

EUROPEAN PARLIAMENT

2004



2009

Committee on Industry, Research and Energy

2008/0098(COD)

4.12.2008

OPINION

of the Committee on Industry, Research and Energy

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council
laying down harmonised conditions for the marketing of the construction
products
(COM(2008)0311 – C6-0203/2008 – 2008/0098(COD))

Rapporteur: Den Dover

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SHORT JUSTIFICATION

The construction sector is one of Europe's key industries both in terms of output and employment. It is the biggest industrial employer (with around 12 million direct jobs) and a major contributor to GDP, covering more than 20,000 different products. However, the development of the sector is being hampered by overregulation and unnecessary red-tape, leading to a less than satisfactorily functioning of the internal market.

In 1989 the Construction Products Directive (CPD) was put in place. Its main objective was to remove technical barriers to trade within the Union by replacing existing national standards and approvals with a single set of European-wide technical specifications for construction products. However, the practical implementation of the CPD revealed several weaknesses. Due to divergent national transposition, implementation and interpretation, the CPD only partially eliminated barriers to trade. Furthermore, the CPD caused burdensome procedures and obligations for manufacturers, such as a relatively slow and costly process of CE marking.

In May 2008 the European Commission published its proposal to replace the current CPD by a new Regulation, the CPR, aimed at removing all remaining regulatory and technical obstacles to the free circulation of construction products in the EU. The CPR does not alter the current philosophy and the principal elements of the CPD. However, certain changes are proposed to improve harmonisation and to take the interests of SMEs more into account.

Your draftsman welcomes this proposal, intending to enhance the internal market for construction products while providing industry with a reliable framework for its activities. The aim of the Regulation should be to increase confidence in the assurance of performance of construction products, to simplify and clarify the options available, to increase the use of CE marking, and give encouragement to innovators and also to SMEs.

Your draftsman would like to highlight three specific topics:

1. CE marking

It is important to acknowledge the fundamental difference between construction products and other products: Construction products are 'intermediate' products whose end use cannot be predicted. It is the user that is responsible for the safe use of these products, in accordance with national safety regulations. For the user to judge whether a product use is safe, it is of the utmost importance that manufacturers provide full and reliable information about the performance of their products using a common vocabulary and harmonized standards.

By making CE marking mandatory for products placed on the market, a common technical language is created, based on harmonised standards for manufacturers to express the performance and characteristics of their products. This is the best way forward to create a true internal market for construction products.

It is however important that the CE marking is accurate, reliable and credible. In this respect, the proposal could be strengthened. Firstly by clarifying the different routes to get a CE marking. In the current proposal two parallel routes exist: by complying with the harmonised

standards or through a so-called European Technical Assessment (ETA). Your draftsman believes that the level playing field, the market certainty and the credibility of the CE marking will be strengthened by clarifying which route should be used and when. A second point is enhancing the quality assurance that can be ascribed to the CE marking. Your draftsman welcomes the proposals regarding the functioning of the Notified Bodies that will enhance the credibility of the CE marking. However, further strengthening could be useful to ensure the complete independence and impartiality of these Bodies.

2. SMEs

The proposal introduces simplified procedures for micro-enterprises and unique products. Those manufacturers can (for non safety critical products) replace the normal procedure by an easier method, called Specific Technical Documentation (STD), using test results obtained from other manufacturers or so-called cascaded test results. Your draftsman welcomes these proposals that will assist the competitiveness of small businesses and ease their cost burden. However it is essential that consumers have equal levels of protection for safety and environmental purposes whichever procedure is used. This is especially important taking into account the large number of small enterprises in the construction sector. Also, it is important to note that these changes could provide for a faster route to CE marking for innovative products.

3. Sustainability

A novelty in the proposal is the specific mentioning of the sustainability of construction products, through a new Basic Works Requirement, which means that CE marking could include an indicator on the sustainability of the product where this is regulated by the Member State. Your draftsman supports this proposal. By covering recyclability, durability and the use of sustainable resources, this could be instrumental as part of the overall aim to tackle carbon emissions and to boost eco-innovation. It is important to link this Regulation with existing European standardisation measures such as Technical Committees 350 and 351.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) The rules of Member States require that construction works are designed and executed so as not to endanger the safety of

Amendment

(1) The rules of Member States require that construction works are designed and executed so as not to endanger the safety of

persons, domestic animals and property.

persons, domestic animals and property
nor damage the natural or man-made environment.

Amendment 2

Proposal for a regulation

Recital 17

Text proposed by the Commission

Amendment

(17) To provide the manufacturer and the importer with additional flexibility for the assessment of the performance of the construction product he intends to place on the market, he should be entitled to request a European Technical Assessment also in a case in which the product is covered by a harmonised standard.

deleted

Justification

When a harmonised standard exists there is no need for a European Technical Assessment.

Amendment 3

Proposal for a regulation

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) It is important to complement the basic works requirements with the “sustainable use of natural resources”, which should take into account the following:

(a) recyclability of the construction works, and their materials and parts after demolition;

(b) durability of the construction works;

(c) use of environmentally compatible raw and secondary materials in the construction works.

Justification

Goes together with the respective amendment, regarding Annex 1, paragraph 7. In principle the basic requirement 7 „Sustainability“ can be supported. As long as no European standards are available which demonstrate how the detailed requirements in paragraphs a), b) and c) can be fulfilled (respective standards are under development in CEN), the proposed list of detailed requirements should be inserted in the Rec. In this regard, the competence of CEN, as set out in Recital 13, as the competent organisation for the adoption of harmonized standards should be taken into account.

Amendment 4

Proposal for a regulation Article 2 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. "construction product not or not fully covered by a harmonised standard" means a construction product whose essential characteristics and performance cannot be entirely evaluated according to an existing harmonised standard, because inter alia:

(a) the product does not fall within the scope of any existing harmonised standard;

(b) the product does not meet one or more technical definitions of characteristics included in any such harmonised standards;

(c) one or more essential characteristics of the product are not adequately covered by any such harmonised standards; or

(d) one or more test methods necessary to assess the performance of the product are missing or not applicable.

Justification

This definition is needed to clarify the products for which a European Technical Assessment can be requested. Under this definition mostly innovative products will fall.

Amendment 5

Proposal for a regulation Article 2 – point 4

Text proposed by the Commission

4. "harmonised technical specifications" means harmonised standards and European Assessment Documents;

Amendment

4. "harmonised technical specifications" means harmonised standards **(including through Specific Technical Documentation)** and European Assessment Documents;

Justification

All these routes constitute harmonised technical specifications.

Amendment 6

Proposal for a regulation Article 2 – point 12 a (new)

Text proposed by the Commission

Amendment

12a. "Technical Assessment Body" means a body designated by a Member State to participate in the development of European Assessment Documents and to assess the performance of the essential characteristics of construction products not or not fully covered by a harmonised standard in product areas listed in Annex IV;

Justification

Technical Assessment Bodies shall participate in the EAD development, carry out assessments and issue European Technical Assessments for products that are not covered by harmonised standards (mostly innovative products).

Amendment 7

Proposal for a regulation Article 2 – point 13 a (new)

Text proposed by the Commission

Amendment

13a. "Specific Technical Documentation" means specific documentation to demonstrate in a simplified manner the compliance of the construction product with the applicable requirements;

Justification

Micro-enterprises may replace the applicable system for assessment of the declared performance of a construction product by a Specific Technical Documentation.

Amendment 8

Proposal for a regulation Article 2 – point 14 a (new)

Text proposed by the Commission

Amendment

14a. "kit" means a construction product that consists of at least two separate components that need to be combined in order to be installed permanently in the works;

Justification

A definition of "kit" is needed to avoid creative interpretations.

Amendment 9

Proposal for a regulation Article 2 – point 14 b (new)

Text proposed by the Commission

Amendment

14b. "notifying authority" means a body designated by a Member State to establish and carry out the procedures necessary for the assessment and notification of notified bodies in accordance with Article

30;

Justification

Notifying authorities are the subject of articles 30, 31 and 32 in Chapter VII.

Amendment 10

Proposal for a regulation

Article 2 – point 14 c (new)

Text proposed by the Commission

Amendment

14c. "notified body" means a notified performance assessment body, that meets the requirements set out in Article 33;

Justification

Notified bodies are the subject of Articles 33 to 45 inclusive in Chapter VII.

Amendment 11

Proposal for a regulation

Article 2 – point 20

Text proposed by the Commission

Amendment

20. “life cycle” means the consecutive and interlinked stages ***of a product life***, from ***raw material acquisition or*** generation ***from natural resources to*** final disposal.

20. “life cycle” ***of a product*** means the consecutive and interlinked stages, from generation, ***processing, building, exploitation and possible reprocessing or*** final disposal.

Justification

The definition should not include terms which have themselves been defined.

‘Life cycle’ should be seen in terms of the maximum useful life of the construction product and the legitimacy of using products from raw materials which are being depleted. It is also necessary to consider the possibility of eliminating construction products which at a particular stage of their manufacture pose a threat to the environment.

Amendment 12

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) the construction product is covered by a harmonised standard, or a European Technical Assessment has been issued for that product; and

Amendment

(a) the construction product is covered by a harmonised standard ***(including through a, Specific Technical Documentation)*** or a European Technical Assessment has been issued for that product; and

Justification

All above routes to CE marking are valid.

Amendment 13

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall presume the declaration of performance drawn up by the manufacturer or the importer to be accurate and reliable.

Amendment

3. Member States shall presume the declaration of performance drawn up by the manufacturer or the importer to be accurate and reliable. ***The manufacturer or the importer shall be responsible for the conformity of the construction product with the declared performance.***

Justification

This clarification removes any doubt about the responsibility for the conformity of the product with the declared performance.

Amendment 14

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The declaration of performance shall contain the following information:

Amendment

2. The declaration of performance shall contain the following information:

(a) the product-type for which it has been drawn up;

(b) the list of the essential characteristics of the construction product *for which the performance is declared, and the levels or classes of that performance*;

(c) the reference number of the harmonised standard, the European Assessment Document or the Specific Technical Documentation, which has been used for the assessment of each essential characteristic.

(a) the product-type for which it has been drawn up;

b) the list of the essential characteristics *set out in the harmonised technical specification* for the construction product *and for each essential characteristic either the declared measure, class or level of the declared performance or a confirmation of 'no performance determined'*;

c) the reference number, *title and date* of *issue* of the harmonised standard, the European Assessment Document or the Specific Technical Documentation, which has been used for the assessment of each essential characteristic;

d) the generic intended use as laid down in the relevant harmonised technical specification;

e) the system of assessment and verification of constancy of performance.

Justification

The producer should make available all product-information which is related to the harmonized technical specification. The generic “intended use” is in many cases directly linked to the choice of the conformity assessment system and should therefore be clearly visible to the designer, contractor and to market surveillance authorities.

Amendment 15

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraphs 1 and 2, the content of the declaration of performance may be *made available on a web site in accordance with conditions established by the Commission*.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure

Amendment

3. By way of derogation from paragraphs 1 and 2, the content of the declaration of performance may *additionally* be *supplied by electronic means*.

with scrutiny referred to in Article 51(2).

Justification

The use of a website for delivering the declaration of performance of a construction product should be possible. It would be possible to provide much additional and detailed information in all languages corresponding to countries where the product could be placed on the market.

We propose to provide on the product or on the packaging the 3 following information: logo CE, a reference number guaranteeing traceability and unambiguous identification of the product concerned and the address, where the complete information, including technical details, may be found.

Amendment 16

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall not introduce national measures *or* shall withdraw any references to a conformity marking other than the CE marking.

Amendment

Member States shall not introduce national measures **and** shall withdraw any references to a conformity marking other than the CE marking.

Justification

Rationalisation of the system for marking products is essential to give assurance to users and remove uncertainties.

Amendment 17

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. Member States shall not prohibit or impede, within their territory or under their responsibility, the making available on the market or the use of construction products bearing the CE marking, ***when the requirements for this use in that Member State correspond to the declared performance.***

Amendment

3. Member States shall not prohibit or impede, within their territory or under their responsibility, the making available on the market or the use of construction products bearing the CE marking.

Justification

A correctly CE marked product with a declaration of performance should be free to enter and circulate within the European market irrespective of national regulations in the place where it enters the market or moves through it.

Amendment 18

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In all cases the CE marking together with the declaration of performance shall be stored electronically and shall be accessible to the client.

Justification

This measure is necessary to provide certainty, ease of access and to encourage use of the latest available communication methods.

Amendment 19

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The CE marking shall be followed by ***the two last digits of the year in which it was affixed***, the name or the identifying mark of the producer, the unique identification code of the construction product ***and*** the number of the declaration of performance.

3. The CE marking shall be followed by the name or the identifying mark of the producer, the unique identification code of the construction product, the number of the declaration of performance, ***the title of the technical specification referred to in the declaration of performance, and the indication of the generic intended use given therein.***

Justification

This article defines the product information affixed or printed on a construction product. The key information on the use of a construction product should continue to be affixed or printed directly on the product and should not only be given on notices ('declarations of performance'). Construction products cannot be identified and fitted on the basis of a unique

identification code. The indication of the intended generic use on the CE marking would be a useful piece of information for product users without imposing substantial bureaucratic burden.

Amendment 20

Proposal for a regulation Article 19 – title

Text proposed by the Commission

Amendment

Assessment and **verification of constancy of performance**

Assessment and **attestation of conformity**

Justification

The existing terminology “Attestation of conformity” should be maintained. The new wording would only cause confusion on the markets and would create a lot of unnecessary administrative work load and costs.

Amendment 21

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. Assessment and **verification of constancy of the declared performance** of construction products in relation to their essential characteristics shall be carried out in accordance with one of the systems set out in Annex V.

1. Assessment and **attestation of conformity** of construction products in relation to their essential characteristics shall be carried out in accordance with one of the systems set out in Annex V.

Justification

The existing terminology “Attestation of conformity” should be maintained. The new wording would only cause confusion on the markets and would create a lot of unnecessary administrative work load and costs.

Amendment 22

Proposal for a regulation Article 20

Text proposed by the Commission

European Assessment **Document**

1. The European Assessment **Document (EAD)** shall be *adopted* by *the organisation of Technical Assessment Bodies referred to in Article 25(1) following a request for a European Technical Assessment* by a manufacturer or an importer, in accordance with the procedure set out in Annex II.
2. *The organisation of Technical Assessment Bodies referred to in Article 25(1) shall establish in the EAD the methods and the criteria for assessing the performance in relation to those essential characteristics of the construction product, which are related to the use intended by the manufacturer.*
3. *The organisation of technical assessment bodies referred to in Article 25(1) shall determine in the EAD the specific factory production control to be applied, taking into account the particular conditions of the manufacturing process of the construction product concerned.*

Amendment

European **Technical** Assessment

1. The European **Technical** Assessment (**ETA**) shall be *issued* by *a* Technical Assessment **Body, for any construction product not or not fully covered by a harmonised standard, at the request of a manufacturer or an importer *on the basis of an European Assessment Document (EAD)* in accordance with the procedure set out in Annex II.**
 2. *The Commission* shall establish *the format of the ETA.*
- Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 51(2).*

Justification

European Technical Assessment precedes the European Assessment Document so the ETA is dealt with in this article and the EAD in the following one. The ETA applies to construction products not fully covered by harmonised standards (mostly innovative products).

Amendment 23

Proposal for a regulation Article 21

Text proposed by the Commission

European **Technical** Assessment

1. The European **Technical** Assessment (**ETA**) shall be **issued** by **a** Technical Assessment **Body, for any construction product, at the** request **of** a manufacturer or importer **on the basis of a EAD** in accordance with the procedure set out in Annex II.

2. **The Commission** shall establish **the format of the ETA**.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 51(2).

Amendment

European Assessment **Document**

1. The European Assessment **Document** (**EAD**) shall be **adopted** by **the organisation of** Technical Assessment **Bodies referred to in Article 25(1) following a request for an ETA** by a manufacturer or an importer **of a construction product not or not fully covered by a harmonised standard**, in accordance with the procedure set out in Annex II.

2. **The organisation of Technical Assessment Bodies referred to in Article 25(1)** shall establish **in the EAD the methods and the criteria for assessing the performance in relation to those essential characteristics of the construction product not or not fully covered by a harmonised standard, which are related to the use intended by the manufacturer**.

3. **The organisation of technical assessment bodies referred to in Article 25(1)** shall determine **in the EAD the specific factory production control to be applied, taking into account the particular conditions of the manufacturing process of the construction product concerned**.

Justification

The ETA and the EAD are to be used for construction products not fully covered by harmonised standards (mostly innovative products).

Amendment 24

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) the construction product he places on the market shares the product-type with another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised technical specification. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this *another* product;

Amendment

(b) the construction product he places on the market shares the product-type with another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised technical specification. When these conditions are fulfilled, ***and if applicable after the STD has been verified by the relevant certification body as referred to in Annex V***, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this *other* product;

Justification

This procedure allows the principle of cascade testing to be used, thereby saving time and costs.

Amendment 25

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) the construction product he places on the market is a system made of components, which he assembles duly following precise instructions given by the provider of such a system or of a component thereof, who has already tested that system or that component for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the component

Amendment

(c) the construction product he places on the market is a system made of components, which he assembles duly following precise instructions given by the provider of such a system or of a component thereof, who has already tested that system or that component for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are fulfilled, ***and if applicable after the STD has been verified by the relevant certification body as referred to in Annex V***, the manufacturer is entitled to

provided to him.

declare performance corresponding to all or part of the test results for the system or the component provided to him.

Justification

This procedure allows a manufacturer to avoid unnecessary costs and delays by using test results obtained by the system provider, subject to the safeguards set out.

Amendment 26

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The manufacturer shall remain responsible for the product's compliance with all declarations of performance in accordance with the relevant harmonised technical specification.

Justification

This procedure allows a manufacturer to avoid unnecessary costs and delays by using test results obtained by the system provider, subject to the safeguards set out.

Amendment 27

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The manufacturer may use the test results obtained by another manufacturer only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results.

The manufacturer may use the test results obtained by another manufacturer ***or system provider*** only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results.

Justification

To clarify that also test results obtained by the system provider can be used, subject to the safeguards set out.

Amendment 28

Proposal for a regulation Article 27 – paragraph 1

Text proposed by the Commission

1. Micro-enterprises may replace the applicable system for assessment of the declared performance of construction product by a STD. The STD shall demonstrate the compliance of the construction product with the applicable requirements.

Amendment

1. Micro-enterprises may replace the applicable system for assessment of the declared performance of construction product by a STD ***if the harmonised standard contains no specific methods for micro-enterprises to indicate and assess performance***. The STD shall demonstrate the compliance of the construction product with the applicable requirements.

Justification

An STD should be used only if the harmonised product standards contain no appropriate methods for micro-enterprises.

Amendment 29

Proposal for a regulation Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The simplified procedure set out in paragraph 1 shall guarantee an equivalent level of protection for the health and safety of persons or for other issues of public interest such as the environment and fitness for use.

Justification

It is essential and vital that the use of Specific Technical Documentation by micro-enterprises does not lead to any reduction in the levels of health and safety protection, or other issues of public interest such as the environment and fitness for use.

Amendment 30

Proposal for a regulation

Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall, by [five years after the entry into force of this Regulation], draw up a report on the application of this Article considering inter alia whether its application could be extended to other undertakings.

The Commission shall submit this report to the European Parliament and the Council together with legislative proposals as appropriate.

Justification

The opportunity of widening the use of Specific Technical Documentation to other enterprises should be considered, once the benefits to the industry and micro-enterprises have been proven.

Amendment 31

Proposal for a regulation

Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49a

Guidelines

The Commission shall draw up specific guidelines on construction products for market surveillance authorities. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 51(2).

Justification

The provisions in chapter VIII allow national market surveillance activities at all different degrees of rigour and do not take sufficiently into account the specific need of market

surveillance for construction products. Compared to other products, market surveillance for construction products should – besides formal non-compliance - concentrate on verifying whether construction product achieve the declared performances or not.

Amendment 32

Proposal for a regulation

Annex I – point 3 – introductory part

Text proposed by the Commission

The construction works must be designed and built in such a way that they will not be a threat neither to the hygiene nor health of the occupants and neighbours, ***nor*** exert a ***exceedingly high*** impact over their entire life cycle to the environmental quality nor to the climate, during their construction, use and demolition, in particular as a result of any of the following:

Amendment

The construction works must be designed and built in such a way that they will not be a threat neither to the hygiene nor health of the ***workers***, occupants and neighbours, ***and*** exert a ***limited*** impact over their entire life cycle to the environmental quality nor to the climate, during their construction, use and demolition, in particular as a result of any of the following:

Amendment 33

Proposal for a regulation

Annex I – point 6

Text proposed by the Commission

The construction works and their heating, cooling and ventilation installations must be designed and built in such a way that the amount of energy required in use shall be low, when account is taken of the climatic conditions of the location and the occupants.

Amendment

The construction works and their heating, cooling, ***lighting*** and ventilation installations must be designed and built in such a way that the amount of energy required in use shall be low, when account is taken of the climatic conditions of the location and the occupants. ***Construction products shall also be energy-efficient; they shall use as little energy as possible during their life cycle.***

Amendment 34

Proposal for a regulation
Annex I – point 7

Text proposed by the Commission

The construction works must be designed, built and demolished in such a way that the use of natural resources is sustainable **and ensure the following:**

(a) recyclability of the construction works, their materials and parts after demolition;

(b) durability of the construction works;

(c) use of environmentally compatible raw and secondary materials in the construction works.

Amendment

The construction works must be designed, built and demolished in such a way that the use of natural resources is sustainable.

Justification

It should be respected that work is already underway in CEN Technical Committees on the environmental assessments of buildings/products and on dangerous substances in products. Any steps taken in this regard should be consistent with existing related requirements such as the waste framework directive and REACH.

Amendment 35

Proposal for a regulation
Annex I – point 7 a (new)

Text proposed by the Commission

Amendment

7a. Existing mandates to establish harmonised European standards shall be taken into account. The respective CEN committee shall develop standards to clarify the basic works requirement 7 “sustainability”.

Justification

In principle the basic requirement 7 „Sustainability“ can be supported. As long as there are no European standards available which demonstrate how the detailed requirements in paragraphs a), b) and c) can be fulfilled (at the moment respective standards are under development in CEN), the competence of CEN, as laid out in recital 13, as the competent organisation for the adoption of harmonized standards should be taken into account.

Amendment 36

Proposal for a regulation Annex II - title

Text proposed by the Commission

Procedure for adopting European
Assessment Document and for issuing
European Technical Assessment

Amendment

Procedure for adopting European
Assessment Document and for issuing
European Technical Assessment **for
construction products not or not fully
covered by a harmonised standard**

Justification

The European Technical Assessment and the European Assessment Document are to be used for construction products that are not fully covered by harmonised standards (mostly innovative products).

Amendment 37

Proposal for a regulation Annex II – point 2.2

Text proposed by the Commission

2.2. The responsible TAB shall, in cooperation with the manufacturer, obtain the relevant information on the product and on its intended use. The responsible TAB shall inform the manufacturer if the product is covered, fully or partially, by another harmonised technical specification. The responsible TAB shall then draft a first contract to be concluded with the manufacturer, defining the terms for the elaboration of the work programme.

Amendment

2.2. The responsible TAB shall, in cooperation with the manufacturer, obtain the relevant information on the product and on its intended use. The responsible TAB shall inform the manufacturer if the product is covered, fully or partially, by another harmonised technical specification. The responsible TAB shall then draft a first contract to be concluded with the manufacturer, defining the terms for the elaboration of the work programme **and the likely programme to be adhered to (specific time periods being agreed for each particular contract).**

Justification

The time periods to be included in the work programme shall be agreed by the Technical Assessment Body and the manufacturer as part of the contract.

Amendment 38

Proposal for a regulation

Annex III – point 7 – introductory part

Text proposed by the Commission

Declaration of performance (list, levels or classes and reference to the corresponding harmonised technical specification/Specific Technical Documentation used for the assessment of the performance for the declared essential characteristics)

Amendment

Declaration of performance (list, levels or classes and reference to the corresponding harmonised technical specification ***(harmonised standard (including through Specific Technical Documentation)/European Assessment Document)*** used for the assessment of the performance for the declared essential characteristics)

Justification

It is important to clarify the different routes that lead to harmonised technical specifications and CE marking.

Amendment 39

Proposal for a regulation

Annex III – point 7 – table – last column

Text proposed by the Commission

Reference of the harmonised technical specification / Specific Technical Documentation

Amendment

Reference of the harmonised technical specification ***(harmonised standard (including through Specific Technical Documentation)/European Assessment Document)***

Justification

It is important to clarify the different routes that lead to harmonised technical specifications and CE marking.

Amendment 40

Proposal for a regulation
Annex V – title

Text proposed by the Commission

Amendment

Assessment and **verification of constancy of performance**

Assessment and **attestation of conformity**

Justification

The existing terminology “Attestation of conformity” should be maintained. The new wording would only cause confusion on the markets and would create a lot of unnecessary administrative work load and costs.

Amendment 41

Proposal for a regulation
Annex V – point 1 – title

Text proposed by the Commission

Amendment

1. SYSTEMS OF ASSESSMENT AND
**VERIFICATION OF CONSTANCY OF
PERFORMANCE**

1. SYSTEM OF ASSESSMENT AND
ATTESTATION OF CONFORMITY

Justification

The existing terminology “Attestation of conformity” should be maintained. The new wording would only cause confusion on the markets and would create a lot of unnecessary administrative work load and costs.

Amendment 42

Proposal for a regulation
Annex V – point 1.1 – introductory phrase

Text proposed by the Commission

Amendment

1.1. System **I** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

1.1. System **I+** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Justification

The new numbering system could confuse customers and could create unnecessary administrative work and cost. We accept the new reduced system but to avoid confusion we would suggest keeping the existing numbering according to Guidance Paper K.

Amendment 43

Proposal for a regulation

Annex V – point 1.2 – introductory phrase

Text proposed by the Commission

1.2. System **2** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Amendment

1.2. System **1** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Justification

The new numbering system could confuse customers and could create unnecessary administrative work and cost. We accept the new reduced system but to avoid confusion we would suggest keeping the existing numbering according to Guidance Paper K.

Amendment 44

Proposal for a regulation

Annex V – point 1.3 – introductory phrase

Text proposed by the Commission

1.3. System **3** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Amendment

1.3. System **2+** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Justification

The new numbering system could confuse customers and could create unnecessary administrative work and cost. We accept the new reduced system but to avoid confusion we would suggest keeping the existing numbering according to Guidance Paper K.

Amendment 45

Proposal for a regulation

Annex V – point 1.4 – introductory phrase

Text proposed by the Commission

1.4. System **4** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Amendment

1.4. System **3** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Justification

The new numbering system could confuse customers and could create unnecessary administrative work and cost. We accept the new reduced system but to avoid confusion we would suggest keeping the existing numbering according to Guidance Paper K.

Amendment 46

Proposal for a regulation

Annex V – point 1.5 – introductory phrase

Text proposed by the Commission

1.5. System **5** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Amendment

1.5. System **4** - Declaration of the performance for the essential characteristics of the product by the manufacturer on the basis of following items:

Justification

The new numbering system could confuse customers and could create unnecessary administrative work and cost. We accept the new reduced system but to avoid confusion we would suggest keeping the existing numbering according to Guidance Paper K.

PROCEDURE

Title	Harmonised conditions for the marketing of construction products	
References	COM(2008)0311 – C6-0203/2008 – 2008/0098(COD)	
Committee responsible	IMCO	
Opinion by Date announced in plenary	ITRE 4.6.2008	
Drafts(wo)man Date appointed	Den Dover 22.8.2008	
Discussed in committee	18.9.2008	3.11.2008
Date adopted	2.12.2008	
Result of final vote	+: 38 -: 0 0: 0	
Members present for the final vote	Šarūnas Birutis, Jan Březina, Jerzy Buzek, Jorgo Chatzimarkakis, Giles Chichester, Dragoș Florin David, Den Dover, Nicole Fontaine, Adam Gierek, Norbert Glante, David Hammerstein, Erna Hennicot-Schoepges, Mary Honeyball, Ján Hudacký, Werner Langen, Anne Laperrouze, Pia Elda Locatelli, Eluned Morgan, Antonio Mussa, Angelika Niebler, Reino Paasilinna, Aldo Patriciello, Miloslav Ransdorf, Vladimír Remek, Teresa Riera Madurell, Mechtild Rothe, Paul Rübig, Britta Thomsen, Patrizia Toia, Claude Turmes, Nikolaos Vakalis, Adina-Ioana Vălean	
Substitute(s) present for the final vote	Gabriele Albertini, Alexander Alvaro, Pierre Pribetich, John Purvis, Silvia-Adriana Țicău, Vladimir Urutchev	