

Construction products: harmonised conditions for the marketing

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In accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, the Commission presented a report on the state of implementation of the CPR, including the experience gained, the extent of achievements of the CPR objectives and issues that require improvement. The CPR has been applied fully since July 2013.

To recall, the CPR-based system harmonises the conditions for marketing of construction products by creating a **common technical language** defining the essential characteristics in relation to their performance in harmonised technical specifications: **harmonised standards and European Assessment Documents** (EADs). They are to cover the sphere of basic requirements for construction works.

Where a construction product is covered by a harmonised standard or a European Technical Assessment has been issued for it, the manufacturer draws up a **declaration of performance** (DoP) and affixes a CE-marking to such a product.

The main conclusions of the report are as follows:

1) General implementation: the report noted that overall all the elements required by the CPR have been implemented by all those concerned: for example, notified bodies and technical assessment bodies are in place across Europe; product contact points for construction are in place in Member States. However, **some aspects have not yet been implemented at full scale** and require further efforts.

The following challenges have been identified:

- **the use of national marks continues in several Member States against the principles of the CPR** . National ex ante processes or verifications covering the harmonised area are not allowed. This has been confirmed by the European Court of Justice judgement which stated that Members States were to refrain from setting additional requirements. The applicability of this judgment under the CPR and its wide reach across all harmonised standards confirm the mandatory nature of the common technical language;
- another key implementation issue identified by many stakeholders is the **substantial overlaps between the information required in the DoP and in the CE marking**, which generates additional administrative and financial burden. The Commission considered that under a flexible interpretation, the CE mark could contain only the critical information and refer to the DoP for other information. The DoP would be either provided on paper with the product, electronically or via a website. The Commission is continuing to promote such a simplified and flexible solution, also to ensure legal certainty for manufacturers, who do not want different interpretations at Member State level;
- awareness of the **services offered by the product contact points for construction (PCPCs)** remains relatively low among industry and some questions have been raised about their response times and the quality of the information they provide;
- the Construction Products Regulation (CPR) replaced the former Construction Products Directive (CPD). As most harmonised standards date back to the CPD era and all were developed based on standardisation mandates usually issued 10-20 years ago, some now require revision in line with technical and market developments. **The transition from the CPD to the CPR** has required

stakeholders, European standardisation organisations and Member State authorities to learn to assimilate the new features and carry them over into harmonised standards. There have been some **delays** in starting this process and the adaptation is ongoing.

- Before being able to draw definite conclusions on the performance of the legislation, further work is necessary to improve implementation, particularly at national level (for example on
- uniform interpretation and removing obstacles to free movement) but also by other players such as the European Committee for Standardisation (CEN) and the European Organisation for Technical Assessment (EOTA).

For this reason, the **Commission does not consider it appropriate to propose amendments to the CPR at this stage**. However the Commission sees a clear need for continued dialogue with Member States and other stakeholders, close monitoring of the situation and enforcement of existing rules.

Building on the efforts already made in terms of clarification, in order to further support adequate and uniform implementation of the CPR, as well as focusing on the areas identified in the present report could notably include the **development of additional interpretative material and of guidance**, as well as communication and awareness actions.

2) Simplification: the Commission considered that there is a potential for a quicker and a better streamlined standardisation process with standards responding better to the needs of their users through a close and efficient collaboration between CEN, Member States, the industry and the Commission.

For EOTA, the procedural rules set out in Annex II to the CPR could be streamlined for the quicker and more transparent finalisation of EADs via a delegated act. A comprehensive approach appears to be required, with further elaborations on the way forward, to **better meet the expectations of SMEs**, especially micro-enterprises, operating in the EU construction sector.

3) Clarifications to be made: at this stage, the Commission sees a need to further clarify certain provisions in the CPR to support uniform application, notably the following:

- Article 5 on derogations from drawing up a DoP;
- Article 6 on the content of the DoP;
- Article 9(2) on the information following the CE marking;
- Article 37 on simplified procedures for micro-enterprises;
- Article 38 on simplified procedures for individually manufactured or custom-made products;
- Articles 56-58 on procedures for market surveillance.

The Commission intends to **continue following attentively** the implementation of the Regulation in order to identify further potential issues that could not yet be solved at the level of interpretation. The Commission will engage in further dialogue with relevant stakeholders on the issues identified via **technical platforms** to be convened by the end of 2016.

Once the implementation of the CPR could be expected to have reached a more mature stage, and considering the outcomes of such dialogue, the Commission will review the performance of the CPR.