

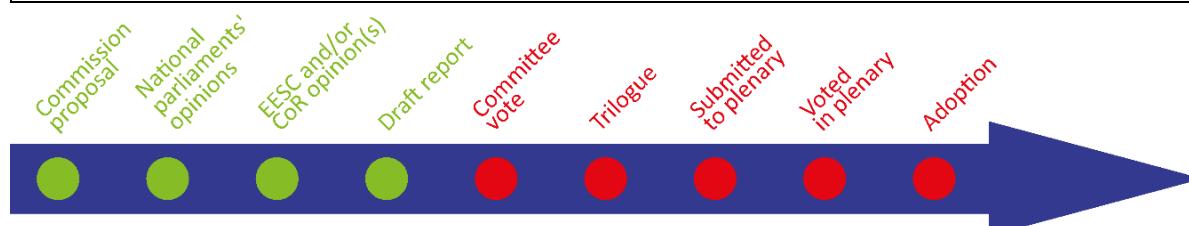
# Revision of the Construction Products Regulation

## OVERVIEW

The Construction Products Regulation (Regulation (EU) No 305/2011, CPR) has applied fully since 1 July 2013. Its objective is to achieve the proper functioning of the internal market for construction products (such as sheets for waterproofing, thermal insulation foams, chimneys and wood-based panels produced for permanent incorporation in construction works), by means of harmonised rules for their marketing in the EU. The CPR, which provides a common technical language to assess the performance of construction products, enables Member States to define the legal requirements towards construction works. On 30 March 2022, the Commission put forward a proposal to revise the CPR; the proposal is part of a package with several other sectoral proposals aimed at making sustainable products the norm in the EU and boosting circular business models. The stated aims of the proposal are to improve the functioning of the internal market for construction products, address the implementation challenges that still exist at national level (particularly regarding market surveillance), simplify the legal framework and support the green and digital transition in the sector. In Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) is responsible for the file; the Committee on the Environment, Public Health and Food Safety (ENVI) is associated (under Rule 57), with exclusive and shared competence. In particular, ENVI has exclusive competence regarding the new environmental obligations for manufacturers. The vote in IMCO is expected in March 2023.

### 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

<i>Committee responsible:</i>	Internal Market and Consumer Protection (IMCO)	COM(2022) 144
<i>Rapporteur:</i>	Christian Doleschal (EPP, Germany)	30.3.2022
<i>Shadow rapporteurs:</i>	Maria Grapini (S&D, Romania) Sandro Gozi (Renew, France) Claude Gruffat (Greens/EFA, France) Alessandra Basso (ID, Italy) Carlo Fidanza (ECR, Italy) Kateřina Konečná (The Left, Czechia)	2022/0094(COD)
<i>Next steps expected:</i>	Vote on draft report in committee	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')



## Introduction

The Construction Products Regulation ([Regulation \(EU\) No 305/2011](#), CPR) has applied fully since 1 July 2013 and aims to achieve the proper functioning of the internal market for construction products. To address the issues in the CPR's implementation over the years, in March 2022 the European Commission submitted a proposal to revise it. The Commission has highlighted two main drivers for its decision: a host of existing obstacles and the need to improve the sustainability of construction products.

[Obstacles](#) include the fact that Member States often set up additional national requirements for CE-marked construction products that are in conflict with the CPR, and that the CPR is unevenly enforced across the EU. Furthermore, there are growing concerns about the slow delivery of standards for construction products. These standards are drafted by standardisation organisations on the Commission's request and are at the core of the CPR system. The use of these standards is mandatory under the CPR.

As regards the need to improve the sustainability of construction products, already in December 2019 the [European Green Deal](#) mentioned an upcoming revision of the CPR that would be focused on a) aligning the design of new and renovated buildings with the circular economy principles; and b) increasing the digitalisation and climate-proofing of the building stock. Moreover, the Commission stressed in the [new circular economy action plan](#) of March 2020 that, in the context of the revision of the CPR, it would promote principles based on the concept of circularity throughout the lifecycle of buildings. The Commission also explained that it would address the sustainability performance of construction products, including possibly by introducing recycled content requirements for certain construction products, taking into account their safety and functionality. More broadly, the action plan announced that the Commission would propose an initiative promoting sustainable products, widening the scope of the eco-design framework and setting up product sustainability principles (such as reducing the carbon and the environmental footprints) to be used in policy developments. Finally, the [new industrial strategy for Europe](#) of March 2020 stressed that the sustainability of construction products should be addressed, as a more sustainable built environment is key for Europe's transition towards climate-neutrality.

## Context

The [updated new industrial strategy](#) of May 2021 identified the [construction ecosystem](#)<sup>1</sup> as one of the 14 priority European ecosystems closely monitored by the Commission. This sector employs 25 million people and includes 5.3 million companies, 99.9 % of which are SMEs. Furthermore, it accounts for nearly 10 % of the EU's added value. More specifically, 430 000 companies are active in the EU [construction products industry](#), which has an annual turnover of €800 billion and a gross value added of €240 billion.

In 2021, many construction products (such as those made from aluminium, copper, steel, or wood) were affected by [supply and demand imbalances and price spikes](#) due to strong demand, global issues with mining and logging, or high transport costs. Furthermore, the fact that the production of certain construction products (such as those made from steel, glass and aluminium) is energy intensive makes it particularly susceptible to the effects of the current energy crisis.

Together, use and operation of buildings [account](#) for 40 % of final energy consumption and 36 % of greenhouse gas emissions in the EU. The buildings sector uses [1.6 billion tonnes of materials](#) per year. Producing these materials results in 250 million tonnes of CO<sub>2</sub> emissions annually. The construction phase accounts for around half of the lifetime CO<sub>2</sub> footprint of a building. Designing for longevity and disassembly, improving materials' efficiency or reducing waste in construction are some of the [possible ways](#) to reduce emissions from buildings. Moreover, [construction and demolition waste](#) is the largest waste stream in the EU, accounting for more than [a third of all waste](#) generated in the EU. Reuse and recycling rates currently [vary considerably](#) across the EU. Although

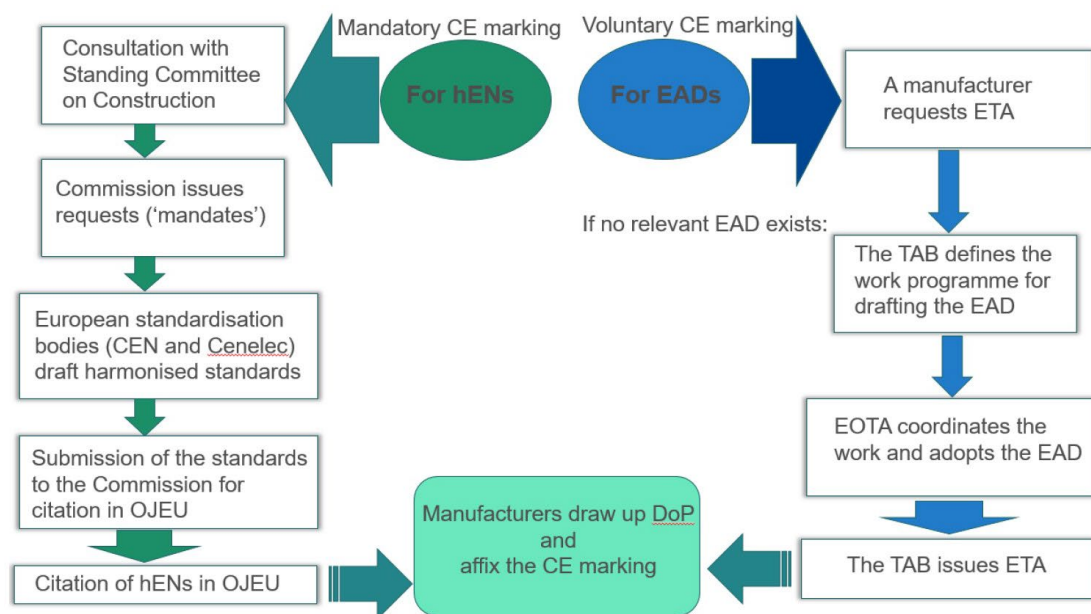
recovery rates are generally high (the Waste Framework Directive (2008/98/EC) set a recovery target for this waste stream of **70 %** by weight by 2020), recovery is still mainly based on [backfilling operations and low-grade recovery](#) (e.g. using recycled aggregates in road sub-bases).

Furthermore, the [renovation wave for Europe](#) strategy, published by the Commission in October 2020, aims to help at least double the annual energy renovation rate of residential and non-residential buildings by 2030, and to foster deep energy renovations, where energy consumption is reduced by at least 60 %. This could lead to the renovation of 35 million building units – with all that this implies in terms of construction products' use. Moreover, as proposed under the updated new EU industrial strategy, a document is currently being drafted<sup>2</sup> on a [transition pathway](#) to accompany the twin transition in the construction ecosystem. The document is expected to be published by the end of 2022.

## Existing situation

The aim of the CPR is to improve the single market for construction products and to ensure the free movement of these products. It lays down conditions for the marketing of construction products, defining them as products placed on the market for incorporation in buildings and civil engineering works in a permanent manner. The CPR differs from [new EU legislative framework](#) acts (such as Directive 2009/48/EC on the [safety of toys](#)), as it only harmonises the assessment methods for the performance of construction products without setting EU-wide requirements for these products. Instead, it sets harmonised rules on how to express their performance in relation to their essential characteristics, as well as rules on their CE marking.

Figure 1 – From harmonised technical specifications to declaration of performance and CE marking



Source: European Commission, 2022, [Impact assessment report](#) accompanying the proposal for a revision of the CPR. Acronyms used: **hEN**: harmonised standard; **EAD**: European assessment document; **ETA**: European technical assessment; **EOTA**: European organisation for technical assessment; **TAB**: technical assessment body, **DoP**: declaration of performance.

To this end, the CPR created a common technical language defining the essential characteristics of construction products (e.g. reaction to fire), in relation to their performance.

This common technical language consists of harmonised technical specifications:<sup>3</sup>

- **harmonised standards**, drafted by European standardisation bodies ([CEN-Cenelec](#)) based on standardisation requests ('mandates') issued by the Commission. The standards provide the methods and the criteria for assessing the performance of the construction products in relation to their essential characteristics. The Commission is in charge of assessing the conformity of the harmonised standards established by the standardisation bodies with the relevant mandates. If in conformity with the mandate, the Commission then publishes the list of references of harmonised standards in the *Official Journal of the EU (OJEU)*. For instance, Standard EN 12467:2012+A2:2018 is for fibre-cement flat sheets and Standard EN 1279-5:2018 for insulating glass units (IGU) for use in buildings. Both standards are quoted in [OJ L 77, 20.3.2019](#). Since early 2019, no standard in support of the CPR has been cited in the OJEU.
- **European assessment documents (EADs)**, which are the alternative to harmonised standards and apply to construction products that are not covered by these standards. In practice, if the manufacturer of a construction product that is not covered by a harmonised standard wishes to have its product CE-marked, it has to request a European technical assessment (ETA) from a technical assessment body (TAB). The European technical assessment is then issued based on harmonised technical specifications included in a European assessment document (EAD). The European organisation for technical assessment ([EOTA](#)) – the Europe-wide association of technical assessment bodies for construction products established under the CPR – coordinates the work and adopts the European assessment document (see the example below). The European technical assessment allows the manufacturer of the construction product concerned to draw up a declaration of performance (DoP) for this product. The whole process is also known as 'the EOTA route'. The Commission publishes the list of references of the final European assessment documents in the OJEU. From the moment of the CPR's entry into force to the end of 2021, EOTA developed [583 EADs](#) based on which the EOTA's technical assessment bodies issued 10 519 European technical assessments. For example, the references of the [European assessment document on polystyrene concrete masonry units and wall kits](#) made from the units were [published](#) in the OJEU on 9 September 2022.

Figure 2 – A European assessment document (extract) for polystyrene concrete masonry units

Basic Works Requirement : 2: safety in case of fire	
Essential characteristic	Reaction to fire
Performance assessment method	The polystyrene concrete masonry units shall be tested according to the method(s) referred to in EN 13501-1 and relevant for the corresponding reaction to fire class. The product shall be classified according to the <a href="#">Commission Delegated Regulation (EU) No 2016/364 on the classification of the reaction to fire performance of construction products</a> . The reaction to fire class shall be stated in the European technical assessment.
Type of expression of product performance	Class

Source: [European assessment document 170010-00-0305](#), June 2020, Polystyrene concrete masonry units and wall kits made from the units.

Manufacturers must draw up a declaration of performance for every construction product covered by a European harmonised standard or for which a European technical assessment has been issued. The manufacturer must also affix CE marking, indicating that the construction product is in conformity with its declared performance, and that it has either been assessed according to a harmonised European standard or an ETA has been issued for it.

This common technical language also enables Member States to define the legal requirements applicable to construction works (they have exclusive competence for building regulations, i.e. the

rules on design and construction of buildings and civil works). Furthermore, to make sure that these requirements are based on the same methods for the assessment of the performance of construction products, the use of harmonised standards is mandatory, provided they are cited in the OJEU, unlike for the new legal framework acts, for which their use is [voluntary](#).

Figure 3–Example of a declaration of performance for a certain brick (extract).

Essential characteristics	Performance	Harmonised technical specification
Compressive strength	In excess of 125 N/mm <sup>2</sup>	EN771-1:2011+A1:2015
Bond strength	0.15 N/mm <sup>2</sup>	EN771-1:2011+A1:2015
Reaction to fire	Class A1	<a href="#">Commission Decision 2000/605/EC establishing the list of products belonging to Classes A 'No contribution to fire'</a>
Water absorption	< 4.5%	EN771-1:2011+A1:2015

Source: European Commission, 2022, [Impact assessment report accompanying the proposal for a revision of the CPR](#).

Member States must allow the marketing of CE-marked construction products without requiring any additional marks, certificates or testing. Member States may set requirements for the use of such products in buildings and other construction works, by using the harmonised structure created under the CPR. For example, Member States can specify, for a particular use, a certain performance requirement based on a harmonised standard. However, they cannot request that it be tested by means other than those set out under the standard or add any elements not covered by the standard.

Annex I to the CPR sets out seven basic requirements for construction works (BWRs) with regard to their: mechanical resistance and stability; safety in case of fire; hygiene, health and the environment; safety and accessibility in use; protection against noise; energy economy and heat retention; sustainable use of natural resources. These basic requirements form the basis on which the standardisation mandates are drawn up. Among them, BWR 7, the requirement for sustainable use of natural resources is highly relevant in the context of attaining the circular design objectives. However, the [majority of stakeholders](#) consulted during the assessment of the CPR's implementation were of the view that BWR 7 has not improved sustainability, because no harmonised European standard has taken this requirement into account. The [study](#) on circular economy principles for buildings' design, prepared for the Commission in 2021, also stressed that BWR7 had not been implemented to date.

Furthermore, the CPR empowers the Commission to adopt delegated acts to set threshold levels and classes of performance in relation to the essential characteristics of construction products.

The assessment and verification of constancy of performance (AVCP) system sets out the procedure for assessing the performance of construction products and certifying the constancy of the performance.

## Parliament's starting position

In its [resolution](#) of February 2021 on the new circular economy action plan, Parliament asked the Commission to revise the CPR. One month later, Parliament adopted a [resolution](#) on the implementation of the CPR. The resolution particularly deplored the under-performance of the standardisation system and asked the Commission to find a quick and viable solution to improve standardisation processes and remove the backlog of non-cited standards. Furthermore, Members insisted that greater attention be paid to standards promoting a more circular economy. They also called on the Commission to consider the possibility of gradually enhancing the CPR by including additional information obligations and product performance requirements on health, safety and environmental aspects. The resolution also highlighted a number of weaknesses in market surveillance. Moreover, it pointed to the lack of digitalisation in the construction sector, which, if in



place, could help to ensure better information flows to economic operators and end users, and improve market surveillance activities. Digitalisation could also help to address the overlaps in the information required, for example, for the declaration of performance and CE marking, which not only pose an administrative burden for companies but also create costs for them.

Furthermore, Parliament welcomed the Commission's objective to make the construction sector more sustainable by addressing the sustainability performance of construction products through the revision of the CPR. It supported the Commission's 'commitment to aligning and making more consistent the legislation on construction products with horizontal environmental policies'. Parliament also called on the Commission to envisage incorporating certain requirements regarding environmental performance and sustainability criteria across the lifecycle of products into the harmonised standards for specific product categories, and asked the Commission to assess how the CPR could promote the circularity of construction products, including by fostering the incorporation of reused or remanufactured products or products manufactured from recycled materials, stressing that this would require reliable data on the previous use of construction products.

## Council starting position

In its [conclusions](#) on more circularity – transition to a sustainable society, adopted in October 2019, the Council asked the Commission to include in the possible revision of the CPR requirements aimed at supporting the circularity of construction products and to include these requirements in mandates for harmonised product standards.

Furthermore, in its [conclusions](#) on the circular economy in the construction sector, adopted in November 2019, the Council pointed to the large potential for higher resource efficiency and circularity in the manufacturing, use and end-of-life treatment of construction products. The Council also highlighted the need for a transition in line with the Paris Agreement, to a climate-neutral and more circular and sustainable use of construction products. The Council called on the Commission, when revising the CPR, to facilitate the circularity of construction products and to facilitate the inclusion of the corresponding essential characteristics into harmonised technical specifications. The Council also encouraged the Commission, jointly with the Member States, to consider the use of already existing standards, in particular EN 15804 and EN 15978, in order to allow the utilisation of the data declared for the assessment of the environmental performance of buildings.

Furthermore, the Council stressed the health and safety dimension of construction products, also when re-used or manufactured from recycled material: potential contaminations, reduced sustainability and decreased durability. The Council also highlighted the need to consider the possibility of excluding the recycling of some materials for certain products. It asked the Commission to foster a market for high-quality construction products, facilitate the wider use of modular structural elements and modular construction products. The Council also expressed its support for more digitalisation and a wider use of life-cycle assessments of construction products, and demanded the adoption of measures to limit the surplus of construction products and materials, and to ensure more coherence with other EU waste, products, environmental and chemicals legislation.

## Preparation of the proposal

On 22 March 2022, EPRS published an [implementation appraisal](#) on the operation of the CPR, providing an overview of publicly available material on the implementation, application and effectiveness of the regulation. It stressed that the planned revision of the CPR had triggered extensive consultation of various stakeholders by the Commission, performed over several years: the Commission's [implementation report](#) of 2016 highlighted that the objectives set for the CPR had not been fully attained and required further efforts. Many of the challenges identified in the report related to implementation difficulties and delayed adaptation by stakeholders. Moreover, the Commission highlighted challenges relating to the transparency of European assessment documents and the time it takes to finalise them; the content of the declaration of performance and

derogations from it; information on CE marking; efficiency and uptake of the simplification procedures for micro-enterprises; and the functioning of market surveillance. The report also pointed to the use of national marks and testing requirements in several Member States, contrary to the principles of the CPR.

The [evaluation report](#) of 2019 confirmed many of the conclusions of the implementation report and particularly highlighted three overarching issues: the underperformance of the standardisation mechanism, the ineffectiveness of market surveillance activities in Member States and their varying quality, and suboptimal simplification activities that failed to fulfil expectations.

Furthermore, in 2019 an [evaluation report](#) on the performance of the European Organisation for Technical Assessment (EOTA) concluded that the 'EOTA route' had duly fulfilled the tasks set out in the CPR and that evidence confirmed it had offered the expected flexibility. However, the report stressed that the EOTA route served a limited number of manufacturers of construction products. Although its aim is to facilitate speedier entry of innovative products into the market, the overwhelming majority of European technical assessments had not been carried out for innovative products but for products already on the market. That said, the evidence strongly suggested that the 'EOTA route' had above all made up for the underperformance of the standardisation system.

The Commission proposal is based on an [impact assessment](#), which identified the following shortcomings in the current legal framework: the internal market for construction products has not been achieved; implementation challenges, especially as regards market surveillance, exist at national level; the legal framework remains complex; and the current CPR is unable to deliver on the green and digital transition. The impact assessment considered five policy options.

On 9 November 2022, EPRS published an [initial appraisal](#) of the strengths and weaknesses of the impact assessment. It highlighted that while the problem definition was well evidenced, the description of the problems and their scale would have benefited from a more detailed illustration. Likewise, some measures could have been explained in more detail, such as the simplification provisions. In the extensive stakeholder consultations, the options suggesting continuation of the baseline or revision without major changes appeared to have received the strongest support, while the Commission's preferred option did not receive much support. Moreover, the stakeholder feedback lacked detailed information on the nature of costs, and the response rate was low, which weakened the economic analysis and raised doubts about the representativeness of the stakeholders' views. The impact assessment provided the justification for the preferred option in terms of effectiveness and coherence criteria, but the efficiency aspect lacked robustness.

## The changes the proposal would bring

On 30 March 2022, the Commission put forward a proposal for a regulation laying down harmonised conditions for the marketing of construction products, repealing the current CPR. The proposed regulation is one of the sectoral proposals included in a [package](#) aimed at making sustainable products the norm in the EU and boosting circular business models.

Compared to the current CPR, the proposed regulation explicitly mentions the introduction of rules on how to express the environmental, climate and safety performance of construction products in relation to their essential characteristics, as well as the establishment of environmental, climate, functional and safety product requirements (Article 1). The scope of the regulation would also include, for instance, 3D-datasets permitting the 3D-printing of construction products and materials used in 3D-printing; construction products manufactured on the construction site for immediate incorporation into construction works; and some types of pre-fabricated one-family houses (Article 2). The regulation would also apply to used construction products in some cases (e.g. if the intended use has changed compared to the use assigned by the initial manufacturer).

Moreover, as regards the standardisation process, the proposal would empower the Commission to adopt delegated acts to set voluntary or mandatory essential characteristics and their assessment

methods if there are undue delays in the adoption of standards by the European standardisation organisations. The Commission could also adopt such delegated acts to address any of the following situations: there is an urgent need for the adoption of more harmonised technical specifications; one or more essential characteristics referring to basic work requirements are not covered by the standards; the standards are, for other reasons, considered not sufficient; the standards are not in line with EU climate and environmental legislation and ambition (Article 4).

The proposal would also introduce product requirements. Information requirements (Annex I, Part D) would be directly applicable to all construction products placed on the market. Product requirements concerning the functioning and performance of products (Annex I, Part B), as well as safety and environmental requirements (Annex I, Part C) would only apply after they have been specified through a delegated act adopted by the Commission per product families and categories (Article 5). Furthermore, the Commission would be empowered to amend all parts of Annex I by means of delegated acts, to take into account technical progress or to cover new risks and environmental aspects.

Furthermore, the proposal introduces the concept of 'harmonised zone', corresponding to the area regulated at the EU level, as opposed to the elements remaining within the remit of Member States. This new provision is aimed at ensuring legal certainty and mitigating the fragmentation of the single market, currently resulting from the existence of national requirements and marks (Article 7). The same article would set up a mechanism to deal with requirements introduced by Member States on imperative grounds of health, safety or protection of the environment, including climate: Member States would need to justify the national measure and the Commission would be able to authorise it by means of implementing acts.

Moreover, the proposal introduces additional environmental obligations for manufacturers (Article 22). They would have the obligation to assess the environmental characteristics (e.g. climate change effects) of construction products, in line with harmonised technical specifications or with delegated acts adopted by the Commission under the regulation. They would also have to design and manufacture products and their packaging in such a way that their overall environmental, including climate sustainability, reaches the state-of-the-art level; give preference to recyclable materials and materials gained from recycling; respect the minimum recycled content obligations and other limit values regarding aspects of environmental, including climate sustainability contained in harmonised technical specifications; prevent premature obsolescence of products; design products in such a way that they can be easily repaired, refurbished and upgraded; make available instructions for use and information on how to repair the products; make available spare parts for 10 years after the last product of the respective type has been placed on the market; design products in such a way that re-use, remanufacturing and recycling are facilitated; make available instructions for use and information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling; and accept to regain ownership of surplus and unsold products. The Commission would be empowered to specify these obligations by means of delegated acts for particular product families and categories. Alternatively, the Commission could issue standardisation requests for the elaboration of harmonised standards providing presumption of conformity with these obligations for a specific product family or category. These obligations would not apply before such a delegated act or harmonised standard has become applicable.

The Commission would also be empowered to adopt delegated acts to establish specific environmental sustainability labelling requirements, including 'traffic-light-labelling', in relation to these environmental obligations, to the product-inherent environmental requirements and to the environmental performance classes related to the essential characteristics of construction products (established by the Commission by means of delegated acts).

To avoid double assessment of construction products under the CPR and other EU laws, the Commission would be able to adopt delegated acts determining the conditions under which fulfilling obligations under other EU laws would also fulfil certain obligations under the CPR



(Article 8). Member States would also be allowed to exempt some micro-enterprises, not trading cross-border, from the obligation to draw up a declaration of performance (Article 10). The proposal would introduce a new obligation for manufacturers to provide a declaration of conformity complementing the existing declaration of performance, by which it assumes responsibility for the conformity of the product with the relevant Annex I product requirements (Articles 13 and 14). Both declarations would be combined in a single declaration of performance and conformity, and supplied by electronic means.

Furthermore, a new complaint portal would be set up by the Commission, allowing any natural or legal person to share complaints or reports on possible breaches of the regulation (Article 68).

As for market surveillance, the Commission would be empowered to establish a minimum number of checks to be performed by the market surveillance authorities of each Member State, and minimum human resources to be deployed by the market surveillance authorities for construction products (Article 73).

The Commission would also set up an information and communications system for the collection, processing and storage of information on issues relating to the interpretation or application of the CPR, in order to ensure the harmonised application of the CPR provisions (Article 77). The Commission would also be authorised to establish, by means of a delegated act, an EU construction products database or system to facilitate access to product information, possibly based on digital product passports (Article 78). The provisions on product contact points for construction (article 79) would be amended to ensure improved support for economic operators.

Article 84 would empower the Commission to develop sustainability requirements for green public procurement of construction products by means of delegated acts.

The Commission stressed in the impact assessment that almost all of the current CPR acquis would have to be 'rebuilt and readopted'. It expects that the entire process would take no less than 5-10 years. The transition period would have to be long enough to avoid bottlenecks. Both regimes would need to exist in parallel for many years; as a result, the current CPR would be repealed on 1 January 2045 (Article 92). The proposal introduces transitional provisions (Article 93). The new CPR would enter into force on the 20th day following its publication in the OJEU and start applying one month later (Article 94).

## Advisory committees

The European Economic and Social Committee (EESC) adopted its [opinion](#) on the proposal on 27 October 2022 (rapporteur: Manuel García Salgado, Workers – Group II, Spain; co-rapporteur: Domenico Campogrande, Employers – Group I, Italy). The EESC stressed that the Commission proposal needs considerable revision. In particular, it does not include short-term solutions to the current backlog in the publication of new standards in the OJEU. In addition, the EESC insisted that the standardisation process should be guided by the social dialogue between employers, workers, and societal stakeholders to a greater extent. Moreover, the EESC took the view that the Commission had underestimated the impact of the proposal on SMEs in terms of the additional administrative burdens it would impose on them. Furthermore, the EESC highlighted that the provisions on promoting circularity need clarifying, and that the proposed 20 year-transition period between the current CPR and the revised one is too long.

The European Committee of the Regions will not issue an opinion on the revision of the CPR.

## National parliaments

National parliaments had [until 15 July 2022](#) to submit reasoned opinions to the Commission on the grounds of subsidiarity. No such opinions have been issued.

## Stakeholder views<sup>4</sup>

Stakeholders had until 12 July 2022 to send their feedback on the proposal. The Commission received [272 contributions](#).<sup>5</sup> [Construction Products Europe](#), representing the manufacturers, welcomed the fact that the proposal reaffirms the key role of standardisation, reinforces the CE marking of construction products, clarifies the procedures for European assessments documents and technical assessments, promotes digitalisation, and strengthens the role of market surveillance authorities. It also supported the inclusion of circularity principles and environmental sustainability objectives. That said, it stressed that the revised scope should exclude all technologies (such as 3D printing). Moreover, the proposal should be more ambitious on digitalisation, by authorising the use of machine-readable digital data formats for declarations of performance and conformity. The power granted to the Commission to adopt delegated acts should be restricted. In particular, as regards its new power to adopt technical specifications by means of delegated acts, the Commission should only use it under exceptional circumstances. As regards environmental obligations, the proposal needs clarifying (e.g. the life cycle assessment indicators that would be required should be listed, and it should be clear if and when they would become mandatory or voluntary). Construction Products Europe is against the setting up of a portal for complaints.

The [European Construction Industry Federation](#) (FIEC) welcomed the Commission's ambition to improve both the functioning of the single market and the environmental performance of construction products. It also welcomed the Commission's aim to promote digitalisation and the fact that it has kept standards and European technical assessments at the heart of the framework, as a common technical language. FIEC also stressed that only manufacturers should be subject to the future CPR and to obligations incumbent upon economic operators; users of construction products (such as contractors) should be excluded from these obligations. The manufacturing of products on the construction site should also be excluded from the scope of application. In FIEC's opinion, the proposal does not sufficiently address the backlog of standards: the set period of 20 years over which to introduce harmonised technical specifications is too long, and the proposal should offer short-term solutions. FIEC also expressed concern about the Commission powers to adopt delegated or implementing acts. The Commission should only be granted delegated and implementing powers in well-justified cases, and these powers should be used 'just-in-case'.

For the [European Environmental Bureau](#) (EEB), the proposal is not aligned with the Paris Agreement ambition and does not contribute effectively to the EU's 2050 carbon neutrality target. EEB deplored the lack of clear provisions aimed at effectively reducing embodied greenhouse gas emissions. Furthermore, the proposed CPR should be better aligned with the [proposed regulation](#) establishing a framework for setting ecodesign requirements for sustainable products. Cement should be placed in the scope of the Ecodesign for Sustainable Products Regulation to be regulated together with the high-energy intensive intermediary materials as soon as possible. A harmonised methodology and appropriate reporting system need to be defined to assess and disclose the environmental performance of construction products. Effective limits should be set on embodied emissions and environmental performances, with a clear timeline for mandatory thresholds and classes of performance of construction products in construction work, setting an ambitious roadmap for the development of delegated acts to establish a mandatory labelling system.

For [CEN and CENELEC](#), two European standardisation organisations, standards must be considered as the primary route for the development of harmonised technical specifications, and this should be clearly specified in the revised regulation. The Commission should have competences to develop delegated acts only in clearly defined cases, under exceptional circumstances (e.g. when the standardisation system has failed). CEN and CENELEC welcomed the proposal to extend the scope of the CPR to new products, such as 3D printing-related products and services, construction products manufactured on construction sites, or some prefabricated one-family houses. Regarding environmental requirements, CEN and CENELEC called on the Commission to consider standard EN 15804 as the reference method for calculating the environmental performance of construction products, and EN 15978 as the reference method for calculating the environmental performance of

buildings. CEN and CENELEC also believe that the Commission should replace the proposed approach for determining classes and thresholds of performance in relation to essential characteristics in standards, without having to adopt delegated acts. Furthermore, the Commission's current procedure for assessing standards before they have been cited in the OJEU is hampering the development of standards and should be changed.

While supporting the inclusion of sustainability elements in the proposal, [Small Business Standards](#) (SBS), representing European SMEs in standardisation, and the [European Builders Confederation](#) (EBC), representing national associations of construction SMEs and crafts, stressed that moving to a circular economy model can create administrative burdens and challenging technical requirements for SMEs. It should be ensured that these requirements would not entail additional costs that would affect the final price of sustainable products. Furthermore, digitalisation efforts should lead to simplification, not to additional burdens. For SBS and EBC, the simplification procedures for micro- and small enterprises included in the proposal are confusing. They should be comprehensive and pragmatically designed if they are to be broadly implemented. Furthermore, the manufacturing of customised products should not be restricted by additional requirements. In addition, the conditions to use the simplification procedures should not entail costly assessments.

## Legislative process

### European Parliament

In Parliament, the proposal was referred to the Committee on the Internal Market and Consumer Protection (IMCO) on 18 May 2022. The Committee on the Environment, Public Health and Food Safety (ENVI) is associated to the report pursuant to Rule 57, with exclusive and shared competence. In particular, ENVI has exclusive competence as regards Article 22 (environmental obligations for manufacturers), Annex I items (Part A: Point 1.3 – adverse hygiene and health impacts, Point 1.7 – hazardous emissions, Point 1.8 (a) & (d) – sustainable use of natural resources, Point 2 – essential characteristics related to lifecycle assessment, Part C Point 1.1. (a) – chemical risks due to leaking or leaching, Part C Point 2 – inherent product environmental requirements), and Recitals 42 and 48.

Christian Doleschal (EPP, Germany) was appointed as IMCO's rapporteur, and Sara Matthieu (Greens/EFA, Belgium) as ENVI's. IMCO held a [first exchange of views](#) on the proposal on 15 June 2022. Furthermore, on 10 October 2022, IMCO held a [hearing](#) on 'making the internal market for construction products fit for the 21st century'. MEPs and experts discussed issues linked to the implementation of the current regulation, and ways to build a future-oriented construction internal market. IMCO's [draft report](#), which included 293 amendments from the rapporteur, was released on 14 November 2022. The following paragraph lists the main points in the rapporteur's amendments.

To solve the backlog in the submission of standards, the rapporteur proposed to introduce a three-year deadline for standardisation organisations to respond to the Commission's requests. He also introduced a new article introducing legally binding criteria aimed at improving the quality of standards. Furthermore, the rapporteur proposed to limit the Commission's possibilities to bypass the standardisation process through the adoption of harmonised technical specifications. The Commission would also have to publish a three-year working plan for transition, containing a list of product families considered as priorities for the issuing of standardisation requests. In addition, the rapporteur deleted the Commission's newly received powers – too far-reaching in his view – to amend all the annexes. He also wished to see clarifications introduced to the proposed regulation and a reduction of the administrative burden (for instance, by excluding construction products manufactured on the construction site from the scope of the regulation). Furthermore, the rapporteur proposed that only the manufacturers (and not direct installers) should CE-label construction products. The Commission would have to establish a decentralised EU construction products database to support market surveillance authorities in carrying out their tasks, to provide the users and authorities with all necessary information about construction products and to store all documentation and information requested from economic operators. Moreover, the rapporteur

proposed to delete the article establishing obligations of economic operators dealing with used products for re-use or remanufacturing, in order not to limit the growth of the new market for such products. He also tabled some amendments making voluntary (instead of mandatory) the specific green public procurement criteria or targets set by the Commission by means of delegated acts. Moreover, he proposed to shorten the transition period with the current CPR, which would be repealed 10 years after the entry into force of the new CPR. The ENVI committee adopted [362](#) amendments to the Commission proposal, of which [84](#) from the rapporteur. The draft report was discussed in IMCO on 28-29 November 2022; the deadline for amendments is the noon of 6 December 2022. The final vote on the draft report is planned on 27-28 March 2023.

## Council

In the Council, the proposal has been discussed in the Working Party on Technical Harmonisation.

## EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Tenhunen S., [Construction Products Regulation. Revision of Regulation \(EU\) No 305/2011 – Implementation appraisal](#), EPRS, European Parliament, March 2022.

Tuominen, U-M., [Revision of the Construction Products Regulation – Initial Appraisal of a European Commission Impact Assessment](#), EPRS, European Parliament, November 2022.

## OTHER SOURCES

[New Regulation on Construction Products](#), Legislative Observatory (OEIL), European Parliament.

## ENDNOTES

- <sup>1</sup> The 'energy-intensive industries' ecosystem includes some categories of products that are key to construction (e.g. cement, glass, ceramics, tiles and plastic pipes).
- <sup>2</sup> See in particular: European Commission, [Scenarios for a transition pathway for a resilient, greener and more digital construction ecosystem](#), 12/12/2021.
- <sup>3</sup> The [mutual recognition principle](#) continues to be applied to other construction products – those not covered or not fully covered by a harmonised standard and not voluntarily CE-marked.
- <sup>4</sup> This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.
- <sup>5</sup> The Commission had received [76](#) feedback contributions on its inception impact assessment of this initiative, and [263](#) feedback contributions as part of a consultation published ahead of the publication of the proposal.

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