Summary of the fourth Technical Platform, 21.06.2017

Co-existence of EU and Member States' systems for marketing and use?

The CPR Technical Platforms are a series of meetings organised as a follow-up to the Report on the implementation of the CPR adopted on 07.07.2016 (COM/2016/0445 final).

They are organised by the services of the EU Commission (DG Internal Market, Industry, Entrepreneurship and SMEs, Directorate Industrial Transformation and Advanced Value Chains - Unit Clean Technologies and Products).

The CPR Technical Platforms aim at providing an opportunity for interested stakeholders to present their views and have informal discussions on specific issues relating to the CPR implementation and the legislative framework applicable to construction products.

This session aimed at following up on the issue of additional characteristics in harmonised standards in the light of the interpretation of the European Court of Justice. Exchanges were invited to focus on existing problems experienced by the participants and on potential impacts of various scenarios for the future, going from the no change option to the mere repeal of the CPR, through various intermediary options of lighter harmonisation:

- making the additional characteristics in harmonised standards possible,
- allowing for Member States to regulate also outside the harmonised structure,
- or enabling information flows outside the use of the common technical language.

Views expressed by stakeholders:

1. Repeal

- Many participants underlined the many efforts made by all stakeholders for the effective implementation of the CPR that should not be deprived of results after only 4 years and pleaded against a repeal that would form a huge step backwards.
- It was noted that in case of repeal existing harmonised standards would remain, however AVCP would be lost.

2. No change

- The current legislative framework should be kept in place, subject to appropriate clarifications, in order to ensure legal certainty.
- Considering that most of the CPR problems lie with the standardisation process, it is rather appropriate to find pragmatic solutions for improving that process.
- The system is not used properly because none of the parties involved take their responsibilities; the CPR would work much better if all parties concerned played the game, including Member States whose Building Codes should actually refer to product performance rather than laying down requirements unrelated to product performance.
- CEN working groups are not aware of Member States regulatory needs as Member States do not participate. Member States should not be allowed to block standards at the end of the work if they did not contribute by providing a list of characteristics to be covered.
- If harmonised standards are not exhaustive, this is due to flaws in the mandates. Blocking processes do not help, instead there is a need to discuss and progress.

- If transparency prevails on Member States' additional requirements and if these are effectively listed in the harmonised standards, there is no need to change the CPR.

3. Light harmonisation making the additional characteristics in harmonised standards possible

- Such option already corresponds to the reality for stakeholders opposed to the position of Commission services.
- Several speakers saw in any case the need for including additional characteristics required by Member States (future mandatory elements and national requirements not notified) in harmonised standards.
- Both industry and Member States ask for more essential characteristics in harmonised standards, but additional to what? To what is defined in mandates, to what Member States require or to what industry needs?
- The CPR and the Standardisation Regulation have made standardisation difficult compared to the CPD although there is a consensus for high quality harmonised standards; therefore standards need to change and include voluntary and temporary elements.
- CE marking is not useful at technical level for designing and building as it does not provide the full performance data needed by designers; therefore additional characteristics should be allowed for the sake of safety.
- The July 2016 Implementation Report highlighted the issue of Annex 2 of the CPR, thus a revision is needed; more flexibility is necessary so as to allow fitness for use to be addressed in ETAs, which would make ETAs more useful for constructors, and so as to cover more product requirements in harmonised standards.
- Allowing for additional characteristics for other uses was also presented as favouring innovation.
- Classes and thresholds should not require delegated acts when industry and Member states agree.
- Additional characteristics often relate to specific local conditions.
- The concept of voluntary/additional characteristics was questioned: characteristics that do not relate to BWR? Characteristics that are not in the mandate? Additional characteristics required by other EU legislative acts?
- Shall harmonised standards represent the sum of national requirements or the commonalities between these, or both?
- It was suggested to changes the structure of standards as a solution: inclusion of a new annex (common test methods or classes and thresholds); splitting harmonised standards in two parts, one on essential characteristics and a voluntary one; or adding another accompanying document/a second part listing voluntary characteristics and classes & thresholds.
- Wouldn't the issue be solved by including annex ZA in the OJ listing of harmonised standards?

4. Light harmonisation allowing for Member States to regulate also outside the harmonised structure

- Most interventions showed reluctance with respect to this option.
- There are procedures for Member States to have harmonised standards improved or mandates amended, thus the problem seems to rather be at implementation / interpretation level.
- Such option should only cover temporary situations during the preparation of a harmonised standard, allowing for temporary national solutions pending adaptation of EU requirements.

- Such option should be excluded as Member States have the obligation to notify their national requirements for uptake in the standardisation mandates; thus voluntary marks should only relate to characteristics irrelevant to basic works requirements.
- Whether mandates are complete or not, the required technical work has to be delivered which requires more flexibility; a mix of the two options (additional characteristics in standards and additional MS requirements) would be preferable; one should consider citing standards with restrictions, as in other sectors. If national regulation is allowed, no one can be sure what applies in addition to the EU system

5. Light harmonisation enabling information flows outside the use of the common technical language

- Such option is already reality as the declaration of performance only covers about 20% of the information flows; voluntary marks should therefore be accepted with clear limits.
- Several marks could coexist as on the US market.
- Voluntary marks increase confidence in the products and they should therefore be accepted, while national marks shall not be allowed.
- Safety cannot be guaranteed as long as there is not one full set of all performance data to rely on and the CPR currently seems to be the blocking factor.
- There is a need to clarify the meaning of CE marking or even repeal it, to allow for additional marks in accordance with local rules and to clarify that constructors are not covered by the obligation to CE mark. This would maintain the main advantage of the CPR, i.e. the common technical language ensuring comparability.
- Voluntary characteristics see to appear much more important than mandatory ones, which might question the relevance of harmonisation.

Participants

3M Deutschland GmbH
Agency for Competitiveness and Innovation (PT)
AIMCC Association des industries de produits de construction (FR)
Aqua Europa
Austrian Institute of Construction Engineering
Bavarian Ministry of the Interior, Building und Transport (DE)
BIBM - Federation of the European Precast Concrete Industry
BMUB Bundesumweltministerium (DE)
BMWFW Bundesministerium für Wissenschaft, Forschung und Wirtschaft (AT)
Boverket National Board of Housing, Building and Planning (SE)
Bundesanstalt für Wasserbau (D)
BVPI Bundesvereinigung der Prüfingenieure für Bautechnik (DE)
CEMBUREAU the European Cement Association
CEN CENELEC
CEN consultants
Centexbel Belgian Textile research centre (BE)
Civil works Ministry (ES)
Confederation of Finnish Construction industries RT (FI)
Construction Fixings Europe
Construction Products Europe
Czech Office for Standards, Metrology and Testing (CZ)
Danish Transport, Building and Housing Authority (DK)
Deutsche Bauchemie (DE)
DIBt Deutsches Institut für Bautechnik (DE)
EAPFP European Association for Passive Fire Protection
EBC European Builders Confederation

EC Consultant
ECAP Small and Medium-sized European Producers of mechanical, chemical and plastic anchors
ECS - European Engineered Construction Systems Association e.V.
ECSPA European Calcium Silicate Producers Association
EFCC European Federation for Construction Chemicals
Efectis France Group of Notified Bodies
Efectis Nederland
EOTA
EPPA
ERF European Road Federation
EURALARM
EURIMA / Knauf Insulation
EURIMA technical committee convenor
Eurogypsum
European Aluminium
European Union Road Federation / Delta Bloc
EuroWindoor
Federal Office for Buildings and Logistics FBL (CH)
Fédération Française du Bâtiment (FR)
FEICA Association of the European Adhesive & Sealant industry
FIEC European Construction Industry Federation
Fire Industry Association
Forschungsinstitut der Zementindustrie GmbH (DE)
FPS Economy (BE)
French Ministry of the Environment (FR)
GNB-CPR TechSec - provided by Danish Technological Institute
held jaguttis PartG mbB
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Ministère de la transition écologique et sociale (FR)
Ministerio de Economia, Industria Y Competitividad (ES)
Ministry of Economic Development and Technology (SI)
Ministry of Economics of Republic of Latvia (LV)
Ministry of Industry and Trade (CZ)
Ministry of infrastructure and Construction (PL)
Ministry of Regional Development and Public Works (BG)
Ministry of the Environment (FI)
Ministry of the Interior (NL)
Ministry of Transport and Construction of the Slovak Republic (SK)
Norwegian Building Authority (NO)
Peikko Group Corporation
PPA-Europe European association for panels and profiles
PROMAT
PU Europe Federation of European Rigid Polyurethane Foam Associations
PÜZBAU GmbH
Saint Gobain
SBS Small Business Standards
SKH B.V.
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TEPPFA aisbl Federation of European Rigid Polyurethane Foam Associations
TEPPFA European Plastic Pipes and Fittings Association
The Ministry of Environment of the Republic of Lithuania (LT)
TII Transport Infrastructure Ireland (IE)
UEPG European Aggregates Association
Xtralis Uk Ltd
ZDH Zentralverband des Deutschen Handwerks (DE)
ZVEI German Cable Makers Association (DE)