

# Open public consultation on EU rules for products used in the construction of buildings and infrastructure works

Fields marked with \* are mandatory.

## Information about respondents

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\* 1. You are replying:

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

\* 2. Your first name:

Eleonora

\* 3. Your last name:

Piccinni

\* 5. Name of the organisation:

ORGALIME, European Engineering Industries Association

\* 6. Postal address of the organisation:

Boulevard Auguste Reyers 80 B-1030 Brussels

\* 7. Country of organisation's headquarters:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany

- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

\* 8. Type of organisation:

- Company or sole trader trader (manufacturer, importer, distributor, builder, designer, supplier, final user)
- Business representative (industry association, chamber of commerce, professional organisation)
- Technical body (notified body, technical assessment body, standardisation organisation, EOTA)
- Public authority or testing body (market surveillance e.g. inspectors/enforcement authorities, accreditation, notifying authority, product contact point, building controls)
- Non-governmental organisation
- Representative of construction workers
- Consumer organisation
- Research/academia
- Other

\* 9. How many employees does your enterprise have?

- More than 250 employees
- Between 50 and 249 employees
- Between 10 and 49 employees
- Less than 10 employees
- I am self-employed

\* 10. Is your organisation included in the Transparency register?

*If it is not, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation.*

*(see: [Why a transparency register?](#))*

- Yes
- No

Not applicable

\* 11. Please enter your Register ID number:

- ID number: 20210641335-88

\* 12. Your contribution

*(Note that, whatever option is chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)*

- can be published with your organisation's information *(I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)*
- can be published provided that your organisation remains anonymous *(I consent to the publication of any information in my contribution in whole or in part - which may include quotes or opinions I express - provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication).*

## Consultation

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13. Do you know this symbol?

- Yes
- No

14. In your view what information does it provide with regard to construction products?

*(it is possible to select more than one reply)*

- This construction product has been assessed as to its performance in accordance with a harmonised European standard or a European Assessment Document
- This construction product complies with applicable local, regional or national building requirements and can therefore be used
- This construction product is safe
- This construction product is environmentally sustainable
- This construction product is made in the European Union
- I don't know

15. The following main elements of the EU legislation on construction products aim to provide a level playing field for all stakeholders working with construction products:

- harmonised European standards defining the performance characteristics of a product that could be tested as well as the test method that has to be used, and the reporting format for informing about the results;
- a harmonised system to select testing/assessment bodies (called "Notified Bodies") and to define their precise role, so as to ensure that the testing/assessment is done in all EU Member States in the same way.

Please rate how you think the above main elements have impacted the following issues:

	Large decrease	Some decrease	No effect	Some increase	Large increase	I don't know or not applicable
a) Market opportunities for companies in other Member States than their own	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Competition in your national market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Market opportunities for EU companies in countries outside the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Ability for small companies to compete with big companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
e) Product choice for end-users	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Product information for end-users	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) Innovation in the construction products sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) Product safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
i) Overall cost of production	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) Administrative costs to apply SME and simplification provisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other impacts, please specify:

*1000 character(s) maximum*

If the harmonized standards were cited in the Official Journal of the EU in a timely manner, the CPR would be easier to apply in the Member States. Some of our members also shared concerns regarding the

diverging interpretation of standards, which hinders the free circulation of construction products in the EU. The CPR did not offer much cost savings, as the rules of the market did not change between the old CPD and the CPR.

You may elaborate on issues which are the most important or applicable in your case:

*1000 character(s) maximum*

The opinion regarding the competitiveness of companies in general differs from one country to another. Whereas some countries believe that competition has increased across the European market, enabling further product innovation within the industry, others think that the CPR has not significantly affected their competitiveness within or outside the EU. Regarding the competitiveness issues for small and medium sized companies, unfortunately the articles that have been drafted for small companies (art. 37 and 38) are not usable or not known by small companies. The issue of delaying the publication of Hens in the OJEU is dramatic for companies. More than 100 hENs registered by CEN are awaiting citation in the OJEU.

16. Before the introduction of harmonised European standards for construction products, you were generally using national/regional systems.

Comparing the situations before and since the introduction of harmonised European standards, how would you consider that the benefits of the EU legislation on construction products (e.g. improved product information, improved product safety, increased cross-border trade, greater market opportunities, greater product choice, greater legal certainty) compare to the costs you bear (e.g. fees and charges, administrative costs, staff costs, materials costs, investment costs, hassle costs) when applying it?

- The costs greatly outweigh the benefits
- The costs just about outweigh the benefits
- The benefits are equal to the costs
- The benefits just about outweigh the costs
- The benefits greatly outweigh the costs
- I don't know

Please explain with reference to your case:

*1000 character(s) maximum*

The benefits greatly outweigh the costs compared to a lack of regulation at EU level. Indeed, repealing the CPR would dramatically increase the costs for companies in general. Nevertheless, the answer must be fine-tuned as it also very much depends on each individual manufacturer, on the type of product, and on the Harmonised standard that is applicable.

17. In your view, could the benefits of EU legislation on construction products be achieved at a lower cost?

- Yes
- No
- I don't know

If "yes", please explain with reference of your case:

*1000 character(s) maximum*

Better implementation of the current regulatory text would reduce the costs (bureaucratic and technical issues). A clear example of reduction of costs that could be achieved is to avoid duplication for manufacturers of information to be reported on the DoP and on the CE marking. The industries represented by Orgalime believe that these improvements in the implementation of the CPR do not require any repeal of the Regulation(EU) No 305/2011.  
Another field in which a simplification would help reduce costs for companies is the simplification of the AVCPs

18. Please tell us whether in your view the CPR addresses each of the following potential issues regarding construction products sufficiently or not?

a) Extent and usefulness of information available to users of construction products (professional users and consumers)

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

b) Extent of choice available for consumers in construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

The Construction Product Regulation does not have any influence in the extent of choice available to consumers. This is addressed by the market.

c) Legal certainty in the market for construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

The industries represented by Orgalime believe that it is important to ensure legal certainty for our companies, which are mainly SMEs. It is therefore important to have common rules for all economic operators throughout the EU.

d) Extent of cross-border trade between EU Member States

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

e) Level of administrative costs for market operators to comply with the EU legislation on construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

Manufacturers are requesting lower administrative costs but within the current regulatory framework (chapter III of the CPR).

f) Safety of construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

Orgalime believes that it is important to clarify that more specific product safety legislation prevails over the CPR. Indeed, although these aspects are properly addressed by the CPR in the Basic Requirements, some clauses (Annex I, 3-4) give rise to conflicting double legislation. Indeed, some products such as smoke detectors for line voltage or with radio function are also covered by other Union harmonisation law like the LVD or RED that regulate product safety in all aspects. Other products such as heating appliances fall within the definition of construction products, but may not need to comply with the CPR as there is no standard for these products.

g) Environmental impact of construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

See above. For some electrical construction products, other environmental harmonisation legislation applies, such as the Eco- design Directive with its continuously increasing number of implementing acts. To maintain the competitiveness of our industries, double regulation should be avoided.

h) Energy efficiency of construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

See above

i) Innovation in general, in particular information and information processing technologies (including BIM, Building information modelling) use in the construction product sector

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

*1000 character(s) maximum*

Again, the delays in citing the harmonised standards in the OJEU are penalising manufacturers who want to innovate in construction products

19. Do you see any contradictions or overlaps between the EU Construction Products Regulation and other legislation at EU or national level (for example, rules on public procurement, rules on product safety, rules on eco-design, rules on health and safety of workers)?

- Yes
- No
- I don't know

If "yes", please explain with reference to your case:



1000 character(s) maximum

see answer to question 18.

20. Do you see any positive synergies between the EU Construction Products Regulation and other legislation at EU or national level (for example, rules on public procurement, rules on product safety, rules on eco-design, rules on health and safety of workers)?

- Yes
- No
- I don't know

If "yes", please explain with reference to your case:

1000 character(s) maximum

21. Do you think there is merit in legislating on construction products at EU level compared to doing it at national level (28 (27) national regimes)?

- Yes
- No
- Don't know

If "yes" OR "no", please explain:

1000 character(s) maximum

The industries represented by Orgalime believe it is important to uphold an EU-wide approach through harmonised technical specifications that can guarantee a free market and a level playing field for construction products. The European Regulation is the best route to guarantee a clear and harmonised interpretation for all EU manufacturers on several aspects: the meaning of the CE marking for construction products, the obligation of economic operators, the DoP format and content, the role of standardization and the voluntary route for CE marking through EOTA.

22. Do you believe that the EU legislation on construction products should be maintained as it is?

- Yes, it should be maintained as it is now
- Yes, but with improved implementation and enforcement
- No
- I don't know

If "yes" OR "no", please explain, with particular focus on the advantages (benefits) and disadvantages (costs) this would entail:

1000 character(s) maximum

The industries represented by Orgalime are against the repeal of the Regulation (EU) 305/211 and its replacement by 28(27) national regimes. This Regulation should be the core regulatory framework for placing construction products on the market.  
Its implementation should be improved, taking the comments of stakeholders on board.

Efforts should also be made to improve market surveillance, and Orgalime is confident that the recently tabled proposal on compliance and enforcement will help in this regard.

25. If the CE marking were no longer allowed for construction products, would you see a need for another kind of marking?

- Yes
- No
- I don't know

If "yes", please explain what kind of marking and why, with particular focus on the advantages (benefits) and disadvantages (costs) this would entail:

*1000 character(s) maximum*

CE marking for construction products is fundamental for the European industry, so any alternative marking should follow the same principles as the existing CE marking for construction products and should also be a European marking. In other words, the CE marking for CPR is the only marking that should be kept at EU level.

26. Do you believe that the use of the RAPEX system (i.e. the Rapid Alert System for dangerous non-food products posing a risk to the health and safety of consumers) for construction products is the right tool to help ensure their safety in use?

*The Rapid Alert System for dangerous non-food products ("RAPEX") enables quick exchange of information between 31 European countries and the European Commission about dangerous non-food products posing a risk to health and safety of consumers. This allows enforcement authorities in the countries that are members of the network to swiftly follow up on the notifications and to screen their markets for the possible presence of these unsafe products. Since 2010, the Rapid Alert System also covers professional products and products posing risks other than those affecting health and safety (such as risks to the environment).*

- Yes
- No
- I don't know

If "no", would you see other tools that should be used?

*1000 character(s) maximum*

27. If you wish to add further information - within the scope of this questionnaire - please feel free to do so here.

*1000 character(s) maximum*

Orgalime requests that standards are exhaustive, including both compulsory characteristics and voluntary ones. The process of revising product-specific classes in hEN should be improved as the current process is too long (revision of a mandate or publication of a delegated act). Some classes in hEN are rejected by the EC unless a delegated act is drafted, even though these classes have been implemented for a long time on the market. Furthermore, due to evolution on the market (technologies, construction technologies and new processes for product characteristics), the need has emerged for new classes or new levels of existing

classes. Both old and new classes should be allowed as long as they are accepted in the CEN voting process.

As a conclusion to all our comments in the present consultation, we believe that the Construction Products Regulation(EU) 305/211 should be kept, with some adjustments in its implementation

Please feel free to upload a concise document, such as a position paper. The maximal file size is 1MB. Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

The maximum file size is 1 MB

**Thank you very much for your input into the review of the Construction Products Regulation!**

## **Contact**

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