

CONSTRUCTION PRODUCTS REGULATION

Study supporting the impact assessment,
Validation workshop

DG Grow
25 March 2021



WORKSHOP OBJECTIVES

Agenda

1

Introduction

(14.00-14.20)

2

Findings on preferences

(14.20-14.50)

3

Break

(14.50-15.00)

4

Five key issues

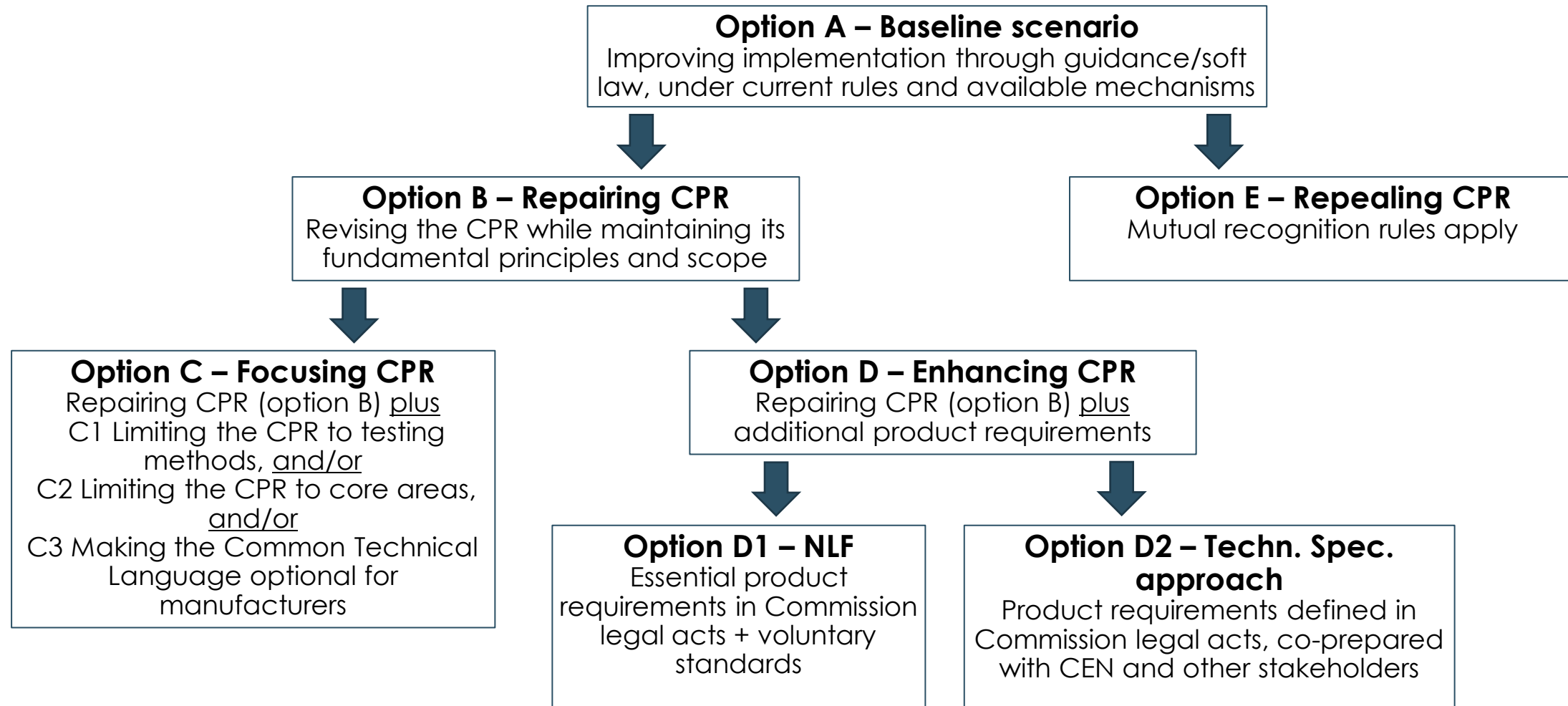
(15.00-16.00)

5

Conclusions and wrap-up

(16.00-16.15)

The Policy Options



Data collection and evidence base

- 1 A **horizontal online survey** among stakeholders of the Technical Platform in the autumn of 2019 with 83 completed answers
- 2 A **company survey** and a **public consultation** both carried out in the second half of 2020.
 - 2a **Company survey** with 131 respondents (73% manufacturers)
 - 2b **Public consultation** with 263 respondents (37% companies/business org., 33% business assoc. and 7% Public authorities)
- 3 **Secondary data** includes background documents on reviewing the CPR, a commission survey on the Options paper, material from the Online CPR Revision Technical Stakeholders Conference and feedback on the revised inception impact assessment

Methodology: Elements and variants

| | A | B | C | D | E |
|--|---|---------|--------------|---------|---|
| 1 - Scope of EU harmonisation | A | B | C1 / C2 / C3 | D | E |
| 2 - CE marking and Declaration of Performance (DoP) | A | B | C2 / C3 | D | E |
| 3 - Standardisation process | A | B | | | E |
| 4 - National requirements | A | B | C2 / C3 | D | E |
| 5 - Product safety requirements | A | | | D1 / D2 | E |
| 6 - Market surveillance and enforcement | A | B | | | E |
| 7 - EOTA and Technical Assessment Bodies (TABs) | A | B | | | E |
| 8 - Notified Bodies | A | B | | | E |
| 9 - Product Contact Points for Construction (PCPCs) | A | B | | | E |
| 10 - Simplification | A | B | | | E |
| 11 - New business models | A | B | | | E |
| 12 - Environmental aspects | A | B | | | E |
| 13 - Circular economy | A | B1 / B2 | | | E |

Methodology: Types of impacts

- 1 The administrative burden for their organisation
- 2 Cross-border trade of construction products in the EU Single Market
- 3 Exports of construction products to non-EU countries
- 4 Imports of construction products from non-EU countries
- 5 Economic actors' compliance with relevant rules and regulations for construction products
- 6 Competition among manufacturers of construction products within the EU Single Market
- 7 Safety of construction products
- 8 Construction product innovation
- 9 Competitiveness of micro, small and medium-sized manufacturers of construction products, compared to large manufacturers
- 10 Sustainable use of resources for producing construction products
- 11 Durability of construction products (such as product lifetime)
- 12 Quality of the built environment (such as the human-made environment of buildings, cities, etc.) in the EU

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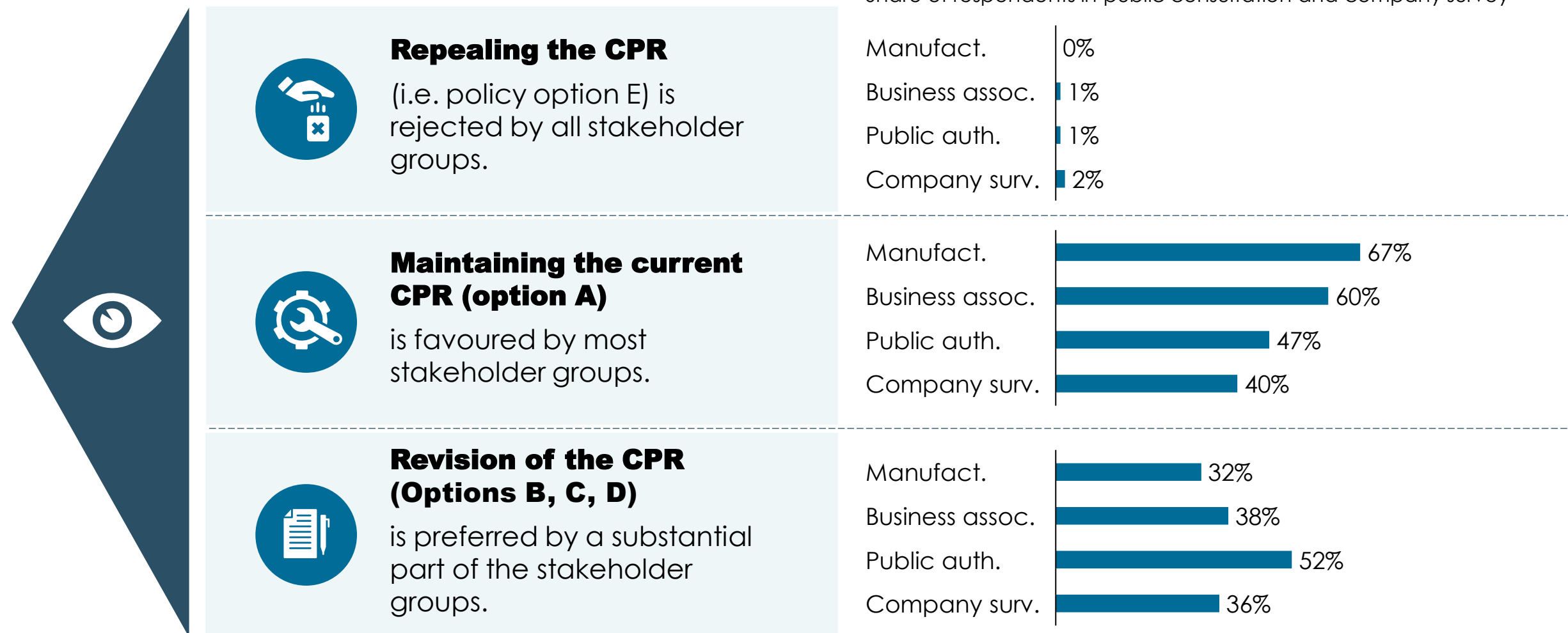
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Overall preference for repealing, maintaining and revising the CPR



Preferences and variations by stakeholder group across elements

| | Preferred | Least Preferred | Preferred by stakeholder groups ¹ | | | | | |
|---|--|-----------------|--|-----------------------|--------------------------|--------------------|-------------|-----------|
| | | | Company survey | Business associations | Companies/ business org. | Public authorities | EU-citizens | NGOs |
| 1 - Scope of EU harmonisation | A | E | A | A | A | B | A | (D1+D2) |
| 2 - CE marking and Declaration of Performance (DoP) | A | E | A | A | A | A | A | (D1+D2) |
| 3 - Standardisation process | A | E | A | A | A | A | A/B | B |
| 4 - National requirements | A | E | A | A | A | A | A/(D1+D2) | A/(D1+D2) |
| 5 - Product safety requirements | A | E | A | A | A | A | A/D1 | A/D2 |
| 6 - Market surveillance and enforcement | A (CS ²) B (PC ³) | E | A | A | A | B | B | B |
| 7 - EOTA and Technical Assessment Bodies (TABs) | A | E | A | A | A | A | A | A/B |
| 8 - Notified Bodies | A | E | A | A | A | A | B | A/B |
| 9 - Product Contact Points for Construction (PCPCs) | A | E | A | A | A | A | A/B | A/B |
| 10 - Simplification | A | E | A | A | A | B | B | A/B |
| 11 - New business models | A | E | A | A | A | A | B | B |
| 12 - Environmental aspects | A | E | A | A | A | A | B | B |
| 13 - Circular economy | A | E | A | A | A | B1 | A/B1 | B1 |

1) Preference for revision in bold. Slash represents indifference between two variations. Preference is reported for all stakeholder groups (respondent types) with more than five responses, which excl. academic/research institutions, consumer organisations, environmental organisations, non-EU-citizens and trade unions; 2) company survey; 3) open consultation



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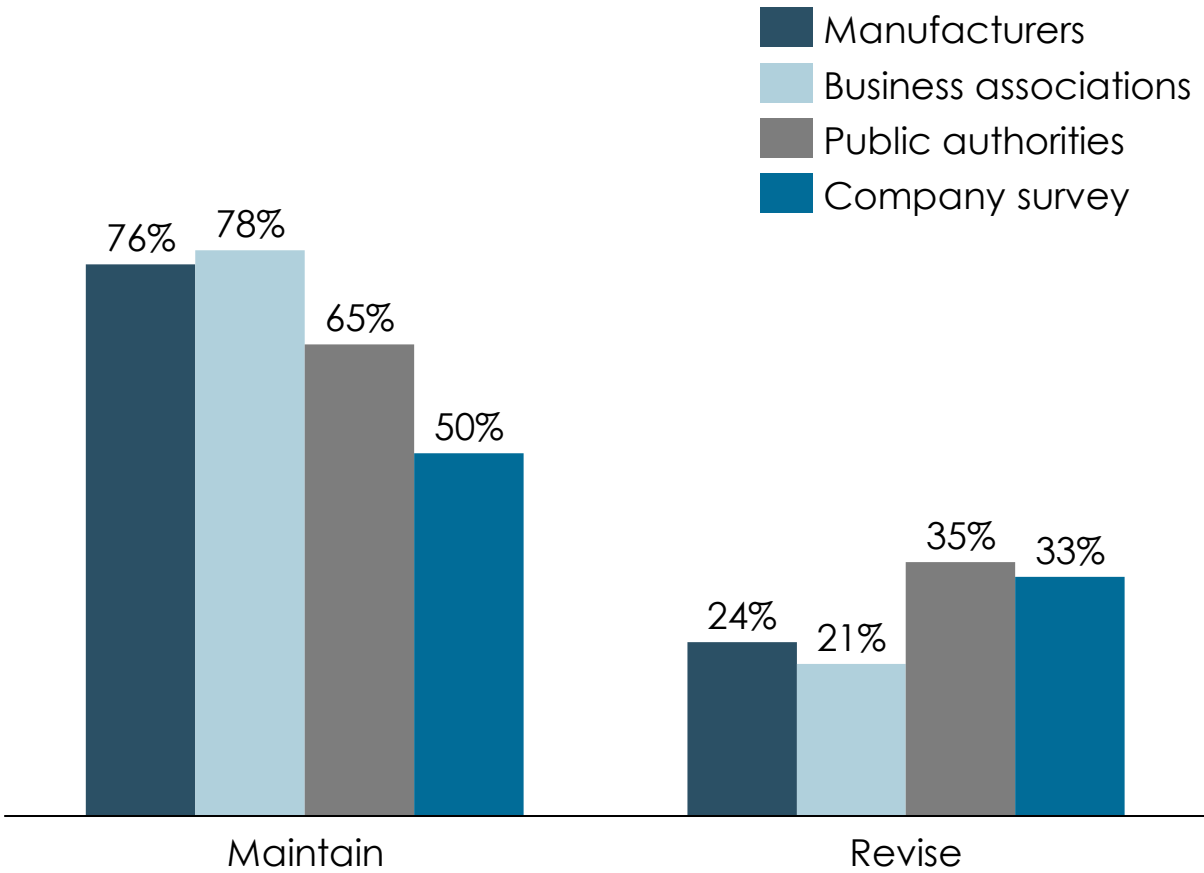
- 1 The standardization process
- 2 Environmental aspects
- 3 Product safety
- 4 Market surveillance and enforcement
- 5 Simplification

Main findings for the standardisation process

- **Most respondents within stakeholder groups preferred to maintain** the current standardisation process (50-78%).
- Fewer respondents preferred a revision (24-35%).
- **24-45% expect a revision to *increase* delays** in the standardisation process.
- **22-37% expect a revision to *decrease* delays** in the standardisation process.
- **85% of respondents in the horizontal survey preferred maintaining or extending the current role of CEN.**

Preferred by stakeholder groups

Share of respondents



Key question for the standardisation process

Would you be inclined to support a revision of the CPR with respect to the standardisation process, if there was a guarantee that the influence of industry would not diminish and that CEN standards would be the default path, whilst other standards and COM technical specifications would simply increase the annual output in terms of usable technical specifications?

A

Yes, I would support the revision even without such a guarantee

C

No

B

Yes, I would support a revision with such a guarantee

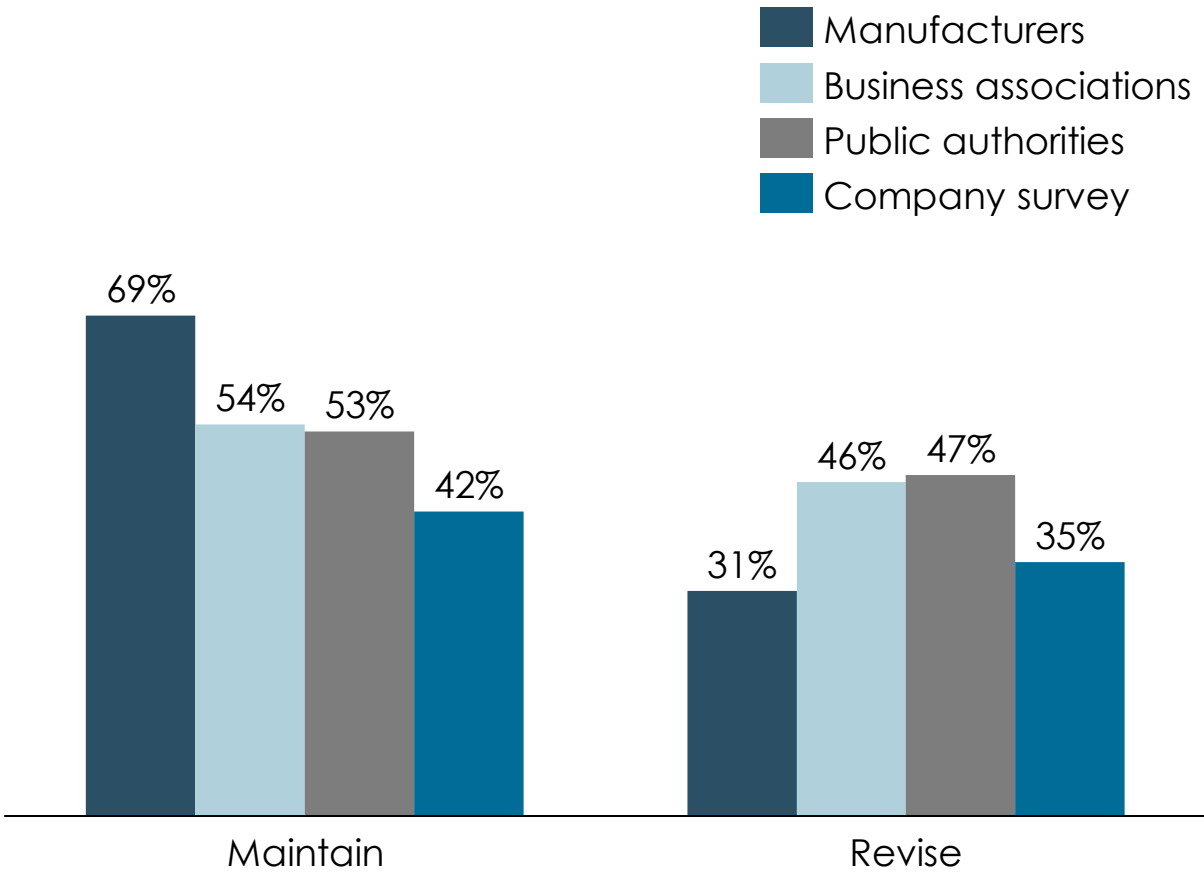
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I don't know/no opinion

Main findings for the environmental aspects

- **Most respondents within stakeholder groups preferred to maintain** the current approach to environmental aspects (42-69%).
- Fewer respondents preferred a revision which would introduce a harmonised method for assessing and communicating the environmental performance of construction products (31-47%).
- The absence of comments on limits to the possibilities for Member States to define environmental requirements may give rise to doubts regarding the awareness of these limits.

Preferred by stakeholder groups
Share of respondents



Key questions for the environmental aspects (1/2)

Would it be meaningful to formulate environmental obligations for manufacturers and to lay them down in a precise way in technical specifications specific to product families?
For example, obligations to give preference to materials with a low overall environmental footprint; to give preference to recycled materials where possible; to facilitate repair, recycling etc. by appropriate design, accessibility of spare parts, and information obligations indirectly protecting the environment.

A Yes

C I don't know/no opinion

B No

Key questions for the environmental aspects (2/2)

Which advantages do you identify in formulating environmental obligations for manufacturers?

[Free text reply]

Which drawbacks do you identify in formulating environmental obligations for manufacturers?

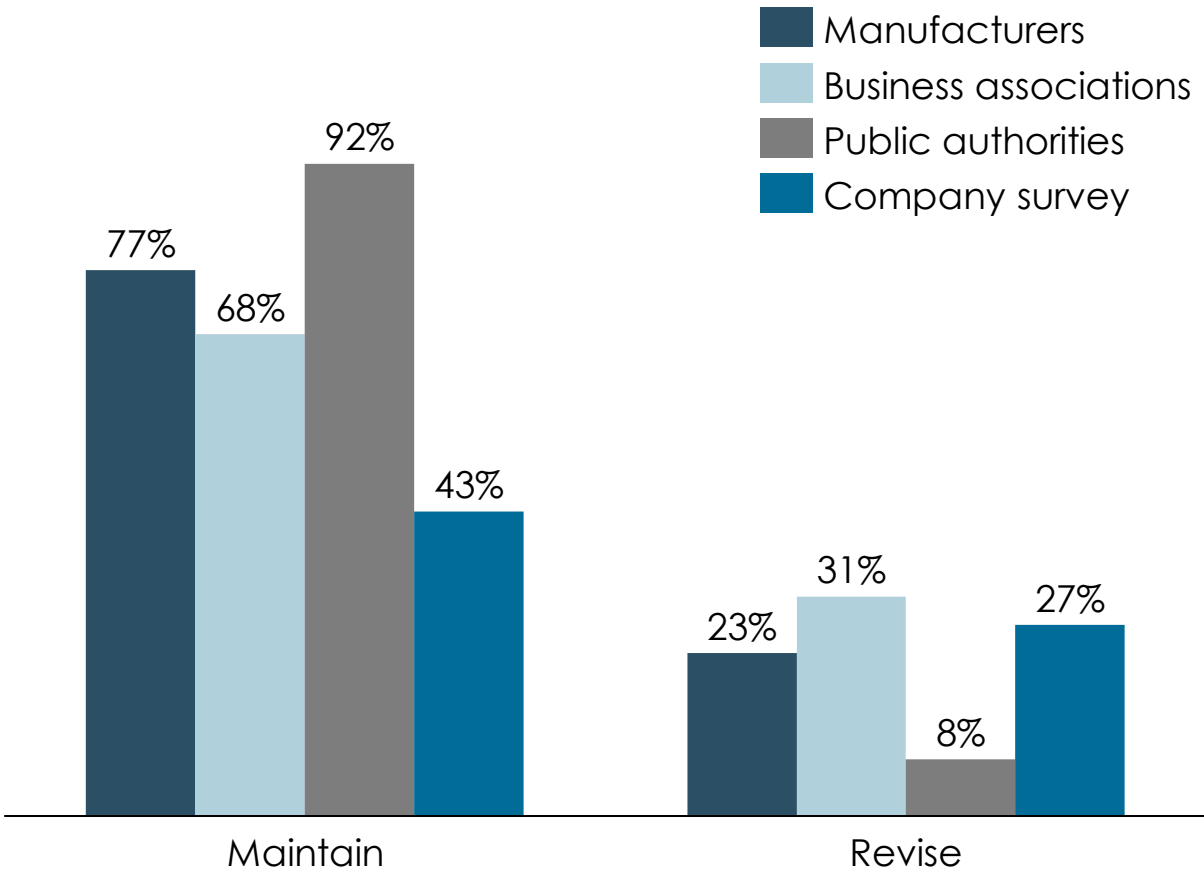
[Free text reply]

Main findings for product safety requirements

- **Most respondents within stakeholder groups preferred to maintain** the current approach (option A) (43-92%).
- Fewer respondents preferred a revision to give product safety a larger role in the CPR (8-31%).
- Free text comments reveal different understandings of the distinction between safety of construction works and inherent product safety.

Preferred by stakeholder groups

Share of respondents



Key questions for the product safety requirements (1/2)

The Commission states in its Options Paper that there are sometimes safety issues related to products, like the risk of squeezing, sharps, abrasion, certain electrical and chemical risks, and that these issues are sometimes even already dealt with in harmonised standards. Would it be meaningful to establish product safety requirements in technical specifications specific to product families?

A Yes

C I don't know/no opinion

B No

Key questions for the product safety requirements (2/2)

Which advantages do you identify in establishing product safety requirements in technical specifications specific to product families?

[Free text reply]

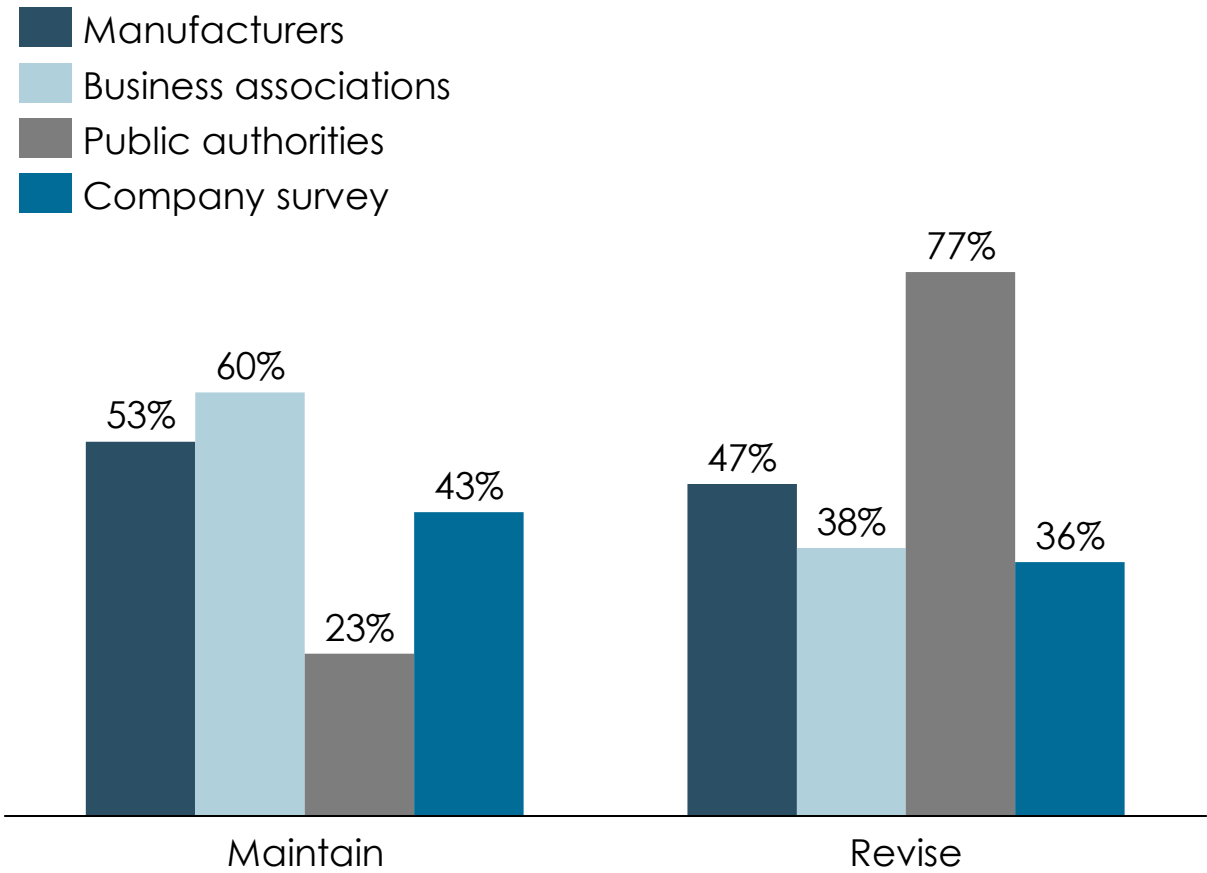
Which drawbacks do you identify in establishing product safety requirements (in technical specifications specific to product families?

[Free text reply]

Main findings for the market surveillance and enforcements

- Respondents within most stakeholder groups preferred current approach (option A) (43-60%).
- Public authorities preferred revision (77%).
- Most popular legislative measures (with 76-87% of public consultation respondents and 66-83% of company survey):
 - Stronger empowerment for market surveillance authorities related to fact-finding
 - Stronger empowerment for market surveillance authorities to issue punitive measures on non-compliant operators
 - Introduce procedures to ensure proper performance of market surveillance staff
- Less support reported (though still a majority) for:
 - The number of market surveillance staff
 - An EU-wide whistleblowing portal
 - Allowing manufacturers or NGOs to sue non-compliant competitors/operators.

Preferred by stakeholder groups
Share of respondents



Key questions regarding market surveillance and enforcement (1/2)

"Repairing" the CPR in the field of market surveillance (Option B) could include strengthening enforcement powers via sector-specific market surveillance and enforcement provisions; minimum benchmarks for Member States; allowing manufacturers and others to sue non-compliant operators; enabling launch of non-conformity procedures if a product's performance is inaccurate or poses a risk to health and safety. Respondents who preferred option B expect this to impact compliance and safety positively. Do you agree?

A Agree

C I don't know/no opinion

B Disagree

Key questions regarding market surveillance and enforcement (2/2)

Which advantages do you identify in repairing market surveillance and enforcement as proposed under Option B?

[Free text reply]

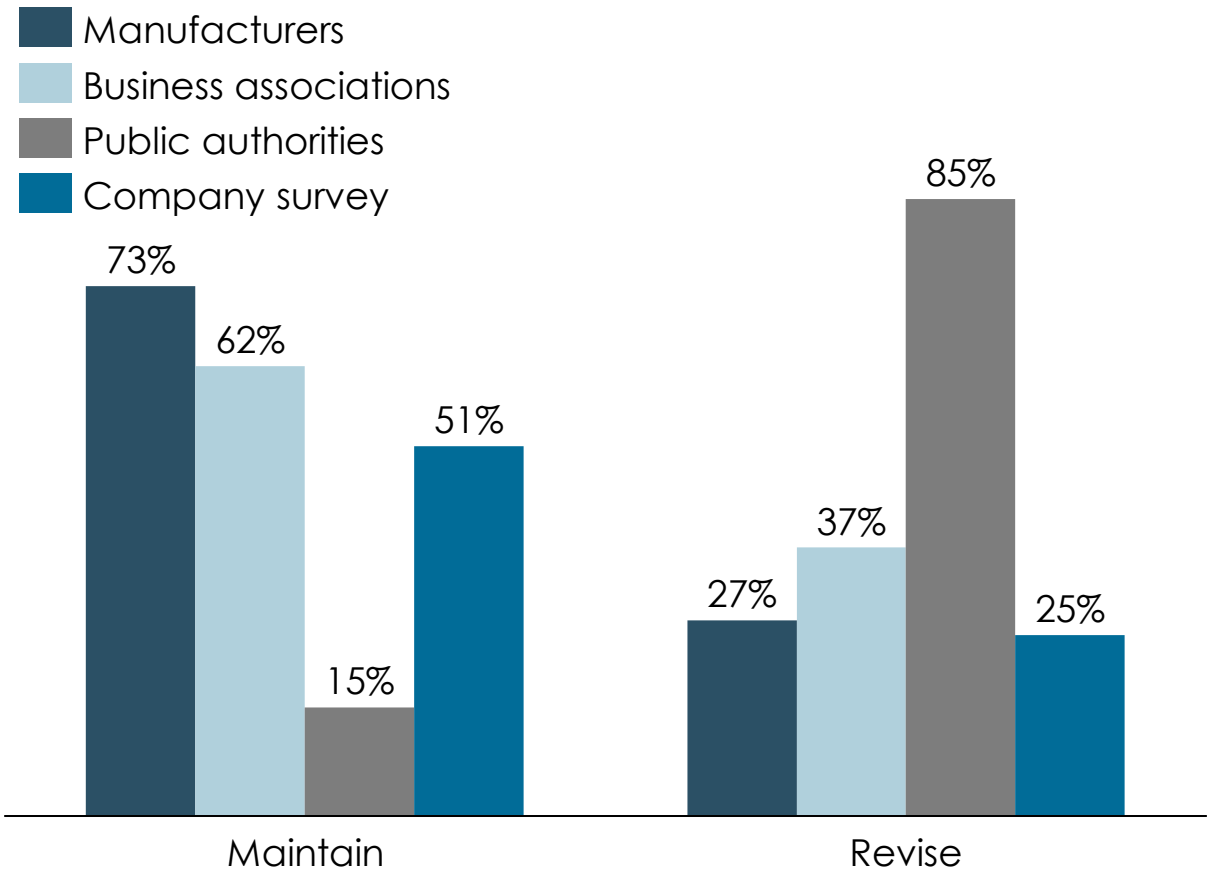
Which drawbacks do you identify in repairing market surveillance and enforcement as proposed under Option B?

[Free text reply]

Main findings for the simplification

- Respondents within most stakeholder groups preferred the current approach (51-73%).
- Public authorities preferred revision (85%)
- Among the respondents preferring revision:
 - 96% are for redrafting the current simplification provisions of the CPR in order to clarify them
 - 78% against allowing Member States to exempt all firms from all or some conformity assessment obligations
 - 71% against allowing Member States to exempt SMEs from all or some conformity assessment obligations
 - 53% against (and 31% for) allowing Member States to exempt microenterprises from all or some conformity assessment obligations
 - 73% against reducing or lifting AVCP obligations if manufacturers have an appropriate liability insurance in place

Preferred by stakeholder groups
Share of respondents



Key questions for the simplification (1/2)

Please indicate whether you agree with the following option for simplification of the CPR: Allow Member States to exempt smaller firms from all/some conformity assessment obligations

A Agree

C I don't know/no opinion

B Disagree

Key questions for the simplification (2/2)

Which advantages do you identify in allowing Member States to exempt smaller firms from all/some conformity assessment obligations?

[Free text reply]

Which drawbacks do you identify in allowing Member States to exempt all/some firms from all/some conformity assessment obligations?

[Free text reply]

Which other simplification measures would you suggest?

[Free text reply]

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Preliminary conclusions

- On the choice between maintaining harmonisation legislation and relying on the principle of mutual recognition, the repeal option (E) is strongly rejected. A repeal of the CPR would lead to a collapse of the EU Single Market for construction products
- A second choice is between a system based only on mandatory harmonised standards (A) or adding a fall-back path towards technical specifications through Commission acts (B/C/D) – i.e. maintaining the current CPR or repairing/revising it.
- The third choice concerns the degree of harmonisation. Option C (different variants) would result in less exhaustive harmonisation. But a vast majority of all respondents seem to reject a reduction in the degree of harmonization.
- Finally, there is a choice between the common technical language approach and the product requirement approach (introducing a thin layer of product requirements). Most stakeholders seem to prefer maintaining the pure common technical language approach



**NEXT
STEPS**



REFLECTIONS?

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