

# New Regulation on Construction Products

2022/0094(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted 505 votes to 40, with 78 abstentions, a legislative resolution on 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

## ***Subject matter and objectives***

The proposed Construction Products Regulation (CPR) aims to set the conditions for the placing and making available on the market of construction products by defining harmonised rules for expressing environmental and safety performance, as well as for the life-cycle assessment of construction products in relation to their essential characteristics.

The Regulation aims to contribute to the efficient functioning of the internal market by ensuring the free movement of safe and sustainable construction products in the Union. It also aims to contribute 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.

The definition of ‘**construction product**’ means any formed or formless physical item, including 3D-printed products, or a kit that is placed on the market, including by means of supply to the construction site, for incorporation in a permanent manner into construction works.

## ***Working plan and preparatory phase for the development of harmonised technical specifications***

To ensure that a strong link between standards and the regulatory needs of the Member States is maintained, an expert group should give advice to the Commission on the preparation of standardisation requests and other harmonised technical specifications. The work of the expert group should follow a working plan established on the basis of inputs from Member States in addition to overall Union priorities such as EU climate and circular economy goals. In establishing the priorities of the working plan, the Commission should pay particular attention to the replacement of harmonised technical specifications adopted under Regulation (EU) No 305/2011.

The Commission should inform the Member States and the European Parliament on a yearly basis about progress in implementing the working plan, including information on the standardisation requests issued, the number of standards proposed by the European standardisation organisations, the average time needed for the assessment of standards by the Commission, and the ratio between standards accepted and rejected by the Commission.

## ***Harmonisation***

The Regulation provides a case-by-case harmonisation of construction products available on the market, but it also broadens the scope of the regulation to include **used and remanufactured products** through dedicated technical specifications. It clarifies the procedure for the harmonisation of products. The starting point will be a request sent to the European Committee for Standardization (CEN), which brings together the national standardisation bodies of the 27 Member States plus Iceland, Norway, North Macedonia,

Serbia, Switzerland, Türkiye and the UK. If the CEN fails to deliver a standard, the Commission would be authorised to adopt fall-back implementing acts.

Construction products covered by a harmonised technical specification or a European Technical Assessment must be accompanied by general information on the product in question, **instructions for use and safety information**.

### ***Coherence with existing legislation***

The Regulation aligns the provisions for economic operators in the construction sector with the new legislative framework (the 2008 legislative package on the implementation and enforcement of internal market legislation), and the market surveillance and **ecodesign regulations**. Similarly, the provisions on notifying authorities and on member state incentives for green construction products and green **public procurement** have been aligned with the ecodesign regulation. The Council position authorises the Commission to establish mandatory environmental requirements for public procurement or incentives for the acquisition of construction products.

### ***Harmonised zone and national measures***

This Regulation, and the harmonised technical specifications adopted in accordance with it, together, establish a ‘harmonised zone’. The harmonised zone covers all products subject to harmonised technical specifications. Harmonised technical specifications should be presumed to be comprehensive, in the following respects: (a) laying down all essential characteristics and their assessment methods; (b) specifying all inherent product requirements other than those covered by other Union law; and (c) determining the applicable assessment and verification systems.

Member States should register in the **Single Digital Gateway** established by Regulation (EU) 2018/1724 all their national laws, regulations and administrative measures related to construction products on their territory covered by the harmonised zone.

### ***Digital product passport system***

The Commission should adopt delegated acts in order to set up a construction digital product passport system aligned to the extent possible to the digital product passport under the ecodesign Regulation.

The product passport should contain information on the declaration of performance and conformity, general information, instructions for use and safety information, technical documentation and labelling. It must be connected to one or more data carriers, be accessible electronically, be accessible free of charge to all economic operators, customers, users and authorities via the data carrier, and allow the actors specified in the digital passport system for construction products to enter or update the information contained in the product passport.

This Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on instances of non-compliance through a complaint portal established and maintained by the Commission. In handling the complaints, the Commission should take into account the relevance and substantiation of the complaint by prioritising those complaints raising issues having particularly far-reaching negative impacts for citizens or the internal market.