

Construction products: harmonised conditions for the marketing

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Pursuant to Regulation (EU) 305/2011 on construction products (CPR), this report from the Commission assesses the **specific need for information on the content of hazardous substances in construction products** and considers the possible extension of the information obligation provided for in the Regulation to other substances.

Provisions of the construction products Regulation: in line with Article 4(1) of the CPR the manufacturer must draw up a **Declaration of Performance (DoP)** when placing on the market a construction product which is covered by a harmonised standard, or for which a European Technical Assessment has been issued.

According to Article 6(5) of the CPR this information must be provided together with the DoP. This information (Safety Data Sheets for dangerous substances or information on dangerous substances contained in the construction product) therefore accompanies the construction product in all steps of the supply chain till the final end user (contractor, worker and consumer), extending the dissemination obligation set by **Regulation (EC) 1907/2006 (REACH)**.

Independent study: to respect the obligation in the report, the Commission has procured the independent study on specific needs for information on the content of dangerous substances in construction products with the overarching objective to clarify and analyse the existence of specific needs for information on content of construction products. This was examined in the context of the protection of the health and safety of not only workers who install/use construction products but also of all persons who live in buildings and use civil engineering works throughout their whole life cycle.

The study identified **30 certification and labelling schemes** that cover construction products and have inter alia content based criteria. The study has found that no sector specific schemes are both focusing solely on this content and covering only construction products. It revealed that stakeholders have different views on the role of the labelling of content on construction products.

Conclusions of the study: the Commission has assessed the findings of the study together with the legal provisions of the CPR and of REACH. Furthermore, it has assessed the progress of harmonisation work in the area of assessment of dangerous substances in construction products and arrived to the following conclusions:

- The current **harmonised technical specifications** for construction products cover all aspects of product performance in relation to regulatory provisions on substances in place at national and at European level.

The standardisation work which has been undertaken under Mandate M/366 for the elaboration of European assessment methods covers also content related national or European regulatory provisions. Standardisers (CEN) are expected to introduce shortly these assessment methods in harmonised European standards and the EOTA bodies will also use them in the European Assessment Documents (EADs).

According to the Commission, **the manufacturer is thus empowered to inform about the required product performance, where appropriate including the content of substances**, through the DoP. This ensures the availability of this information for all downstream users of the product.

- **The REACH related information** which the manufacturer may have to provide takes into account the protection of users, workers and consumers. Any future extension of the REACH Regulation to cover new substances will automatically apply also to the obligation of construction products manufacturers to disseminate the relevant information, thus keeping pace with scientific progress.

Moreover, the DoP presented together with REACH information as intended by Article 6(5) of the CPR can constitute a useful tool to fulfil, for example through informed user and consumer choices, the goals of the high level of protection of human health and the environment, or the sustainable use of resource inter alia via recycling and reuse.

- The **study** identified certain voluntary certification and labelling schemes that pursue these goals via information of the content of substances in the construction products. They would however generally not be tailored to construction products, have limited geographic coverage and would by large not be covered by the DoP. **The study has not attempted to develop a scheme of its own** or assess costs and benefits of extending existing obligations by one of these schemes.

- **Manufacturers of construction products**, especially SMEs surveyed in the study on the other hand consider any extension of the current information obligations to be a significant and unjustifiable burden.

The European Commission considers that, for the purpose of consolidating the Internal Market for construction products within the framework of the implementation of Regulation (EU) 305/2011, the **specific needs for information on the content of hazardous substances in construction products, are sufficiently addressed** by the current provisions of the CPR.

The Commission suggests however the need for **further options to inform final users on the presence of substances in construction products**, 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 reuse requirements of parts or materials. This should be further assessed and, if appropriate, addressed under the relevant instruments available in EU legislation.

The report underlines that these conclusions concerning the implementation of the Regulation (EU) 305/2011, do not prejudice the possibility for the Commission, having regard to the provisions of the Treaty on the Functioning of the EU other than Article 114, to undertake where necessary the appropriate legislative initiatives.