

EuroWindoor suggested Amendments to the draft IMCO Report on CPR Implementation (MEP Doleschal)

EuroWindoor welcomes the draft IMCO Report on CPR Implementation from MEP MR Doleschal and likes to suggest some amendments to the Motion for a European Parliament Resolution. In the following table suggestions and justifications are given to the related clauses of the draft IMCO report.

Suggested Amendments of EuroWindoor

TEXT PROPOSED BY IMCO	SUGGESTED AMENDMENTS	JUSTIFICATION
A. whereas the construction industry directly provides 18 million jobs in Europe and generates 9 % of GDP;		
B. whereas the purpose of the Construction Products Regulation (CPR) is to remove technical barriers to trade in construction products in order to enhance their free movement in the internal market;		
C. whereas the slow adoption and non-citation of harmonised standards is problematic, as the adoption process is not keeping pace with developments in the sector, creating uncertainty for businesses;		
D. whereas CPR compliance costs represent 0.6 % to 1.1 % of the construction sector's turnover, borne mainly by manufacturers, which can be very burdensome for SMEs;		
1. Welcomes the Commission's CPR evaluation and ongoing review, which seek to remove remaining barriers in the internal market for construction products;		
2. Points to the specific nature of the CPR, which differs from the general principles of the new legislative framework (NLF), chiefly because it does not harmonise any specific requirements or minimum safety levels for construction products, but instead defines a common technical language for measuring the performance of construction products over their essential characteristics;	2. Points to the specific nature of the CPR, which differs <i>in some aspects</i> from the general principles of the new legislative framework (NLF), chiefly because it does not harmonise any specific requirements or minimum safety levels for construction products, but instead defines a common technical language for measuring assessing the performance of construction products over their essential characteristics;	<i>Suggestions to emphasise that changes are specific and only in some aspects</i>

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3. Highlights that the CPR ensures the free circulation of construction products within the Union, while Member States retain control of the rules on construction works; points out that building regulations set at Member State level are generally influenced by the performance of the construction products which are integrated in the works;		
Common technical language, including standards		
4. Notes that the common technical language introduced by the CPR is defined by harmonised European standards, and by European Assessment Documents (EADs) for products not – or not fully – covered by harmonised standards;		
5. Points out that unlike other NLF legislation, the use of harmonised standards under the CPR is mandatory, which requires an effective system of adoption to address the needs of industry, keep up with technological developments and ensure legal clarity;		
6. Is concerned by the fact that of the 444 existing harmonised standards for construction products, only 12 were issued after the adoption of the CPR; believes that the time required for the development and citation of standards and the backlog for revising and updating existing standards (CPR <i>acquis</i>) are among the most significant problems associated with the implementation of the CPR;		
7. Urgently calls on the Commission to find a quick and viable solution to improve the standardisation processes and remove the backlog of non-cited standards; supports, in this regard, a combination of short-term measures to tackle the backlog alongside long-term measures to improve the process of defining the common technical language;	Urgently calls on the Commission to find a quick and viable solution to improve the standardisation processes and remove the backlog of non-cited standards; supports, in this regard, a combination of short-term measures to tackle the backlog alongside long-term measures to improve the process of defining the common technical language; <u>calls for existing hENs to continue as part of short-term measures;</u>	<i>Fully agree with text proposed, but need to ensure existing hENs will not be withdrawn</i>



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<p>8. Points to the fact that standardisation issues need to be addressed in all steps of the preparation process; calls for transparency and openness from all parties involved; highlights the need to ensure the high quality of the mandates issued by the Commission and the necessity to provide clear guidelines for the standardisation bodies; suggests establishing clearly defined timeframes for the Commission to assess the prepared standards and clear deadlines for all parties to ensure further revision if a mandate or the CPR is found not to have been adhered to; considers it important to define the scope of the standards more precisely so that manufacturers can have clear guidance when declaring that their products fall within the scope;</p>	<p>Points to the fact that standardisation issues need to be addressed in all steps of the preparation process; calls for transparency and openness from all parties involved; highlights the need to ensure the high quality of the mandates issued by the Commission and the necessity to provide clear guidelines for the standardisation bodies; suggests establishing clearly defined timeframes for the Commission to assess the prepared standards and clear deadlines for all parties to ensure further revision if a mandate or the CPR is found not to have been adhered to; considers it important to define the scope of the standards more precisely so that manufacturers can have clear guidance when declaring that their products fall within the scope; <u>highlights the importance of Member States ensuring close involvement of public authorities including Market surveillance authorities to participate at the technical level from drafting S_{Req}, developing the technical specification to the final assessment;</u></p>	<p><i>To emphasise the importance of early involvement of national authorities in the standardisation process to ensure the relevance and applicability of the work</i></p>
<p>9. Believes that owing to the mandatory nature of standards and the fact that they are considered part of Union legislation, the texts of issued harmonised standards should be available in all Union languages; highlights the need to ensure high-quality translation and involve national standardisation bodies in the translation process; calls on the Commission to further support and simplify the financial arrangements for the translation of harmonised standards;</p>		
<p>10. Is concerned by the fact that while the alternative route for products not or not fully covered by harmonised standards was included in the CPR to allow innovative products to enter the market, the vast majority of EADs do not concern innovative products;</p>	<p>Is concerned by the fact that while the alternative route for products not or not fully covered by harmonised standards was included in the CPR <u>also</u> to allow innovative products to enter the market, the vast majority of EADs do not concern innovative products;</p>	<p><i>Agree to this observation but the CPR specifies mainly that EADs are for products not (fully) covered by harmonized standards – not necessarily innovative</i></p>

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11. Believes, in consequence, that the current underperformance of the standardisation system is leading to an increasing use of the European Organisation for Technical Assessment (EOTA) route as an alternative means of standardisation;		
12. Points to the lengthiness and high cost of the EOTA route, which is not SME-friendly and mostly only affordable to big market players;	Points to the lengthiness and high cost of the EOTA route, which <u>compared to the hEN route. This</u> is not SME-friendly and mostly only affordable to big market players;	<i>EOTA route also has advantages (sometimes easier, faster and less expensive) and is welcomed by many stakeholders compared to alternatives such as national approvals.</i>
CE marking and Declaration of Performance (DoP)		
13. Is concerned by the fact that since the CE marking under the CPR only refers to product performance and not conformity with specific product requirements, such a difference in approach from other NLF legislation could create confusion as regards the CE marking and diminish its value; points, in this regard, to the overlaps in the information required by the CE marking and the Declaration of Performance (DoP); believes that this duplication creates additional unnecessary administrative burdens and costs for businesses;	13a Is concerned by the fact that since the CE marking under the CPR only refers to product performance and not conformity with specific product requirements, such a difference in approach from other NLF legislation could create confusion as regards the CE marking <u>as a statement of conformity to European legislation</u> and <u>thus</u> diminish its value. 13b Points, in this regard , to the overlaps in the information required by the CE marking and the Declaration of Performance (DoP); believes that this duplication creates additional unnecessary administrative burdens and costs for businesses;	<i>We suggest to separate this point into two parts as we do not see the arguments interconnected</i> <i>Also do not share same degree of concern around confusion of CE marking (13a)</i>
14. Calls on the Commission to consider the possibility of including in the CPR minimum product requirements aimed at ensuring health and safety and protecting the environment and other public interests, thereby following the approach of NLF legislation, which has proven to be effective;		<i>Concerned about concept of introducing CPR minimum product requirements. This could be very time-consuming and difficult to implement</i>

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15. Emphasises the importance of fully harnessing digital technologies, which could allow for clear, transparent and reliable information to be provided to economic operators and end-users and enable market surveillance authorities to carry out their activities more effectively; calls on the Commission to evaluate the use of such technologies;		
16. Believes that digital solutions such as a 'Smart DoP' could be used to allow economic operators to quickly assess and compare requirements for construction works with the information provided in the DoP;	Believes that digital solutions <u>company supplied digital declarations</u> such as a 'Smart DoP' could be used to allow economic operators to quickly assess and compare requirements for construction works with the information provided in the DoP <u>instead of printed documents</u> ;	<i>Difficult to combine product performance directly with legal requirements which are often related to overall building performance like e.g. EPBD, fire regulation, ventilation and sustainability</i>
Market surveillance		
17. Is concerned by the fact that market surveillance for construction products is seen as insufficient and ineffective by the industry; emphasises that such a situation undermines the level playing field for economic operators who comply with the legislation, to the benefit of rogue traders, who do not; points out that weak and inconsistent market surveillance could lead to an increase of products that do not meet their declared performance, putting end-users at risk;	Is concerned by the fact that market surveillance for construction products is seen as insufficient and ineffective by the industry; emphasises that such a situation undermines the level playing field for economic operators who comply with the legislation, to the benefit of rogue traders, who do not; points out that weak and inconsistent market surveillance, <u>mainly focusing on safety</u> , could lead to an increase of products that do not meet their declared performance, putting end-users at risk <u>and distorting the market functioning</u> ;	<i>Agree to the observation and would like to emphasize that the present focus on safety from market surveillance is understandable but does not secure a functioning market in broader terms and is further likely to have impact down stream. As an example, non-compliance of construction products will also have an impact on the energy performance of buildings</i>

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18. Calls on the Member States to fully implement Regulation (EU) 2019/1020, which aims to strengthen the market surveillance of products covered by Union harmonisation legislation, including the CPR;		
19. Calls on the Commission to adopt implementing acts under Regulation (EU) 2019/1020 in order to determine the uniform conditions of checks, criteria for the determination of the frequency of checks and the amount of samples to be checked in relation to certain products or categories of products, and to lay down benchmarks and techniques for checks on harmonised products, including construction products;		
20. Considers it necessary for national market surveillance authorities responsible for construction products to cooperate closely with national building control authorities to ensure a nuanced approach in assessing the conformity of construction products used in construction works with the declared performance or intended use, as well as ensure their compliance with building regulations, thereby guaranteeing the safety and security of end-users;		



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	<p><i>[NEW] Notes that the quality of and the relation between the tools of the present CPR should be enforced. E.g. Notified Bodies must secure same results for same products and unambiguous reporting; Requirements to factory production control must be clear; Assessment reports of NB should help manufacturers to identify parameters important for the FPC and market surveillance to evaluate the link between marketed products and the DoPs. This will allow all stakeholders (Manufacturer, Notified Bodies, Market Surveillance and MS regulators) to operate effectively;</i></p>	<p><i>Today, Notified Bodies have not at all sufficient uniformity in results. Minimum requirements to competence and experience with specific products and their characteristics should be implemented and enforced. Market surveillance struggle to judge if products are compliant as there is unclear requirements to Factory Products Control. Further, the traceability between the marketed product, the DoP/assessment report and the FPC is too vague to support the MSA function.</i></p>
<p>21. Points to the increase in online sales in the construction sector; highlights the need to ensure the effective market surveillance of construction products sold online, especially those purchased from non-EU economic operators;</p>		
<p>Sustainability in construction products</p>		
<p>22. Highlights the overall need for a transition to a sustainable and more circular economy in the sourcing and manufacturing of construction products and in their use in construction works;</p>		

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23. Welcomes, in this regard, the Commission's objective to make the construction sector more sustainable by addressing the sustainability performance of construction products in the revision of the CPR, as announced in the Circular Economy Action Plan;		
24. Calls on the Commission to explore the relevance of incorporating certain requirements such as sustainability criteria into the harmonised standards under the CPR, so as to provide manufacturers with one single framework for the testing of products; stresses the importance of a proper assessment of the product categories to which such requirements would be relevant; highlights that such incorporation should not lead to an increase in the prices of construction products;	Calls on the Commission to explore the relevance of incorporating certain <u>declaration</u> requirements such as sustainability <u>performance criteria</u> into the harmonised standards under the CPR, so as to provide manufacturers with one single framework for the testing of products; stresses the importance of a proper assessment of the product categories to which such requirements would be relevant; highlights that such incorporation should not lead to an increase in the prices of construction products;	<i>Suggest to maintain the CPR philosophy of declaring performance for the essential characteristics of the products. Sustainability characteristics and their basis needs to be defined</i>
Specific recommendations on the review of the CPR		
25. Highlights the need to ensure the proper involvement of all stakeholders in the consultation and evaluation process; highlights the need for a level playing field in construction products legislation for all businesses, especially SMEs;		
26. Calls on the Commission to clarify the relationship of the CPR to related internal market legislation, such as the Ecodesign Directive, the Energy Labelling Regulation, the Waste Framework Directive and the Drinking Water Directive, and, where necessary, to streamline the relevant provisions in order to ensure legal clarity for businesses;		
27. Emphasises that any revision of the CPR should be in line with the principles and objectives of Regulation (EU) No 1025/2012 as regards the preparation of harmonised standards in order to ensure their transparency and quality, and should ensure the appropriate involvement of all interested parties;		

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28. Stresses the need to ensure legal clarity for a transitional period as regards any revision of the CPR and the review of the CPR <i>acquis</i> , in order to avoid a legal vacuum;	Stresses the need to ensure legal clarity for a transitional period as regards any revision of the CPR and the review of the CPR <i>acquis</i> , in order to avoid a legal vacuum, <i>involving all interested parties</i> ;	<i>Industry is not sufficiently integrated in the CPR work in general and specifically not in the acquis</i>
29. Is concerned that any revision of the CPR and, in particular, the review of the CPR <i>acquis</i> will take significant time, while manufacturers need immediate solutions to overcome the legal uncertainty resulting from the lack of updated harmonised standards; calls on the Commission to address this issue prior to any revision of the CPR and in the review of the CPR <i>acquis</i> ;		
30. Instructs its President to forward this resolution to the Council, the Commission and the Member States.		

About EuroWindoor AISBL – EuroWindoor AISBL was founded as an international non-profit Association, in order to represent the interests of the European window, door and facade (curtain walling) sector. Our 18 national associations speak for European window, door and facade manufacturers that are in direct contact with consumers, and thereby having large insights on consumers' demands and expectations. We are at the forefront interacting with dealers, installers and consumers buying windows and doors, and the companies behind the associations cover selling all over Europe.

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