

UK and Ireland Stakeholder responses to the European Commission consultation on COM /2022/144: Proposal for a Regulation laying down harmonised conditions for the marketing of construction products

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NSAI (Ireland)

NSAI supports the overall position of CEN/CENELEC, (submitted separately). NSAI accepts that there are issues in relation to delivery of standards under CPR. However, Option A implies that the problems with the CPR are solely in relation to the delivery of standards by CEN/CENELEC, (also listed in Annex III of Refined Indicative options rev 2), which we find difficult to accept. NSAI sees no evidence for stating that CEN has a strategic preference for ISO alignment versus EU regulatory alignment.

As per Option B which underlines Options C and D - Harmonised Technical Specifications are produced independently of, and in addition to, the ESO process for developing construction standards. NSAI has concerns regarding divergence/confusion between legislation and the standards and also that these independent processes may not be subject to the same rigours of CEN/CENELEC, the consensus approach or the breadth of experts/stakeholders input.

Currently there is a backlog for approval of Answers to Mandates and Delegated Acts by the EC. Some CEN/CENELEC Technical Bodies have ceased work as a result. In the construction sector NSAI supports 14 national technical committees, upwards of 100 national technical bodies and over 300 experts. Construction standardisation projects account for up to 50 % of NSAI's national standardisation programme. There are significant resources and a huge commitment given by Irish experts to the development of harmonised standards under the CPR in an effort to reflect current industry practice. The non-citation of revised hENs negatively affects the NSAI work programme with regard to developing/revising national guidance documents etc. to ENs published by CEN which are not cited in the OJEU and amounts to wasted resources and frustration amongst Irish experts.

The rules around citation of harmonised standards to support CPR appear to be more rigid and burdensome than those for other Directives.

NSAI support a CPR model which reacts to developing technologies. However, the non-citation of revised hENs under the CPR restricts innovation and technological advances in standards for construction products.

Option C proposes the limitation of the common technical language to assessment methods for a specific number of product families and proposes that the performance levels would not be set at EU level which means performance levels would have to be set at Member State level.

Similarly, under Option C the product groups for which no assessment method exists would fall outside the limited scope of the CPR under this option and essential characteristics and threshold levels would be the responsibility of national regulators. Potentially this work on a larger scale may come under the remit of NSBs (NSAI). In both situations national parameters are likely to differ across Members States thus affecting the functioning of the internal market and free movement of construction products. The preservation of the internal market, protection of Irish companies and the provision of access to the wider European market need to be considered here.

NSAI recognise that the CPR is a unique piece of legislation. However, it is foreseeable that any decisions made by the EC in relation to CPR and their subsequent impact on nature and scope of ESO/NSB/NC's activities may filter into EC approach to standardisation in other product/market sectors.

The Protocol on Ireland-Northern Ireland facilitates free movement of construction products on the island of Ireland through the continued application of the CPR in Northern Ireland (Article 5.4 and Appendix 2 of the Protocol). It is important that the impact of any changes to the CPR on the operation on the Protocol are examined and taken into account prior to their adoption. It is not possible to comment in detail until the work of the Specialised Committee on the Implementation of the Protocol on Ireland-Northern Ireland concerning trade in manufactured products is completed.

[British Flue & Chimney Manufacturers Association \(BFCMA\) \(United Kingdom\)](#)

The safe and efficient use of heating products requires the specification of performance criteria. Chimneys and flues are designed to optimise the performance of an appliance. Operating outside of the prescribed performance criteria not only raises performance issues, it also can lead to safety problems.

Harmonised technical specifications have enabled manufacturers from all European countries to develop and sell products that safely meet the requirements of the appliances and local conditions in the various member states. Through CEN representatives of manufacturers in the different countries have been able to explore and develop technical specifications that are suitable for the different countries and allow the products to operate both optimally and safely. Without this process individual countries would have to develop the technical specifications themselves. This would be a less efficient and less informed procedure.

The transition from CPD to CPR has been very difficult. The need to include technical and safety specifications in a harmonised standard has been at the heart of the difficulty. Chimney standards are now being published as non-harmonised standards. This is not a sustainable situation. New mandates incorporating detailed technical specifications need to be drawn up to allow committees to bring forward standards that will be fit for purpose and allow manufacturers to develop efficient products that can be freely sold in all European countries.

The BFCMA agrees with the objective of the CPR to provide a common technical language to access performance and remove barriers to trade, but this cannot be achieved without the inclusion of harmonised technical specifications. The CPR should be repaired in line with option D2.

[European Fire Sprinkler Network \(United Kingdom\)](#)

The CPR has caused considerable confusion in the market. There is an expectation that construction products should be CE-marked and that this confirms their fitness for purpose. It does not. Instead it confirms that one test in a harmonised standard has been conducted. For most construction products all the tests in a harmonised standard need to be performed and good performance achieved in each for the product to be fit for the intended purpose. This review of the CPR needs to bring the CE-mark for construction products back into line with market expectations. It is true that Member States decide what level of performance they require in construction products and in construction works. Nevertheless the differences between them are not great so for many construction products only a few grades of quality would be needed and for a large number of construction products only one grade is needed. This is particularly true of construction products which make up parts of installed systems, such as in fire protection systems. These products are thoroughly assessed, being subjected to 40 or more tests to ensure they perform over their lifetime in the construction works. No Member State is interested in specifying the performance to be achieved in each of these 40 tests. Instead, national regulators expect experts in the technology to

devise the necessary tests and set appropriate pass/fail criteria. Where the national regulators introduce differences is in whether the fire protection system is required in a building. This approach allows Member States to set the performance in construction works while basing that performance on standard products. That means, for example, that the same fire sprinkler can be sold in Finland, Ireland, Portugal and Cyprus, without barriers to market entry. If Member States were to define difference performance for a sprinkler to be achieved when subjected to an assessment, they would be specifying different sprinklers and so creating barriers to entry.

Today hardly anyone in Europe understands the CPR or what CE-mark on a construction product means. This is even worse when products bearing the CE-mark are exported. Other, competing standardisation systems such as ISO or ANSI do not suffer from this issue. For the CE-mark to hold value, to support trade within the internal market and exports from it, the CE-mark must be a sufficient indicator of the quality of a construction product and its fitness for purpose. Otherwise some other mark will always be needed, as is the case today. Of the options proposed D2 looks to be closest to what is needed. However, it is unclear whether D2 is limited in scope. Would it allow a standard to specify market conventions, such as the colours used to denote different sprinkler activation temperatures? Would it allow a standard to specify that the body of a valve be made of steel or an equivalent material? This approach puts the onus on the manufacturer to show that a different material is equivalent, rather than the committee drafting the hEN having to devise a series of tests to demonstrate equivalency for unknown materials. In principle the D2 approach can work if the procedure for Delegated Acts is refined to become faster and more routine, for example with Member States given a couple of months to object and no reply taken as agreement.

COM /2022/144 Proposal for a Regulation laying down harmonised conditions for the marketing of construction products – EU Adoption Consultation – April to July 2022

[European Phenolic Foam Association \(United Kingdom\)](#)

The EPFA welcomes the EC initiative to make the construction products more sustainable (i.e., durable, repairable, recyclable, easier to re-manufacture) in line with the objectives of the European Green Deal and especially with one of its main building blocks – the Circular Economy Action Plan. The EPFA strongly supports the EC vision regarding the functioning of a single market for construction products embedding environmental sustainability in order to achieve the intended objectives:

- unlock the construction sector's growth and jobs potential
- improve the competitiveness of the sector
- digital transition of the construction ecosystem
- green transition of the manufacturing processes
- overall sustainability of the built environment
- efficient use of natural resources by facilitating reuse and recycling

The proposal for the new CPR is an important step for achieving these objectives. It contains positive aspects, which EPFA considers crucial for the sector, most importantly:

- Harmonised conditions for the marketing of construction products and removal of obstacles for trade between the Member States
- Digitalisation of information flows to ensure coherent and transparent information about construction products performance along the supply chain
- Reinforcing market surveillance and ensuring compliance with the existing regulations. The proposal, however, also contains several major areas of concern that need to be addressed in order to fully tackle the problems identified by the EC until now i.e., establishing single EU market, national implementation challenges, complex legal framework, delivery on broader policy objectives like product safety, green transition, etc. These are described in more details in the attached document.

See additional document below

[BRE Global Ireland \(Ireland\)](#)

See additional document below

[Society of Chartered Surveyors Ireland \(SCSI\) \(Ireland\)](#)

See additional document below

[Ecocem Materials Ltd. \(Ireland\)](#)

Ecocem, Europe's leader in low carbon cement technologies, welcomes the Commission's proposal for a revision of the Construction Products Regulation (CPR). We consider the overall messaging of the proposal to be positive. The revised CPR correctly aims to address deficiencies in the current regulation by seeking to improve the speed of the standardisation system and introducing more product requirements related to sustainability and circular economy aspects.

Nonetheless, we believe that more ambition is needed within the CPR framework to enhance sustainability in the construction sector. This will have a significant impact in reducing the embodied carbon of buildings, which is currently not sufficiently addressed in the EU's sustainable buildings policies. While we strongly advocate for significant recycling of materials, we believe that it is particularly important that CPR does not favour recycled content requirements of product over their carbon impact. This could hamper the deployment of breakthrough technologies that have major impact in reducing carbon emissions but may not be made with recycled materials.

The cement sector has to date failed to deliver CO₂ emissions reductions in line with the EU's 2030 and 2050 GHG emissions reduction targets. This is partly due to the fact that EU policy has not addressed barriers to the deployment of low-carbon cement and concrete onto the market, such as the lengthy standardisation processes and the lack of performance-based cement standards. In addition, there have not been strong enough requirements within the CPR to reduce the carbon footprint and broader environmental impact of products.

In this context, several improvements should be made to the CPR text:

- The scope of the CPR and the Ecodesign for Sustainable Products should be clarified. We believe that CPR should cover construction products while having the same level of environmental ambition and minimum requirements as the Ecodesign Regulation.
- CPR should introduce ambitious environmental product requirements. New product requirements (Art.5 + Annex I A, B, C; and Art.22) should include a robust embedded carbon assessment of products to incentivise innovation and deployment of low-carbon construction products.
- On circularity, the CPR should respect a sustainability hierarchy. CPR should establish a clear framework and provide common definitions (e.g. for mandatory recycled content requirements; Reused products). Circularity should not be considered to the same extent as carbon impact, as this could prevent the scale-up and deployment of breakthrough technologies that have massive role in reducing carbon emissions but are not made of recycled content. This is particularly true for the decarbonisation of the highly CO₂ intensive cement industry, where low carbon solutions exist but need to proliferated further through appropriate mandates.
- The method for assessing and communicating the environmental performance of construction products should be harmonised in the CPR. We believe that the Environmental Product Declaration (EN 15804) should be the preferred route for construction products, especially for the cement sector.
- Green Public Procurement should be more targeted. We welcome the introduction of green public procurement in Article 84. However, we believe that it is necessary to establish a more defined framework and timeline of implementation to ensure a rapid roll-out of low-carbon solutions supported by the public sector.
- The standardization system must be improved. We believe that the governance of standardisation system should be substantially improved with defined timeline, framework, and independent experts' involvement. In addition to that, we believe it is essential for to develop harmonised EU standards for both cement and concrete.

See additional document below

[FM Approvals Europe Limited \(Ireland\)](#)

COMMENT/PROPOSAL: Chapter V, Article 45, Point 1 of the proposed revised CPR currently reads:

“A TAB shall be competent and equipped to carry out the assessment in the product area for which it has been designated. The decision making staff and at least half of the technical competent staff of the TAB shall be located in the designating Member State.”

The requirement for >50% of the technical competent staff of a TAB to be located in the member state is new and seems somewhat arbitrary and unduly onerous (in comparison to requirements of Notified Bodies who may subcontract all activities other than the certification decision itself).

Without revision, this clause is likely to exclude some existing TAB's who have already demonstrated their competence and expertise over many years. This would then result in a loss of expertise within EOTA which is presumably the exact opposite of the intent of this new clause. It is proposed that it should be left (as at present) for the individual Member State to determine the competence and suitability of any TAB (including staffing) established on their territory.

Propose rewording Article 45 Point 1 as follows:

“A TAB shall be competent and equipped to carry out the assessment in the product area for which it has been designated. The decision making staff and at least half of the technical competent staff of the TAB shall be located in the designating Member State.”

JUSTIFICATION:

1. It is the decision making (signature authority) staff of the TAB that control the output (EADs, ETA's etc) of the TAB and so safeguard the quality of the work. It is their competence and experience that designating authorities focus on in their initial and ongoing assessments of TAB's.
2. No such restriction applies to Notified Bodies where relevant accreditation standards (eg EN ISO 17065) allow the notified product certification body to subcontract all activities except for the “certification decision”.
3. It would seem more equitable to reword that all decision making staff of TAB's be located in the designating member state, and to leave the assessment of competence and suitability of the staffing of the TAB, as at present, to the Member State designating authority.
4. It seems unclear where the new requirement for >50% of the technical competent staff to be located in the Member State is coming from?
5. Many existing TAB's have a proven track record of good performance dating back over many years (decades). The introduction of this somewhat arbitrary clause risks losing a number of long established and competent TABs, resulting in a loss of expertise within EOTA – presumably this is the exact opposite of what the new clause seeks to achieve.
6. Many long-standing reputable TAB's employ staff in a number of countries, this actually aids the expertise and competence of the TAB rather than detracts from it.

See additional document below

[EAPFP \(United Kingdom\)](#)

The EAPFP welcomes the proposal for a revision of the CPR, but has some points of concern, mainly the validity and impact of the EAD/ETA system now they are outside the harmonized zone. Other concerns are in the field of the administrative burden, and the differences of opinion between CEN and EOTA. Last but not least, the EAPFP advocates for (the contribution to the) fire resistance as a key performance indicator for sustainability.

See additional document below

[CEN- CENELEC TC163 WG4 Baths and Showers Appliances \(United Kingdom\)](#)

Representative of TC 163 WG4 - Baths and Showers Appliances, we as a group present our feedback in the attached file: In summary.

Concerns of the extra burden placed on manufacturers but we understand the efforts of the commission to include the sustainability into the CPR.

We are deeply concerned about the exclusion of Sanitary Appliances from the CPR and present in the document below that the decision to exclude sanitary appliances be reversed. Based on these facts and that it is reinstated by means of Article 2 (3.) (d) in the draft. By excluding Sanitary Appliances we see the danger of a deharmonized market and all the issues recurring from pre harmonization and the fact that this is contrary to European Union directives.

See additional document below

[IGI The Global Wallcoverings Association \(United Kingdom\)](#)

Harmonised standards (hENs) are powerful tools to ensure a uniform internal market within the European Union. The existence of national marks and certification requirements has historically been a financial and administrative burden on the industry and their removal (and prevention of proliferation) was welcome. The most significant example for wallcoverings is the introduction of the European reaction to fire tests removing the complexity of many different national requirements. The introduction of the CPR has not been without problems. The current wallcovering industry hEN was drafted for the CPD (Construction Products Directive). Responding to the revised mandate for the CPR has taken 6 years to be published by CEN in 2019 and has been refused citation in the OJEU (Official Journal of the European Union). Currently the applicable standard has an Annex ZA appropriate for the CPD not the CPR. IGI has developed a guidance document for its members to comply with CE marking under the CPR. It is clear that some form of revision of the CPR is required. CEN/TCs (Technical Committees) have been receiving confusing and changing advice on compliance requirements resulting in delays.

1. IGI does not believe that the CPR should be repealed.
2. IGI believes that the EC and CEN should work more closely to provide stable guidance for drafting hENs.
3. IGI believes that market surveillance should be robust. 'Free loaders' are marketing non CE marked products mainly, it is believed, through ignorance. The increased availability of relatively low cost digital printing has boosted this trend coupled with the perception that customers do not search for CE marked wallcoverings.
4. IGI urges the EC to speed up the process of standards citation in the OJEU.

European Commission
Construction Products Regulations
Brussels, Belgium
By Email

12th July 2022

Introduction:

The Society of Chartered Surveyors Ireland (SCSI) is a professional body representing approximately 5000 surveyor members who are typically employed across the built environment in the construction land and property markets through private practice, in central and local government, in state agencies, in academic institutions, in business organisations and in non-governmental organisations.

We are writing to you in relation to the regulations of the Parliament and the Commission laying down harmonised conditions for the marketing of Construction Products Regulations (CPR). Our members are well positioned across the entire property lifecycle and work closely with developers, investors, building contractors, building owners of residential property, purchasers, and renters. Chartered building surveyors are both designers and specifiers of products for buildings and have experience operating with the current product regulations.

The intention of our submission is to highlight the challenges and opportunities in the context of the maintaining and advancing standards but in a way that supports the EU Green Deal and Circular Economy.

CPR and Compliance:

The SCSI recognises the challenges with the current CPR and welcomes the proposal to reform the system. The delays in introducing up to date harmonised standards and the increasing reliance on European Assessment Documents are impacting confidence and effectiveness of the CPR. The complexity of the system and lack of coordinated, visible market surveillance activity at national and European level has long weighed on the effectiveness of CPR.

The proposal to add mandatory environmental declarations on climate, environment and sustainability performances of products is strongly welcomed.

Alignment of the proposed CPR with other environmental and climate objectives such as the Ecodesign for Sustainable Products Regulation, the Sustainability Products Initiative and Digital Product Passports will add importance and emphasis to compliance with CPR objectives and support climate change mitigation efforts.

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Surveyors Ireland 203388

As part of the EU review of CPR and CPR Acquis It is understood that the EU Commission is scrutinising the harmonized standards for construction products. There appears to be hold-ups in processing harmonised standards published by CEN/CENELEC (European Community for Standardisation) in support of the CPR. This, when taken in conjunction with our resource constraints, poses challenges to the introduction of the required Construction Technical Standards to meet the suggested 2025 target date and delays its incorporation in the Technical Guidance Documents to the Building Regulations. This matter needs to be addressed. There are also far-reaching issues surrounding non citation of harmonized European standards, and this poses challenges to national standardization work including CE marking of construction products in the marketplace

Article 2

The clarification that the regulations apply to products manufactured or mixed on the construction site and intended for immediate incorporation into the construction works appears to be a provision that will be very difficult to implement or monitor. We suggest that such products are not intended to be placed on the single market and will not be exported outside of the immediate area of the construction site. Local building standards regulations and quality control requirements could adequately address concerns regarding the suitability of such products for construction.

Article 28

SCSI welcome the recognition of the use of 3D-printing construction technology. The use of 3D-printing manufacturing technology is very worthy of regulation, but it may be more effective to do this at the factory or manufacturing site of the 3D-printing technology provider rather than the construction site.

Article 22

The additional environmental obligations placed on manufacturers which will allow end users, specifiers or purchasers to assess the environmental impact of the product is very welcome. The existing Environmental Product Declaration (EPD) system would be a firm basis to build upon and bring consistency to the assessment of the environmental impact of construction products.

The requirement for manufacturers to strive for state-of-the-art climate sustainability, durability and prevention of premature obsolescence is welcomed.

Article 68 to 96 Market Surveillance

SCSI welcomes the enhancement of the market surveillance obligations of Market Surveillance Authorities and the option of the Commission to lay down minimum requirements in terms of human resources of market surveillance authorities. The enhanced support offered by the Commission to market surveillance authorities is also welcomed in terms of bringing confidence of fair and effective market surveillance activities across the single market.

Conclusion:

The proposals to amend and improve the existing CPR is very much welcomed. The recognition of emerging technology such as 3-D printing of construction products is timely. The move to digitalisation to enable sharing of product information and improve the effectiveness of market surveillance is also welcome.

SCSI caution against the incorporation of products mixed or manufactured on site as there may be difficulties in applying rules which are intended to regulate products offered for sale on the single market, to products manufactured for immediate use on site.

Construction is a complex industry with a significant impact on the environment. The focus of the proposals to reduce the environmental impact of construction and construction products, and alignment with other climate change mitigation regulations, highlights the urgency of the need for change.

We hope this focus on environmental impact will be a key element in the effective and widespread implementation of the proposals.

Yours sincerely,



Shirley Coulter

CEO

12th July 2022

Ecocem reply to the European Commission public consultation on the revision of the Construction Products Regulation - July 2022

Ecocem, Europe's leader in low carbon cement technologies, welcomes the Commission's proposal for a revision of the Construction Products Regulation (CPR). We consider the overall messaging of the proposal to be positive. The revised CPR correctly aims to address deficiencies in the current regulation by seeking to improve the speed of the standardisation system and introducing more product requirements related to sustainability and circular economy aspects.

Nonetheless, we believe that more ambition is needed within the CPR framework to enhance sustainability in the construction sector. This will have a significant impact in reducing the embodied carbon of buildings, which is currently not sufficiently addressed in the EU's sustainable buildings policies. Whilst we welcome the use of recycled content, we believe that it is particularly important that CPR does not favour recycled content requirements of product over their carbon impact. This could hamper the deployment of breakthrough technologies that have major impact in reducing carbon emissions but may not be made with recycled materials. There will never be enough recycled content available to meet the requirements of the construction industry in Europe, let alone in developing countries, where new developments and infrastructure are scaling rapidly. To meet expanding need without accelerating CO₂ emissions from cement, low carbon alternatives to clinker-based cement need to be explored and incentivised through any means possible.

The cement sector has to date failed to deliver CO₂ emissions reductions in line with the EU's 2030 and 2050 GHG emissions reduction targets. This is partly due to the fact that EU policy has not addressed barriers to the deployment of low-carbon cement and concrete in the market. These include the lengthy standardisation processes and the lack of performance-based cement standards. In addition, there have not been strong enough requirements within the CPR to reduce the carbon footprint and broader environmental impact of products.

In this context, several improvements should be made to the CPR text:

- **The scope of the CPR and the Ecodesign for Sustainable Products should be clarified.** We believe that CPR should cover construction products while having the same level of environmental ambition and minimum requirements as the Ecodesign Regulation. If the Ecodesign is to serve as an effective fallback option (should CPR fail to introduce





ambitious enough requirements), it needs to establish clear timelines for implementing delegated acts.

- **CPR should introduce ambitious environmental product requirements.** New product requirements (Art.5 + Annex I A, B, C; and Art.22) should include a robust embedded carbon assessment of products to incentivise innovation and deployment of low-carbon construction products. Additionally, CPR should provide more clarity in the definition of "climate change effect" present in Annex I, Part A, point 2 (a). Clear framework and definitions of products' carbon assessment within the essential characteristic section should be established to avoid inconsistency or conflict with EPD scope.
- **On circularity, the CPR should respect a sustainability hierarchy.** CPR should establish a clear framework and provide common definitions (e.g. for mandatory recycled content requirements; Reused products). Circularity should not be considered to the same extent as carbon impact, as this could prevent the scale-up and deployment of breakthrough technologies that can play a major role in greatly reducing carbon emissions but are not made of recycled content. Whilst recycling should be maximized, policy should not be detrimental to the development of breakthrough low carbon cements which have greatly reduced clinker contents (clinker is responsible for up to 90% of total cement GHG emissions). Additionally, CPR should include the same level of harmonisation for byproducts as it does for reused materials, wastes or new products. CPR should allow for new byproducts to be recognised in the future, to ensure that CPR does not act as a roadblock for future breakthrough technologies.
- **The method for assessing and communicating the environmental performance of construction products should be harmonised in the CPR.** We believe that the Environmental Product Declaration (EN 15804) should be the preferred route for construction products, especially for the cement sector. Indeed, given that the majority of cement and clinker is produced and consumed locally, EN 15804, having already established national databases as a means of assessing carbon footprint, would be more effective than using the alternative method of product environmental footprints.





- **Green Public Procurement should be more targeted.** We welcome the introduction of green public procurement in Article 84. However, we believe that it is necessary to establish a more defined framework and timeline of implementation to ensure a rapid roll-out of low-carbon solutions supported by the public sector.
- **The standardization system must be improved.** The revised CPR aims to make it easier for standardisation bodies to do their work of creating common European standards but will not solve immediate bottlenecks. According to Art 4, the Commission can adopt delegated acts if standards are lacking in quality or are not provided in time for the market. The Commission can also intervene if standards are not in line with the EU's environmental goals. We believe that the governance of standardisation system should be substantially improved with defined timeline, framework, and independent experts' involvement. In addition to that, we believe it is essential to develop harmonised EU standards for both cement and concrete. Currently standards at EU level are defined only for cement and not for concrete, this creates a significant barrier to progress in bringing low-carbon products onto the market.

Kind regards,

Ecocem Materials Ltd.



COMMENT/PROPOSAL:

Chapter V, Article 45, Point 1 of the proposed revised CPR currently reads:

*"A TAB shall be competent and equipped to carry out the assessment in the product area for which it has been designated. The decision making staff **and at least half of the technical competent staff of the TAB shall be located in the designating Member State.**"*

The requirement for >50% of the technical competent staff of a TAB to be located in the member state is new and seems somewhat arbitrary and unduly onerous (in comparison to requirements of Notified Bodies who may subcontract all activities other than the certification decision itself).

Without revision, this clause is likely to exclude some existing TAB's who have already demonstrated their competence and expertise over many years. This would then result in a loss of expertise within EOTA which is presumably the exact opposite of the intent of this new clause. It is proposed that it should be left (as at present) for the individual Member State to determine the competence and suitability of any TAB (including staffing) established on their territory.

Propose rewording Article 45 Point 1 as follows:

"A TAB shall be competent and equipped to carry out the assessment in the product area for which it has been designated. The decision making staff ~~and at least half of the technical competent staff of the TAB shall be located in the designating Member State.~~"

JUSTIFICATION:

1. It is the decision making (signature authority) staff of the TAB that control the output (EADs, ETA's etc) of the TAB and so safeguard the quality of the work. It is their competence and experience that designating authorities focus on in their initial and ongoing assessments of TAB's.
2. No such restriction applies to Notified Bodies where relevant accreditation standards (eg EN ISO 17065) allow the notified product certification body to subcontract all activities except for the "certification decision".
3. It would seem more equitable to reword that all decision making staff of TAB's be located in the designating member state, and to leave the assessment of competence and suitability of the staffing of the TAB, as at present, to the Member State designating authority.
4. It seems unclear where the new requirement for >50% of the technical competent staff to be located in the Member State is coming from?
5. Many existing TAB's have a proven track record of good performance dating back over many years (decades). The introduction of this somewhat arbitrary clause risks losing a number of long established and competent TABs, resulting in a loss of expertise within EOTA – presumably this is the exact opposite of what the new clause seeks to achieve.
6. Many long-standing reputable TAB's employ staff in a number of countries, this actually aids the expertise and competence of the TAB rather than detracts from it.



**The European Association for Passive Fire Protection (EAPFP) position
on the Revision of the Construction Product (CPR) regulation**

July 2022

The EAPFP was formed in 1988 to act as a European voice on behalf of national associations representing manufacturers, contractors and other institutions involved in the fire protection to steelwork, timber, and other passive fire protection applications, including penetration seals and ductwork. EAPFP's mission is to enable building owners in Europe to obtain good and reliable passive fire protection products, which are properly installed so they deliver the declared fire safety performance. The EAPFP aims to explain and facilitate use of European legislation and standards, and to inform, educate and develop the market and promote the use of good and properly installed products. The EAPFP brings together European level and national organisations from in 15 countries across Europe, which together represent almost 2,000 individual members. As such, the EAPFP offers access to one of the largest fire protection networks in Europe.

The EAPFP also has representation on CEN Technical Committees involved in developing product, test and classification standards. Close liaison is maintained with EGOLF the European Organisation for Fire Testing Laboratories and Certification Bodies.

The EAPFP is happy to see that out of options to address the shortcomings of the current CPR, a revision was selected, ensuring continuation of the achievements in terms of establishing a level playing field. CE marking of passive fire protective products is well appreciated in the market place for a large number of years. Both CEN and EOTA being continuously being recognized in the proposal for revision, is also supported therefore by EAPFP.

It goes without saying that the EAPFP also appreciates the adoption of clauses aimed at delivering on the Green Deal goals. The CPR being the leading legislative instrument for construction products, including passive fire protective products, would potentially give more clarity and transparency as regards compliance of products to all EU regulations.

That being said, the EAPFP would like to express five points of concern:

- 1 The EAPFP proposes to integrate fire safety as a key performance indicator for sustainability. This goes beyond reaction to fire of individual materials and products, and requires fire resistance performance to be recognized as essential.

It is the resistance to fire of product/assemblies such as doors, walls, ceilings, etc. which determines if a building has a sufficient level of fire safety to be able to: restrict fire spread through the building, protect escape routes and provide structural stability. The restriction of fire spread in this way and consequent reduction in the effects of any fire incident is important in reducing the environmental impact of such an incident, and hence delivering a sustainable building.



- 2 Products sold exclusively or predominantly as contributing to the fire resistance, currently only have voluntary CE marking, through the EAD route. There have been plans to develop harmonized product standards, on the basis of the applicable EADs, but as yet unsuccessful. It is of paramount importance to the EAPFP, that the validity of both the relevant EADs, as well as the issued ETAs, is secured. From the current language in the proposal for revision of the CPR, this is not self-evident, not to say questionable. More clarity on this point is therefore requested.
- 3 Related to the above, EADs being positioned outside of the harmonized zone, risks opening the door for national requirements, creating barriers to trade. The EAPFP suggest to either adopt specific language to prevent this from happening, either directly in the proposal or in linked legislative action.
- 4 EOTA and CEN interpretation of (the scope of) standards have been found to differ, leading to confusion on the marketplace. A more thorough connection between both standardization bodies would be beneficial and should potentially be integrated in the proposal for revision of the CPR, or in linked legislative action.
- 5 The implications related to the administrative work to develop new and maintain existing Declarations of Performance and the integration with the Declaration of Conformity appear seem difficult to assess, and it would be most helpful if proper guidance is being developed, along with e.g. detailed templates. Clearly digitalization can be supportive, but it is not fully transparent how exactly this can be done, without e.g. adversely affecting intellectual property rights of manufacturers.

CEN- CENELEC TC163 WG4 Baths and Showers Appliances (United Kingdom)

Dear Sirs

We write with concern around the proposal for the revision of the construction product regulation (CPR) with document COM (2022) 144 final from 2022-03-30. We appreciate the efforts from of the European Commission to include sustainability and environmental aspects into the proposal for the revision of the construction product regulation (CPR). However, we are deeply concerned about the exclusion of sanitary appliances from the CPR. In our sector we agree that there is no doubt, that sanitary appliances are a construction product according to the definition in article 2 (3.) (d) of the draft.

Our Committee under CEN TC 163 WG4 need to raise grave concern that *Sanitary appliances have been excluded from this proposal*

Therefore, we ask that the decision to exclude sanitary appliances be reversed. Based on these facts and that it is reinstated by means of Article 2 (3.) (d) in the draft. By excluding Sanitary Appliances, we see the danger of a de-harmonized market and all the issues recurring from pre harmonization and the fact that this is contrary to European Union directives.

Reasons for re introducing the Sanitary Appliances

- The exclusion is contrary to the major objective of the CPR, which is the improvement of the common market, as prominently stated at page 2 (second paragraph) the main purpose of the Regulation is to remove obstacles to the circulation of construction products within the single market.” Hence the exclusion of sanitary appliances is in complete contradiction to the aims pointed out in the draft of the new CPR.
- The exclusion will inevitably lead to specific tests according to different national requirements or even different standards leading to increased costs national testing and this cannot be absorbed by the manufacturers, cost will be passed on to supply chain and could even eventually start to affect inflation.
- Uniformity provided by the understanding of the universal CE mark for safety and security within the construction sector for sanitary appliances will become confusing as there will no longer be uniformity in explaining the performance of a product, which will lead to more confusion among traders and especially users and will open the door to non-suitable product for application.
- While it is recognized that the products may not be considered as integral to buildings, however, the uniformity and safe provision of these products is essential to the function of any property for the safe removal of effluent waste, and the connections to the functioning waste system are essential for safe use of building preventing disease etc. through safe sanitation.

Open questions and problems linked with the exclusion leading to problems

The exclusion of a sector leads to an unclear situation which leads us to the following questions:

1. How are necessary technical adjustments / revisions of existing harmonized standards (from e.g., 2012) executed later?
2. How long is it allowed to mark sanitary appliances according to CPR (305/2011 (EU)), until 2045?
3. How will the transition be organized for former harmonized products?
This is linked to:
 - What will be the timeline be for the transition to de-harmonisation?
4. On what basis and reasoning will the standards concerned be deleted from the citation of the OJ?

CEN- CENELEC TC163 WG4 Baths and Showers Appliances (United Kingdom)

5. What is the foreseen time frame for the exclusion, despite the time needed to establish new legislative MS framework and relevant standard(s) for sanitary appliances?
6. Will the mandates remain?
7. What will be the legal status of the mandates for harmonized standards, e.g., M/110? [CPR (305/2011 (EU)) how will the cross reference to these mandates be handled like it was in CPD before the proposal/draft.]
8. If the mandates are no longer valid, will this mean automatically they will be deharmonised?
9. How could the re-establishment of national certification systems be avoided to ensure the common market access can be maintained?
10. What about products meeting no or insufficient requirements be safeguarded against without the defined market surveillance for construction products that currently exists is no longer available or mandated?
11. What about the coexistence of CE marked and not CE marked products? (Is it prohibited to sale; will the products be destroyed...?)
12. What about environmental issues in terms of “fit for 55” e.g., higher CO₂-emissions due to national certifications of excluded products?

These questions have to be dealt with e.g., in the construction products regulation to avoid problems out of our point of view.

Proposal for a Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011

EPFA Feedback

July 12, 2022

This document is intended to provide feedback to the [Proposal for a Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation \(EU\) 2019/1020 and repealing Regulation \(EU\) 305/2011](#) (Construction Products Regulation, CPR) published by the European Commission (EC) on March 30, 2022.

The EPFA welcomes the EC initiative to make construction products more sustainable (i.e., durable, repairable, recyclable, easier to re-manufacture) in line with the objectives of the [European Green Deal](#) and especially with one of its main building blocks – the [Circular Economy Action Plan](#).

The EPFA strongly supports the EC vision regarding the functioning of a single market for construction products embedding environmental sustainability in order to achieve the following objectives:

- unlock the construction sector's growth and jobs potential
- improve the competitiveness of the sector
- digital transition of the construction ecosystem
- green transition of the manufacturing processes
- overall sustainability of the built environment
- efficient use of natural resources by facilitating reuse and recycling

The proposal for the new CPR is an important step for achieving these objectives. It contains positive aspects, which EPFA considers crucial for the sector, most importantly:

- Harmonised conditions for the marketing of construction products and removal of obstacles for trade between the Member States
- Digitalisation of information flows to ensure coherent and transparent information about construction products performance along the supply chain
- Reinforcing market surveillance and ensuring compliance with the existing regulations.

The proposal, however, also contains several major areas of concern that need to be addressed in order to fully tackle the problems identified by the EC until now i.e., establishing single EU market, national implementation challenges, complex legal framework, delivery on broader policy objectives like product safety, green transition, etc. These are described in more details below.

1. REGULATION SCOPE & HARMONIZED ZONE

The scope of the existing CPR covers the current market needs. If changes are required, EPFA is of the opinion that the scope can only be expanded covering new products but not excluding products that currently fall under the CPR unless other better suited EU legislation applies the common technical language and allows for CE marking purposes.

Limiting the scope or focusing the CPR will exclude some sectors from the harmonized system meaning that these will need to return to a national one. This is not in agreement with the concept of

barrier-free markets and sectors that have already been under the CPR provisions should not be excluded from this.

3D printing is just another process for manufacturing of construction products. The CPR defines a common technical language and should, thus, remain technologically neutral i.e., to keep up to date with the state of the art. Consecutively, operators of 3D shops should be considered as manufacturers rather than distributors. 3D printed construction products should comply with the same requirements as construction products produced in a conventional way.

Prefabricated houses are not products, but construction works built off-site and delivered at the respective sites as a whole. As such they are subject to the subsidiarity principles, therefore every Member State decides what applies and how compliance with requirements is to be demonstrated. Prefabricated elements that are assembled to a house in situ should be considered as kits under the CPR and this is sufficiently covered at present.

In addition, European assessment documents should be included in the scope of the new CPR and be part of the harmonized zone (see below point 2).

2. HARMONIZED EUROPEAN STANDARDS & EUROPEAN ASSESSMENT DOCUMENTS

The existing European standardisation system is of utmost importance for the construction sector in Europe and is the basis for ensuring the functioning of the single European market for construction products. Harmonized European standards and European assessment documents (EADs) must continue to be the core to ensure that uniform product performance characteristics apply to all respective products placed on the EU market.

Clear and transparent rules surrounding the standardisation request procedure need to be established and associated standardisation requests need to be handled in a timely manner. The procedure should contain provisions for developing, approving, and updating standardisation requests to allow their regular review and ensure current legal basis for all harmonized standards development in long term.

CEN / CENELEC should continue to be the main organisation mandated to deliver the harmonised standards under the issued standardisation requests. At present, the current CEN approach is designed to ensure that all stakeholders, in particular the concerned small and medium size enterprises (SMEs) are properly involved in the standardisation activities. Clear rules need to be established if and when other standardisation bodies need to be mandated allowing for transparent and comprehensive involvement of all stakeholders (industry, member states, NGOs, etc.) and especially of the SMEs in the standardisation activities.

In addition, it is considered vital that EADs issued by EOTA continue to be part of the standardisation system in order to facilitate product innovation in the construction industry in Europe allowing manufacturers of such products to continue their competitive advantage while developing more sustainable construction products. The current proposal does not contain provisions around innovative products for obtaining of faster CE marking and placing on the European market when harmonized product specifications do not exist and thus fails to tackle one of the major problems identified with the existing CPR and fails to fully contribute to achieving the goals under the European Green Deal.

3. DELEGATED ACTS SYSTEM

The current CPR proposal contains unclear provisions empowering the EC to adopt delegated acts in numerous occasions:

- For defining thresholds and classes of performance in relation to the essential characteristics

- In case of delays or deficiencies of the standardisation process
- When it is necessary to amend existing legislation in the light of technical progress or to cover new risks and environmental aspects
- Defining more precisely product requirements according to Annex I Part B, C and D, etc.

While it is understood that this is a fall-back option, the rules when this procedure will be used are not clearly defined. This will potentially lead to lack of transparency when imposing product-related requirements, exclusion of some stakeholders from the legislative / standardisation process as well as increase the complexity of the legislative system as manufacturers will need to comply with legislative requirements listed in numerous pieces of legislation. The latter is in contradiction of the objective of this proposal for simplifying the existing legislative framework.

EPFA considers that the delays and deficiencies of the standardisation process can easily be remedied once approved standardisation requests are in force and written common guidance providing clear and reliable criteria to draft and assess harmonised standards / EADs is provided by the EC. Thus, the delegated acts procedure becomes obsolete and respective provisions should be removed from the CPR Proposal.

In addition, defining more precisely product requirements and amending existing legislation in the light of technical progress or to cover new risks and environmental aspects should involve not only the policy makers but also the consumers, manufacturers, NGOs and other interested third parties which are currently excluded from the delegated acts procedure.

EPFA urges the EC to consider other legislative tools (e.g., amendment of existing legislation, etc.) for the last two bullet points mentioned above or to establish clear rules for using the delegated acts procedure also involving consultation of a wider technical experts / stakeholder circle in order to ensure that transparency of the legal framework is guaranteed and to establish the feasibility of the delegated acts provisions.

4. DECLARATION OF PERFORMANCE AND DECLARATION OF CONFORMITY

The current proposal envisages the preparation of a declaration of conformity (DoC) in addition to the declaration of performance (DoP) for all products for which a DoP is necessary. This is expected to increase the administrative and financial burden imposed on the manufacturers of construction products and it is estimated to have a strong negative impact especially on the SMEs in this sector. In addition, the requirement for the preparation of the DoC would imply additional labelling obligations for the construction products manufacturers with no or only minor added value for the downstream stakeholders.

5. INHERENT PRODUCT REQUIREMENTS, PARTICULARLY RELATED TO SAFETY AND ENVIRONMENT (ANNEX I PART C)

The ultimate role of the CPR is to provide common technical language and performance criteria for construction products while ensuring that the sustainability and environmental principles driving the revision of the regulation (i.e., durability, reparability, remanufacturing, recyclability) are applied. A harmonised method for assessing and communicating construction products' environmental performance at a building level already exists – EN 15804 provides a harmonised methodology to determine the product input for the assessment at building level, it is recognised by the Member States and is applied across the whole construction sector within the EU.

EPFA strongly supports the addressing of sustainability and environmental aspects of the products in conjunction with EN 15804, which should be clearly mentioned in the new CPR. Clear and swift standardisation request and approval procedure and inclusion of these in the harmonized product standards / EADs contribute to the practical implementation of these.

Both newly manufactured and reused / remanufactured / recycled products must meet the same performance requirements or else different safety factors need to be applied to achieve the same guaranteed level of building performance and safety.

Harmonized standards are needed to identify in a uniform way when a product or material ceases to be waste and can be used as a reused / remanufactured / recycled product / material.

Product safety requirements are applicable not only to construction products but generally to all products placed on the market in the EU. These are sufficiently covered by the Directive 2001/95/EC on general product safety (transposed in the national legislation of the member states). In addition, REACH and CLP regulations apply to substances and mixtures that are placed on the market as construction products and are accompanied with a safety data sheet in addition to the DoP.

Introducing product safety requirements in the CPR will result to legislation overlaps and legislative conflicts with the above-mentioned legislation. As such EPFA proposes to cross-reference these provisions with the already existing legislation; in connection to this a detailed list of product safety requirements is considered obsolete in the proposal and should be therefore removed.

6. PRODUCT INFORMATION REQUIREMENTS (ANNEX I PART D)

The information requirements listed in the proposed Annex I Part D is extensive, and it is estimated that similarly to the additional requirement for the preparation of DoC, it would impose a significant administrative and financial burden on the manufacturers of construction products while the expected added value is considered minimal.

The EPFA welcomes the EC intend to embed sustainability in the manufacturing of construction products and seek simplification of the existing legislative framework and notably the CPR. The current proposal for the CPR revision addresses some of the identified issues, however there are still areas that need improvement. Some of the proposed measures are expected to increase the administrative and financial burden for manufacturers and especially SMEs (e.g., DoC, extended information requirements), and render even more complex the legal framework (i.e., in relation to the delegated acts system). In addition, the proposed very long transitional period of co-existence of the current and new CPR (until 2045) contributes to the increased complexity of the legal framework and lacks any interim solutions to resolve the long-standing backlog in the citation of standards. Furthermore, there is a need for continuity between the current CPR, the ongoing CPR-Acquis process, and the revised CPR – the current proposal seems to lack this as well.



BRE Global Ireland response to European Commission's Construction products – review of EU rules, July 2022

BRE Global Ireland welcomes the European Commission's proposed new Construction Product Regulations (CPR) and is very supportive of many of the key provisions in this document, including but not limited to:

- Sustainability elements are very extensive within the proposed changes. This reflects the ambition of the European Commission and 'Green Deal'. It is clear the Commission wants to address and improve the sustainability performance of construction products.
- Making Global Warming Potential mandatory within the Declaration of Performance is also welcome.
- Clearer Market Surveillance activities.
- The digital platform for certification which will create a 'single source of truth'.
- Clarification and simplifications of the terminology and products within the CPR, and to which the CPR is applied, supporting more effective implementation.
- Seeking solutions to technical harmonisation challenges.

However, we recognise there are challenges that the European Commission and wider industry and stakeholders will face, and there are a number of questions that we feel would benefit from further clarification:

- Extension of scope of the CPR. For example, there is ambiguity around the proposed new 'Used Products' category – can products categorised as such be re-used without further modification, recycled with third party actions to be repurposed or dismantled and segregated in order to avoid landfill?
- CE marking relating to products manufactured onsite or directly installed. For Key Parts, it is unclear whether manufacturers will need individual CE marking for each element and final installation. For example, each constituent part of a concrete mix is placed on the market as a separate component element but how will the CE mark be applied to the final product and who will undertake this. A move to have more technical definitions of constituent elements for other assemblies would assist in this area in relation to clarifying the following questions:
 - If Harmonised European Standards exist for Key Parts, is the supplier bound by these?
 - Does the economic operator who places the product on the market take responsibility for the components as part of the final product? This is also particularly important for systems, such as fire resisting ventilation ducts for example, where systems are tested as complete systems but manufactured as kits or individual components, with the full system being assembled or 'manufactured' on-site by installers that may have no direct relationship to the original manufacturer.
- In relation to the European Committee for Standardisation (CEN), as active members of CEN we understand and appreciate the issues faced by both bodies in the development and publication of the harmonised technical specifications. In seeking a solution to this it is unclear from the current draft of the CPR how the process of adopting their own specifications will be applied. Will the Commission establish a technical verification process within the European Commission? Our concern with the current proposal in relation to the Technical Standardisation process through CEN is that currently the specifications-making process is an open access process enabling discussion and comments to be sought from all stakeholders. If the process is moved within the European Commission will a Technical Forum be established to address those specifications developed in CEN which fall outside the requirements of the European Commission?
- Whilst we fully support the Digital Platform proposed for certification, has the European Commission identified specific timelines to implement this? We hope this is prioritised by the



Commission as it is an area in which a rapid implementation would, in our view, benefit manufacturers, consumers and regulators.

We hope you consider our feedback and look forward to hearing from you in due course. Please do let us know if we can provide any further information to support our response.

BRE Global Ireland