New Construction Products Regulation

On 14 June 2022, we held an online Q&A session. These slides show some complementary information about changes envisaged by the Commission proposal for the CPR.

Unit GROW H.1 – Construction
Timeline CPR revision

- **July 2016**: CPR Implementation report
- **June 2017**: CPR technical platform EU and MS coexistence
- **January 2017**: CPR technical platform Simplification and SMEs
- **October 2016**: CPR technical platform Standardisation
- **October 2017**: CPR technical platform Future of EOTA
- **March 2017**: CPR technical platform Information needs
- **December 2017**: CPR technical platform
- **October 2019**: Evaluation of the CPR EOTA report
- **February 2021**: European Parliament own-initiative report on CPR
- **April 2020**: Refined indicative options for the review of the CPR review
- **September 2021**: Supporting study for the impact assessment of the CPR review
- **November 2019**: Council conclusions on circular economy in the construction sector
- **December 2020**: End of Public consultation End of Company survey
- **March 2022**: End of Public consultation final impact assessment report
- **January 2017**: CPR technical platform Future of EOTA
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**European Commission**
Why the new CPR?

Major shortcomings of the current CPR

• underperforming standardisation process
• incomplete addressing of MS regulatory needs
• remaining national barriers
• weak market surveillance

• unclear provisions + incoherence with other EU legislation
• No consistent approach for inherent product safety
• non-implementation of SME measures

Address the sustainability performance of construction products
Vision of the new CPR

Functioning of Single Market

• unlock the construction sector’s growth and jobs potential

• improve the competitiveness of the sector

• digital transition of the construction ecosystem

Environmental Sustainability

• green transition of the manufacturing processes

• overall sustainability of the built environment

• efficient use of natural resources by facilitating reuse and recycling
Governance & harmonised zone
Goals
• Satisfy MS regulatory needs
• Regulate the internal market
• Respect the subsidiarity principle

Means
• Extended responsibilities to MS
• MS to guide COM
• Better exchange and coordination between MS (and COM)
Harmonised zone – Art. 3(38), Art. 7, Art 93(6)

Concept reflects past CPD/CPR court judgements

Smaller than scope

**Horizontal:** Covers the products for which there are harmonised technical specifications and COM acts (IA/DA) under the new CPR

**Vertical:** Presumed to cover all product aspects, but exemption procedure for unaddressed MS needs

Requires better MS + COM exchange/coordination
ESPR & CPR

Ecodesign for Sustainable Products Regulation
Circular Economy Spring Package

Package providing the necessary tools to address environmental challenges

CPR to implement ESPR measures to construction products

ESPR also as safety net in case sectoral legislation does not sufficiently address environmental sustainability goals
EU Regulatory framework

- **ESPR**
  - Ecodesign for Sustainable Products Regulation
  - Setting performance and information requirements for products placed on the Single Market

- **CPR**
  - Construction Products Regulation
  - Delivery of environmental information from construction products and implementation of requirements

- **Level(s)**
  - Level(s) methodology
  - Sustainability assessment of buildings

- **Taxonomy**
  - Sustainable activities

- **EPBD**
  - Sustainable buildings

- **EED**
  - Public procurement of buildings
National Regulatory framework

**Ecodesign for Sustainable Products Regulation**
Setting performance and information requirements for products placed on the Single Market

**Construction Products Regulation**
Delivery of environmental information from construction products and implementation of requirements

**Level(s) methodology**
Sustainability assessment of buildings

**National approach**
Environmental building assessment
Product Public procurement
ESPR framework

Regulation defines general framework (objectives, scope, procedures, etc.)

Product-specific delegated acts to define mandatory performance and info requirements

Other product legislation can regulate sustainability of its products instead of ESPR to achieve these goals as CPR for construction products
Standardisation

Harmonised technical specifications
Standardisation in the new CPR

Objective: Improvement of the current system

• Modification of the current standardisation process (main route) including a fall-back option
  
  Art. 4

• Complemented by product and information requirements
  
  Art. 5

• Alternative EOTA route maintained
  
  Art. 35 to 42
Standardisation in the new CPR

New definition of harmonised technical specifications – EAD not included

*Art 3(46)*

Legal issues of standards (translations, affordability, chains of references)

*Art 34*
The core regulatory system remains unchanged:
- Request aligned to the standardisation regulation
- Harmonised technical documents developed within the standardisation system but rendered mandatory
- Performance is declared in the DoP in connection with the CE marking
- Additional rules on documentation hosting
Environmental Performance

Additional environmental provisions:
- Environmental performance covered by standardisation requests
- DoP to provide the declaration including mandatory Global Warming potential
- The final goal is an accurate assessment at construction works level

E.g. Declaration of the climate change effects (CO₂ emissions) associated to the life cycle of the product
Information requirements

Product information related to safety and environment not expressed as a performance is provided:

- Provisions to be defined in the standards
- In case the standard do not contain them, they are directly applicable

e.g. sharp edges to be manipulated with security gloves
If standards are not available or do not satisfy the request or the legal provisions:
- They can be cited with limitations/corrections
- An alternative approach through a delegated act is possible but limited to extreme situations
Objectives
• Prevent system failures
• Faster response to Member States’ regulatory needs

Procedure
• Citation including limitations and corrections
• Delegated acts

Application
• Only when standardisation does not deliver citable standards
• Limited to cases listed in Art. 4(3)
When necessary, non performance-based requirements can be established:

- Related to safety, functioning or environment
- They follow the usual compliance approach
- Standards are voluntary i.e. alternative compliance methods can be applied
- Implementation directly through delegated acts is also possible
- Consistency with the mandatory route is granted as the declarations are merged and by the application of the same approach to third party tasks and CE marking
Summary
Summary

Mandatory harmonised standards
Performance-based

Information requirements

Voluntary harmonised standards/delegated acts
Non-performance based
Transitional provisions

Current and new CPR application
**Timeline transition process**

Harmonised standard remains valid under the new CPR – Art. 93(3)

CPR acquis process may result in standards developed before the entry into force of the new CPR but according to the new CPR provisions.

Products covered by these standards will be in the harmonized zone since the entry into force of the new CPR.
Products excluded from the scope of the new CPR will not enter into the harmonised zone

Current CPR will apply until they are withdrawn from the OJEU or 2045
Standards under the current CPR will apply until a standard according to the new CPR will be cited.

Coexistence period of one year is established.
Different product groups will have different timeframes
Timeline transition process

EAD developed according to the current CPR – Art. 93(4)

EAD issued before 1 year after entry into force will remain valid until 3 years after entry into force

Products placed on the market on the basis of these may be further made available on the market for another five years
## CPR acquis preparatory work

### CPR implementation

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Implemented by harmonised standards to be cited in the Official Journal
Level playing field for construction products (no barriers to trade)
Regulatory consistency to guarantee healthy internal market