issued by a person authorised for issuing certificates of conformity at the request of the manufacturer, authorised representative or importer of the construction product if the groups of activities have been or are being conducted, stipulated for conformity assessment of the construction product for which a certificate of conformity is being issued, and if conformity has been proven.

A certificate of conformity shall be written in the Croatian language and in Latin script.

A certificate of conformity shall include the following details:

- the company name and seat of the authorised person who has issued the certificate of conformity for the construction product,
- the class, file number and date of the authorisation for conducting activities of issuing a certificate of conformity of the person who has issued the certificate of conformity,
- record number of the authorised person,
- the company name and seat, i.e. name and address of the manufacturer, authorised representative or importer,
- the name, short description and intended use of the construction product,
- marking of the technical specifications relevant to the conformity assessment of the construction product,
- marking of the conformity assessment system which has been or is being conducted,
- record number of the authorised person and the class, file number and date of issue of the documents pertaining to conformity assessment on the basis of which the certificate is issued,
- the class, file number and date of issue of the certificate of conformity and the duration of its validity,
- the name and signature of the responsible person authorised for signing certificates of conformity.

A certificate of conformity must be kept permanently by the person who has issued it and by the manufacturer, authorised representative or importer.

#### Article 30

A manufacturer shall issue a declaration of conformity if:

- he fulfils the conditions referred to in Article 16, paragraph 1 of this Ordinance,
- the groups of activities stipulated for conformity assessment have been conducted or are being conducted,
- he has established that conformity has been proven.

An authorised representative shall issue a declaration of conformity if:

- the manufacturer he is representing fulfils the conditions referred to in Article 16, paragraph 1 of this Ordinance,
- the groups of activities stipulated for conformity assessment have been conducted or are

being conducted,

– the manufacturer has established that conformity has been proven.

A declaration of conformity may be issued on the basis of a foreign document attesting to the conformity assessment activities for a construction product if this document is recognised in the Republic of Croatia.

#### Article 31

With a declaration of conformity the manufacturer, authorised representative or importer shall certify that the activities stipulated for conformity assessment of the construction product for which the declaration is being issued have been conducted or are being conducted, and that conformity of the construction products with the technical specifications has been proven.

A declaration of conformity shall be written in the Croatian language and in Latin script.

A declaration of conformity shall include the following information:

- the company name and seat, i.e. name and address of the manufacturer, authorised representative or importer,
- the company name and seat, i.e. name and address of the manufacturer if the declaration of conformity is issued by an authorised representative or importer,
- the name, a short description and the intended use of the construction product,
- a statement attesting that the construction product conforms to the technical specifications stipulated for that product,
- marking of the technical specifications relevant to the conformity assessment of the construction product,
- marking of the conformity assessment system which has been or is being conducted,
- record number of the authorised person and the class, file number and date of issue of the certificate of conformity or the certificate of factory production control on the basis of which the declaration is issued,
- the class, file number and date of issue of the declaration of conformity,
- the name, capacity and signature of the person authorised for signing on behalf of the manufacturer, authorised representative or importer of the construction product.

A declaration of conformity must be kept permanently by the manufacturer, authorised representative or importer.

### V. MARKING OF CONSTRUCTION PRODUCTS

#### Article 32

Construction products whose technical properties have been proven, in the manner stipulated in this Ordinance, to comply with the properties laid out in the appropriate harmonised European technical specification or with the national technical specifications which transpose the appropriate harmonised European specification, shall be marked with the mark of conformity »CE« set out in Annex 2, which is an integral part of this Ordinance, in the manner and with the content set out in the specification, unless otherwise stipulated in this regulation.

Construction products whose technical properties have been proven to comply with the appropriate national technical specification which does not transpose a harmonised European specification, shall be marked with the mark of conformity »C« set out in Annex 2, which is an integral part of this Ordinance, in the manner and with the content set out in the specification.

If a conformity assessment procedure is conducted also with regard to a special regulation, the

construction product shall be marked, in addition to the mark stipulated in that special regulation, in accordance with paragraph 1 or paragraph 2 of this Article.  
In addition to the markings stipulated in this regulation, construction products may be marked with other markings, provided that these markings do not mislead the person using the product regarding its properties and use.

## VI. SUPERVISION AND REVOCATION OF AUTHORISATION

### Article 33

Supervision of compliance with the conditions for conducting conformity assessment activities for construction products and activities of issuing certificates of conformity, and the work of authorised bodies and, in relation to this, the manufacturer, shall be conducted by the Ministry.

The authorised person, manufacturer, authorised representative, importer and distributor shall, within a certain deadline, submit information requested by the Ministry and allow civil servants employed by the Ministry access to all their work facilities, and to any information pertaining to their work.

### Article 34

An authorised person shall continuously fulfil the conditions stipulated for granting authorisation, and conduct these activities in accordance with regulations in force and the rules of the profession.

A manufacturer shall continuously fulfil the conditions for conducting activities in the conformity assessment procedure for construction products.

An authorised person shall, without a special invitation or delay, inform the Ministry of any changes which may affect its ability, i.e. the conditions for conducting the activities for which they have been authorised, i.e. which it conducts on the basis of this Ordinance, and submit to the Ministry each report of inspection conducted by an accreditation body, if the authorised person is accredited, i.e. if authorisation was granted on the basis of a certificate issued by an accreditation body.

The manufacturer, authorised representative or importer of construction products shall, without a special invitation or delay, inform the Ministry of any changes which may affect the conformity of a product for which they have issued a declaration of conformity.

### Article 35

If the Ministry establishes that an authorised person does not fulfil the conditions or does not conduct activities which are a requirement for authorisation, or that it does not conduct the activities which it has been authorised to conduct on the basis of this Ordinance in accordance with regulations in force or the rules of the profession, it shall pass a conclusion stipulating a deadline for fulfilling these conditions, i.e. for conforming to regulations in force or the rules of the profession.

Until these conditions are met, i.e. until the activities are conducted in a compliant manner within the meaning of paragraph 1 of this Article, the authorised person may not conduct the activity for which he has been authorised.

If an authorised person fails to act in accordance with the conclusion referred to in paragraph 1 of this Article, the authorisation shall be revoked in its entirety or partly by way of a conclusion.



## Article 36

A certificate of conformity for which the Ministry establishes that it was issued by an authorised person, manufacturer, authorised representative or importer who does not fulfil the conditions for conducting the activities in the conformity assessment procedure for construction products or the procedure of issuing certificates of conformity, or that it was issued on the basis of an action or result of this procedure which is not correct, accurate or objective, shall be annulled by way of a conclusion.

## Article 37

The decision on the revocation of authorisation and the decision on the annulment of a certificate of conformity shall be issued by the minister on the basis of an opinion issued prior to the decision by the Commission for Construction Products.

The decision referred to in paragraph 1 of this Article shall not be subject to appeals, but it may be subject to administrative proceedings.

The decision referred to in paragraph 1 of this Article shall be published on the Ministry's website.

## VII. TRANSITIONAL AND FINAL PROVISIONS

### Article 38

The Ministry shall keep a record of authorised persons.

The Ministry shall keep a record of certificates of conformity and declarations of conformity issued in accordance with this Ordinance.

A person who has issued a document on the recognition, i.e. certification of foreign documents attesting to conformity assessment activities shall submit that document to the Ministry within 30 days of the day of its issuance.

### *Conditions for granting authorisation*

### Article 39

A responsible person who has not passed a qualifying exam for conducting construction activities shall pass this examination within 12 months of the day of appointment.

### Article 40

Until 31 December 2009, a certificate certifying that the applicant fulfils the requirements stipulated in Croatian standards, set out in the table in Annex 1 and/or table in Annex 2, being an integral part of the Ordinance on conformity assessment, documents of conformity and marking of construction products (Official Gazette 1/05), with the addition of special conditions for construction products or groups of construction products for the activities for which authorisation is requested, issued by an accreditation body recognised in accordance with a special regulation, shall be considered as proof referred to in Article 20, paragraph 2, subparagraph 3 of this Ordinance..

The Croatian standards referred to in paragraph 1 of this Article shall also refer to any new edition of the standard listed in the table.

## *International agreement*

### Article 41

In accordance with the agreement on the accession of the Republic of Croatia to the European Union, the Ministry shall notify and denotify authorised persons to the European Commission and inform the authorised persons thereof.

### Article 42

Until the entry into force of the agreement referred to in Article 41 of this Ordinance, construction products whose technical properties have been proven, in the manner stipulated in this Ordinance, to comply with the properties stipulated in the appropriate national specification which transposes a harmonised European specification, shall be marked with a mark of conformity stipulated in Annex 3, which is an integral part of this Ordinance, in the manner and with the content set out in that specification.

### Article 43

On the day of entry into force of this Ordinance, the Ordinance on conformity assessment, documents of conformity and marking of construction products (Official Gazette 1/05) shall cease to have effect, except for the tables in Annex 1 and Annex 2 to that Ordinance, which shall cease to have effect on 31 December 2009.

The Commission for Construction Products, appointed on the basis of the Ordinance referred to in paragraph 1 of this Article, shall continue work until the appointment of the Commission for Construction Products pursuant to Article 18, paragraph 2 of this Ordinance.

Documents of conformity issued in accordance with the Ordinance referred to in paragraph 1 of this Article shall be valid until their expiry date.

Construction products marked in accordance with the Ordinance referred to in paragraph 1 of this Article may be on the market or installed in buildings by 31 December 2009 at the latest.

### Article 44

This Ordinance shall enter into force on the eighth day after the day of its publication in the Official Gazette, except for Article 28, paragraph 3 and Article 32, paragraph 1, which shall enter into force on the day of accession of the Republic of Croatia to the European Union.

Class: 011-02/08-01/1  
Reg. no.: 531-01-266-08-01  
Zagreb, 5 September 2008

The Minister

**Marina Matulović Dropulić, m. p.**

## **ANNEX 1**

Table showing groups of actions conducted within a particular conformity assessment system

DOCUMENT OF CONFORMITY	CONFORMITY ASSESSMENT SYSTEM	Action conducted by manufacturer			Action conducted by authorised person			
		Continuous factory production control	Testing samples taken from production according to testing plan	Initial type testing of construction product	Initial type testing of construction product	Initial factory inspection and initial inspection of factory production control	Continuous inspection, judgement and assessment of factory production control	Testing of random samples taken from stipulated groups in production
C + D	1+	•	•			•	•	•
	1	•			•	•	•	
C	2+	•	•	•		• <sup>a)</sup>	• <sup>a)</sup>	
	2	•		•		• <sup>a)</sup>		
	3	•			•			
	4	•		•				

C = certificate of conformity

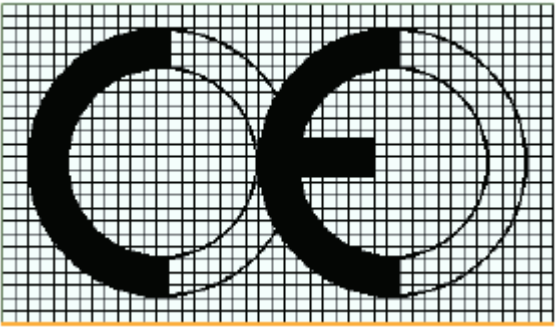
D = declaration of conformity

• marks an action which must be conducted by the manufacturer, i.e. authorised person in a particular conformity assessment system

<sup>a)</sup> authorised person issues a certificate of factory production control

## ANNEX 2

Marking for construction products complying with the conditions stipulated in Article 32, paragraph 1 of this Ordinance


number of notified authorised person <sup>a)</sup>
company name, i.e. name of manufacturer
seat, i.e. address of manufacturer

<p>last two digits of the year in which the marking was affixed</p> <p>number of notified authorised person<sup>a)</sup> – CPD – number of document of conformity<sup>b)</sup></p>
<p>marking of harmonised European specification of construction product</p> <p>name of construction product</p> <p>manufacturer's identification marking for construction product</p> <p>notification of the properties of construction product</p>

*Note:* »CE« marking is entered without the construction grid

a) number allocated by the European Commission, entered if the notified authorised person has participated in the conformity assessment procedure

b) number of document of conformity allocated in accordance with the agreement referred to in Article 41 of this Ordinance

### ANNEX 3

Marking for construction products complying with the conditions stipulated in Article 42 of this Ordinance

<p><i>(do not complete this field)</i></p>
<p>company name, i.e. name of manufacturer</p> <p>seat, i.e. address of manufacturer</p> <p>last two digits of year in which marking was affixed</p> <p>authorised person's record number<sup>a)</sup> – CPA – class, file number and date of issue of document of conformity</p>
<p>marking of national technical specification of construction product</p>

name of construction product  
manufacturer's identification marking for  
construction product  
notification about the properties of construction  
product

a) record number is entered if the notified authorised person has participated in the conformity assessment procedure

#### ANNEX 4

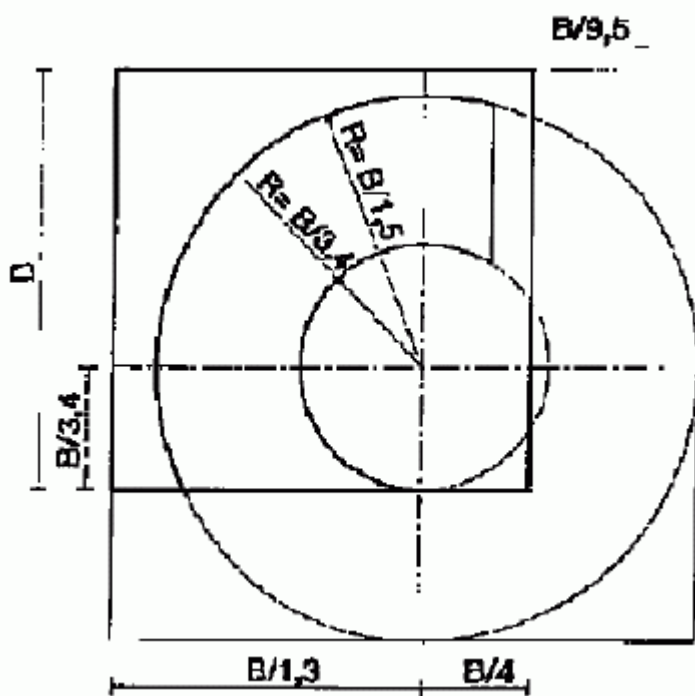
Marking for construction products complying with the conditions stipulated in  
Article 32, paragraph 2

PROVISIONAL TRANSLATION



 <p>evidencijski broj ovlaštene osobe <sup>a)</sup></p>	<p>tvrtka odnos sjedište odnos zadnje dvije znamenke godine u evidencijski broj ovlaštene osobe <sup>a)</sup> isprave</p>
	<p>oznaka domaće tehničke s naziv građ proizvođačeva identifikacij iskazana obavijest o sv</p>

<sup>a)</sup> evidencijski broj se upisuje u slučaju da je ovlašten  
ocjenjivanja sukladnosti



authorised person's record number <sup>a)</sup>

company name, i.e. ???

seat, i.e. ???

last two digits of the year (in which marking was affixed)

document??

marking of the national technical (specification)

name of (construction product)

manufacturers identification (marking for construction product)???

Notification (about the properties of construction product)??

*Marking design*

- if the conformity marking is resized, the ratios shown in the drawing must be observed.
- unless stipulated in a special regulation, different parts of a conformity marking must have the same vertical dimensions, not smaller than 5 mm.

PROVISIONAL TRANSLATION