

# 2020 Public consultation on the Review of the Construction Products Regulation

Fields marked with \* are mandatory.

## Introduction

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Following up on the conclusions of the evaluation of the **EU Construction Products Regulation (CPR)** published in 2019 ([available via this link](#)), the European Commission has identified **five different policy options** for how to improve the functioning of the **EU market for construction products**.

It is important to understand the preferences and expected impacts of the policy options from as many relevant and interested stakeholders as possible. **We are inviting you to share your insights, facts and expectations in this public consultation survey.** Your input is highly valuable in order to contribute to the evolution and design of the EU legislation on construction products.

The survey consists of **two parts**: the first part focuses on some **background information** about you / your organisation, and the **second part focuses on the policy options and the impacts you expect them to have**. If you are responding as an **individual in your personal capacity, you will be able to choose if you wish to respond to a shorter CPR-related questionnaire** of a more general nature, or if you wish to respond to a longer, more detailed CPR-related questionnaire that requires a certain level of prior knowledge of the CPR.

If you encounter any issues or have questions regarding the questionnaire, please feel free to contact Copenhagen Economics and the Danish Technological Institute on: [CPRsurvey@dti.dk](mailto:CPRsurvey@dti.dk) (Copenhagen Economics and the Danish Technological Institute are part of the external contractor in charge of the supporting study commissioned by the European Commission for the assessment of the impacts of future options).

**Thank you for your participation.**

## About you

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\* Language of my contribution

- Bulgarian
- Croatian
- Czech

- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

Frank

\* Surname

KOOS

\* Email (this won't be published)

koos@eurowindow.eu

\* Organisation name

*255 character(s) maximum*

EuroWindow AISBL

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

29749561729-18

\* Country of origin

Please add your country of origin, or that of your organisation.

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|--------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan    | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands  | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania        | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria        | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg    | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt              | <input type="radio"/> Macau         | <input type="radio"/> San Marino                       |

- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland

- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
  
- Burkina Faso
- Burundi
  
- Cambodia
  
- Cameroon
  
- Canada
- Cape Verde
- Cayman Islands
  
- Central African Republic
- Chad
- Chile
- China
  
- Christmas Island
- Clipperton
  
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
  
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
  
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
  
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
  
- The Gambia
- Timor-Leste
- Togo
  
- Tokelau
- Tonga
  
- Trinidad and Tobago
- Tunisia
  
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
  
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States

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| <input type="radio"/> Cocos (Keeling) Islands          | <input type="radio"/> Japan      | <input type="radio"/> Philippines                                 | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia                         | <input type="radio"/> Jersey     | <input type="radio"/> Pitcairn Islands                            | <input type="radio"/> Uruguay                              |
| <input type="radio"/> Comoros                          | <input type="radio"/> Jordan     | <input type="radio"/> Poland                                      | <input type="radio"/> US Virgin Islands                    |
| <input type="radio"/> Congo                            | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal                                    | <input type="radio"/> Uzbekistan                           |
| <input type="radio"/> Cook Islands                     | <input type="radio"/> Kenya      | <input type="radio"/> Puerto Rico                                 | <input type="radio"/> Vanuatu                              |
| <input type="radio"/> Costa Rica                       | <input type="radio"/> Kiribati   | <input type="radio"/> Qatar                                       | <input type="radio"/> Vatican City                         |
| <input type="radio"/> Côte d'Ivoire                    | <input type="radio"/> Kosovo     | <input type="radio"/> Réunion                                     | <input type="radio"/> Venezuela                            |
| <input type="radio"/> Croatia                          | <input type="radio"/> Kuwait     | <input type="radio"/> Romania                                     | <input type="radio"/> Vietnam                              |
| <input type="radio"/> Cuba                             | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia                                      | <input type="radio"/> Wallis and Futuna                    |
| <input type="radio"/> Curaçao                          | <input type="radio"/> Laos       | <input type="radio"/> Rwanda                                      | <input type="radio"/> Western Sahara                       |
| <input type="radio"/> Cyprus                           | <input type="radio"/> Latvia     | <input type="radio"/> Saint Barthélemy                            | <input type="radio"/> Yemen                                |
| <input type="radio"/> Czechia                          | <input type="radio"/> Lebanon    | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Zambia                               |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho    | <input type="radio"/> Saint Kitts and Nevis                       | <input type="radio"/> Zimbabwe                             |
| <input type="radio"/> Denmark                          | <input type="radio"/> Liberia    | <input type="radio"/> Saint Lucia                                 |  |

\* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

## Design of detailed survey

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5 main policy options have been defined by the European Commission. Policy option C contains three different elements that can either be implemented alone or in combination with each other. Policy option D comes in two different versions, D1 and D2.

**A) Baseline:** No revision of the CPR, improvements to be made under the current rules and available mechanisms

**B) Repairing** the CPR: Option A + improvements to be made by revising various aspects of the CPR

**C) Focusing** the CPR: Option B +

- C1) Limit the CPR to testing methods, and/or
- C2) Limit the CPR to core areas, and/or
- C3) Make the Common Technical Language optional for manufacturers

**D) Enhancing** the CPR: Option B + introduction of a thin layer of general product requirements applicable to all or almost all construction products, and subsequent gradual introduction of detailed product requirements for specific products via one of two possible approaches

- D1) Essential product requirements defined in Commission legal acts + voluntary standards
- D2) Product requirements defined in Commission legal acts, co-prepared with CEN and other stakeholders

**E) Repealing** the CPR: The general EU Mutual recognition principle applies for construction products

We have broken down the policy options into **13 distinct CPR-related elements**. In the following, we ask you, for each of these 13 elements, to select **your most and your least preferred variant** with regard to that element (labelled as “Best” and “Worst”).

You also have the **option to skip each of these 13 elements** to which you prefer to not provide any input.

Following your selection of most and least preferred variants, we will ask you to estimate how you think your selected variants will impact your organisation and/or the EU market for construction products in general.

**Please remember to save your answer responses frequently to avoid them being lost!**

## Element 1: Scope of EU harmonisation

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*The scope of EU harmonisation refers to the level of harmonisation between all products covered by the CPR. Currently, the harmonisation consists in the Common Technical Language for assessing construction product performance. Changes in the CPR can either reduce or increase the scope of harmonisation of construction products in the Single Market.*

\* Do you wish to provide input regarding **Scope of EU harmonisation?**

- Yes
- No

**Please select the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change, current level of EU harmonisation, continued information efforts where and when needed about the CPR's scope.	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) Variant A + Eliminate confusion about the scope of the CPR, for example by excluding some products where there is little need for regulation, little intra-EU trade and little safety or environmental concern. It would also explicitly include certain products where there currently is confusion about whether a product is covered or not (e.g. modules, kits and assemblies).	<input type="radio"/>	<input type="radio"/>
Variant C1) Variant B + Limit the CPR's scope to assessment methods only. No performance threshold levels or classes would be laid down at EU level.	<input type="radio"/>	<input type="radio"/>
Variant C2) Variant B + Limit the CPR's scope to core areas only: i) Where Member States have similar regulatory needs ii) Where there are relevant environmental or safety concerns related to the products iii) Where it is relevant for the market in other ways. Mutual recognition applies for non-core areas.	<input type="radio"/>	<input type="radio"/>
Variant C3) Variant B + Make it optional for manufacturers to use the Common Technical Language, and Member States may regulate alternative paths to market access not based on the Common Technical Language. However, Member States must offer market access to manufacturers that do use the Common Technical Language.	<input type="radio"/>	<input type="radio"/>
Variant D1 and D2) Variant B + Continue the current Common Technical Language approach, but gradually complementing it with proper EU-level product requirements. Minimum harmonisation would be the rule, full harmonisation the exception.	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: No EU-level harmonisation, mutual recognition applies but no Common Technical Language to express construction product performance.	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

**Comments:**

EuroWindowor (EW) sees no need of changing the scope of the CPR, but believes some targeted actions to the current system are preferable to a fundamental change of the CPR.

Repealing the CPR would cause the internal market for construction products to collapse and is not supported by EW.

EW does see some aspects of the CPR could be improved and we would like to draw the attention to our previous feedback and position papers on this matter (EuroWindowor feedback on the Inception Impact Assessment for the CPR Review (August 2020; [https://eurowindowor.eu/fileadmin/redaktion\\_eurowindowor/Position\\_Papers/EuroWindowor\\_feedback\\_on\\_Inception\\_Impact\\_Assessment\\_CPR\\_Review.pdf](https://eurowindowor.eu/fileadmin/redaktion_eurowindowor/Position_Papers/EuroWindowor_feedback_on_Inception_Impact_Assessment_CPR_Review.pdf)).

**Element 2: CE marking and Declaration of Performance (DoP)**

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*The Declaration of Performance (DoP) provides information on the performance of a construction product – it is a standardised document that must include a set of pre-defined characteristics of the product, no more, no less. The CE marking indicates that a construction product is in conformity with its declared performance and that it has been assessed according to a European standard or that a European Technical Assessment has been issued for the product. Each construction product covered by a European harmonised standard or for which a European Technical Assessment has been issued needs to have this Declaration and has to be CE marked in order to be placed on the EU market.*

**\* Do you wish to provide input regarding CE marking and Declaration of Performance (DoP)?**

- Yes
- No

**Please select the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change but continued promotion of the CE marking and DoPs through information/communication efforts	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) Variant A + Clarify and eliminate information overlaps with DoP. Allow preliminary CE marking when standards are in the pipeline (valid for a limited time period). Make it possible to declare additional characteristics in the DoP.	<input type="radio"/>	<input type="radio"/>
Variant C2) Same as Variant B, but only applicable to the core areas of the CPR. For products outside the core areas, no CE marking or obligation to draw up or communicate a DoP.	<input type="radio"/>	<input type="radio"/>
Variant C3) Same as Variant B, but CE marking and DoP is only allowed for manufacturers that use the Common Technical Language. If the Common Technical Language is not used, it is not allowed to use a CE mark or a DoP, or any document that could be mistaken for a DoP.	<input type="radio"/>	<input type="radio"/>
Variant D1 and D2) Variant B + mandatory CE marking for products covered by EU product requirements (even if they are not covered by national regulation on construction works). DoP supplemented or replaced by a Declaration of Conformity with product requirements.	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: No CE marking or obligation to draw up or communicate a DoP for construction products	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

Comments:

EW fully supports the elimination of the overlap between the CE marking information and the DoP. Despite of this EW cannot support variant B as it goes too far and have elements that raises our concern. We believe a preliminary CE marking will only add to confusion in the market as to the meaning of such a marking. EW is also concerned of the consequences, if the non-citation turns out to be due to liability issues in an assessment method.

EW can also not support the idea of having additional characteristics in the DoP. We do however support an option where it is possible to provide additional voluntary technical product information not already covered by the DoP and that this information should be based on a common EU technical language agreed and adopted in voluntary EN standards. This information may be provided in a separate document together with the DoP or in other technical marketing material whichever option chosen by the economic operator.

### Element 3: Standardisation process

*The standardisation process refers to the process of adapting and adding standards under the framework of the Construction Products Regulation. Currently, this refers to standards of the assessment of construction products' performance when incorporated in a construction work, and the Common Technical Language to express such product performance. CEN (European Committee for Standardization) develops these standards, together with Member States, industry representatives and other experts. Currently, there is a problem that many of the standards that are developed are not approved by the Commission – therefore, firms cannot refer to those standards and affix a CE mark on their products.*

\* Do you wish to provide input regarding **Standardisation process**?

- Yes
- No

**Please select the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change. Attempt to further streamline standardisation work with CEN within the existing rules.	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) Variant A + The Commission can complement the Common Technical Language where needed, when no harmonised standards exist or where they are insufficient. This will be based on technical content provided by private bodies and Member States' authorities. All standards will be freely available and translated into all official EU languages. Claims that are not based on Harmonised Technical Standards must be based on 'state of the art' methods or 'best available techniques'.	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: No EU standards and therefore no EU standardisation process for construction products	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

Comments:

Even though variant A might not be sufficient to solve the issues with standards not being cited in OJEU variant B and especially variant E are seen as even worse options. EW sees it as essential that CEN continue to develop harmonized technical specifications together with all relevant stakeholders which will not be the case in variant B. EW is also not in favor of a system where claims can be made outside harmonised technical standards as this would rather add to the complexity of the system and the understanding thereof in the market instead of reducing this.

CEN will be able to deliver appropriate and high quality standards in a timely manner, if they have clear standardization requests reflecting the regulatory needs of the MSs as well as clear and approved guidelines for drafting rules of harmonized technical standards. Both is missing today or change to often.

\* What impact do you think that Variant B would have on the issue of delays in the standardisation process?

- Large decrease
- Small decrease
- No or negligible impact
- Small increase
- Large increase
- I do not know/Not relevant

## Comments

*500 character(s) maximum*

With proper EC guidelines and up-to-date AGREEMENT on mandates, EW is confident that CEN can deliver the needed standards in a timely manner and in the quality expected. A new system as proposed in variant B will also need guidelines and standardization requests (or like) so this part will be the same, but an entire new system and get it to work properly and get standards which fit the needs of both regulators and the industry will take time, meaning the delays will only be larger than today.

## Element 4: National requirements

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*The purpose of the Construction Products Regulation is to improve the free circulation of construction products in the EU Single Market. Currently, Member States are not allowed to have additional, national or local, requirements that adds requirements beyond those that are harmonised at EU level. However, Member States are responsible for setting the safety, environmental and energy requirements applicable to buildings and civil engineering works. For example, a Member State is free to set the level of fire safety performance it deems necessary for construction products to be used on its territory, but it must allow market access to any product that has been placed on the market in accordance with the CPR requirements. However, there are instances where Member States do maintain national or local requirements even where they should not be allowed to do so.*

\* Do you wish to provide input regarding **National requirements**?

- Yes

No

### Please select the variants that you like best and worst

	Best	Worst
Variant A) No legislative change, the Commission will go against national requirements within the existing system	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) Variant A + National requirements allowed only in specific cases where EU provisions do not yet cover the relevant regulatory need of the Member State	<input type="radio"/>	<input type="radio"/>
Variant C2) Same as Variant B for the core areas. For non-core areas, national requirements are allowed	<input type="radio"/>	<input type="radio"/>
Variant C3) Variant B + Member States would be allowed to have an alternative path to market access not based on the Common Technical Language, but Member States must offer market access for products that use the Common Technical Language.	<input type="radio"/>	<input type="radio"/>
Variant D1 and D2) Variant B + EU sets minimum product requirements. Member States may have additional product requirements, unless the EU has fully harmonised the requirements for a product.	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: Member States free to set requirements for all aspects of construction products, not regulated by other EU laws	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

### Comments:

The CPR should not change in this field. The risk of variant B is that it could effectively be used as a barrier of trade, if a Member State continuously introduce new types of national requirements not already covered by harmonized technical specifications. Variants C (C1 and C2) as well as D (D1 and D2) will only increase the risk of barriers of trade and should not be considered. Variant E would cause a total breakdown of the internal market for construction products.

## Element 5: Product safety requirements

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*Currently, harmonisation of construction products is limited to a harmonised method of assessment of product performance. There are no EU-wide product safety requirements defined for construction products by the CPR. It is important to note the difference between construction product safety requirements (input requirements), which may be introduced in a revised CPR, and construction safety requirements (process requirements) which would not be introduced in a revised CPR.*

### \* Do you wish to provide input regarding **Product safety requirements**?

- Yes  
 No

### Please select the variants that you like best and worst

	Best	Worst
Variant A) No EU construction product safety requirements. However, national product safety requirements must comply with the general EU free movement principles (non-discrimination and mutual recognition).	<input checked="" type="radio"/>	<input type="radio"/>
Variant D1) Introduce a thin layer of horizontal EU product safety requirements applicable to the vast majority of construction products. Additional specific requirements would gradually be introduced afterwards, for certain selected products or product families. Where such EU requirements are introduced, manufacturers must comply with them and affix a CE mark, even if their products are not covered by national regulation on construction works. The EU would in most cases introduce minimum product safety requirements, so that Member States can introduce national product safety requirements in addition. In exceptional cases, the EU would introduce full product safety requirements where Member States would not be allowed to introduce national requirements. The additional specific requirements would be introduced via the New Legislative Framework approach: CEN will develop voluntary standards with essential product requirements upon request from the European Commission, and products that comply with those standards would provide presumption of conformity.	<input type="radio"/>	<input type="radio"/>
Variant D2) Same as Variant D1, except that the additional specific requirements would be introduced via the Technical specifications Approach: Detailed requirements would be included in Harmonised Technical Specifications, i.e. Commission acts would lay down harmonised technical specifications	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: Same as A, no EU construction product safety requirements. National product safety requirements must comply with the general EU free movement principles (non-discrimination and mutual recognition).	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

## Comments:

EW sees no need in changing CPR in this area. To find common safety requirements for construction products would require a large effort for a non-significant result (already covered by national regulation). For products requiring specific handling, manufacturers are already obliged to provide safe use instructions and /or fulfill the requirements of GPSD and REACH.

## Element 6: Market surveillance and enforcement

*Member States are responsible for ensuring proper market surveillance of construction products placed on their market. The purpose of the market surveillance activities is to ensure that construction products comply with the CPR rules. Currently, the CPR has procedures for when construction products are not marketed in conformance with the CPR, but in order to use them it must be that the declared performance of a product is inaccurate and that it poses a risk to health and safety.*

*A revised CPR could introduce a series of legislative measures to strengthen market surveillance and enforcement of construction products, including:*

- *Stronger empowerments for market surveillance authorities related to fact-finding (e.g. the right to confiscate samples or to seize documents related to presumably non-compliant products)*
- *Stronger empowerments for market surveillance authorities to issue punitive measures on non-compliant operators (e.g. by imposing fiscal sanctions or to exclude non-compliant operators from public tenders)*
- *Allow manufacturers to sue non-compliant competitors*
- *Allow consumer and environment organisations to sue non-compliant operators*
- *Set up a sector-specific EU-wide whistle blowing portal for non-compliant construction products*
- *Introduce minimum benchmarks for the number of full-time equivalent staff at national market surveillance authorities*
- *Introduce procedures to ensure the proper performance of market surveillance staff, e.g. EU-wide qualification requirements for hiring staff*

\* Do you wish to provide input regarding **Market surveillance and enforcement**?

- Yes  
 No

\* Are you giving your contribution as a public authority?

- Yes  
 No

**Please indicate the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change. Enhance national market surveillance enforcement through guidance and recommendations to Member State authorities.	<input type="radio"/>	<input type="radio"/>
Variant B) Variant A + a legislative package of measures to strengthen market surveillance and enforcement (the following question will allow you to indicate the measures you would prefer to be included and not included, if you select Variant B as your "Best" variant)	<input checked="" type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: Market surveillance up to each Member State and according to national rules and procedures.	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

**Comments**

EW would like to see measures to strengthen market surveillance and enforcement, but do not see why this would require a change in the CPR. The range of area to be followed by market surveillance authorities should be widened to and strengthened on all basic work requirements (Energy economy and heat retention, safety in case of fire etc...) and not only to safety.

Variant B has though been chosen to have the opportunity to indicate which measures are preferred included and which not in case the legislative text is changed.

**Please indicate your preference for including the following legislative measures in a revised CPR:**

	Include	Do not include	No opinion
* Stronger empowerments for market surveillance authorities related to fact-finding (e.g. the right to confiscate samples or to seize documents related to presumably non-compliant products)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Stronger empowerments for market surveillance authorities to issue punitive measures on non-compliant operators (e.g. by imposing fiscal sanctions or to exclude non-compliant operators from public tenders)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Allow manufacturers to sue non-compliant competitors	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Allow consumer and environment organisations to sue non-compliant operators	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Set up a sector-specific EU-wide whistle blowing portal for non-compliant construction products	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Introduce minimum benchmarks for the number of full-time equivalent staff at national market surveillance authorities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Introduce procedures to ensure the proper performance of market surveillance staff, e.g. EU-wide qualification requirements for hiring staff	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Impacts of the variant you selected as “Best”, compared to variant A (No legislative change).

*Please specify all the relevant impacts that you think that your “Best” variant will have on the following aspects on the EU market for construction products, compared to variant A (no legislative change). You only need to select an answer for those impacts that you expect your “Best” variant to have (you can leave some or all impacts blank). If you leave impacts blank, they will be processed as an ‘I don’t know/Not relevant’ reply. You also have the opportunity to add comments in free text.*

	Large decrease	Small decrease	No or negligible impact	Small increase	Large increase	I do not know/Not relevant
The administrative burden for your organisation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cross-border trade of construction products within the EU Single Market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exports of construction products to non-EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Imports of construction products from non-EU countries	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Economic actors' compliance with relevant rules and regulations for construction products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Competition among manufacturers of construction products within the EU Single Market	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Safety of construction products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Construction product innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competitiveness of micro, small and medium-sized manufacturers of construction products, compared to large manufacturers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sustainable use of resources for producing construction products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Durability of construction products (i.e. product lifetime)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Quality of the built environment (i.e. the human-made environment: buildings, cities, etc) in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
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## Comments

500 character(s) maximum

EW does not think the competition among manufacturers will increase or decrease, however the competition will improve and be more fair. With a bigger risk of getting caught for being non-compliant the overall performance level of the products on the market will be as declared and therefore better fit for the use it is intended to cover which again will improve both safety, durability as well as the quality.

## Element 7: EOTA and Technical Assessment Bodies (TABs)

*EOTA is the European Organisation for Technical Assessment. Its purpose is to develop European Assessment Documents (EADs) which is a document providing information about the performance of a construction product. Technical Assessment Bodies (TABs) are the executive arm of EOTA and in charge of the technical assessment of construction products not covered or not fully covered by current standards. TABs are entitled to issue European Technical Assessments (ETAs) based on the EADs. ETAs can be used as an alternative route to market access where there are no harmonised European standards.*

\* Do you wish to provide input regarding **EOTA and Technical Assessment Bodies (TABs)**?

- Yes  
 No

**Please indicate the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change, work to improve the functioning of EOTA and TABs within the current rules	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) The TABs would be replaced by the Regulatory Advancement Bodies (RABs). When a draft Harmonised Technical Specification (HTS) is in the pipeline, manufacturers can have their products assessed by a RAB. The RABs can issue a certificate confirming the performance and conformity of the products as requested in that draft HTS. The certificate would be valid until the actual citation or publication takes effect, or a maximum of 18 months. The certificate gives manufacturers the right to affix a preliminary CE mark followed by the letters "(pr)" and the date of expiry of the certificate, to their products. EOTA would be replaced by a follow-up organisation taking the role as a second standardisation body.	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: No need for the EOTA/TABs	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

## Comments

EW supports having the possibility to CE mark a product via the EOTA route.  
 EW would be very concerned about the possibility to have prCE mark. It has already taken years to "learn"

the market what a CE marked construction product indicate and the difference towards a CE mark based on other directives like e.g. the Machinery directive, so having a third type of CE marking would add unnecessarily to the complexity in the communication. Variant A has therefore been chosen as best option. EW does though see some need in changing the legal text so that it will no longer be possible to use the EOTA route for bypassing the standardization route. As soon as the development of a harmonized technical specification has entered a certain stage (e.g. after ended public enquiry) it should no longer be possible to have an EAD on a product that would naturally fall under the scope of this harmonized technical specification when available. The prerequisite for all of this is though a well functioning standardization process including citation.

## Element 8: Notified Bodies

*Notified Bodies are the only recognised third parties to carry out the assessment of performance of construction products covered by the standards set in the CPR. They are appointed by the responsible authority in each Member State. Notified Bodies assess the performance of construction products, they can certify constancy of performance, and certify factory production control systems. They can carry out these activities for all, a few, or just one of the 7 Basic Requirements for construction Works (BWRs) (for example, some specialise in fire safety assessments only). However, calculating and assessing environmental impacts (BWR7) would only be possible for a few Notified Bodies, as such calculations are a science of their own.*

\* Do you wish to provide input regarding **Notified Bodies**?

- Yes  
 No

**Please indicate the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change, attempt to improve the functioning of the Notified Bodies within the current rules	<input type="radio"/>	<input type="radio"/>
Variant B) Variant A + Introduce mandatory qualification and competence requirements that Member States must use when they designate a Notified Body. The Commission can block the designation of a Notified Body if there is not enough evidence to prove its competence. Notified Bodies must apply clear pass-fail criteria towards manufacturers, and must change the staff responsible for certifying products of a given manufacturer every 3 years. In addition to the Notified Bodies, special bodies would be designated with specific responsibility for BWR 7 (environmental impact calculations). The special bodies could be a sub-group of the Notified Bodies, similar to the current ones in charge of fire safety.	<input checked="" type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: no role for Notified Bodies	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

Comments

EW believes quality and uniformity of Notified Bodies assessments needs to be improved.

If fair competition on the market is to be ensured it is a prerequisite that also the requirements for becoming and acting as a Notified Body are the same across Europe - also in practice. If this can be ensured through repairing specific articles in the CPR EW is in favor of this. This could e.g. be by stricter requirements to the active participation of Notified Bodies in Group of Notified Bodies and in round robin test (inter-laboratory comparison test) as well as by introducing means for blocking or withdrawing the designation by others than the national notifying authority.

## Element 9: Product Contact Points for Construction

*The main purpose of the national Product Contact Points for Construction is to provide information about Member States' building regulations relevant to the intended use of construction products. They are currently not in charge of providing information on the harmonised system created by and under the CPR, although it happens that Product Contact Points for Construction do this anyway, while it is not clear to what extent they are used for their main purpose.*

\* Do you wish to provide input regarding **Product Contact Points for Construction**?

- Yes  
 No

**Please indicate the variants that you like best and worst**

	Best	Worst
Variant A) Improve the functioning of the Product Contact Points for Construction to ensure that they fulfil their current purpose	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) Variant A + Evaluate the role and use of Product Contact Points for Construction. In case they are not or hardly used for their main purpose, a different purpose could be envisaged, such as providing information about the harmonised system of the CPR	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: No obligation for Member States to administer Product Contact Points for Construction	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

**Comments**

PCP are of different quality in some MS. To ensure common understanding of PCP similar measures as for the Group of Notified Bodies should be taken.

**Please indicate**

	Large decrease	Small decrease	No or negligible impact	Small increase	Large increase	I do not know /Not relevant

\* What impact do you think it would have on economic operators' access to relevant information, if the national Product Contact Points for Construction' purpose was changed to provide information about the harmonised system of the CPR?

<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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## Comments

500 character(s) maximum

## Element 10: Simplification

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*The CPR contains some simplification provisions to reduce the administrative burden for manufacturers. For example, manufacturers may refrain from drawing up a Declaration of Performance in some instances (e.g. if a product is custom-made), or by replacing the need for type-testing or type-calculation of a product if it is deemed that the product achieves a certain level or class of performance without further testing or calculation. However, the use of many of these simplification provisions is limited, and there are concerns that the wording of some of these provisions is unclear and difficult to understand.*

*Between the No change option and the Repeal option, legislative measures could be envisaged to improve simplification, for example:*

- *Redraft the current simplification provisions of the CPR to clarify them*
- *Allow Member States to exempt **all firms** from all or some conformity assessment obligations*
- *Allow Member States to exempt **small, medium and micro firms** from all or some conformity assessment obligations*
- *Allow Member States to exempt **micro firms** from all or some conformity assessment obligations*
- *Make it possible for the Commission to reduce or lift AVCP obligations if manufacturers have an appropriate liability insurance in place*

Do you wish to provide input regarding **Simplification**?

- Yes  
 No

**Please indicate the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change, promote the uptake of the current simplification provisions within the CPR to the extent possible	<input checked="" type="radio"/>	<input type="radio"/>

Variant B) Variant A + legislative measures to improve simplification (to be further examined in the following question if you select Variant B)	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: No need for simplification provisions of the CPR	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

## Comments

EW does not see the necessity of changing the CPR in terms of the simplification provisions. If however it is chosen to revise these rules, the requirements to product compliance to declared performance must be independent of the manufacturers specific size or other conditions.

Letting each Member State decide on simplification provisions will effectively decrease cross border trade and increase confusion in the market.

It is also very important the simplifications do not lower the protection of health and safety of persons or the environment compared to how the protection would be when not using the simplification provisions. Due to this we do not find it possible to have one set of rules for one type (size) of company and a different set for another type (size) of company. If the simplification provision gives a sufficient protection requiring a higher level of e.g. AVCP for some companies will add unjustified economic burdens to certain manufacturers creating a distortion of the market.

## Element 11: New business models / products – 3D-printing, prefabricated houses

*Standardised rules as laid down by the CPR refer mostly to traditional construction products. Innovative products, such as 3D printed construction products of pre-fabricated small one-family houses, are usually not, or at least not fully, covered by the CPR's scope.*

\* Do you wish to provide input regarding **New business models / products – 3D-printing, prefabricated houses**?

- Yes
- No

**Please indicate the variants that you like best and worst**

	Best	Worst
Variant A) No legislative change, implying no anticipation of/provisions for new business models in the CPR beyond what is currently possible	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) Legislative change so that the CPR would anticipate new business models, for instance by bringing materials and datasets used for 3D-printing of construction products, and small prefabricated one-family houses, within its scope. Operators of 3D-printshops would be assigned the responsibilities of distributors within the meaning of the current CPR. The Commission would further be empowered to modify the CPR's scope and/or to make clarifications regarding the CPR's application to new business models in the future.	<input type="radio"/>	<input type="radio"/>

Variant E) Repeal the CPR: No (need for) the CPR to anticipate new business models, up to each Member State to regulate market access for new construction products.	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

### Comments

EW does not see a need for legislative changes in this area. We use performance based technical specifications and it does not matter in which way the product is manufactured.

## Element 12: Environmental aspects (BWR7 Sustainable use of natural resources)

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*The CPR does not include a harmonised method for assessing and communicating a construction product's environmental performance. It is likely that Member States will increasingly introduce national legislation on how to assess the environmental footprint of buildings and other construction works, and therefore indirectly also the environmental footprint of construction products.*

### \* Do you wish to provide input regarding **Environmental aspects (BWR7 Sustainable use of natural resources)**?

- Yes
- No

### Please indicate the variants that you like best and worst

	Best	Worst
Variant A) Continued slow introduction of requirements regarding environmental aspects in harmonised standards	<input checked="" type="radio"/>	<input type="radio"/>
Variant B) Introduce a harmonised method for assessing and communicating the environmental performance of construction products. The harmonised method would be based on an existing Life Cycle Assessment method, for example the Commission's Product Environmental Footprint or EN 15804. It is currently open which method that will be chosen.	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: No Basic Works Requirements	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

### Comments

None of the options fits industry needs.  
 Strong support on BWR7's activities on populating essential characteristics.  
 Ideally, this should be done via TC350 suite of standards (EN15804, EN15978 et al.).  
 If the use of a product is sustainable and environmental friendly needs to be assessed on building level taking the use of the building and related technical performance requirements into account.

## Element 13: Circular economy

*A circular economy is an economic system aimed at eliminating waste and promoting a continued use of resources. Currently, the CPR does not contain specific rules for used or remanufactured (i.e. altered in some way, e.g. by cleaning the products, cutting off damaged parts, or a new coating), construction products.*

*For this element, there are two alternatives of Variant B, representing two different ways in which a revised CPR could introduce specific rules for used or remanufactured construction products.*

\* Do you wish to provide input regarding **Circular economy**?

- Yes  
 No

**Please indicate the variants that you like best and worst**

	Best	Worst
Variant A) No specific provisions regarding the placement of used or remanufactured construction products in the EU Single Market	<input checked="" type="radio"/>	<input type="radio"/>
Variant B1) Allow certain used or remanufactured construction products to obtain CE marking in the same way as new products, with limited obligations for companies. Certain obligations would be introduced for manufacturers to promote the circularity of the construction sector, for example an obligation to take back construction products from a construction site that have not been used, or an obligation to ensure appropriate access to spare parts to repair damaged construction products.	<input type="radio"/>	<input type="radio"/>
Variant B2) The revised CPR defines a 'gold standard' for (very few) used or remanufactured products and allow free circulation in the EU for those products. Member States would regulate all other products outside the 'gold standard'	<input type="radio"/>	<input type="radio"/>
Variant E) Repeal the CPR: Up to each Member State to regulate market access criteria for used and remanufactured construction products	<input type="radio"/>	<input checked="" type="radio"/>
I do not know/Indifferent	<input type="radio"/>	<input type="radio"/>

### Comments

Variant A is chosen, as EW does not believe neither variant B1 or B2 are workable and acceptable options. EW is also of the opinion that reused and re-manufactured products could be handled within the existing framework by amending Annex V with a modified FPC setup that takes into account the specialties with these types of products.

A take back obligation will not be acceptable in case of long life made to measure products, like most windows and doors for example.

No matter if a product is new or reused, its intended use remains the same and it should therefore follow the same rules. For that reason neither a "gold standard" nor introducing limited obligations are seen as workable solutions.

## Interest in participating in the validation workshop

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Later during the course of the project, we will host a validation workshop which will either take place in Brussels or online where the project team will present the findings of the analysis, for discussion among interested stakeholders. If you are interested in joining the validation workshop, please indicate your interest by selecting "yes" in the question below. The expression of interest is non-binding.

**\* Would you like to receive an invitation to the validation workshop where the findings and conclusions of the project will be discussed?**

- Yes
- No

**Thank you for participating in this survey, providing valuable insights to the work on the EU legislation on construction products. Please submit your reply by clicking “Submit” below.**

**[Link to Europa page for further updates](#)**

### Contact

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