

New Regulation on Construction Products

2022/0094(COD) - 30/03/2022 - Legislative proposal

PURPOSE: to lay down harmonised rules for the making available on the market and direct installation of construction products.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EU) No 305/2011 of the European Parliament and of the Council (the Construction Products Regulation or CPR) lays down harmonised conditions for the marketing of construction products. The CPR ensures the smooth functioning of the single market and the free movement of construction products in the EU. It does so through harmonised technical specifications, which provide for a common technical language on how to test and communicate the performance of construction products (e.g. reaction to fire, thermal conductivity or sound insulation).

In order to contribute to the objectives of the European Green Deal and the Circular Economy Action Plan, and to ensure safe construction products, inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary.

CONTENT: the proposed Regulation seeks to achieve a **well-functioning single market for construction products**; and to make the framework apt to contribute to the objectives of the green and digital transition, particularly the modern, resource-efficient and competitive economy.

Its specific objectives aim to:

- unblock the technical harmonisation system;
- reduce national barriers to trade for products covered by the CPR;
- improve enforcement and market surveillance;
- provide more clarity (more comprehensive definitions, reducing overlaps, collision rules with other legislation) and simplification;
- reduce the administrative burden, including through simplification and digitalisation;
- ensure safe construction products;
- contribute to reducing the overall climate and environmental impact of construction products, including through the application of digital tools (Digital Product Passport).

The proposal:

- improves the standardisation process which has been underperforming and is **outdated**. In the absence of appropriate standardisation at the EU, environmental and safety performances of construction products are addressed in different ways at the national level, leading to a divergence in the requirements for economic operators;

- defines the scope, including construction products, 3D-printing related products and services, key parts, part or materials if requested by the manufacturer, kits or assemblies covered harmonised technical specification or EADs, pre-fabricated one-family houses;
- defines the basic work requirements and modalities to establish the essential characteristics (performance-based, e.g. recycled content) of construction products;
- empowers the Commission to adopt **delegated acts** defining thresholds and classes of performance in relation to the essential characteristics as well as delegated acts containing technical specifications and those concerning technical progress or to cover new risks and environmental aspects;
- defines the '**harmonised zone**', as opposed to the areas under the responsibility of Member States. In addition, it sets up a mechanism to deal with Member States imperative regulatory needs on health, safety or protection of the environment, including climate;
- lays down provisions governing the declaration of performance (DoP) and its applicable exemptions (including for micro-enterprises who do no trade cross-border, under certain conditions: for remanufactured products or for parts of construction works prepared for re-use or remanufactured);
- lays down rules on declaration of conformity (DoC). To minimise the administrative burden, the DoC should be combined with the DoP. The DoP and a DoC can be supplied in an **electronic format** or via a permalink. They should be supplied in the languages required by the Member States where the manufacturer intends to make the product available;
- sets the general principles and conditions for the **CE marking** and for use of other markings;
- defines the environmental obligations for manufacturers including the obligation to declare the mandatory sustainability characteristics, the **global warming potential**, and performance-based requirements or the **minimum recycled content**;
- provides for **simplified procedures** in order to reduce the administrative burden, particularly for SMEs and micro-enterprises;
- empowers the Commission to set up an **EU construction products database** or system to facilitate the access to product information (especially DoP, DoC and instructions for use).