

New Regulation on Construction Products

2022/0094(COD) - 11/07/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted, by 498 votes to 124 with 16 abstentions, European Parliament amendments to the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011.

The matter was referred back to the committee responsible for inter-institutional negotiations.

Purpose of the Regulation

The revised Construction Products Regulation (CPR) should:

- lay down conditions for the placing and making available on the market of construction products defining harmonised rules for expressing the environmental and safety performance and life-cycle assessment of construction products in relation to their essential characteristics;
- establish obligations incumbent on economic operators dealing with construction products or their components or with double use products, including the de-installation and reuse of those products.

This Regulation contributes to the efficient functioning of the internal market by ensuring the **free movement of safe and sustainable construction products in the Union** and to the objectives of a green and digital transition by preventing and reducing the impact that construction products have on the environment and on the health and safety of people.

‘**Construction product**’ means any product or a kit which is produced and placed on the market or supplied to the construction site for incorporation in a permanent manner in construction works or parts thereof within the Union, including 3D-printed products or other items covered by this Regulation.

Reducing complexity

The CPR is a piece of legislation that should be **understandable and implementable by economic actors throughout the value chain**. The amendments therefore aim to clarify, reduce bureaucratic burden and - in some cases - delete provisions that present a real risk of regulatory overreach.

Legislators should be careful not to create uncertainty by introducing unnecessary adjustments.

Division of powers

Members believe that Member States should set the safety level of construction works in accordance with their responsibilities to their citizens, while the EU sets the framework conditions for the internal market. Member States should remain competent to adopt provisions relating to construction works.

Essential characteristics of products

The essential characteristics of construction products should be identified by the Commission, taking into account the regulatory needs of the Member States and Union safety, environmental, circularity and climate objectives.

Members consider that **priority should be given to the elaboration of standards**. The Commission should be able to supplement the Regulation by adopting delegated acts where this is genuinely necessary in the interests of the internal market: for example, in the event of unjustified delays in adopting standards, where there is an urgent need to adopt standards or where essential characteristics are not covered by the standard.

CE marking

A CE marking should be sufficient proof of the conformity of a product with the characteristics and requirements laid down by this Regulation. Member States should not therefore introduce any barriers to their markets based on characteristics and requirements that are not covered by the harmonised zone.

Construction products standards

Construction products standards should be established by the European standardisation organisations on the basis of a standardisation request issued by the Commission. The Commission should adopt implementing acts laying down a clear and stable set of rules for the whole standardisation process including roles, responsibilities, competences and the general procedural deadlines for all stakeholders involved as well as templates to be used.

Digital gateway

To facilitate this communication, Member States should register in the Single Digital Gateway all their national regulatory and administrative measures directly or indirectly influencing the usability of construction products on their territory.

Supply of the declaration of performance and of the declaration of conformity

To simplify supply chain communication, declarations of performance and declarations of conformity should additionally be made available in a **machine-readable format**. This would allow the user via an app to check conformity with the application rules of the Member State where the product is used. An important prerequisite for machine-readable declarations is a standardised IT format, which is required for each harmonised technical specification.

Obligations of all economic operators

The economic operator should be able to present all documentation, including the declaration of performance and the declaration of conformity, to the authorities using the digital construction products passports.

Unless the safety of the products or the safety of the construction works is adversely affected, the manufacturer would be subject to the following obligations:

- design and manufacture products and their packaging in such a way that **the protection of human health and their overall environmental sustainability are maximised**, including for climate and biodiversity, as well as energy and resource efficiency, indoor air quality and the avoidance of substances of concern unless a lower level:
- ensure that, where technically and economically feasible and without impacting the safety of construction works, by 10 years after the adoption of performance classes in accordance with Article 4(4), point (a), or Article 5(2), all products placed on the market fall within the two highest environmental performance classes established;

- without creating unjustified barriers to the single market, give preference to local, reusable, sustainably sourced bio-based or recyclable materials, materials gained from re-use or recycling and by-products, while taking into account the environmental and climate impacts of transporting such materials;
- comply with the minimum recycled content obligations and other limit values relating to aspects of environmental sustainability, including climate sustainability, biodiversity and the efficient use of energy and resources, set out in the harmonised technical specifications;
- make available, at least in the permalinks of their own websites or by means of QR codes and in the digital product passport, relevant instructions for use.

Obligations relating to 3D printing of construction products

A natural or legal person who 3D prints construction products should (i) satisfy with the obligations incumbent on manufacturers when placing their products on the market; (ii) use the appropriate 3D data sets; (iii) ensure that the materials used have undergone the procedures applicable to products under the Regulation; (iv) ensure that the information provided by the manufacturer of the 3D data set and the information provided by the manufacturer of the printing equipment coincide.

Establishment of a digital passport for construction products

Members introduced a new article stipulating that the Commission should adopt delegated acts to establish a digital passport for construction products. The digital passport should contain the declaration of performance or the combined declaration of performance and conformity, product information and technical documentation.

The digital passport should be **accessible free of charge to all economic operators**, customers, users and authorities by means of QR codes, a bar code, an RFID chip or a permalink.

The digital passports should be accessible on the manufacturer's website, in its database or on an online platform chosen by the manufacturer of the products concerned for ten years after the last product has been placed on the market. The Commission should establish and maintain a register storing the information contained in the construction product passports by means of delegated acts.

Legal and planning certainty for the transition period

While the Commission proposes that Regulation (EU) 305/2011 be repealed with effect from 1 January 2045, Members propose that that Regulation be repealed with effect from the date of entry into force of this Regulation, with some exceptions which would be repealed with effect from **10 years** after its date of entry into force.

Parliament proposed that the Commission should establish, no later than six months after entry into force, a **working plan for transition and standardisation priorities** covering at least the following three-year period. The work plan should be publicly available, regularly updated and contain a list of product families considered to be priorities for issuing standardisation requests.