Basic information

2008/0098(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Construction products: harmonised conditions for the marketing Repealed by 2022/0094(COD) Amended by 2017/0353(COD) Amended by 2022/0279(COD) See also 2020/2028(INI) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.07 Building industry	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	STIHLER Catherine (S&D)	01/04/2010
	Shadow rapporteur MAYER Hans-Peter (PPE) BUŞOI Cristian-Silviu (ALDE) RÜHLE Heide (Verts/ALE) MCCLARKIN Emma (ECR) TRIANTAPHYLLIDES Kyriacos (GUE/NGL) SALVINI Matteo (EFD)	

Former committee responsible	Former rapporteur	Appointed
IMCO Internal Market and Consumer Protection	NERIS Catherine (PSE)	03/06/2008

Former committee for opinion	Former rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	DOVER Den (PPE-DE)	22/08/2008

Council of the

Council configuration	Meetings	Date

European Union	General Affairs	3032	2010-09-13
	Competitiveness (Internal Market, Industry, Research and Space)	2982	2009-12-03
	Competitiveness (Internal Market, Industry, Research and Space)	3016	2010-05-25
	Transport, Telecommunications and Energy	3072	2011-02-28

European Commission	Commission DG	Commissioner
	Internal Market, Industry, Entrepreneurship and SMEs	TAJANI Antonio

Key events

Date	Event	Reference	Summary
23/05/2008	Legislative proposal published	COM(2008)0311	Summary
04/06/2008	Committee referral announced in Parliament, 1st reading		
11/02/2009	Vote in committee, 1st reading		Summary
13/03/2009	Committee report tabled for plenary, 1st reading	A6-0068/2009	
23/04/2009	Debate in Parliament		
24/04/2009	Decision by Parliament, 1st reading	T6-0320/2009	Summary
24/04/2009	Results of vote in Parliament		
20/10/2009	Modified legislative proposal published	COM(2009)0579	Summary
03/12/2009	Debate in Council		Summary
13/09/2010	Council position published	10753/3/2010	Summary
23/09/2010	Committee referral announced in Parliament, 2nd reading		
22/11/2010	Vote in committee, 2nd reading		Summary
30/11/2010	Committee recommendation tabled for plenary, 2nd reading	A7-0343/2010	
17/01/2011	Debate in Parliament		
18/01/2011	Decision by Parliament, 2nd reading	T7-0004/2011	Summary
28/02/2011	Act approved by Council, 2nd reading		
09/03/2011	Final act signed		
09/03/2011	End of procedure in Parliament		
04/04/2011	Final act published in Official Journal		

Technical information

Procedure reference	2008/0098(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2022/0094(COD) Amended by 2017/0353(COD) Amended by 2022/0279(COD) See also 2020/2028(INI)
Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/03054

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE414.017	06/10/2008	
Amendments tabled in committee		PE415.231	12/11/2008	
Committee opinion	ITRE	PE412.341	04/12/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0068/2009	13/03/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0320/2009	24/04/2009	Summary
Committee draft report		PE448.894	14/10/2010	
Amendments tabled in committee		PE450.931	19/10/2010	
Committee recommendation tabled for plenary, 2nd reading		A7-0343/2010	30/11/2010	
Text adopted by Parliament, 2nd reading		T7-0004/2011	18/01/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	12978/2010	06/09/2010	
Council position	10753/3/2010	13/09/2010	Summary
Draft final act	00005/2011/LEX	09/03/2011	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0311	23/05/2008	Summary
Document attached to the procedure	SEC(2008)1900	23/05/2008	
Document attached to the procedure	SEC(2008)1901	23/05/2008	
Commission response to text adopted in plenary	SP(2009)3507	25/06/2009	

Modified legislative proposal	COM(2009)0579	20/10/2009	Summary
Commission communication on Council's position	COM(2010)0500	20/09/2010	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2011)0101	28/02/2011	Summary
Follow-up document	COM(2014)0511	07/08/2014	Summary
Follow-up document	COM(2015)0449	16/09/2015	
Follow-up document	COM(2016)0445	07/07/2016	Summary
Follow-up document	COM(2019)0800	24/10/2019	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0329/2009	25/02/2009	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2011/0305
OJ L 088 04.04.2011, p. 0005 Summary

Delegated acts

Reference	Subject
2015/2762(DEA)	Examination of delegated act
2013/2928(DEA)	Examination of delegated act
2014/2593(DEA)	Examination of delegated act
2014/2605(DEA)	Examination of delegated act
2014/2763(DEA)	Examination of delegated act
2015/2763(DEA)	Examination of delegated act

2015/2764(DEA)	Examination of delegated act
2014/2762(DEA)	Examination of delegated act
2015/2778(DEA)	Examination of delegated act
2014/2765(DEA)	Examination of delegated act
2019/2655(DEA)	Examination of delegated act
2017/2578(DEA)	Examination of delegated act
2017/2808(DEA)	Examination of delegated act
2018/2587(DEA)	Examination of delegated act
2019/2659(DEA)	Examination of delegated act
2019/2660(DEA)	Examination of delegated act
2017/2621(DEA)	Examination of delegated act
2017/2622(DEA)	Examination of delegated act
2018/2549(DEA)	Examination of delegated act
2017/2543(DEA)	Examination of delegated act
2023/2968(DEA)	Examination of delegated act
2025/2670(DEA)	Examination of delegated act

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 07/08/2014 - Follow-up document

Pursuant to Regulation (EU) 305/2011 on construction products (CPR), this report from the Commission assesses the **specific need for information on the content of hazardous substances in construction products** and considers the possible extension of the information obligation provided for in the Regulation to other substances.

Provisions of the construction products Regulation: in line with Article 4(1) of the CPR the manufacturer must draw up a **Declaration of Performance** (DoP) when placing on the market a construction product which is covered by a harmonised standard, or for which a European Technical Assessment has been issued.

According to Article 6(5) of the CPR this information must be provided together with the DoP. This information (Safety Data Sheets for dangerous substances or information on dangerous substances contained in the construction product) therefore accompanies the construction product in all steps of the supply chain till the final end user (contractor, worker and consumer), extending the dissemination obligation set by **Regulation (EC) 1907/2006 (REACH)**.

Independent study: to respect the obligation in the report, the Commission has procured the independent study on specific needs for information on the content of dangerous substances in construction products with the overarching objective to clarify and analyse the existence of specific needs for information on content of construction products. This was examined in the context of the protection of the health and safety of not only workers who install/use construction products but also of all persons who live in buildings and use civil engineering works throughout their whole life cycle.

The study identified **30 certification and labelling schemes** that cover construction products and have inter alia content based criteria. The study has found that no sector specific schemes are both focusing solely on this content and covering only construction products. It revealed that stakeholders have different views on the role of the labelling of content on construction products.

Conclusions of the study: the Commission has assessed the findings of the study together with the legal provisions of the CPR and of REACH. Furthermore, it has assessed the progress of harmonisation work in the area of assessment of dangerous substances in construction products and arrived to the following conclusions:

- The current **harmonised technical specifications** for construction products cover all aspects of product performance in relation to regulatory provisions on substances in place at national and at European level.

The standardisation work which has been undertaken under Mandate M/366 for the elaboration of European assessment methods covers also content related national or European regulatory provisions. Standardisers (CEN) are expected to introduce shortly these assessment methods in harmonised European standards and the EOTA bodies will also use them in the European Assessment Documents (EADs).

According to the Commission, **the manufacturer is thus empowered to inform about the required product performance, where appropriate including the content of substances**, through the DoP. This ensures the availability of this information for all downstream users of the product.

- **The REACH related information** which the manufacturer may have to provide takes into account the protection of users, workers and consumers. Any future extension of the REACH Regulation to cover new substances will automatically apply also to the obligation of construction products manufacturers to disseminate the relevant information, thus keeping pace with scientific progress.

Moreover, the DoP presented together with REACH information as intended by Article 6(5) of the CPR can constitute a useful tool to fulfil, for example through informed user and consumer choices, the goals of the high level of protection of human health and the environment, or the sustainable use of resource inter alia via recycling and reuse.

- The **study** identified certain voluntary certification and labelling schemes that pursue these goals via information of the content of substances in the construction products. They would however generally not be tailored to construction products, have limited geographic coverage and would by large not be covered by the DoP. **The study has not attempted to develop a scheme of its own** or assess costs and benefits of extending existing obligations by one of these schemes.

- **Manufacturers of construction products**, especially SMEs surveyed in the study on the other hand consider any extension of the current information obligations to be a significant and unjustifiable burden.

The European Commission considers that, for the purpose of consolidating the Internal Market for construction products within the framework of the implementation of Regulation (EU) 305/2011, the **specific needs for information on the content of hazardous substances in construction products, are sufficiently addressed** by the current provisions of the CPR.

The Commission suggests however the need for **further options to inform final users on the presence of substances in construction products**, so as to ensure a high level of protection of the health and safety of workers using construction products and of users of construction works, including with regard to recycling and/or reuse requirements of parts or materials. This should be further assessed and, if appropriate, addressed under the relevant instruments available in EU legislation.

The report underlines that these conclusions concerning the implementation of the Regulation (EU) 305/2011, do not prejudge the possibility for the Commission, having regard to the provisions of the Treaty on the Functioning of the EU other than Article 114, to undertake where necessary the appropriate legislative initiatives.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 28/02/2011 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts all the amendments voted by The European Parliament in second reading according to the compromise text of the Council and the European Parliament. The European Parliament’s opinion at second reading of 18 January 2011 has brought the Council position closer to that of the Commission's proposal in terms of clarifying the treatment of dangerous substances within the context of the REACH Regulation, ensuring the independence of the actions of Product Contact Points for Construction as well as allowing for wider digital delivery of the declarations of performance.

The Commission also presents the statement attached concerning the period for **objection to delegated acts by the European Parliament and Council**.

The Commission recalls that the principle established in the draft Common Understanding is that the period for objection should be 2 months extendable by a further 2 months. In the present case, the Commission considers that there are no specific circumstances which could justify a deviation from that principle. The Commission regrets that the principle established in the draft Common Understanding has not been respected and underlines that the present case does not constitute a precedent.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 18/01/2011 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.

It adopted its position at second reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise reached between the European Parliament and the Council.

Declaration of performance: in order to avoid an empty declaration of performance, at least one of the essential characteristics of a construction product which are relevant for the declared use or uses should be declared.

A copy of the declaration of performance of each product which is made available on the market shall be supplied in paper form or by electronic means. However, a paper copy of the declaration of performance shall be supplied if the recipient requests it. It should be possible for the declaration of performance to be numbered in accordance with the product-type reference number.

Health, safety and the environment: when assessing the performance of a construction product, account should also be taken of the health and safety aspects related to its use during its entire life cycle. Construction works as a whole and in their separate parts must be fit for their intended use, taking into account in particular the health and safety of persons involved **throughout the life cycle of the works**. They must be designed, built and demolished in such a way that the use of natural resources is sustainable and in particular ensure the following: re-use or recyclability of the construction works.

The interpretative framework for the definition of "**non-series process**", to be applied to different construction products covered by this Regulation, should be established by the Commission in consultation with the Standing Committee on Construction.

Dangerous substances: the amended text stipulates that where applicable, the declaration of performance should be accompanied by information on the content of hazardous substances in the construction product in order to improve the possibilities for sustainable construction and to facilitate the development of environmentally-friendly products. Such information should be provided without prejudice to the obligations, particularly with regard to labelling, laid down in other instruments of Union law applicable to hazardous substances and should be made available at the same time and in the same form as the declaration of performance so as to reach all potential users of construction products.

Information on the content of hazardous substances should initially be limited to substances referred to in Articles 31 and 33 of Regulation (EC) No 1907/2006 (REACH). However, the specific needs for information on the content of hazardous substances in construction products should be further investigated with a view to completing the range of substances covered so as to ensure a high level of protection of the health and safety of workers using construction products and of users of construction works, including with regard to recycling and/or re-use requirements of parts or materials.

Simplified procedures: conditions should be defined for the use of simplified procedures for the assessment of performance of construction products, in order to decrease as far as possible the cost of placing them on the market, without reducing the level of safety. The manufacturers using such simplified procedures should demonstrate appropriately the fulfilment of those conditions.

In order to enhance the impact of market surveillance measures, all simplified procedures provided for in this Regulation for the assessment of performance of construction products should apply only to natural or legal persons which manufacture the products they place on the market.

CE marking: the CE marking shall be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity.

Product Contact Points: these should be able to carry out their functions in a manner that avoids conflicts of interest, particularly in respect of the procedures for obtaining the CE marking. Member States should furthermore ensure that sufficient resources are allocated to the Product Contact Points.

Harmonised standards: where stakeholders are involved in the process of developing harmonised standards, the European standardisation bodies shall ensure that the various categories of stakeholders are in all instances represented in a fair and equitable manner. Wherever possible, uniform European methods should be laid down for establishing compliance with the basic requirements set out in Annex I.

Content of the European Assessment Document: a European Assessment Document shall contain, at least, a general description of the construction product, the list of essential characteristics, relevant for the intended use of the product as foreseen by the manufacturer, and agreed between the manufacturer and the organisation of technical assessment bodies (TABs), as well as the methods and criteria for assessing the performance of the product in relation to those essential characteristics.

Requirements for TABs: the TABs shall make publicly available their organigramme and the names of the Members of their internal decision-making bodies. The organisation of TABs shall at least carry out the following tasks: (a) organise the coordination of the TABs and, if necessary, ensure cooperation and consultation with other stakeholders; (b) ensure that examples of best practice are shared between TABs to promote greater efficiency and provide a better service to industry.

TABs should establish an organisation supported, where applicable, through Union financing, to coordinate procedures for the establishment of draft European Assessment Documents and for the issuing of the European Technical Assessments, ensuring the transparency and the necessary confidentiality of those procedures.

Delegated acts: the Commission should be empowered to adopt delegated acts outlining the conditions for the use of websites to make available the declaration of performance.

Reporting: this report should also be based on Article 37 (use of simplified procedures by micro-enterprises).

By three years following the entry into force of the Regulation, the Commission shall assess the specific need for information on the content of hazardous substances in construction products and consider the possible extension of the information obligation to other substances, and shall report to the European Parliament and to the Council. In its assessment, the Commission shall take into account, inter alia, the need to ensure a high level of protection of the health and safety of workers using construction products and of users of construction works, including with regard to recycling and/or re-use requirements of parts or materials. If appropriate, the report shall, within two years, be followed up by appropriate legislative proposals.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 20/10/2009 - Modified legislative proposal

The Commission presented an amended proposal for a Regulation laying down harmonisation conditions for the marketing on the construction products, following the opinion given by the European Parliament at first reading on 24 April 2009.

The Commission has considered it appropriate to **accept a large number of amendments approved by the European Parliament** because they do not modify the main substance of the initial Commission proposal: they quite frequently also contribute to improving it by making it more precise. Whilst welcoming those amendments, the Commission has preferred, in a certain number of cases, a slightly different formulation.

Of the changes accepted by the Commission, Amendments 17 and 70, deleting recital 17 and modifying Article 21, have introduced the most important substantial changes to the Commission proposal. **The Parliament has limited hereby the use of European Technical Assessments (ETAs) only to**

situations where the product in question is not covered or not fully covered by a harmonised standard. Given the specific character of harmonised standards in this context (performance-based standards), the Commission can accept these amendments, while not going against the main objective of the proposal.

On the other hand, certain amendments could not be accepted because they would have modified the substance of the Commission proposal in a manner not compatible with the objectives presented above. Within the reasons that have led to the rejection of these amendments, it is worth pointing out their evident inconsistency, in several cases, with the general principles of the Internal Market Package for Goods. Moreover, sometimes the horizontal character of the amendments has not coincided with the sectorial nature of the Commission proposal. Accepting some of the amendments would have created internal incoherence within the whole proposal, too.

Lastly, a **series of amendments have been rejected** because of their significant direct implications on the substance of the proposal. The most important ones concern the following matters:

- the obligation established for the manufacturers to affix CE marking even in absence of a real declaration of performance with any content, because no regulatory requirement for such declaration exists; this would lead to a meaningless CE marking, which cannot be accepted, and, in addition, would impose unnecessary burden to enterprises;
- an obligation to declare the content on dangerous substances, going beyond REACH obligations and introduced without any justification or impact assessment;
- the possibility to maintain national marks together with the CE marking. In this respect, the vote in the Plenary represents a step in the right direction, as Amendment 54 to Article 7, opening this route, was rejected: however, Amendment 17 related to the corresponding recital 30 was maintained.

It should be noted that the Council has been continuing their works, with a view of improving the technical quality of the proposal and defining the mandate for the Presidencies for further negotiations with the Parliament. The Council has also dealt with most of the Parliament amendments, indicatively taking a rejecting stand on a large number of them. On the other hand, the progress made in the Council has to some extent reflected also on the contents of the Parliament amendments, thus paving way for the establishment of a solid common base for the thrive towards a second reading compromise between the Institutions on this proposal. The Commission warmly welcomes all such efforts, facilitating the work ahead.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 09/03/2011 - Final act

PURPOSE: to ensure the proper functioning of the internal market for construction products by means of harmonised technical specifications to express the performance of construction products.

LEGISLATIVE ACT: Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.

CONTENT: following the agreement reached with the Parliament in second reading, the Council adopted a Regulation updating the conditions for the marketing of construction products in the internal market.

This Regulation is designed to **simplify and clarify the existing framework for the placing on the market of construction products** by replacing the measures foreseen in Directive 89/106/EEC which is currently in force. It lays down the conditions for the placing or making available on the market of construction products by establishing harmonised rules on how to express the performance of construction products in relation to their essential characteristics and on the use of CE marking on those products.

The provisions of the new Directive seek to:

- **clarify the affixing of CE marking**: CE marking is affixed to construction products for which the manufacturer has drawn up a declaration of performance. By affixing the CE marking to a construction product, manufacturers indicate that they take responsibility for the conformity of that product with its declared performance;
- introduce **simplified procedures** enabling costs borne by business, especially SMEs, to be reduced and to impose stricter designation for **organisations responsible for assessing the performance** of construction products and the verification of the products' constancy.

More specifically, the purpose of the measures is to provide **reliable and precise information** on construction products in regard to their performance. The system applied to achieve this comprises two main elements: a body of harmonised technical specifications, harmonised standards and European Assessment Documents (EADs) providing the methods necessary for the assessment of the performance of the products, as well as a certain number of designated organisations and technical assessment bodies (TABs) selected according to rigorously defined criteria that guarantee the proper use of these methods. A TAB shall make publicly available its organigramme and the names of the members of its internal decision-making bodies. They should establish an organisation responsible for coordinating the procedures for drawing up draft European Assessment Documents, while safeguarding the necessary transparency and confidentiality in these procedures.

Other aspects of the Regulation relate to:

- the drawing up **by electronic means** of the **declaration of performance** for products to be placed on the market. The declaration of performance shall be numbered according to the reference number of the product type;
- the possibility of allowing micro-enterprises manufacturing construction products to apply simplified procedures while respecting safety standards. When manufacturers use these simplified procedures, they shall demonstrate compliance of the construction product with the applicable requirements;
-

information that national administrations will be required to provide via **construction products contact points**. The latter should be in a position to carry out their tasks avoiding conflicts of interest, in particular in regard to the access procedure to CE marking. Member States must also ensure that there are sufficient resources allocated to the product contact points;

- aspects relating to the environment and **safety** aspects in respect of the use of construction products **throughout their life cycle** and in particular the **dangerous substances** used in their manufacture. Information regarding the content of hazardous substances are, in the first instance, limited to those substances covered by Regulation (EC) No 1907/2006 (REACH Regulation);
- by 25 April 2014, the Commission shall assess the specific need for information on the content of hazardous substances in construction products and consider the **possible extension of the information obligation** to other substances. It shall report thereon to the European Parliament and to the Council. In its assessment, the Commission shall take into account, inter alia, the need to ensure a high level of protection of the health and safety of workers using construction products and of users of construction works, including with regard to recycling and/or **reuse** requirements of parts or materials.

Report: by 25 April 2016, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Regulation on the basis of reports provided by Member States, as well as by other relevant stakeholders, accompanied, where relevant, by appropriate proposals.

ENTRY INTO FORCE: 24/04/2011. Some of the provisions of the Regulation will enter into force on 01/07/2013 so that businesses have the necessary time to adapt to the new legislation.

DELEGATED ACTS: Article 60 of the Regulation stipulates that the Commission is empowered to adopt certain delegated acts with the purpose of achieving the Regulation's objectives. The power to adopt delegated acts is conferred on the Commission for a period of five years from 24 April 2011. The delegation of power is automatically renewed for periods of the same duration, unless the revoked by the European Parliament or by the Council. The European Parliament or the Council may object to the delegated act within a period of **three months** from the date of notification (this period may be extended by a further three months). If the European Parliament or the Council objects to a delegated act, it shall not enter into force.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 03/12/2009

The Council took note of a **Presidency progress report regarding the state of play** of negotiations on a draft regulation laying down harmonised conditions for the marketing of construction products*(doc. 16570/09)*.

The Working Party on Technical Harmonisation examined the Commission proposal during the Slovenian, French, Czech and Swedish Presidencies. The Swedish Presidency has devoted eleven meetings to the proposal, summing a total of twenty-seven Working Parties dedicated to this dossier since its presentation by the Commission. The Working Party has agreed on a number of amendments in relation to the proposal; some of them are in conformity with amendments made by the European Parliament, while others will be subject to further examination in negotiations with the European Parliament. The result of the examination in the Working Party can be presented as follows:

- **Basic Works Requirements and essential characteristics (Article 3)**: this article has been redrafted to describe more clearly the meaning of these concepts. The amendments made have a broad support in the Working Party.

- **Conditions for drawing up the declaration of performance (DoP) (Article 4)**: this article, which is of central importance, concerns issues related to the mandatory or voluntary character of the CE-marking. The Swedish Presidency has launched a compromise text on this major issue which has received considerable support by delegations and by the Commission.

- **Obligations of economic operators (Chapter III, Articles 10-15)**: these articles include provisions concerning the obligations of manufacturers, importers and distributors of construction products. Very few amendments in substance have been made to the Commission proposal and this chapter has the broad support of the Working Party.

- **Harmonised technical specifications (Chapter IV, Articles 16- 21a, annex II and V)**: the Working Party has agreed, like the European Parliament, that only products not covered or not fully covered by a harmonised standard may request for an ETA as a way to CE-marking. Furthermore, an extensive redrafting has in principle been agreed concerning the criteria and procedure for development and adoption of European Assessment Documents (EADs).

- **Technical Assessment Bodies (Chapter V, Articles 22-25, Annex IV)**: delegations largely support the idea that the evaluation of TABs should be a task for Member States.

- **Simplified procedures for micro-enterprises (Article 27)**: several Member States have strong reservations to the proposal. The Presidency holds the view that a compromise could be found in discussing all aspects of reduced burden for certain types of enterprises in one context.

- **Comitology**: questions related to comitology have been discussed in substance in the Working Party several times. Now, after entry into force of the Lisbon Treaty, the proposal has to be adjusted in the light of Article 290 TFEU.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 25/05/2010

During a public debate, the Council reached, by qualified majority, a **political agreement** on a draft regulation updating the conditions for the marketing of construction products in the internal market (9459/10).

Once the legal and linguistic adjustments of the text are completed, it will be forwarded to the European Parliament for a second reading under the ordinary Council-Parliament legislative procedure.

Several delegations and the Commission made statements regarding the following key topics of the file:

- § the requirement for manufacturers to supply a **declaration of performance**;
- § the possible impact of the declaration of performance on SMEs and micro-enterprises and the compatibility of the declaration of performance with better regulation principles;
- § the information attached to the declaration of performance concerning the content of hazardous substances;
- § the scope of delegated acts for adapting the regulation to technical progress in the future; and
- § the possibility for member states to exercise market surveillance in relation to the declaration of performance.

The proposed regulation is intended to simplify and clarify the existing framework for placing construction products on the market by replacing the measures contained in directive 89/106/EEC, which is currently in force, in order to ensure the free circulation of construction products within the single market.

The objective is to clarify the basic concepts and the use of "CE marking"; to introduce simplified procedures so as to reduce the costs incurred by enterprises; and to increase the credibility of the whole system by imposing new and stricter designation criteria for bodies involved in the assessment and verification of the constancy of performance of construction products. More specifically, it seeks to ensure accurate and reliable information on construction products in relation to their performance.

The future regulation will also take into account the "New Legal Framework" for the marketing of products adopted in 2008.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 24/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 390 votes to 4 with 6 abstentions, amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products. The main amendments are as follows:

Definitions: a definition is inserted for "products which are not covered or not fully covered by a harmonised standard" in order to clarify the products for which a European Technical Assessment can be requested. Mostly innovative products will fall under this definition. Parliament amended the definition of “essential characteristics” and inserted definitions for, inter alia, 'Performance of a construction product', "European Technical Assessment" Specific Technical Documentation", "Technical Assessment Body". The latter must participate in the development of European Assessment Documents and assess the performance of the essential characteristics of construction products not or not fully covered by a harmonised standard in the product areas listed in Annex IV. Parliament also re-organised the text to make it more coherent.

Two separate access routes to the CE marking: the Commission establishes the option of leaving access to the European technical assessment (ETA) free to all construction products. In order to avoid a two-speed CE marking procedure, which would complicate the system and risk having a negative impact on the credibility of the CE marking, Parliament wants access to the European Technical Assessment to be reserved for innovative products, which are now defined more precisely.

Harmonised standards: Parliament stipulates that harmonised standards shall provide the generic intended use of the products if applicable. They shall also provide the characteristics, the minimum requirements for which in terms of levels or classes of performance shall be determined by the Commission for each family of products laid down in Annex IV and by type of application.

Levels or classes of performance: where provided for in the relevant mandate, the European standardisation bodies shall establish in harmonised standards minimum performance levels in relation to essential characteristics and, where appropriate, intended end uses to be fulfilled by construction products in Member States. The Commission may establish conditions under which a construction product shall be deemed to satisfy a certain level or class of performance without testing or without further testing. Where such conditions are not established by the Commission, they may be established by the European standardisation bodies in harmonised standards, on the basis of a revised mandate.

Conditions associated with the CE marking: Members add that in the absence of a declaration of performance, the CE marking can not be affixed. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking, and shall take appropriate action in the event of improper use of the marking. There must be penalties for infringements, which may include criminal sanctions for serious infringements. Penalties shall be proportional to the seriousness of the infringement. Parliament stated that importers should also bear responsibility as far as marking is concerned.

Declaration of performance: the latter must comprise the full list of the essential characteristics given in the harmonised technical specification for the construction product, and for each essential characteristic either the declared values, classes or levels of performance or 'no performance determined'.

The declaration of performances shall be drawn up using the model set out in Annex III in the official language, or one of the official languages, of the Member State in which the product is placed on the market.

Product Contact Points: Product contact Points must also provide information on, if applicable, the appeals possibilities available to all manufacturers contesting the conditions of access for one or more of their products to the CE marking, in particular the appropriate appeals procedures against decisions taken following the assessment. They must be independent of any body or organisation involved in the procedure for obtaining the CE marking. Guidelines on the role and responsibility of contact points shall be drawn up by the Commission and adopted by the Standing Committee for Construction

European Assessment Document: Parliament stated that where the Commission considers that a sufficient level of technical and scientific expertise concerning an EAD has been achieved, it shall give a mandate to the European standardisation bodies to draw up a harmonised standard on the basis of that EAD.

Simplified procedures-Use of Specific Technical Documentation: Parliament made some amendments to the verification of STD.

Use of STD by micro-enterprises: Parliament adds that the STD shall guarantee an equivalent level of health and safety for persons and for other issues of public interest. The manufacturer shall remain responsible for the product's compliance with the characteristics stated in the declaration of performance. The manufacturer shall provide information on the intended use of the product.

In addition, the Commission shall, by 5 years after the entry into force of the Regulation, draw up a report on the implementation of this Article considering, inter alia, whether its application could be extended to other undertakings, whether to adapt it to small series production, or whether to repeal it. The Article shall not apply to importers who place a product on the market under their own name or trademark or modify a construction product already placed on the market in such a way that conformity with the declared performance may be affected

Transparency: for the system to function smoothly there has to be a certain degree of transparency as regards the establishment of harmonised technical specifications and the assessment of the performances of products for which the CE marking is sought.

The procedure leading to the establishment of an ETA for innovative products must be not only confidential but also transparent vis-à-vis the manufacturer.

It must be possible for the manufacturer to be informed about the progress of his application and to add to his file on the basis of a hearing with an independent scientific expert and a professional organisation of his choice. Accordingly, Parliament provides that the manufacturer may ask for the working group to hear an independent scientific expert of its choice in order to supplement the information made available to the TABs. The working group shall be required to hold such a hearing.

In terms of **governance,** Parliament also proposes that each Technical Assistance Body (TAB) participating in the decision-making procedure should have the same status within the OTAB. In addition, it wants over-representation of particular categories of manufacturer within European standardisation bodies should be avoided so as to ensure that decision-making is transparent and that SMEs are protected.

Members provide that the European standardisation bodies shall ensure that no category of actors in any one sector comprises more than 25% of the participants on a technical committee or working group. If one or more categories of actors cannot take part in a working group, or chooses not to, this requirement may be reassessed on a pro rata basis in relation to actual participants.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 23/05/2008 - Legislative proposal

PURPOSE: to lay down rules on how to express the performance of construction products in relation to their essential characteristics and on the use of CE marking on those products.

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

CONTENT: in the context of its Better Regulation/Simplification programme, the Commission proposes this Regulation in order to improve the internal market for construction products. The new Regulation will replace the "Construction Product Directive" (89/106/EEC) and will aim to remove all remaining regulatory and technical obstacles to the free circulation of construction products. "Construction products" include more than 40 ranges of products such as doors, thermal insulating products, cement, roofing products or bricks. The proposal aims at introducing a "common technical language" for expressing the performance of all these products, thus simplifying and clarifying the present situation. A clarification of procedures leading to CE marking is introduced as well, to reduce costs for manufacturers, whilst ensuring that the declaration of performance accompanying the product is accurate and reliable. Specific measures are also introduced to reduce the burden on SMEs.

Common technical language: this will be used by manufacturers when placing products on the market and by public authorities when defining the technical requirements of works which influence, either directly or indirectly, the products to be used in those works. This common technical language is set out in the harmonised technical specifications (harmonised European standards (hEN) and European Assessment Documents (EAD)) developed under the Regulation. The common technical language will replace the corresponding national technical specifications and increase market transparency to the benefit of users, such as designers, builders, contractors and other actors. In particular architects will find it easier to obtain reliable information about the performances of the products they intend to use, facilitating their responsibility to ensure the safety of the construction works as required by respective national rules. Public administrations of Member States will also be able to make it easier for them to carry out their various tasks related to construction.

The aim is to ensure **reliable and accurate information** on the performance of construction products, by increasing the credibility of standards, but also by introducing new and stricter criteria for notified bodies and by strengthening market surveillance.

The proposal contains precise rules for determining the obligations of all economic operators. Notably the situations when a manufacturer shall make a **declaration of performance** have been clearly defined. This will offer manufacturers a choice of declaring the performance of their products beyond the minimum requirements in place.

The use and the specific meaning of **CE marking for construction products** will be determined clearly. This marking attests that the information accompanying the product has been obtained in accordance with the proposed Regulation and therefore must be considered accurate and reliable.

In some specific situations, the **procedures leading to CE marking** will be **simplified** in order to significantly reduce the costs incurred to manufacturers. In particular, this goes for **micro-enterprises** (less than 10 staff) and for individual products, when significant safety concerns are not implied. For the same purpose, the use of **stable previous test results** or other existing data on the products will be allowed, instead of demanding the repeated testing of such products. For **innovative products**, simplified and streamlined procedures will be introduced as well.

The proposal introduces new and stricter criteria for the notification of bodies carrying out third party tasks in the process of **assessment and verification** of constancy of performance. Along the same lines, the proposal defines stringent criteria for the designation of Technical Assessment Bodies (TAB). As a result, one can expect a greater acceptance of CE marking by Member States' authorities and by clients (designers, contractors and owners), as the only marking attesting compliance of the construction products with declared performances.

Accordingly, the main changes proposed for the system can be summarised as follows:

- European Technical Assessments (ETA) are to continue as a voluntary route to CE marking, as an option to the use of harmonised standards. An ETA could be carried out even when a harmonised standard exists for the same product, thereby giving more flexibility and choice to the manufacturer;

- the present CPD does not contain criteria related to sectoral competence of Technical Assessment Bodies. However, the proposal explicitly sets strict criteria for them;

- the current system recognises two routes for European technical approvals, the Guidelines (ETAGs) and the Common Understanding Assessment Procedure (CUAP). These two are to be replaced by a single simplified route, the European Assessment Document (EAD);

- lastly, the manufacturer is given a crucial role in the development of the EAD, as he decides which characteristics have to be dealt with. He intervenes in the procedure and he signs the definitive contract only when he knows the exact work programme, the timing and the cost of the procedure.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 20/09/2010 - Commission communication on Council's position

The Commission welcomes the completion of the 1st reading in the Council, with the position now adopted. In particular, the Commission appreciates the support given by the Council to its proposal concerning the measures aimed at **simplification**, which remains a key issue for the European SMEs active in this sector.

The **clarification of general principles and contexts** has also been supported by the Council: this is notably reflected in the clear and central role played by the Declaration of Performance (DoP) and the associated CE marking, whose meaning is now unambiguous in this context. The same goes also for the role of harmonised standards, which now clearly has been strengthened by making them the only means available to assess the performance of the essential characteristics of the construction products covered by them.

The Council was only partially in agreement with the Commission's opinion on the **amendments** adopted by the European Parliament at first reading:

- Council approved in principle the main lines of the amendments by the European Parliament on the **declaration of performance**, thus rendering it obligatory when the construction product in question is covered by a harmonised standard or an ETA has been issued for it. In the same context, the Council's position develops somewhat further the corresponding amendments by the European Parliament, delegating the Commission **decision-making powers** on determining those essential characteristics of construction products covered by harmonised standard, for which the manufacturers shall always declare the performance;
- Council rejected the Parliament's proposal to include **dangerous substances** into the mandatory contents of the declaration of performance, covering this topic only in the new recital. This position is in line with the Commission's views, as expressed also in the amended proposal;
- Council also rejected the Parliament's proposal, supported and re-worded by the Commission, to include a clause ensuring the **independence of Product Contact Points** for Construction from bodies involved in the procedure for obtaining the CE marking.

As regards the new provisions introduced by the Council, the Commission endorses the principles expressed by these changes.

Although it considers that the position of the Council does not meet some of the essential aims of its initial/amended proposal, the Commission perceives that the only way of allowing the procedure to continue is to refrain from opposing it. In conclusion, the Commission supports, **in a spirit of compromise, the position adopted by the Council, subject to two statements** mentioned in the following point which concern respect for the principles of "Better Regulation" and market surveillance.

- **Better regulation:** the Commission recalls that this proposal is part of its simplification strategy and therefore regrets that the text finally agreed by the Council could impose unnecessary administrative and testing burdens. The Commission intends to monitor in particular this aspect of the Regulation and will include its conclusions in the report it will present to European Parliament and the Council five years after the entry into force of this Regulation.
- **Market surveillance**: the Commission considers that the authorities of a Member State may, if necessary, take appropriate measures for a product which is placed, or made available, in their market, (i) if the declaration of performance does not contain the performance related to

the essential characteristics for which there are requirements for that product and its declared intended use or uses, or (ii) if the declared performances do not correspond with those requirements, in the same Member State, or parts of its territory. The measures need to be proportionate to the risks involved and should not lead to the fragmentation of the internal market.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 13/09/2010 - Council position

Council's position in first reading, adopted by qualified majority, maintains the objectives of the Commission's proposal. In the end, the Council accepted the majority of the EP's amendments (54) at least in part, some of them in substance, some also in exact wording. 48 amendments by the EP were finally rejected by the Council.

Council agreed with the principle of the amendments introduced by Parliament on the **declaration of performance (DoP)**, with this being the '**standard case**' when the construction product in question is covered by a harmonised standard or when it is the subject of a European Technical Assessment (ETA). In the same context, Council supported an important innovation called for by Parliament in order to strengthen the degree of harmonisation in the Union. **When the Commission has fixed an essential characteristic** as mandatory to be declared, the manufacturer has to draw up a DoP and declare performance on this essential characteristic, even if at the level of the national market there are no particular provisions on this.

It should be noted that the Council did not integrate an obligation to report on **hazardous substances** contained in construction products in the Declaration of Performance. However, according to a new recital, the manufacturer can voluntarily provide information on hazardous substances to users of construction products.

Likewise, the Council preferred not to integrate the requirement proposed by Parliament as regards the **independence of Product Contact Points**.

The **main changes** brought to the text in the course of negotiations are as follows:

Declaration of performance: as mentioned above, the principle of the drawing up of a declaration of performance by the manufacturer has become the standard case. This will be mandatory when the derogations of Article 4a (which basically concern well-specified restricted cases) do not apply. Furthermore, the essential characteristics to be declared are either fixed via a Commission decision or by national provisions in force where the manufacturer intends to place the product on the market.

If for a specific intended use neither of the previous applies, the manufacturer may choose by himself which essential characteristics (at least one) he wishes to declare. For those essential characteristics where there are no European or national provisions and where the manufacturer chooses not to declare them, he shall state "no performance determined" (NPD).

Product Contact Points: the Council made clear that Product Contact Points can be established according to the pertinent provisions of the New Legal Framework. However the fact that the Product Contact Points have to inform about the provisions concerning Basic Works Requirement is made especially clear.

Two recitals set out that Product Contact Points may charge fees for additional information and that they may be integrated into the specific organisational structures that already exist in the relevant Member State(s).

European Technical Assessment Bodies: Council decided to completely re-work the provisions on the development of the European Assessment Document and the role of the national Technical Assessment Bodies in this context.

Levels or classes of performance: Council clarified the responsibilities of the Commission and the European standardisation bodies when establishing classes of performance minimum performance levels and the assumption of satisfying levels or classes or performance without testing or without further testing. The function of the mandate or revised mandate to the European standardisation bodies and the role of Member States in the process are now phrased in clearer terms.

Delegated acts: a new element introduced by the Council is the set of provisions transferring the Regulatory Procedure with Scrutiny (PRAC) into the new procedure for "delegated acts" according to the Lisbon Treaty (TFEU).

Annex III- Model of the Declaration of performance: Council decided to mirror exactly the manufacturers' obligations from the articles and thus introduced major changes to the format of the Declaration of performance. To this end, the model of Annex III has been clarified in a number of ways (e. g. obligation to set out the intended use of the product).

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 24/10/2019 - Follow-up document

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.

Construction products: harmonised conditions for the marketing

2008/0098(COD) - 07/07/2016 - Follow-up document

In accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, the Commission presented a report on the state of implementation of the CPR, including the experience gained, the extent of achievements of the CPR objectives and issues that require improvement. The CPR has been applied fully since July 2013.

To recall, the CPR-based system harmonises the conditions for marketing of construction products by creating a **common technical language** defining the essential characteristics in relation to their performance in harmonised technical specifications: **harmonised standards and European Assessment Documents** (EADs). They are to cover the sphere of basic requirements for construction works.

Where a construction product is covered by a harmonised standard or a European Technical Assessment has been issued for it, the manufacturer draws up a **declaration of performance** (DoP) and affixes a CE-marking to such a product.

The main conclusions of the report are as follows:

1) General implementation: the report noted that overall all the elements required by the CPR have been implemented by all those concerned: for example, notified bodies and technical assessment bodies are in place across Europe; product contact points for construction are in place in Member States. However, **some aspects have not yet been implemented at full scale** and require further efforts.

The following challenges have been identified:

- **the use of national marks continues in several Member States against the principles of the CPR**. National ex ante processes or verifications covering the harmonised area are not allowed. This has been confirmed by the European Court of Justice judgement which stated that Members States were to refrain from setting additional requirements. The applicability of this judgment under the CPR and its wide reach across all harmonised standards confirm the mandatory nature of the common technical language;
- another key implementation issue identified by many stakeholders is the **substantial overlaps between the information required in the DoP and in the CE marking**, which generates additional administrative and financial burden. The Commission considered that under a flexible interpretation, the CE mark could contain only the critical information and refer to the DoP for other information. The DoP would be either provided on paper with the product, electronically or via a website. The Commission is continuing to promote such a simplified and flexible solution, also to ensure legal certainty for manufacturers, who do not want different interpretations at Member State level;
- awareness of the **services offered by the product contact points for construction (PCPCs)** remains relatively low among industry and some questions have been raised about their response times and the quality of the information they provide;
- the Construction Products Regulation (CPR) replaced the former Construction Products Directive (CPD). As most harmonised standards date back to the CPD era and all were developed based on standardisation mandates usually issued 10-20 years ago, some now require revision in line with technical and market developments. **The transition from the CPD to the CPR** has required stakeholders, European standardisation organisations and Member State authorities to learn to assimilate the new features and carry them over into harmonised standards. There have been some **delays** in starting this process and the adaptation is ongoing.
- Before being able to draw definite conclusions on the performance of the legislation, further work is necessary to improve implementation, particularly at national level (for example on
- uniform interpretation and removing obstacles to free movement) but also by other players such as the European Committee for Standardisation (CEN) and the European Organisation for Technical Assessment (EOTA).

For this reason, the **Commission does not consider it appropriate to propose amendments to the CPR at this stage**. However the Commission sees a clear need for continued dialogue with Member States and other stakeholders, close monitoring of the situation and enforcement of existing rules.

Building on the efforts already made in terms of clarification, in order to further support adequate and uniform implementation of the CPR, as well as focusing on the areas identified in the present report could notably include the **development of additional interpretative material and of guidance**, as well as communication and awareness actions.

2) Simplification: the Commission considered that there is a potential for a quicker and a better streamlined standardisation process with standards responding better to the needs of their users through a close and efficient collaboration between CEN, Member States, the industry and the Commission.

For EOTA, the procedural rules set out in Annex II to the CPR could be streamlined for the quicker and more transparent finalisation of EADs via a delegated act. A comprehensive approach appears to be required, with further elaborations on the way forward, to **better meet the expectations of SMEs**, especially micro-enterprises, operating in the EU construction sector.

3) Clarifications to be made: at this stage, the Commission sees a need to further clarify certain provisions in the CPR to support uniform application, notably the following:

- Article 5 on derogations from drawing up a DoP;
- Article 6 on the content of the DoP;
- Article 9(2) on the information following the CE marking;
- Article 37 on simplified procedures for micro-enterprises;
- Article 38 on simplified procedures for individually manufactured or custom-made products;
- Articles 56-58 on procedures for market surveillance.

The Commission intends to **continue following attentively** the implementation of the Regulation in order to identify further potential issues that could not yet be solved at the level of interpretation. The Commission will engage in further dialogue with relevant stakeholders on the issues identified via **technical platforms** to be convened by the end of 2016.

Once the implementation of the CPR could be expected to have reached a more mature stage, and considering the outcomes of such dialogue, the Commission will review the performance of the CPR.