

POSITION PAPER

Brussels, 3 February 2020

Orgalim reaction - Commission Staff Working Document on the CPR Evaluation study, published 24 October

1. INTRODUCTION

Orgalim - Europe's Technology Industries – is the European federation representing the interests of the European technology industries at the level of the EU institutions. Within the Construction sector many of our 32 national industry associations and 15 European sector associations represent a heterogeneous variety of large, small and micro-industries that manufacture: structural metal products, metal windows and doors, small fixing elements, fire detection systems and fire protective products, domestic heating appliances, pipes and products in contact with water and cables.

Orgalim welcomes the Commission Staff Working Document published on 24 October 2019¹, which analyses the implementation of Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products the 'Construction Products Regulation' or 'CPR'. We feel that the Commission has precisely pinpointed many of the issues that need to be addressed and we agree that a small revision of the legislation may be necessary to secure the three specific objectives of the legislation as outlined in the Executive Summary of the Evaluation², namely: legal clarity, simplification and reinforcing the credibility of the harmonised system. However, we need to remember that the guiding principle of the CPR is to establish a single market for construction products.

It is undeniable that a well-functioning Construction Product Regulation which ensures easy access to the internal market to both large and small manufactures from all the Member States is hugely beneficial to all

¹ [Commission Staff Working Document - Evaluation of the CPR - published on 24 October 2019](#)

² [Executive Summary of the Commission Staff Working Document published on 24 October 2019](#)

Orgalim represents Europe's technology industries: companies that innovate at the crossroads of digital and physical technology. Our industries develop and manufacture the products, systems and services that enable a prosperous and sustainable future. Ranging from large globally active corporations to regionally anchored small and medium-sized enterprises, the companies we represent directly employ 11 million people across Europe and generate an annual turnover of around €2,000 billion. Orgalim is registered under the European Union Transparency Register – ID number: 20210641335-88.

market operators. The Single Market has been one of the European Union's biggest achievements and Ms Von der Leyen has pledged to continue improving it³. However, there are still a few gaps in the project and it is evident that the internal market for the construction sector, which contributes to 9%⁴ of the GDP in the EU, could see improvement.

To maintain their innovative and competitive potential, businesses need to rely on a clear and harmonised legal framework which defines common rules for all economic operators throughout the EU while maintaining regulatory stability and predictability. The CPR framework is not essentially bad, it works on many good assumptions. However, the evolving legal context has created an impasse particularly in the standardisation process. Orgalim is strongly committed to help solve this situation.

2. REPLY TO SOME IMPORTANT ISSUES HIGHLIGHTED BY THE COMMISSION

Of the issues the European Commission identified with the current legal framework, we would particularly like to comment on the following:

The Insufficient Performance and Output Quality of the Standardisation System Under the CPR

Firstly, we strongly feel that what the Commission has identified as the most urgent issue for the CPR, "standardisation requirements" is not an issue that can be solved solely within the legal context of the CPR. We acknowledge, that the standardisation process under this regulatory framework is one of the most complex in the internal market. However, we feel that the complexity of the technical specifications under the CPR and the political pressure caused by the various rulings of the European Court of Justice should not impact the rest of the European standardisation system and the NLF⁵.

What should be recognised is that the Construction Products Regulation is a peculiar piece of Union law as it encompasses many very different products, from aggregates to complex electronic fire detection systems, this reality makes it difficult to provide guidelines that apply to all these products. Going forward, Orgalim welcomes all constructive solutions providing that the involvement of industry experts and stakeholders in developing new industry related standards is maintained at the same level as the current regime. Furthermore, the procedural and content related requirements set by the Commission should be published and implemented in a way that ensures complete transparency for the standards developers and industry, which will contribute to ensuring that standards are published in a timely manner. Finally, exhaustive standards cannot be an objective as this will place unwarranted burdens on both the Member States and the Industry. Instead, the standards must continue to be documents that reflect the technological development in the Industry and the expectations Members States have of national requirements and regulation.

Finally, we should not forget that we are working in a global economy. The good functioning of the European Standardisation System is an essential component of the internal market which is also important to our neighbours, the EFTA countries and third countries who have a close relationship with the EU such as Switzerland and Turkey. It also contributes to strengthening Europe's global position,

³ [Mission letter to the Commissioner-designate for Internal Market, September 2019](#)

⁴ https://ec.europa.eu/growth/sectors/construction_en

⁵ [Orgalim Position on an Internal Market for Restored Mutual Trust in Market Relevant European Standardisation](#)

meanwhile, the more Europe tries to regulate the standardisation system the more we isolate ourselves from the export market as our trading partners do not necessarily see any added value in exhaustive standards that cater to a narrow market. Industry generates value which benefits our economy, our society and stimulates innovation. However, if the generated value has to be dedicated to bureaucracy or sunk into drafting standards that are not useful to the market that money cannot be reinvested into research, development and digitisation. A marketplace which is moderated by the needs of the end-users is much more efficient than one which is rigidly directed by policy makers.

The Less than Effective Role of Member States in Market Surveillance

Orgalim believes that a well-functioning market surveillance system is an integral element of the internal market and a key element to boosting fair competition. Market surveillance should therefore be aligned and harmonised throughout the Member States. However, we acknowledge that Market Surveillance remains in the remit of Member States and therefore, as stated in previous positions, Orgalim hopes that the new Regulation on "market surveillance and compliance of products"⁶ will address these issues and help provide a harmonised framework to ensure that European economic operators can thrive on their domestic markets, the EU internal market and find ways to invest, innovate and compete at international level.

The Low Uptake of Simplification Provisions

Orgalim shares the ambition of promoting micro and small enterprises and believes that companies of all sizes should be competitive and thrive in the market. Simplifications should reduce burdensome measures for economic operators and can only be accepted when these simplifications do not jeopardise consumer safety and the overall quality of the documentation. Therefore, when this is possible implementation of simplification measures should not be limited to SMEs.

Environment and Sustainability Criteria

Finally, we are committed to providing innovative, technological solutions to the energy and environmental challenges of our society today. As most Europeans spend up to 90% of their time indoors and building are said to account for 40%⁷ of the energy consumption, it is easy to see why the construction products industry plays such an important role in the implementation of the circular economy package and environmental sustainability. Orgalim agrees that we need to find a solution to integrate environment and sustainability criteria in product descriptions. Unfortunately, currently, the energy necessary to produce a similar product differs from country to country while the energy output can change year on year for the same product. Therefore, we need to ensure that this is done in a practical and transparent way.

3. CONCLUSION

Going forward, Orgalim strongly feels that we need both a short-term solution and a long-term plan to resolve the unsustainable situation that construction product manufacturers find themselves in today. To

⁶ [Regulation \(EU\) 2019/1020](#) on market surveillance and compliance of products

⁷ https://ec.europa.eu/growth/sectors/construction_en

do this we need to work together and find workable solutions. Orgalim is willing, we stand ready to provide the Commission with our expert insight and experience.

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