



Committee on the Internal Market and Consumer Protection  
The Chairman

JT/..  
D(2013).....

Mr Klaus-Heiner Lehne  
Chairman  
Conference of Committee Chairs  
European Parliament  
ASP 10 E 205

**Subject: Early non-objection procedure in relation to a Commission delegated regulation on the conditions for making a declaration of performance on construction products available on a website (e-supply) – C(2013)07086.**

Dear Chairman,

The Commission notified to the European Parliament and the Council, on 30 October 2013, the delegated regulation it had adopted on the same day, supplementing Regulation (EU) No 305/2011 of the European Parliament and the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (CPR).

This Delegated Regulation is based on Article 7(3) of CPR, establishing conditions for the derogation to an obligation for manufacturers to provide paper or electronic copies of the declaration of performance of each product which is made available on the market. The possibility to instead make the declarations of performance available on internet would effectively facilitate the trade in construction products throughout the EU and beyond and is broadly welcomed by all the stakeholders involved.

In accordance with Article 290 of the TFEU and Article 63(1) of CPR, the delegated regulation shall enter into force only if no objection has been expressed either by the Parliament or the Council within a period of three months of its notification to them. By letter of 14 November 2013 (attached to the present letter), Vice-President Tajani is asking (as clarified in direct contact with DG ENTR by the IMCO Secretariat) for an early confirmation by the Parliament that it does not object to this delegated regulation, given its importance for the European construction sector.

The quick entry into force of the adopted delegated regulation is indeed required to complement the basic provisions of the CPR which entered into force on 1 July 2013. In fact, the Parliament was expecting this delegated regulation to be prepared earlier, so that manufacturers of construction products would not be obliged to fulfil

costly requirements without a functioning possibility to use new information technologies instead. The draft recommendation for a decision that is also attached to the present letter contains a comment to this respect that IMCO Members agreed is necessary for the sake of expressing their political responsibility for the adopted legislation.

On the basis of the Commission's request, and in view of the information provided to myself and other Members involved previously in adopting the CPR (Rapporteur and Shadows) in writing and at a special meeting on 6 November 2013, the IMCO Committee adopted on 28 November 2013 a recommendation, in accordance with Rule 87a(6) of the Rules of Procedure, that Parliament should declare at its next Plenary session in December that it has no objections to this delegated regulation.

I would like to ask you, therefore, to refer this matter to the Conference of Committee Chairs.

Yours sincerely,

Malcolm Harbour CBE

Encl.