

E U R O P E A N E C O N O M I C A R E A

S T A N D I N G C O M M I T T E E O F T H E E F T A S T A T E S

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S U B C O M M I T T E E I O N T H E F R E E M O V E M E N T O F G O O D S

EEA EFTA Comment

on the regulatory framework for construction products and the implementation of Regulation (EU) No 305/2011 on Construction Products

1. INTRODUCTION

1. The EEA EFTA States refer to the Implementation Report published on 7 July 2016, in which the European Commission presents the state of implementation of Regulation (EU) No 305/2011 on Construction Products (CPR) three years after it entered in force. Reference is also made to the sectoral fitness check planned for 2017, in which the coherence of the EU legislation applicable to the construction sector will be evaluated.
2. The EEA EFTA States support the Commission's commitment to unleash the full potential of the single market for construction products and wish, to that effect, to draw the Commission's attention to some important issues at this preliminary stage.
3. These comments are given without prejudice to further observations. The aim is to highlight certain key elements now and potentially to follow up with more detailed comments at a later stage.
4. Please note that the following comments are supported by Switzerland.

2. ECODESIGN REQUIREMENTS AND THE CPR

5. Due to overlap with various pieces of EU legislation, it can be very difficult for manufacturers to comply with all requirements applicable to a given construction product. The complexity resulting from this overlap is particularly challenging for small and medium-sized enterprises (SMEs). Furthermore, it poses challenges to the regulatory authorities responsible for providing guidance and for ensuring that the legislation is enforced efficiently.

6. Ecodesign requirements exemplify this challenge of insufficiently coordinated legislation. The problem of overlapping legislation has been acknowledged, *inter alia*, in the *REFIT Platform Opinion* on the submission by the Danish Business Forum, adopted on 27/28 June 2016.
7. Therefore, the inclusion of the current regulatory framework for Ecodesign requirements in the sectoral fitness check is strongly welcomed. The overlap and lack of cohesion between the CPR and the regulatory framework for Ecodesign requirements **should be a main focus** for 2017.

3. MANDATORY USE OF STANDARDS

8. The CPR clarifies that the CE marking is mandatory throughout the European Economic Area for all products for which the manufacturer has drawn up a declaration of performance (DoP), i.e. when the construction product is covered by a harmonised standard or conforms to a European Technical Assessment being issued for it. The use of mandatory harmonised standards is **supported in principle**.
9. It should be stressed, however, that the current situation is burdensome and too complicated for SMEs. Well-functioning compensating mechanisms, as foreseen in Articles 5, 37 and 38, and eventually other mechanisms to be developed, should be fully operative in order to strike the right balance for all European manufacturers.

4. CE MARKING AND DUPLICATION OF INFORMATION

10. The CPR has contributed to clarifying the legal effects of the CE marking within the context of construction products. However, as pointed out in the external study entitled “*Analysis of the implementation of the Construction Products Regulation*”, completed in July 2015, CE marking information requirements have posed various problems for stakeholders.
11. Notably, and as highlighted in the external study’s first topical report, a “major issue identified by various key stakeholders relates to the duplication of information in the DoP with the CE marking information”.
12. The concern related to duplication of information is shared, and the ambition to resolve this issue **is in principle supported**, also through the increased use of digitalisation, as long as the link with the DoP is ensured.
13. Therefore, if the current CE marking label was to be simplified, it would be imperative to **keep the link to the DoP**. Furthermore, **no element currently included in the DoP should figure exclusively on a new, simplified CE marking label**.