

Construction products: harmonised conditions for the marketing

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Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products (CPM) requires the Commission to evaluate the relevance of the tasks set out in this Regulation that receive EU financing against EU policies and legislation requirements and to inform the European Parliament and the Council of the outcome of this evaluation. These are the tasks assigned to EOTA, which is the organisation of Technical Assessment Bodies.

This report analyses how EOTA has performed the functions for which it has received EU subsidies. The information from EOTA was submitted in early 2019 and included quantitative and statistical data for 2014-2018. The study covered the period between April 2011 and the end of 2015.

Evaluation of EOTA in the performance of its functions

EOTA offers manufacturers an alternative route for obtaining the CE marking for construction products not covered, or not fully covered, by harmonised European standards developed by the European Committee for Standardisation (CEN). For those construction products, manufacturers can request a European Technical Assessment (ETA), which will form the basis for issuing the declaration of performance and affixing the CE marking, as specified in Article 21(1) of the CPR. This route was also expected to make the entry of innovative products on the market simpler and quicker. ETAs are developed by TABs on the basis of European Assessment Documents (EADs) that are drawn up by EOTA.

For the seven tasks set out in Article 31(4) CPR that are covered in this report, evidence indicates that no task remains unfulfilled and that EU financial support is justified. For the period analysed, the EOTA route has supported the transition from the CPD to the CPR by offering the required flexibility.

Structural issues detected

In particular, the report makes the following observations:

- the EOTA route is used by a limited number of construction product manufacturing companies. In addition, EOTA's activities have very limited coverage in each of the three possible dimensions (product areas, geographical distribution and OETs concerned) and there is no indication that this situation is improving;
- no evidence could be found to demonstrate the impact that EOTA would have on innovation within the construction sector. The overwhelming majority of EADs have not been prepared for brand new and really innovative products. The EOTA route could be seen as a way for manufacturers to obtain a market benefit from having a CE mark on their products;
- EOTA does not place enough emphasis on supporting the CE marking of innovative products, pointing to the need to provide support to TABs and the need for clear guidance on EADs and innovation to manufacturers through European trade associations;
- circumstantial evidence also strongly suggests that the EOTA route has benefited above all from the underperformance of the standardisation system. Some EADs can even be seen as standards developed

through alternative means. This is particularly visible in the area of fixings where one ETAG (currently transformed into EAD) has been the basis for 25% of all ETAs;

- costs for the development of EADs are high and so are the fees charged to manufacturers to obtain an ETA. Though companies do not bear any costs for the development of EADs, they pay fees to the TABs for issuing the ETA. These fees can be significant (EUR 24 000 to EUR 36 000), and sometimes the investment cannot be recuperated by increased demand on the market. Incurring these costs and taking such risks is challenging for SMEs.

Improve the management of EOTA

The report highlighted the following issues:

- there is room for improvement, particularly in the level of communication and cooperation between TABs. A certain tension appears to have emerged between coordination and competition between TABs, leading to some overlap and duplication in TABs' deliverables. It is also recommended to improve the monitoring of timescales (delivery times) and clarification of roles in the EOTA system;

- in a number of instances, several EADs are being developed in parallel for the same kinds of products (e. g. on bonded fasteners). These parallel EADs, if allowed to be adopted, would create serious difficulties for competing products, confusion on the declared performance and confusion for the product user;

- the coordination of procedures, in relation to the proliferation of EADs and ETAs and insufficient internal draft EADs quality checks lead to multiple verification processes between the Commission and EOTA and hence contribute substantially to delays in the final adoption and citation of EADs in the Official Journal.

The report concluded that should any revision of the CPR and of the harmonisation system applicable to construction products be proposed, the role of EOTA and of the EOTA route should be analysed in depth as part of the harmonised technical specifications at the centre of the CPR and aligned with the conclusions presented in the evaluation of the CPR.