Construction products: harmonised conditions for the marketing

2008/0098(COD) - 18/01/2011 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106 /EEC.

It adopted its position at second reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise reached between the European Parliament and the Council.

Declaration of performance: in order to avoid an empty declaration of performance, at least one of the essential characteristics of a construction product which are relevant for the declared use or uses should be declared.

A copy of the declaration of performance of each product which is made available on the market shall be supplied in paper form or by electronic means. However, a paper copy of the declaration of performance shall be supplied if the recipient requests it. It should be possible for the declaration of performance to be numbered in accordance with the product-type reference number.

Health, safety and the environment: when assessing the performance of a construction product, account should also be taken of the health and safety aspects related to its use during its entire life cycle. Construction works as a whole and in their separate parts must be fit for their intended use, taking into account in particular the health and safety of persons involved **throughout the life cycle of the works**. They must be designed, built and demolished in such a way that the use of natural resources is sustainable and in particular ensure the following: re-use or recyclability of the construction works.

The interpretative framework for the definition of "**non-series process**", to be applied to different construction products covered by this Regulation, should be established by the Commission in consultation with the Standing Committee on Construction.

Dangerous substances: the amended text stipulates that where applicable, the declaration of performance should be accompanied by information on the content of hazardous substances in the construction product in order to improve the possibilities for sustainable construction and to facilitate the development of environmentally-friendly products. Such information should be provided without prejudice to the obligations, particularly with regard to labelling, laid down in other instruments of Union law applicable to hazardous substances and should be made available at the same time and in the same form as the declaration of performance so as to reach all potential users of construction products.

Information on the content of hazardous substances should initially be limited to substances referred to in Articles 31 and 33 of Regulation (EC) No 1907/2006 (REACH). However, the specific needs for information on the content of hazardous substances in construction products should be further investigated with a view to completing the range of substances covered so as to ensure a high level of protection of the health and safety of workers using construction products and of users of construction works, including with regard to recycling and/or re-use requirements of parts or materials.

Simplified procedures: conditions should be defined for the use of simplified procedures for the assessment of performance of construction products, in order to decrease as far as possible the cost of placing them on the market, without reducing the level of safety. The manufacturers using such simplified procedures should demonstrate appropriately the fulfilment of those conditions.

In order to enhance the impact of market surveillance measures, all simplified procedures provided for in this Regulation for the assessment of performance of construction products should apply only to natural or legal persons which manufacture the products they place on the market.

CE marking: the CE marking shall be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity.

Product Contact Points: these should be able to carry out their functions in a manner that avoids conflicts of interest, particularly in respect of the procedures for obtaining the CE marking. Member States should furthermore ensure that sufficient resources are allocated to the Product Contact Points.

Harmonised standards: where stakeholders are involved in the process of developing harmonised standards, the European standardisation bodies shall ensure that the various categories of stakeholders are in all instances represented in a fair and equitable manner. Wherever possible, uniform European methods should be laid down for establishing compliance with the basic requirements set out in Annex I.

Content of the European Assessment Document: a European Assessment Document shall contain, at least, a general description of the construction product, the list of essential characteristics, relevant for the intended use of the product as foreseen by the manufacturer, and agreed between the manufacturer and the organisation of technical assessment bodies (TABs), as well as the methods and criteria for assessing the performance of the product in relation to those essential characteristics.

Requirements for TABs: the TABs shall make publicly available their organigramme and the names of the Members of their internal decision-making bodies. The organisation of TABs shall at least carry out the following tasks: (a) organise the coordination of the TABs and, if necessary, ensure cooperation and consultation with other stakeholders; (b) ensure that examples of best practice are shared between TABs to promote greater efficiency and provide a better service to industry.

TABs should establish an organisation supported, where applicable, through Union financing, to coordinate procedures for the establishment of draft European Assessment Documents and for the issuing of the European Technical Assessments, ensuring the transparency and the necessary confidentiality of those procedures.

Delegated acts: the Commission should be empowered to adopt delegated acts outlining the conditions for the use of websites to make available the declaration of performance.

Reporting: this report should also be based on Article 37 (use of simplified procedures by micro-enterprises).

By three years following the entry into force of the Regulation, the Commission shall assess the specific need for information on the content of hazardous substances in construction products and consider the possible extension of the information obligation to other substances, and shall report to the European Parliament and to the Council. In its assessment, the Commission shall take into account, inter alia, the need to ensure a high level of protection of the health and safety of workers using construction products

and of users of construction works, including with regard to recycling and/or re-use requirements of parts or materials. If appropriate, the report shall, within two years, be followed up by appropriate legislative proposals.