

Construction products: harmonised conditions for the marketing

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The Council took note of a **Presidency progress report regarding the state of play** of negotiations on a draft regulation laying down harmonised conditions for the marketing of construction products(*doc. [16570/09](#)*).

The Working Party on Technical Harmonisation examined the Commission proposal during the Slovenian, French, Czech and Swedish Presidencies. The Swedish Presidency has devoted eleven meetings to the proposal, summing a total of twenty-seven Working Parties dedicated to this dossier since its presentation by the Commission. The Working Party has agreed on a number of amendments in relation to the proposal; some of them are in conformity with amendments made by the European Parliament, while others will be subject to further examination in negotiations with the European Parliament. The result of the examination in the Working Party can be presented as follows:

- **Basic Works Requirements and essential characteristics (Article 3):** this article has been redrafted to describe more clearly the meaning of these concepts. The amendments made have a broad support in the Working Party.
- **Conditions for drawing up the declaration of performance (DoP) (Article 4):** this article, which is of central importance, concerns issues related to the mandatory or voluntary character of the CE-marking. The Swedish Presidency has launched a compromise text on this major issue which has received considerable support by delegations and by the Commission.
- **Obligations of economic operators (Chapter III, Articles 10-15):** these articles include provisions concerning the obligations of manufacturers, importers and distributors of construction products. Very few amendments in substance have been made to the Commission proposal and this chapter has the broad support of the Working Party.
- **Harmonised technical specifications (Chapter IV, Articles 16- 21a, annex II and V):** the Working Party has agreed, like the European Parliament, that only products not covered or not fully covered by a harmonised standard may request for an ETA as a way to CE-marking. Furthermore, an extensive redrafting has in principle been agreed concerning the criteria and procedure for development and adoption of European Assessment Documents (EADs).
- **Technical Assessment Bodies (Chapter V, Articles 22-25, Annex IV):** delegations largely support the idea that the evaluation of TABs should be a task for Member States.
- **Simplified procedures for micro-enterprises (Article 27):** several Member States have strong reservations to the proposal. The Presidency holds the view that a compromise could be found in discussing all aspects of reduced burden for certain types of enterprises in one context.
- **Comitology:** questions related to comitology have been discussed in substance in the Working Party several times. Now, after entry into force of the Lisbon Treaty, the proposal has to be adjusted in the light of Article 290 TFEU.