Position Paper on the Implementation of the Construction Products Regulation

1. A stable regulatory framework is key for the European single market for construction products

The Construction Products Regulation (CPR, Regulation (EU) No 305/2011) has only been fully applied since July 2013. Having a stable regulatory framework is of utmost importance for the economic activities of manufacturers of construction products. Only regulatory certainty in a well-functioning European market enables them to provide their high-quality products at reasonable prices on the European market and to contribute to affordable housing.

Given that the CPR is a very „young“ regulation, Deutsche Bauchemie welcomes the Commission’s implementation report that underlines the aim of the Commission to focus on the uniform application and improved CPR implementation instead of proposing too early amendments to the CPR text.

While Member States are responsible for safety, environmental and energy requirements applicable to construction works, it is up to the EU to provide the legal framework for the European single market for construction products. Respecting this division of power, which is anchored in primary law, the CPR focus on the marketing conditions of products and on the promotion of a common technical language was a complex political compromise. The European Court of Justice ruling C-100/13 has further contributed to clarifying the proper CPR implementation.

In view of the efforts made and costs borne by all stakeholders (in particular the manufacturers and the product users) to adjust to the CPR system, all parties have the obligation to improve the system without calling it into question. Proposing amendments to the CPR text would restart the complex political and legislative process with unknown consequences for other parts of the CPR and the single market for construction products. It has to be kept in mind that even small changes to the CPR text could translate into high adjustment and implementation costs for the construction sector.

2. Improving the implementation of the existing regulation

Undoubtedly, the experiences made with the implementation of the CPR have shown that improvements are absolutely necessary. The Commission report lists important issues to tackle. Deutsche Bauchemie would like to highlight the following crucial issues:

2.1. CE-marking and flexible interpretation of Article 9(2)

It has been recognised that substantial overlaps between the information required to be given in the Declaration of Performance and in the CE-marking lead to unnecessary additional administrative and financial burdens. The Commission would like to promote a flexible interpretation of Article 9(2) in order to cope with this implementation challenge.

It has to be considered if barcodes, QR-codes or website links could offer a state-of-the-art solution to fulfil the existing information requirements of Article 9(2) without changing the article text. Deutsche Bauchemie would welcome this modern solution. Legal certainty and a uniform interpretation of Article 9 in all Member States are essential for the functioning of the European single market.
2.2. Improving the quality of harmonised standards and the standardisation process

Deutsche Bauchemie welcomes the Joint Initiative on Standardisation and stresses the importance of action 5 (aiding the implementation of the Construction Products Regulation (CPR) through standards).

2.2.1. Improving the process of introducing new and changing existing classes and thresholds

The process of introducing new and changing existing classes and threshold levels in hENs has to be improved. The practical application of the formal procedure has to be optimized and fast-tracked. Developing guidance for all relevant stakeholders (e.g. standardisation community, CCMC, COM) is crucial. Further human resources might have to be provided.

2.2.2. Closing perceived gaps in hENs

The European Court of Justice ruling C100/13 confirmed the exhaustive nature of harmonised standards.

Right from the start, Germany should have contributed more actively to the European standardisation process in order to ensure that all the required methods and assessment criteria are part of harmonised European standards.

Nevertheless, now common efforts and pragmatic approaches are needed to make sure that all Member States – based on the existing national legislative requirements - can accept the exhaustiveness of harmonised standards as soon as possible.

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