



**Secretariat CEN/TC 229 « Precast concrete products »**

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**CEN/TC 229**  
***CPR Revision – Summary of EC proposal***  
***By CEN-CLC***

**C**OMMENTARIES

Dear Members,

CEN-CENELEC Management Center prepared an analysis of the Construction Product Regulation revision project : please find enclosed this document for information.

Best regards,

Yann ROUILLÉ  
CEN/TC 229 Secretary

**F**OLLOW UP

**For information**

# European Commission proposal for the revision of the Construction Products Regulation

## 1. Introduction

The European Commission published the [revision proposal](#) for the Construction Products Regulation (CPR) on **2022-03-30**, which aims to achieve a **well-functioning Single Market** for construction products and **contribute** to the objectives of the **green and digital transition**, particularly the modern, resource-efficient and competitive economy.

EC identified **four main problems** with the current CPR. The proposal aims to tackle these problems as follows:

- Single Market for construction products not achieved:
  - In the recent years, draft harmonized standards developed by the European Standardisation Organisations (ESOs) could **rarely be cited** in the Official Journal (OJEU) mainly due **to legal deficiencies**. This lack of citation of up-to-date harmonized standards for construction products is a key factor undermining the smooth functioning of the Single Market, creating trade barriers and additional costs and administrative burden on economic operators.
- Implementation challenges at national level:
  - These issues also add to the **complexity of the legal framework** and contribute to the fact that market surveillance activities widely vary (in quality and effectiveness) from one Member State to another. Ineffective market surveillance and enforcement in general limits the trust in the regulatory framework and is therefore a disincentive for companies to comply with the legislation.
- Complexity of the legal framework /simplification not achieved:
  - the **CE marking** under the CPR is **linked to the assessment of the performance** of a construction product, and **not to its conformity with product requirements**, as these are not set by the CPR. Given that this is a rather **exceptional situation** compared to other NLF legislations, the meaning of the CE marking is often **misunderstood and misinterpreted**.
  - Other provisions of the CPR are **insufficiently clear or create overlaps** either within the framework itself or between the CPR and other **EU legislation** (potentially parallel routes to CE marking for some construction products under the CPR and the Ecodesign Directive).
  - In addition, there are **no specific provisions** on providing information **in the digital format**. This will become a challenge particularly as reliable product information, from manufacturing to the installation in the building and demolition, will be necessary in the context of the digital building logbooks, Level(s) or other tools for assessing and reporting on the sustainability performance of buildings.
- The CPR is unable to deliver on broader policy priorities, such as the green and digital transition, and product safety.
  - The **available harmonized assessment methods** for the performance of construction products cover **only** some elements linked to the **environmental impacts** such as pollution but have not been established with regards to sustainable use of natural resources. Furthermore, the **CPR does not allow** to establish **environmental, functional and safety product requirements** for construction products, therefore hampering the possibility to address non-performance based issues. Moreover, digital information on construction products is not sufficiently available to address the goals of circularity and sustainability and to provide information required by other related legislation (e.g. the Energy Performance of Buildings Directive or the Ecodesign for Sustainable Products Regulation).
  - The **CPR significantly limits the possibilities** for the sector to declare, in a consistent and harmonized way, the performance of their products and to differentiate the products with regard to **climate, environment and sustainability**

**performances.** It also significantly limits the possibilities for Member States to define national requirements for buildings or to include criteria in public procurement on sustainability objectives without putting at risk the functioning of the Single Market.

In 2020, the EC launched a consultation on the review of the CPR and the following **5 options** were put forward for consideration:

- Option A – Baseline scenario
- Option B – Repairing the CPR
- Option C – Focusing the CPR
- **Option D – Enhancing the CPR**
- Option E – Repealing the CPR

Following the results of the consultation and an impact assessment, the EC has **chosen Option D** as it paves the way for the objectives and the main shortcomings of the CPR framework to be addressed with the highest degree of **effectiveness and coherence**. This ensures the **free movement of construction products** within the Single Market, fully responds to the ambitions stemming from the **European Green Deal and the Circular economy action plan**. Further details about Option D can be found in the Explanatory Memorandum of the [proposal](#) and the main elements of option D related to standardization are highlighted in the section 2 of this document.

Note: CEN and CENELEC [position paper](#) on the implementation and future of the CPR was published in August 2020. CEN and CENELEC highlighted that for the correct implementation of the CPR, the EC must provide a solid legal basis for the CPR system to work. Mandates must be revised through standardization requests and clear legal guidance must be provided.

## 2. Proposal for the revision of CPR – Standardization key elements

### 2.1 CPR scope

In general, the CPR proposal scope has been extended compared to the current CPR. The CPR proposal applies to the following products:

- **Construction products**
- 3D-printing related products and services
- construction products manufactured on the construction site for immediate incorporation into construction works, without separate commercial action for the placing on the market;
- Key parts or materials if requested by the manufacturer
- kits or assemblies, where their composition is specified in and covered by harmonized technical specifications
- prefabricated one-family-houses of less than 180 m<sup>2</sup> surface floor space with one floor or of less than 100 m<sup>2</sup> surface floor space on two floors.

However, the scope of the CPR is amended to avoid overlaps with the Drinking Water Directive and the Urban Waste Water Directive. According to the proposal, the following products are **excluded** from CPR:

- Lifts subject to Directive 2014/33/EU of the European Parliament and of the Council, escalators and their components;
- boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption;
- systems treating waste water;
- sanitary appliances;
- traffic signalling products.

Most of the construction products above that are proposed to be excluded are currently covered in harmonized standards in support of the CPR. Annex 1 provides a mapping of the proposed construction products excluded and which harmonized standards are proposed to be permanently de-harmonized.

## 2.2 Harmonized technical specifications and construction product standards

In accordance with the CPR proposal, '**harmonized technical specifications**' are defined as **construction product standards** or **delegated acts** adopted by the EC containing technical prescriptions. Whereas '**construction products standard**' are defined as **standards adopted by a European standardisation organisation** on the basis of a request made by the Commission for the application of the Regulation the reference of which has been **published in the Official Journal**, regardless of whether the **use** of such standard is rendered **mandatory** for purposes of application under the Regulation or whether they stay **voluntary**.

### 2.2.1 Mandatory construction product standards

**Construction products standards**, when **mandatory**, will lay down the rules for the **assessment of performances** regarding essential characteristics relevant for the construction codes of Member States, to reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product characteristics in view of their specific national situation. **Essential characteristics** for the **assessment of performance**, which will constitute the **basis** for the preparation of **standardisation requests** and **harmonized technical specifications**, include **the basic requirements for construction works** as well as **environmental performance characteristics**, as indicated in **Annex I, part A**. However, the Commission is **empowered to amend** Annex I, part A by means of delegated acts to adapt it to technical progress and to cover new risks and environmental aspects.

It is expected that potential future standardisation requests may include a request that the European standardisation organisation **determine** in the standards the **voluntary or mandatory threshold levels and classes** of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the **Commission will lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request**.

Taking into consideration that construction products standard for the assessment of performances are **mandatory**, these standards should not only be **in line** with the relevant standardisation requests and with the Regulation, but also with the **general principles of Union law**.

### 2.2.2 Voluntary construction product standards

Alternatively, **voluntary construction products standards** will be used to define **product requirements**, specified for the relevant product family or category by **Delegated Acts**. These standards will be able to **provide presumption of conformity** with the requirements covered by them. **Product requirements** will include **requirements ensuring the appropriate functioning and performance of products, inherent, and product information requirements**, as indicated in Annex I, parts B,C and D.

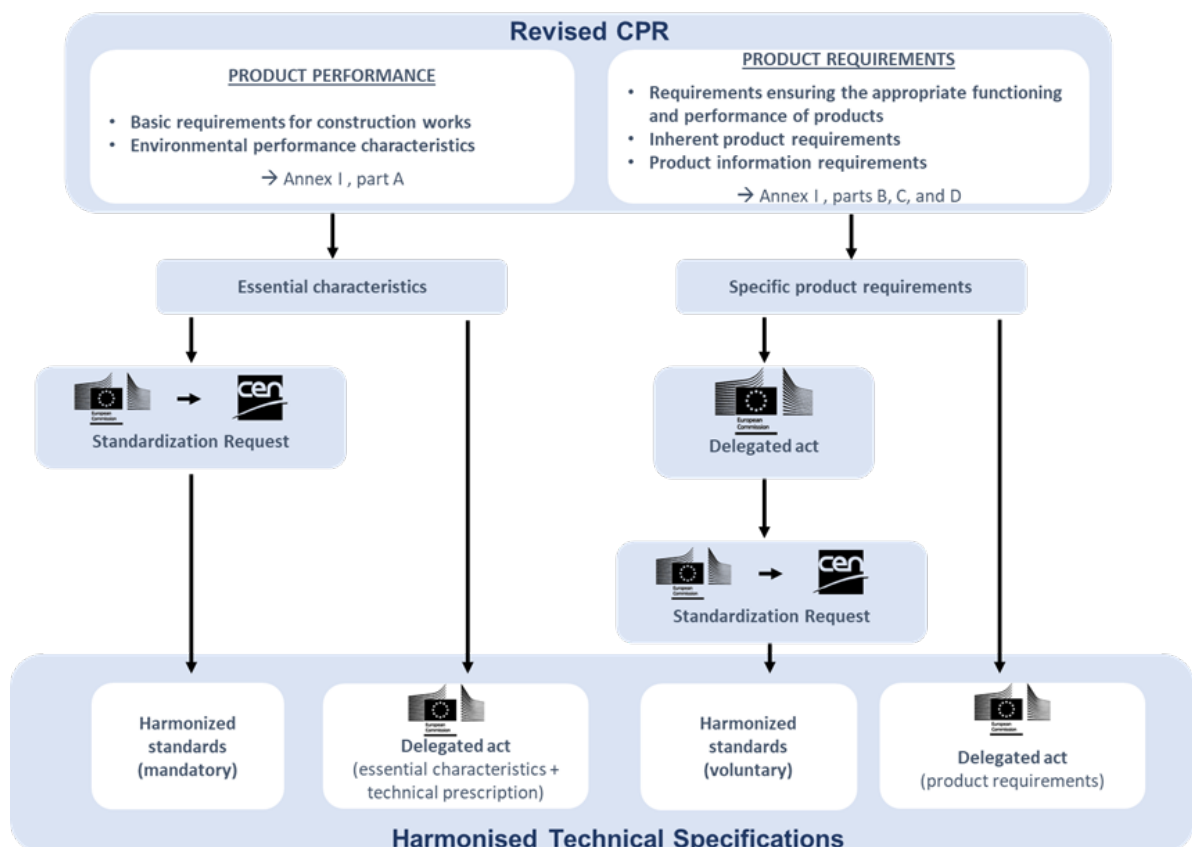
Furthermore, the EC will specify, by **delegated acts**, for particular product families and categories, the product requirements and by laying down the corresponding assessment methods, it may issue standardisation requests which aim at the elaboration of **voluntary harmonized standards** providing **presumption of conformity** with these mandatory product requirements.

### 2.2.3 Delegated acts with technical prescription

In the CPR proposal, the EC **highlighted the need for new back-up empowerments** for the European Commission which will be even more comprehensive, permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress due to lack of harmonized standards for construction products since late 2019. It is further specified that the EC is empowered to supplement this Regulation **by means of delegated acts** by establishing, for particular product families and categories, **voluntary or mandatory essential characteristics and their assessment methods in any of the following cases**:

- there are undue **delays** in the adoption of certain standards by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation **does not submit a standard within the time-frame set out in the standardisation request**;
- there is an **urgency for the adoption** of more harmonized technical specifications that cannot be matched with standards alone;
- **one or more essential characteristics** referring to basic work requirements are **not covered** by the standards the references of which are already published in the Official Journal;
- the standards are for other reasons **considered not sufficient** to cover regulatory needs of Member States or the needs of economic operators;
- the standards are **not in line with EU climate and environmental legislation and ambition**;
- references to standards **cannot be published in the Official Journal** for the reasons set out in Article 34(4) or other legal reasons;
- references to standards have been **withdrawn from the Official Journal or were published with a restriction**.

The following diagram (created by CCMC) presents the anticipated CPR framework, whereas the main differences of the current CPR compared to the revised proposal are presented in Annex 2.



## 2.3 Citation and CE marking

The **EC** shall assess the **conformity of construction products standards** established by the European standardisation organisations with the relevant standardisation requests, with **the Regulation and with other Union law**. The EC shall **publish or publish with restrictions** in the Official Journal of the European Union the **list of references** of accepted conforming construction products standards that have been made available at an affordable price. Where a **reference** to a standard **cannot be published** otherwise in the Official Journal, the EC is empowered to **supplement** the Regulation by **delegated acts** to modify the respective standards for **purposes of legal effects**.

Declaration of conformity and the declaration of performance is expected to be combined and provided by **electronic means**. Whereas, **CE marking** could be affixed to those products for which the manufacturer has drawn up a **declaration of performance or conformity**.

## 3. Advantages vs disadvantages

**The EC is proposing a revised CPR hybrid system** where one part includes mandatory harmonized technical specifications, and a second part follows a NLF approach with voluntary harmonized technical specifications. In both cases, the EC is empowered to develop technical specifications as an alternative to harmonized standards. The table 1 provides a SWOT analysis of the revised CPR proposal compared to the current CPR.

Table 1 – SWOT analysis of revised CPR

Revised CPR (in comparison with the current CPR)	
<p><b>Strengths / Advantages</b></p> <ul style="list-style-type: none"> <li>• CEN and CENELEC are maintained as organizations to develop harmonized technical specifications for construction products.</li> <li>• The revision of CPR will trigger the replacement of old mandates with new standardization requests following EU Regulation 1025/2012.</li> <li>• Partly alignment with the NLF as product requirements are included directly in the CPR.</li> <li>• The proposal indicates the need for additional funding to DG GROW 'Construction unit' for a correct implement of the future CPR (e.g. management of the CPR acquis, development of SREq, preparation of delegated acts and assessing standards in a timely manner).</li> </ul>	<p><b>Weaknesses / Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Part of the proposal consists of mandatory harmonized Standards which is not in line with Regulation (EU) No 1025/2012.</li> <li>• The European Commission is empowered to establish via delegated act technical prescription in case of delays in standardization, rejection of hENs for citation or urgent need.</li> <li>• Threshold levels or classification of performance and AVCP systems will be determined by EC through delegated acts. The development of such delegated acts is a very lengthy process and can take some years and delay the standardization process.</li> </ul>
<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Voluntary harmonized standards covering specific product requirements (e.g. environmental, safety and functional), requested through SREqs, might increase the volume of harmonized standards developed by CEN and CENELEC in the field of Construction.</li> <li>• New fields of activity within standardization (e.g. 3D printing, prefabricated houses).</li> <li>• CEN and CENELEC to showcase the engagement in circular economy in construction, in line with the Strategy 2030.</li> </ul>	<p><b>Threats / Challenges</b></p> <ul style="list-style-type: none"> <li>• The revised proposal is not solving some fundamental legal issues related to citation of mandatory hENs (e.g. lack translation of hEN into all EU official languages, dating of chain or normative references, etc). Hence, if the EC does not change its very legal scrutiny of mandatory hENs for citation, the delegated act possibility will not be a back-fall solution, but rather a common way to develop harmonized technical specification for construction products.</li> <li>• TCs may lack expertise for dealing with environmental product requirements in voluntary hENs.</li> <li>• Few construction products (e.g. sanitaryware appliances), which are currently covered by hENs in support of the CPR, are proposed to be excluded. This could lead to lack of harmonization in the Single Market for these products.</li> <li>• Exploitation of TC experts participating in the CPR Acquis in case the technical specification is included in delegated acts instead of standardization request.</li> </ul>



# **Annex 1** - Mapping of construction products proposed for exclusion and corresponding hEN cited in OJEU

Products proposed for exclusion	Technical Committee	hEN cited in the OJEU under CPR
<b>Boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption</b>	CEN/TC 208 'Elastomeric seals for joints in pipework and pipelines'	<ul style="list-style-type: none"> <li>• <b>EN 681</b> 'Elastomeric seals - Materials requirements for pipe joint seals used in water and drainage applications ' (part 1 to 4)</li> </ul>
	CEN/TC 459/SC 10 'Steel tubes, and iron and steel fittings'	<ul style="list-style-type: none"> <li>• <b>EN 10224:2002</b> 'Non-alloy steel tubes and fittings for the conveyance of aqueous liquids including water for human consumption - Technical delivery conditions'</li> <li>• <b>EN 10311:2005</b> 'Joints for the connection of steel tubes and fittings for the conveyance of water and other aqueous liquids'</li> <li>• <b>EN 10312:2002</b> 'Welded stainless steel tubes for the conveyance of aqueous liquids including water for human consumption - Technical delivery conditions'</li> </ul>
<b>Systems treating waste water</b>	CEN/TC 165 'Waste water engineering'	<ul style="list-style-type: none"> <li>• <b>EN 12050</b> (series) 'Wastewater lifting plants for building and sites' (4 standards) (tbc)</li> <li>• <b>EN 12566-1:2000</b> 'Small wastewater treatment systems for up to 50 PT — Part 1: Prefabricated septic tanks' and A1:2003</li> <li>• <b>EN 12566-3:2005+A2:2013</b> 'Small wastewater treatment systems for up to 50 PT - Part 3: Packaged and/or site assembled domestic wastewater treatment plants</li> <li>• <b>EN 12566-4:2007</b> Small wastewater treatment systems for up to 50 PT — Part 4: Septic tanks assembled in situ from prefabricated kits</li> <li>• <b>EN 12566-6:2013</b> Small wastewater treatment systems for up to 50 PT — Part 6: Prefabricated treatment units for septic tank effluent</li> <li>• <b>EN 12566-7:2013</b> Small wastewater treatment systems for up to 50 PT — Part 7: Prefabricated tertiary treatment units</li> </ul>
<b>Sanitary appliances</b>	CEN/TC 163 'Sanitary appliances'	<ul style="list-style-type: none"> <li>• <b>EN 14055:2010</b> 'WC and urinal flushing cisterns'</li> <li>• <b>EN 997:2012</b> 'WC pans and WC suites with integral trap'</li> <li>• <b>EN 14516:2006+A1:2010</b> 'Baths for domestic purposes'</li> <li>• <b>EN 13310:2003</b> 'Kitchen sinks - Functional requirements and test methods</li> <li>• <b>EN 13407:2006</b> ' Wall-hung urinals - Functional requirements and test methods'</li> <li>• <b>EN 14296:2005</b> 'Sanitary appliances - Communal washing troughs'</li> <li>• <b>EN 14528:2007</b> 'Bidets - Functional requirements and test Methods'</li> <li>• <b>EN 14688:2006</b> ' Sanitary appliances - Wash basins - Functional requirements and test methods'</li> <li>• <b>EN 14527:2006+A1:2010</b> 'Shower trays for domestic purposes'</li> <li>• <b>EN 14428:2004+A1:2008</b> 'Shower enclosures — Functional requirements and test methods'</li> <li>• <b>EN 12764:2004+A1:2008</b> 'Sanitary appliances — Specification for whirlpool baths</li> </ul>
<b>Traffic signalling products</b>	CEN/TC 226 'Road equipment'	<ul style="list-style-type: none"> <li>• <b>EN 12368:2006</b> 'Traffic control equipment — Signal heads' (tbc)</li> <li>• <b>EN 12352:2006</b> 'Traffic control equipment — Warning and safety light devices' (tbc)</li> <li>• <b>EN 12899</b> 'Fixed, vertical road traffic signs' series (3 standards) (tbc)</li> </ul>



**Annex 2**

Current CPR	Revised CPR
<b>Objective</b>	
To establish rules on how to express the <b>performance of construction products</b> in relation to their essential characteristics	To establish rules on how to express: <ul style="list-style-type: none"> <li>• <b>environmental</b>, including climate, and <b>safety performance of construction products</b> in relation to their essential characteristics</li> <li>• <b>environmental</b>, including climate, <b>functional and safety product requirements</b></li> </ul>
<b>Scope</b>	
It applies to <b>construction products</b> , as defined in article 2	It applies to <b>construction products and to the following items</b> : <ul style="list-style-type: none"> <li>• 3D-datasets placed on the market to permit the 3D-printing of construction products covered by this Regulation and 3D-printed construction products and moulds;</li> <li>• materials intended to be used for the 3D-printing [...]</li> <li>• construction products manufactured on the construction site [...]</li> <li>• key parts of products covered by this Regulation [...]</li> <li>• parts or materials intended to be used for products covered by this Regulation [...]</li> <li>• kits or assemblies [...]</li> <li>• prefabricated one-family-houses [...]</li> </ul> It also applies to <b>used construction products</b> .
<b>Exclusions from the scope</b>	
	<ul style="list-style-type: none"> <li>• lifts subject to Directive 2014/33/EU</li> <li>• boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption</li> <li>• systems treating waste water</li> <li>• sanitary appliances</li> <li>• traffic signalling products</li> </ul>
<b>Definitions (non-exhaustive)</b>	
<ul style="list-style-type: none"> <li>• <b>‘construction product’</b> means any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the</li> </ul>	<ul style="list-style-type: none"> <li>• <b>‘construction product’</b> means any formed or formless physical item, including its packaging and instructions for use, or a kit or assembly combining such items, that is placed on the market or produced for incorporation in a permanent manner in construction works or parts thereof</li> </ul>

## basic requirements for construction works

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| <ul style="list-style-type: none"> <li>• <b>'kit'</b> means a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works;</li> <li>• <b>'performance of a construction product'</b> means the performance related to the relevant essential characteristics, expressed by level or class, or in a description</li> <li>• <b>'essential characteristics'</b> means those characteristics of the construction product which relate to the basic requirements for construction works</li> <li>• <b>'product-type'</b> means the set of representative performance levels or classes of a construction product, in relation to its essential characteristics, produced using a given combination of raw materials or other elements in a specific production process</li> <li>• <b>'harmonised technical specifications'</b> means harmonised standards and European Assessment Documents;</li> <li>• <b>'harmonised standard'</b> means a standard adopted by one of the European standardisation bodies listed in Annex I to Directive 98/34/EC,</li> </ul> | <p>within the Union, with the exception of items that are necessarily first integrated into an assembly, kit or other construction product prior to being incorporated in a permanent manner in construction works</p> <ul style="list-style-type: none"> <li>• <b>'kit'</b> means a product placed on the market by a single economic operator as a set of at least two separate items, none of which needs to be a product itself, intended to be incorporated together in construction works;</li> <li>• <b>'permanent'</b> means for a duration of two years or longer</li> <li>• <b>'performance'</b> means the degree to which a product has certain scalable essential characteristics</li> <li>• <b>'essential characteristics'</b> means those characteristics of the product which relate to the basic requirements for construction works as set out in Annex I Part A Point 1 or which have been listed in Annex I Part A Point 2</li> <li>• <b>'product requirements'</b> means a threshold level or another characteristic with which a product has to comply before it can be placed on the market or installed directly, including those requirements relating to labelling and instructions for use or other information to be provided</li> <li>• <b>'product type'</b> means the abstract model of individual products, determined by the intended use and a set of characteristics which exclude any variation with regard to performance or to the fulfilment of product requirements set-out in or in accordance with this Regulation, produced in a specific production process using a given combination of raw materials or components, whilst identical items of different manufacturers also belong to different product types</li> <li>• <b>'product family'</b> means all product types belonging to the product areas listed in Annex IV, Table 1</li> <li>• <b>'product category'</b> means a subset of the product types of a certain product family encompassing those product types which have in common a certain intended use as specified in harmonised technical specifications or European assessment documents;</li> <li>• <b>'harmonised technical specifications'</b> means construction products standards established in accordance with Article 4(2) the reference of which has been published in the Official Journal in accordance with Article 34 and thereby were rendered mandatory for purposes of application of this Regulation, and delegated acts adopted in accordance with Article 4(3) and (4), Article 5(2), or Article 22(4) that contain technical prescriptions</li> <li>• <b>'construction products standard'</b> means a standard adopted by a</li> </ul> |
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on the basis of a request issued by the Commission, in accordance with Article 6 of that Directive

- **‘intended use’** means the intended use of the construction product as defined in the applicable harmonised technical specification;

[...]

European standardisation organisation on the basis of a request made by the Commission for the application of this Regulation the reference of which has been published in the Official Journal in accordance with Article 34, regardless of whether the use of such standard is rendered mandatory for purposes of application under this Regulation in accordance with Article 4(2) and Article 34(2) or whether they stay voluntary in accordance with Article 5(2), Article 22(4) and Article 34(3)

- **‘harmonised zone’** means the sphere jointly covered by this Regulation, the harmonised technical specifications, and the Commission acts of general applicability adopted pursuant this Regulation;
- **‘intended use’** means the use intended by the manufacturer, including the conditions for usage, as laid out in technical documentation, on labels, in instructions for use, or in publicity material, whilst usages mentioned only in one of these are already part of the ‘intended use’
- **‘used product’** means a product that is not waste as defined in Article 3, point (1), of Directive 2008/98/EC of the European Parliament and of the Council , and which has been installed at least once into a construction work, and that [...]
- **‘remanufactured product’** means a product that is not waste as defined in Article 3, point (1), of Directive 2008/98/EC, but that has been installed at least once into a construction work, and that has been subject to a transformative process going beyond repair, cleaning and regular maintenance
- **‘reuse’** means any operation by which a product or its components, having reached the end of their first use, are used for the same purpose for which they were conceived;

[...]

### Basic Requirements for Construction Work (BRCW)

- Construction works must satisfy these basic requirements for construction works:
  1. Mechanical resistance and stability
  2. Safety in case of fire

- Construction works must satisfy these basic requirements for construction works:
  1. Structural integrity of construction works
  2. Fire safety of construction works

<ul style="list-style-type: none"> <li>3. Hygiene, health and the environment</li> <li>4. Safety and accessibility in use</li> <li>5. Protection against noise</li> <li>6. Energy economy and heat retention</li> <li>7. Sustainable use of natural resources</li> </ul>	<ul style="list-style-type: none"> <li>3. Workers, consumer and occupant protection against adverse hygiene and health impacts related to construction works</li> <li>4. Workers, consumers and occupants protection against physical injuries of construction works</li> <li>5. Resistance to the passage of sound and acoustic properties of construction works</li> <li>6. Energy efficiency and thermal performance of construction works</li> <li>7. Hazardous emissions into the outdoor environment of construction works</li> <li>8. Sustainable use of natural resources of construction works</li> </ul>
<b>Essential characteristics</b>	
<ul style="list-style-type: none"> <li>• Related to the Basic Requirements for Construction Work (in Annex I)</li> </ul>	<ul style="list-style-type: none"> <li>• Related to the Basic Requirements for Construction Work (in Annex I, part A, point 1) or that are listed in Annex I, part A, point 2 + Essential characteristics listed in Annex I, part A, point 1 refer to environmental performance</li> </ul>
<b>Product requirements</b>	
<ul style="list-style-type: none"> <li>• the CPR does not allow to establish environmental, functional and safety product requirements for construction products, therefore hampering the possibility to address non-performance based issues.</li> </ul>	<ul style="list-style-type: none"> <li>• All products covered by this Regulation shall, prior to their placing on the market or direct installation, satisfy the generic, directly applicable product requirements set out in Annex I Part D and the product requirements laid down in Annex I Part B and C as specified for the respective product family or category in accordance with paragraph 2 (of article 5). The product requirements laid down in Annex I Part B and C are only applicable where they have been specified in accordance with paragraph 2 (of article 5).</li> <li>• Annex I Part B specifies '<b>requirements ensuring the appropriate functioning and performance of products</b>' (e.g. design in relation to function, chemical composition, shape and dimensions, installation, maintenance, etc.)</li> <li>• Annex I Part C specifies '<b>inherent product requirements</b>', including 'Inherent product safety requirements' (point 1) and 'product environmental requirements' (point 2)</li> <li>• Annex I Part D specifies '<b>product information requirements</b>' (e.g. product identification, product description, contact details of manufacturer, transport, installation, maintenance, and demolition rules etc.).</li> </ul>
<b>Environmental performance of products and environmental product requirements</b>	
<ul style="list-style-type: none"> <li>• Essential characteristics referred to environmental performance belong to the BRCW 7 'Sustainable use of natural resources' and in small part to BRCW 3 'Hygiene, health and the environment'</li> <li>• In practice, since the mandates were issued under the old CPD, BRCW 7</li> </ul>	<ul style="list-style-type: none"> <li>• Essential characteristics referred to environmental performance belong to the BRCWs 7 'Hazardous emissions into the outdoor environment of construction works' and 8 'Sustainable use of natural resources of construction works' + Essential characteristics listed in Annex I, part A,</li> </ul>

<p>was never implemented</p> <ul style="list-style-type: none"> <li>No environmental product requirements are included in this Regulation (as any other product requirement)</li> </ul>	<p>point 2</p> <ul style="list-style-type: none"> <li>Environmental product requirements are defined in Annex I, part C, point 2</li> </ul>
<p style="text-align: center;"><b>Thresholds and classes</b></p>	
<ul style="list-style-type: none"> <li>The Commission may adopt delegated acts in accordance with Article 60, to establish classes of performance in relation to the essential characteristics of construction products.</li> <li>Where the Commission has established classes of performance in relation to the essential characteristics of construction products, the European standardisation bodies shall use those classes in harmonised standards.</li> <li>Where classes of performance in relation to the essential characteristics of construction products are not established by the Commission, they may be established by the European standardisation bodies in harmonised standards, on the basis of a revised mandate.</li> </ul>	<ul style="list-style-type: none"> <li>[...] The respective standardisation requests may also include a request that <b>the European standardisation organisation determine in the standards referred to in the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation to the essential characteristics</b> and which of the essential characteristics may or shall be declared by manufacturers. In that case, <b>the Commission shall lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request.</b></li> <li>[...] The Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by determining, for particular product families and categories, the following: <ul style="list-style-type: none"> <li>(a) threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers;</li> <li>(b) conditions under which a product shall be deemed to satisfy a certain threshold level or to qualify for a class of performance without testing or without further testing.</li> </ul> </li> </ul>
<p style="text-align: center;"><b>Harmonised technical specifications/Construction product standards</b></p>	
<ul style="list-style-type: none"> <li>Harmonised standards shall be established by the European standardisation bodies listed in Annex I to Directive 98/34/EC on the basis of requests (hereinafter referred to as 'mandates') issued by the Commission in accordance with Article 6 of that Directive after having consulted the Standing Committee on Construction referred to in Article 64 of this Regulation (hereinafter referred to as 'Standing Committee on Construction')</li> </ul>	<ul style="list-style-type: none"> <li>Construction products standards shall be established by the European standardisation organisations <b>on the basis of a standardisation request issued by the Commission.</b></li> <li>Construction products standards developed pursuant to Article 4(2) <b>shall be of mandatory application</b> for purposes of this Regulation as of six months after the publication of their reference in the Official Journal in accordance with paragraph 4, but may be voluntarily applied on request of the manufacturer as from the date of that publication. <b>They shall provide the methods and the criteria for assessing the performance of the products in relation to their essential characteristics.</b></li> <li>Construction products standards developed pursuant to the second sentence of Article 5(2) or the third sentence of Article 22(4) <b>shall be voluntary</b></li> </ul>
<p style="text-align: center;"><b>Mandates/Standardization Requests</b></p>	

- Harmonised standards shall be established by the European standardisation bodies listed in Annex I to Directive 98/34/EC on the basis of requests (hereinafter referred to as 'mandates') issued by the Commission in accordance with Article 6 of that Directive after having consulted the Standing Committee on Construction referred to in Article 64 of this Regulation (hereinafter referred to as 'Standing Committee on Construction').

- In order to ensure a timely citation of references of construction products standards in the Official Journal of the European Union, **the European Commission should be empowered to limit in scope or overrule deficient standards** for purposes of legal effects under this Regulation by delegating acts instead of refusing to cite their references in the Official Journal.
- To ensure the coherence of the system, **this Regulation should build on the horizontal legal framework for standardisation. Hence, Regulation (EU) No 1025/2012 should also apply to the extent possible to standards rendered mandatory in accordance with this Regulation.** Regulation (EU) No 1025/2012 is thus to provide, among others, for a procedure for objections to harmonised construction products standards where those standards do not entirely satisfy the requirements set out in the relevant standardisation request or other requirements of this Regulation.

In reference to essential characteristics (see Article 4):

- **The Commission may issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods.**
- The respective standardisation requests may also include a request that the European standardisation organisation determine in the standards referred to in the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, **the Commission shall lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request.**

In reference to product requirements (see Article 5):

- In order to specify the product requirements set out in Annex I Part B, C and D, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these product requirements and by laying down the corresponding assessment methods. **Once the Commission has specified these product requirements by delegated**



	acts, it may issue standardisation requests which aim at the elaboration of voluntary harmonised standards providing presumption of conformity with these mandatory product requirements as specified by these delegated acts.
<b>Citation in the OJEU</b>	
<ul style="list-style-type: none"> <li>The Commission shall assess the conformity of harmonised standards established by the European standardisation bodies with the relevant mandates.</li> <li>The Commission shall publish in the Official Journal of the European Union the list of references of harmonised standards which are in conformity with the relevant mandates.</li> </ul>	<ul style="list-style-type: none"> <li>The Commission shall assess the conformity of construction products standards established by the European standardisation organisations with the relevant standardisation requests, with this Regulation and with other Union law. <b>The Commission shall publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted conforming construction products standards that have been made available at an affordable price.</b> Where a reference to a standard cannot be published otherwise in the Official Journal, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 86 to modify the respective standards for purposes of legal effects under this Regulation.</li> </ul> <p>Note: article 86 amends Regulation (EU) 2019/1020 on market surveillance and compliance of products, so that it shall also apply to construction products.</p>
<b>Declaration of Performance (DoP)</b>	
<ul style="list-style-type: none"> <li>When a construction product is covered by a harmonised standard or conforms to a European Technical Assessment which has been issued for it, the manufacturer shall draw up a declaration of performance when such a product is placed on the market.</li> <li>The declaration of performance shall express the performance of construction products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications.</li> </ul>	<ul style="list-style-type: none"> <li>Where a product is covered by a harmonised technical specification adopted in accordance with Article 4(2) or (3), the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance before such a product is placed on the market. A manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance in accordance with the relevant European assessment document and European technical assessment.</li> <li>The declaration of performance shall express the performance of products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications or European assessment document.</li> <li>The manufacturer shall supply by electronic means a copy of the declaration of performance and of the declaration of conformity of each product which is made available on the market (see below).</li> </ul>
<b>Declaration of Conformity (DoC)</b>	

/	<ul style="list-style-type: none"> <li>• Before placing a product on the market, the manufacturer who is not exempted from the obligation to produce a declaration of performance shall:               <ul style="list-style-type: none"> <li>(a) verify the product's compliance with the product requirements of Annex I Part B and C to the extent that they have been specified by delegated acts in accordance with Article 5(2), and with the product requirements of Annex I Part D;</li> <li>(b) undergo the respective assessment and verification system set out in Annex V; and</li> <li>(c) draw up a declaration of conformity.</li> </ul> </li> <li>• The declaration of conformity shall express conformity of a product with product requirements referred to in Article 5(1) and (2)</li> <li>• The manufacturer shall combine the declaration of conformity with the declaration of performance into a single declaration</li> <li>• The manufacturer shall supply by electronic means a copy of the declaration of performance and of the declaration of conformity of each product which is made available on the market.</li> </ul>
CE marking	
The CE marking shall be affixed to those construction products for which the manufacturer has drawn up a <b>declaration of performance</b> in accordance with Articles 4 and 6	The CE marking shall be affixed to those products for which the manufacturer has drawn up a <b>declaration of performance or conformity</b> in accordance with Articles 9 and 11 to 14