

New Regulation on Construction Products

2022/0094(COD) - 18/12/2024 - Final act

PURPOSE: to ensure the free movement of safe and sustainable construction products in the internal market, to contribute to the green and digital transition and to protect health and safety of persons and the environment.

LEGISLATIVE ACT: Regulation (EU) 2024/3110 of the European Parliament and of the Council laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.

CONTENT: this regulation lays down **harmonised EU rules for construction products**. It will remove obstacles to their free movement in the market, reduce administrative burden (through digital solutions) and ensure these products are in line with circular economy principles and new construction technologies.

This regulation also establishes: (i) rights and obligations for **economic operators** dealing with construction products or their components; and (ii) obligations for other actors providing services linked to the manufacturing and commercialisation of products covered by this regulation. At the same time, it respects the fact that the right to regulate construction works is a competence of Member States.

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** will give advice to the Commission on the preparation of standardisation requests and other harmonised technical specifications. The work of the expert group will 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. The Commission will inform the European Parliament and the Member States annually about progress in implementing the working plan.

Fixing the problems standardisation system

The new regulation facilitates the adoption of new standards. The methods and the criteria for assessing the performance of a product in relation to its essential characteristics will be laid down in harmonised standards made mandatory by means of the implementing acts.

In order to address persistent delays in the standardisation process and to increase the Commission's possibilities for action in the event of problems, the regulation provides for a **fallback solution** allowing the Commission, under specific conditions, to adopt harmonised technical specifications alone by means of implementing acts.

Digital passport

The regulation provides for the creation of a construction products digital passport system, similar to those proposed in the ecodesign regulation. The Commission will be empowered to define the functionalities and requirements of this product passport system by means of **delegated acts**.

A digital product passport will include **information** on the declaration of performance and conformity; the general product information, instructions for use and safety information; the technical documentation and the label. It should be connected to one or more data carriers; be accessible by electronic means; be accessible free of charge to all economic operators, clients, users and authorities through the data carrier; and allow actors specified in the construction digital product passport system to introduce or to update the information in the digital product passport.

Labelling requirements

In order to make informed choices, users of construction products need to be sufficiently well informed about the environmental performance of the products, their conformity with environmental requirements and the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt delegated acts to establish specific labelling requirements.

Public procurement

Public procurement amounts to 14 % of Union's GDP. In order to enhance the use of sustainable construction products, the public procurement practices of the Member States will **comply with mandatory minimum performance requirements** on environmental sustainability for construction products set out by delegated acts. These rules may apply to all contracts involving construction products, including construction works contracts, where Member States wish to introduce environmental requirements for these products.

The regulation also gives Member States the possibility to **derogate** from environmental requirements in cases where applying them would result in low market offer for the required construction product, where there would be no suitable tenders and in cases where they result in disproportionate costs causing the Member State to spend more than 10% in comparison to the scenario where no requirements would apply.

Surveillance

The Commission will set up a **complaint portal** allowing any natural or legal person to share complaints about possible breaches of the Regulation. Where the Commission considers that a complaint is justified on the basis of clearly defined criteria, it will forward the complaint without undue delay to the single liaison point of the Member State concerned so that the latter can follow it up with the natural or legal person concerned.

Member States will designate, among their **market surveillance authorities**, one or more authorities that have the specific expertise needed to assess products, both technically and legally. They will also designate at least **one contact point for construction products** in their territory.

Repeal of the existing Regulation

The regulation provides for a transition period between the old legal framework and the new one, which will last 15 years from the date of entry into force of the new Regulation (until 8 January 2040).

ENTRY INTO FORCE: 7.1.2025.

APPLICATION: from 8.1.2026, with the exception of certain provisions which will apply from 7.1.2025 and 8.1.2027.