

Construction products: harmonised conditions for the marketing

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

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

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

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

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

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

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

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

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

allowed, instead of demanding the repeated testing of such products. For **innovative products**, simplified and streamlined procedures will be introduced as well.

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

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

- European Technical Assessments (ETA) are to continue as a voluntary route to CE marking, as an option to the use of harmonised standards. An ETA could be carried out even when a harmonised standard exists for the same product, thereby giving more flexibility and choice to the manufacturer;
- the present CPD does not contain criteria related to sectoral competence of Technical Assessment Bodies. However, the proposal explicitly sets strict criteria for them;
- the current system recognises two routes for European technical approvals, the Guidelines (ETAGs) and the Common Understanding Assessment Procedure (CUAP). These two are to be replaced by a single simplified route, the European Assessment Document (EAD);
- lastly, the manufacturer is given a crucial role in the development of the EAD, as he decides which characteristics have to be dealt with. He intervenes in the procedure and he signs the definitive contract only when he knows the exact work programme, the timing and the cost of the procedure.