

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

Ref. 22-2440

21 October 2022

SUBCOMMITTEE I ON THE FREE MOVEMENT OF GOODS

EEA EFTA Comment

on the Commission proposal for a Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 - [COM\(2022\) 144](#)

1. EXECUTIVE SUMMARY

- *The EEA EFTA States welcome the revision of the Construction Products Regulation. They support the overall aims to improve the functioning of the Internal Market for construction products and enhance sustainability within the sector.*
- *The EEA EFTA States are of the view that construction products manufactured on the construction site for immediate incorporation into construction works and prefabricated one-family houses, should not be included in the scope of the Regulation.*
- *The EEA EFTA States recognise that there could be a need for national requirements for construction works and construction products. However, they underline the importance of applying a restrictive approach when authorising national requirements.*
- *The EEA EFTA States welcome the initiative taken by the Commission to work with the Member States, industry, and other relevant stakeholders to revise standardisation requests.*
- *The EEA EFTA States support common efforts to digitalise the construction sector and welcome initiatives to allow digital processing of information and documentation and to store and share information in an accessible information system.*

2. INTRODUCTION AND GENERAL REMARKS

1. The EEA Agreement extends the Internal Market to the EEA EFTA States (Iceland, Liechtenstein and Norway). EU product legislation is a substantial part of the EEA Agreement.
2. The EEA EFTA States have followed the process of revising the Construction Products Regulation and issued an [EEA EFTA Comment](#) on the Review of the Construction Products Regulation on 17 February 2021.
3. The EEA EFTA States welcome the revision of Regulation (EU) No 305/2011 (Construction Products Regulation, CPR) and support the aim to create a better functioning Internal Market for construction products, to contribute to the green and digital transition and to increase product safety of construction products.
4. To the understanding of the EEA EFTA States, the Commission proposal for a Regulation – COM(2022) 144 (the Regulation), aims for a simplification compared to the current CPR, through a better performing standardisation process and clearer provisions, and by introducing and improving simplification and exemption of provisions for micro-enterprises.
5. However, the EEA EFTA States find the Regulation to be very extensive and believe that it could be challenging for economic operators and market surveillance authorities to fully understand it. They therefore suggest that in order to enhance the user-friendliness of the proposal, the provisions should be simplified and to a greater extent follow principles of clear writing, e.g. by reducing the extensive use of cross-references.
6. The EEA EFTA States note that the Regulation grants the Commission wide powers to adopt delegated acts. They would like to emphasise the importance of ensuring consultations and discussions of draft acts in relevant expert groups where national representatives, including EEA EFTA experts, participate.

3. SPECIFIC REMARKS

3.1. Scope

7. The EEA EFTA States are of the view that construction products manufactured on the construction site for immediate incorporation into construction works and prefabricated one-family houses, should not be included in the scope of the Regulation, but rather remain a matter of national competence in the Member States.
8. Including the above-mentioned construction products in the scope would, in the view of the EEA EFTA States, lead to increased costs and constitute an unnecessary burden for the economic operators, since these construction products will not, or only to a limited extent, be subject to cross-border trade. Moreover, it will also be challenging for the market surveillance authorities to carry out market surveillance on these products.

3.2. Harmonised zone

9. The Regulation introduces in Article 7 the harmonised zone as opposed to the elements remaining within the remit of Member States' national regulatory sphere. Due to varying conditions within Member States, the EEA EFTA States recognise that there could be a need for national requirements for construction works and construction products. The admission of national requirements could, however, undermine the free movement of goods and work at cross-purposes. The EEA EFTA States therefore underline the importance of applying a restrictive approach when authorising national requirements.
10. The EEA EFTA States acknowledge that the possibility laid down in Article 18 of using markings other than the CE marking within the harmonised zone does not fully comply with the requirements for the harmonised zone. However, the EEA EFTA States believe that strict limitations on the use of markings other than the CE marking could hinder innovation and the development of new products.

3.3. Standardisation

11. As standardisation activities for construction products have been unduly delayed and the current standardisation system is underperforming, the EEA EFTA States welcome the initiative taken by the Commission to work with the Member States, industry, and other relevant stakeholders to develop standardisation requests.
12. As up-to-date harmonised technical specifications are essential for the smooth functioning of the Internal Market, the EEA EFTA States are in favour of the possibility for the Commission to intervene when harmonised standards are lacking sufficient quality or when standards are not available.

3.4. Digitalisation and Digital Product Passport

13. The EEA EFTA States support common efforts to digitalise the construction sector and welcome initiatives to allow digital processing of information and documentation and to store and share information in an accessible information system. Furthering digitalisation in this sector is expected to be beneficial for economic operators, end-users and the Member States.
14. In cooperation with authorities, private initiatives in Norway have developed digital information systems for construction products. An example of this is the "PDT-Norge" initiative which supports standards from ISO/TC 59/SC 13 (Organisation and digitisation of information about buildings and civil engineering works) and CEN/TC 442 (Building Information Modelling). The initiative supports implementation through value chains by supporting manufacturers documenting their products, by supporting ICT providers to create good end-user systems and by supporting contractors to make use of available data.
15. The EEA EFTA States believe that one should make use of the experience gained from the above-mentioned project and other similar projects. They also deem it important that the new digital information system should follow and support standards from ISO/TC 59/SC 13 and CEN/TC 442, be user-friendly and easily accessible.

3.5. Product requirements relating to safety, functionality, and protection of the environment

16. The EEA EFTA States would emphasise the importance of ensuring that new product requirements developed by the Commission under the Regulation are proportionate and cost-effective. In some instances, it is more appropriate to set requirements for the construction works, not the construction products.

3.6. Sustainability

17. The EEA EFTA States support the overall objective to increase sustainability in the sector by facilitating sustainability criteria for construction products. They recognise the need to impose new obligations for economic operators in terms of sustainability of their products and regulating requirements for re-used products. However, they would be in favour of applying the Environmental Product Declarations framework when declaring greenhouse gas emissions.
18. The EEA EFTA States understand that the traffic light labelling introduced in Article 22, will function as a simplified description of the environmental characteristics of the construction product. The EEA EFTA States are of the view that such labelling in itself will not provide the professional market for construction products sufficient information and therefore do not see the added value of introducing this kind of labelling.
19. Furthermore, the EEA EFTA States believe that the application of “Assessment and verification system 3+” in Annex V should be clarified in relation to other systems, as an obligation to apply more than one system would involve additional costs.

3.7. Market surveillance

20. The Regulation aims to improve enforcement and market surveillance through detailed provisions and increased obligations for the Member States. The EEA EFTA States would like to highlight that the minimum number of checks and minimum human resources to be deployed by Member States according to Article 73, could lead to a shift towards quantitative objectives for the market surveillance authorities. It is the view of the EEA EFTA States that market surveillance of products covered by the Regulation should rather be enhanced through guidance, recommendations, and exchange of information.