

Assessment of conformity to essential requirements for safety of products from woodworking industry in the Republic of Bulgaria

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ABSTRACT

The goal of the European approach in standardisation and activities related to it to prove the safety and quality of products, processes and services is to ensure the functioning of a unified European market. Each article that is launched on the market of any member state of the Union must be safe for the customer provided that it is used to the purpose. The product quality is a problem of the manufacturer to provide its competitiveness on the market. To this end, the motto of the European approach is “the safety of the product is to be obligatorily proved, and its quality is desirable and is to be voluntarily proved”.

To synchronise the Bulgarian technical legislation with the European one, the European Directives based on the New and Global Approach are introduced in the form of Bulgarian regulation. Thereby conditions are created for the free movement of Bulgarian goods in the European Union. The main requirement is that they meet the European criteria with respect to the essential safety requirements, i. e. they do not threaten the life and health of people, safety of domestic animals, interests of consumers and environmental protection.

The aim of this article is to establish the state of the regulation of introduction and application of the European technical legislation on safety control and assessment of conformity to essential requirements in the enterprises from the Bulgarian woodworking industry.

INTRODUCTION

Bulgaria, as an EU country, is already a part of the unified European market based on the concept of a market without borders, freedom of enterprise, competition and manufacturer’s responsibility. The legislation of the R. of Bulgaria in the field of free movement of goods has been brought to a large extent in conformity with the European one, with harmonisation of the Bulgarian and European technical legislation in this respect being achieved on the basis of the National Programme for the Adoption of the Acquis Communautaire.

The goal of the European approach in standardisation and activities related to it to prove the safety and quality of products, processes and services is to ensure the functioning of a unified European market. Each article that is launched on the market of any member state of the Union must be safe for the customer provided that it is used to the purpose. The product quality is a problem of the manufacturer to provide its competitiveness on the market. To this end, the motto of the European approach is “the safety of the product is to be obligatorily proved, and its quality is desirable and is to be voluntarily proved”, with the product market according to EU being divided into two zones:

- Zone of regulated products or legally regulated zone in which the assessment of the conformity is obligatory and the state is responsible for it. Depending on the type of documents regulating the essential requirements to products, one distinguishes between a harmonised regulated zone to which the products covered by the European directives belong, and a non-harmonised regulated zone in which the products are covered by national regulatory acts (laws);
- Zone of non-regulated products or legally non-regulated zone in which the assessment of the conformity is voluntary and is performed at supplier’s wish. The properties of the products from this zone are usually regulated in standards.

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Products for which essential requirements have been determined shall be launched on the market and/or put into operation only when they conform to the safety requirements, i. e. the launching on the market and/or putting into operation of such products shall be performed after assessment of the conformity to those requirements.

This article aims at establishing the state of the regulation in Bulgaria of introduction and application of the European technical legislation on safety control and assessment of conformity to essential requirements in the enterprises from the Bulgarian woodworking industry.

A list of developed directives based on the New Approach for various types of products is presented in Table 1.

Table 1: Directives based on the New Approach and the Global Approach

No.	Directive reference	Subject of directive
1.	90/396/EEC	Appliances burning gaseous fuels
2.	2000/9/EC	Cableway installations designed to carry persons
3.	89/106/EEC	Construction products
4.	2004/108/EC	Electromagnetic compatibility
5.	94/9/EC	Equipment and protective systems in potentially explosive atmospheres
6.	93/15/EEC	Explosives for civil uses
7.	95/16/EC	Lifts
8.	2006/95/EC	Low voltage equipment
9.	98/37/EC	Machinery safety
10.	2004/22/EEC	Measuring instruments
11.	90/385/EEC	Medical devices: Active implantable
12.	93/42/EEC	Medical devices: General
13.	98/79/EC	Medical devices: In vitro diagnostic
14.	92/42/EEC	New hot-water boilers fired with liquid or gaseous fluids (efficiency requirements)
15.	90/384/EEC	Non-automatic weighing instruments
16.	89/686/EEC	Personal protective equipment
17.	97/23/EC	Pressure equipment
18.	1999/5/EC	Radio and telecommunications terminal equipment
19.	94/25/EC	Recreational craft
20.	87/404/EEC	Simple pressure vessels
21.	88/378/EEC	Toys safety

BULGARIAN LEGISLATION IN THE FIELD OF ASSESSMENT OF CONFORMITY IN ACCORDANCE WITH THE REQUIREMENTS OF THE DIRECTIVES BASED ON THE NEW APPROACH

Legal framework for introduction of the directives based on the New Approach in Bulgaria is provided by the Law on Technical Requirements to Products (LTRP), promulgated for the first time in 1999. After a number of amendments and supplements in 2002, 2003, 2005 and 2006, the latest amendment to the Law is of 2007 (promulgated in the State Gazette (SG), issue 86 of 01.10.1999; amended, issue 63 of 2002; amended and supplemented, issue 93 of 2002; amended, issue 18 of 2003; supplemented, issue 107 of 2003; amended and supplemented, issue 45 and issue 77, amended, issue 88, issue 95, issue 105/2005, amended SG issue 30, issue 62, issue 76/2006, SG issue 41, SG issue 86/2007).

The Law on Technical Requirements to Products most generally governs: the procedure for stipulating the essential requirements to products intended for launching on the market, as well as the obligations of the persons who will perform this; the procedure for stipulating the rights and obligations of the persons performing the activities on assessment of conformity of products to requirements and supervision of products launched on the market; the technical supervision on observance of technical requirements, rules and norms. Pursuant to LTRP, the Council of Ministers (CM) assigns by decision to ministers and other bodies of the executive power the elaboration of regulations whereby the essential requirements for the various types of products are stipulated. The harmonised standards are identically introduced by means of publication of translation into Bulgarian language, and the requirements to the bodies for assessment of conformity and the procedure for their authorisation are analogous to those of EU.

The rules for application and graphic representation of conformity marking are stipulated by the Regulation on Conformity Marking (promulgated SG, issue 69/2005, amended SG, issue 66/2006).

The activities on market supervision are regulated in detail in the Law on Technical Requirements to Products and the Regulation on Conditions and Procedure for Performing Market Supervision (RCPPMS), adopted by virtue of Art. 30d of LTRP and promulgated in SG, issue 49/2003 and amended and supplements SG, issue 85/2005.

For all directives based on the New Approach (Table 1), regulations on essential requirements for respective products have been elaborated and adopted by CM. As seen from Table 1, the products of the woodworking industry come under the action mainly of Directive 89/106/EEC Construction products.

Since 01.01.2007, the Regulation on Essential Requirements to Construction Sites and Assessment of Conformity of Construction Products (RERCSACCP) is in force in Bulgaria (promulgated in SG, issue 106/2006), whereby the Regulation on Essential Requirements and Assessment of Conformity of Construction Products in force until then has been rescinded. The goal of the document is to fully introduce the texts of Directive 89/106/EEC in order to harmonise the laws, regulations and administrative provisions of the member states with respect to construction products, amended by Directive 93/68/EEC, and to reflect the recommendations by experts of Construction Sector at the Enterprises and Industry Directorate-General in the European Commission. The Regulation is issued by virtue of LTRP and the Law on Territory Planning (LTP).

Two groups of construction products are differentiated in RERCSACCP:

- Products conforming to European technical specifications – Bulgarian standards introducing European harmonised standards or equivalent, European technical approvals and recognised national technical specifications (Art. 4, para. 1) and
- Products conforming to Bulgarian technical specifications – Bulgarian standards whereby European or international standards, Bulgarian standards and Bulgarian technical approvals are introduced (Art. 4, para. 2). Pursuant to the requirements of Art. 5, para. 5, these construction products shall be only put into construction sites built in the territory of the R. of Bulgaria.

With the harmonised standards, one aims at creating conditions for a harmonised system of common rules in construction industry with the purpose of providing access to the unified market of possibly most producers, as well as guaranteeing to the utmost degree transparency of that market. Pursuant to § 3, para. 3 of the Additional Provisions to LTRP, the application of the harmonised standards to the construction directive is obligatory. The harmonised standards presume conformity to essential requirements.

The supervision over construction products conforming to European technical specifications, which are launched on the market or put into construction sites, including the inspection for presence of EC conformity declaration, of CE conformity marking and of operation instruction in Bulgarian language, is realised by the Chairman of the State Agency for Metrology and Technical Supervision, together with the Minister of regional development and public works, pursuant to the procedure of the Regulation on Conditions and Procedure for Performing Market Supervision.

Construction products conforming to European technical specifications are launched on the market by the manufacturer or his authorised representative with CE conformity marking accompanied by EC conformity declaration, by operation instruction and/or manual in Bulgarian language and by indicated name and address of management of the manufacturer.

Three are the elements that certify the conformity of a given product to essential requirements:

CE conformity marking

The conformity marking is applied by the manufacturer or a representative authorised by him before these products are launched on the market. It is applied on the product itself, on a label attached to it or on its rating nameplate, and when this is impossible, the conformity marking is applied on its packaging or on the documents accompanying it.

Pursuant to Art. 16, para. 3 of RERCSACCP, the CE conformity marking shall be accompanied at least by the following additional information:

- The name or identification sign of the manufacturer and address of management;
- The last two digits of the year in which it was applied;
- The identification number of the certification body or of the testing laboratory determined by the European Commission and the number of the EC certificate of the products for which the system for assessment of conformity requires permanent control of the system for production control;
- The number and name of the technical specification to which the product conforms and its purpose if the reference to the technical specification is insufficient;
- The values of the product characteristics and classes, required by the technical specification.

EC conformity declaration and EC conformity certificate

The EC conformity declaration is prepared by the manufacturer or his authorised representative as a part of the procedure for assessment of conformity. Pursuant to Art. 24 of RERCSACCP, the EC conformity declaration shall contain:

- Name and address of management of the manufacturer or the authorised representative;
- Product description (type, identification, use, etc.);
- Regulatory acts and technical specifications to which the product conforms;
- Specific conditions related to product use (instructions for design, execution and operation);
- Numbers and dates of test reports and EC certificates issued, if any;
- Name and address of the person who has assessed the conformity and his identification number;
- Name and address of the person who has been determined to sign the EC declaration on behalf of the manufacturer or his authorised representative.

The EC conformity certificate of a product or production control is prepared by the persons who have obtained a permit for assessment of conformity. Pursuant to Art. 26 of RERCSACCP, the EC conformity certificate shall contain:

- Name and address of the certification body and its identification number;
- Name and address of the manufacturer;
- Product description (type, identification, use, etc.);
- Technical specifications to which the product conforms;
- Specific conditions related to product use (instructions for design, execution and operation);
- Numbers and date of issue;
- Conditions and validity term;
- Name and position of the person who signs the EC certificate.

Technical file

The technical file aims at providing information about design, production and way of functioning of the product and is prepared by the manufacturer. The technical file of the product contains the necessary information regarding the product conformity to applicable requirements of Directive 89/106/EEC based on the New Approach, with the storage term of the file being at least 10 years since the last production date of a given product.

The documentation from the technical file may be a part of the documentation of the quality system if the Regulation provides for an assessment of conformity procedure based on quality system. The content of the technical documentation is indicated in Art. 22, para 1 of RERCSACCP.

The selection of the information included in the technical documentation depends on the product nature, and is determined by the necessity to prove from technical point of view the product conformity to the essential requirements of the specific Regulation or, in case harmonised standards have been applied, to prove the conformity to those harmonised standards, indicating at the same time the essential requirements that are covered by the scope of the standards concerned.

In Appendix No. 1 to Art. 1, para. 2 of RERCSACCP, the groups of construction products the Regulation refers to are stipulated. The wood products are included in the following groups:

- * group 10 – Wood products, members for wood structures and jointing mans for them;
- * group 12 – Products for finishing works of exterior and interior walls and ceiling; sets for exterior wall linings;
- * group 14 – Roof coverings, ceiling lighting, skylights and auxiliary products, self-bearing transparent roof sets;
- * group 16 – Floor coverings;
- * group 17 – Doors, windows, covers;
- * group 30 – Pre-fabricated sets for houses with wooden, metal or reinforced concrete structure; pre-fabricated spatial cells.

Pursuant to Directive 89/106/EEC on safety of construction products, the assessment of conformity shall be performed in accordance with six systems, with the conformity assessment system being determined in advance for each individual product or a group of products depending on the essential requirements that have to be met. The manufacturers are obligated to apply these preliminarily approved systems for assessment of conformity of their products. Here, unlike other directives based on the New Approach, no opportunity for selection of a system for assessment of conformity is given.

RERCSACCP introduces 6 systems for assessment of conformity in Bulgaria – 4, 3, 2, 2+, 1 и 1+. These marks are in accordance with the product type and the degree of potential hazard related to its use. E. g., to products to which quite limited safety requirements are set, the system 4 is applied. With the enhancement of the safety requirements, the systems 3 to 1+ are applied. With the systems 3 to 1+, when assessing the conformity, the participation of a third independent party that may be a certification person, a control person or a testing person is obligatorily required. Under all conformity assessment systems, it is required that the manufacturer prepares a technical file of the product. The system for assessment of conformity of construction products may be seen in Appendix No. 1 to Art. 1, para. 2 of RERCSACCP.

A diagram showing the assessment of conformity of construction products pursuant to the effective Regulation on Essential Requirements to Construction Sites and Assessment of Conformity of Construction Products in the R. of Bulgaria is presented in Fig. 1.

In July, a proposal for a Regulation of the European Parliament and of the Council for stipulation of harmonised conditions for launching construction products on the market was discussed in Bulgaria. The Regulation will rescind the effective until now Directive 89/106/EEC on construction products and will enter into force after its publication in the Official Journal of the European Union. After this date it becomes obligatory and will be applied directly in all member states. The regulatory document will regulate and will enhance the requirements to manufacturers and distributors of construction products. It stipulates unified characteristics and methods in accordance to which those characteristics will be determined. Each country, however, will determine itself the requirements to construction products in accordance with climatic peculiarities and seismic conditions in its territory. The Regulation lowers the administrative burdens on the manufacturers so that they are able to more quickly get an opportunity to apply on the products the CE conformity marking and obtain the declaration of conformity of the

products. The CE marking will only mean a conformity of the characteristics of the product to the specification in accordance to which it has been manufactured. More strict become the criteria with respect to the persons who assess the conformity and issue the European technical approvals. The conformity assessment systems are made easier – they are reduced from six to five, with control testing being eliminated in one of the systems. The biggest facilitations by the new Regulation will be for the microenterprises because the opportunity for the so called cascade and shared testing of products is introduced. At the moment , the Regulation is at the stage of discussion in all EU member states. It is expected that it will enter into force in 2011.

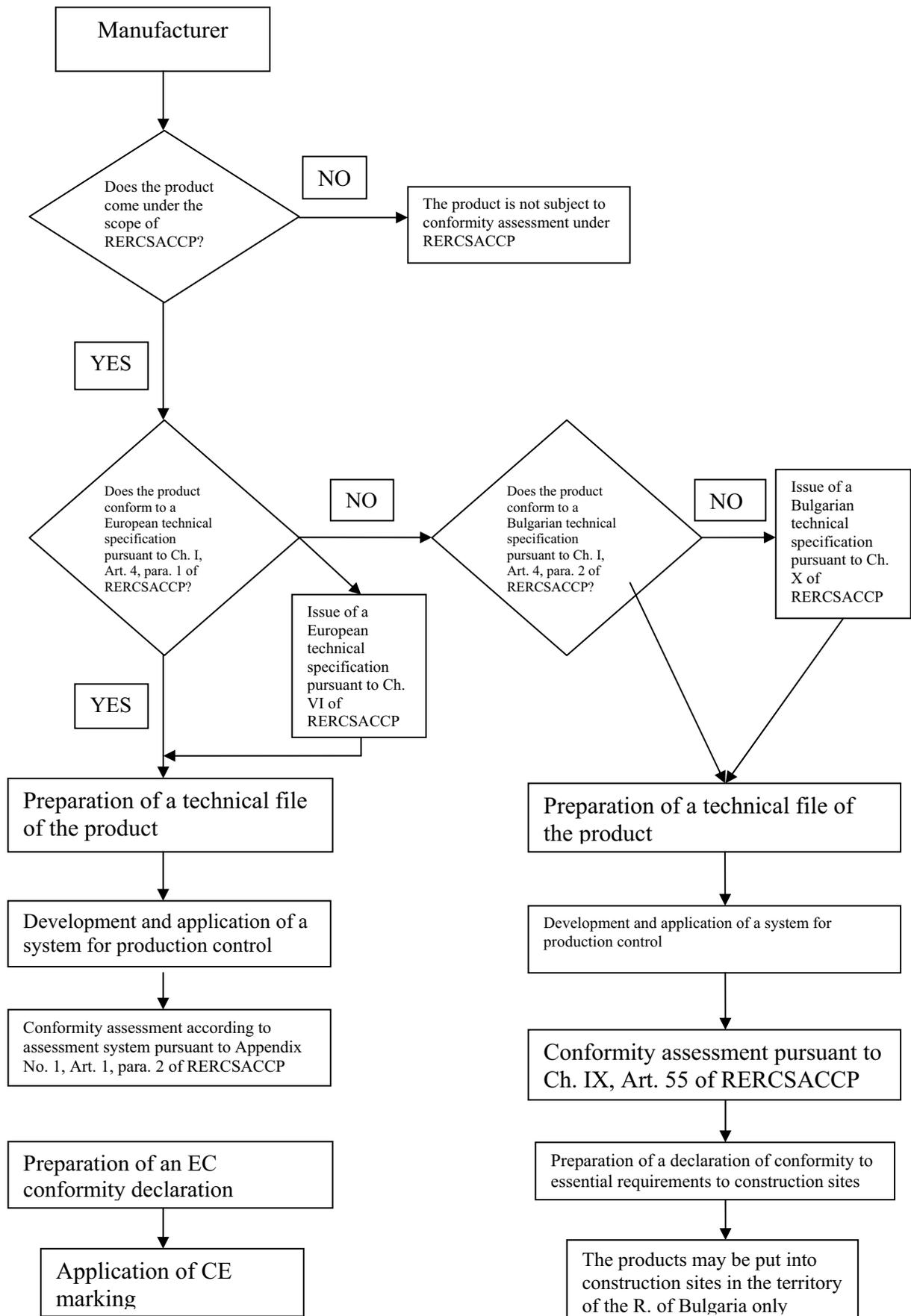


Figure 1: Diagram for assessment of conformity of construction products in the R. of Bulgaria

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