NOTICE TO MEMBERS

(03/2019)

Subject: Legislative scrutiny time on the implementation of the Construction Products Regulation (Regulation (EU) No 305/2011)

19.12.2019

Practical arrangements

At the request of IMCO Coordinators of 4 December 2019, the IMCO committee is holding a legislative scrutiny session on 22 January 2020 on the status of the implementation of the Construction Products Regulation. At the same time, IMCO Coordinators also decided to draft an implementation report on the Regulation.

A representative of DG GROW will address the Committee, followed by a debate with Members. The competent service in DG GROW is unit C1 (Clean Technologies and Products).

Background information on the Regulation

Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation, CPR) was adopted in 2011 and has been applied in full since July 2013. The main objective of the Regulation, like the earlier Construction Products Directive (Council Directive 89/106/EEC), is to make the internal market work properly for construction products in the EU by laying down harmonised conditions for their marketing.

The Commission’s evaluation of the CPR

On 24 October 2019, the Commission published an evaluation of the CPR. At the same time, it adopted a report on the outcome of the evaluation of the relevance of the tasks set out in Article 31(4) that receive Union financing pursuant to Article 34(2) of the CPR.

The purpose of the evaluation is to assess to what extent the CPR has met its objectives and helped to reduce obstacles to the internal market for construction products.

The analysis of effectiveness (the extent to which the CPR has achieved its objectives) shows that, despite the absence of a proven causality link, cross-border trade of construction products has grown in the EU since the introduction of the CPR. According to the evaluation, the key needs and challenges addressed by the CPR include: (i) increased trade opportunities for economic actors in the EU internal market; (ii) increased choice of products for end users; (iii) better communication and information (including availability of comprehensive product information); and (iv) reduced legal uncertainty.

The main shortcomings identified by the evaluation are:

(i) the insufficient performance and output quality of the standardisation system under the CPR;

(ii) the less than effective role of Member States in market surveillance; and

(iii) the low uptake of simplification provisions.

In the event of a revision, the Commission furthermore suggests that there could be a need for improvement regarding:

(i) consistency with other product legislation;

(ii) the relevance of the alternative route to standardisation;

(iii) the cost/benefit ratio;

(iv) the duplication of information requirements; and

(v) certain testing and information requirements, notably environmental ones, and the sustainable use of natural resources, safety and health.

Standardisation under the CPR

With regard to the alternative route to standardisation provided for under the CPR and mentioned in the evaluation, further information and more detailed assessment is provided in the Commission’s report on the outcome of the evaluation of the relevance of the tasks set out in Article 31(4) [of the CPR] that receive Union financing pursuant to Article 34(2).

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3 COM(2019)800.
This report analyses how the European Organisation for Technical Assessment (EOTA) has carried out the tasks for which it has received EU financing. The main objective of EOTA is to offer manufacturers an alternative route for obtaining the CE marking for construction products that are not 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. The Commission notes that the EOTA route has not been used for innovative products, as had been intended. Thus, the overwhelming majority of prepared ETAs do not concern innovative products, but products already in the market. In addition, as stated in the report, circumstantial evidence strongly suggests that the EOTA route has benefited above all from the underperformance of the standardisation system, and that ETAs can even be seen as standards developed through alternative means. Furthermore, due to the high costs of development of ETAs, the route remains expensive and not SME-friendly.

### Purpose of the scrutiny session

The purpose of the legislative scrutiny session is to allow Members to scrutinise the Commission’s evaluation of the CPR. In this context, particular attention might be paid to standardisation issues, as detailed in the report on tasks under the CPR, which receive Union financing adopted at the same time as the evaluation.

Members might also wish to scrutinise the Commission on its ideas as to any follow-up that it might give to the evaluation, including which it might propose in the context of any revision of the CPR.