



2022/0094(COD)

10.11.2022

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
Laying down harmonised conditions for the marketing of construction
products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU)
305/2011
(COM(2022)0144 – C9-0129/2022 – 2022/0094(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Christian Doleschal

- ▶ Rapporteurs for the opinion of associated committees pursuant to Rule 57 of the Rules of Procedure:
Sara Matthieu, Committee on the Environment, Public Health and Food Safety

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council Laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (COM(2022)0144 – C9-0129/2022 – 2022/0094(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0144),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0129/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
 - having regard to the opinion of the Committee on Industry, Research and Energy,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) In order for a construction product to be placed on the market, the

Amendment

(2) In order for a construction product ***covered by a harmonised***

manufacturer is obliged to draw a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain *exemptions to* this obligation *are provided*.

technical specification to be placed on the market, the manufacturer is obliged to draw a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain *individually manufactured or custom-made products should be exempted from* this obligation.

Or. en

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is necessary to establish well-functioning information flows, including via electronic means, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.

Amendment

(4) It is necessary to establish well-functioning information flows, including via electronic means *and in a machine-readable format*, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.

Or. en

Amendment 3

Proposal for a regulation

Recital 5

(5) The European **Parliament resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011³⁵ welcomed the Commission’s objective to make** the construction sector more sustainable by addressing the sustainability performance of construction products **in the revision of Regulation 305/2011, as announced in the Circular Economy Action Plan. The Council Conclusions on the Circular Economy in the Construction Sector from 28 November 2019³⁶ urged the Commission to facilitate the circularity of construction products when revising the Construction Products Regulation (EU) No 305/2011. The Commission Communication ‘A New Industrial Strategy for Europe’³⁷ stressed the need to address the sustainability of construction products and highlighted a more sustainable built environment as essential for Europe’s transition towards climate-neutrality. The Commission Communication ‘Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe’s recovery’³⁸ identified construction as one of the priority ecosystems that face the most important challenges meeting climate and sustainability goals and embracing the digital transformation, and on which the competitiveness of the construction sector depends.** It is therefore appropriate to lay down rules for declaring environmental and sustainability performance of construction products, including the possibility of establishing relevant thresholds and classes.

³⁵ European Parliament resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation) (2020/2028(INI))

(5) **In order to take into account the European Union’s patch to green transition³⁵, the construction sector should aim to become** more sustainable by addressing the sustainability performance of construction products^{35a}. It is therefore appropriate to lay down rules for declaring environmental and sustainability performance of construction products, including the possibility of establishing relevant thresholds and **classes in addition to the rules aiming to ensure construction safety.**

³⁵ European Parliament resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation) (2020/2028(INI))

³⁶ *Circular Economy in the Construction Sector – Council Conclusions, adopted 28 November 2019, 14653/19*

³⁷ *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A New Industrial Strategy for Europe COM(2020)102 final.*

³⁸ *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe’s recovery COM(2021)350 final.*

Or. en

Amendment 4

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) It is possible that different economic operators provide a 3D-printing dataset, a 3D-printing machine or mould, and the material to be used therein, leading to a situation where none of those operators would be responsible for the safety and appropriate performance of the 3D-printed product. To avoid *possible safety risks in this respect*, it is therefore necessary to *lay down provisions for 3D-printing datasets, materials intended to be used for 3D-printing and for 3D-printing services that permit 3D-printing* of construction products, *so that, by respecting these provisions, the economic operators jointly reach a level of safety similar to the one ensured for ordinary construction*

Amendment

(9) It is possible that different economic operators provide a 3D-printing dataset, a 3D-printing machine or mould, and the material to be used therein, leading to a situation where none of those operators would be responsible for the safety and appropriate performance of the 3D-printed product. To avoid *such situations*, it is therefore necessary to *clarify that 3D-printing service providers when placing on the market products for clients should fulfil the obligations incumbent on manufacturers. In addition, it is necessary to ensure that when they act as manufacturer they inform their clients that the information on the datasets is available and the materials intended to be*

products.

used for 3D-printing ***comply with applicable requirement*** of construction products.

Or. en

Justification

Ensure consistency with Article 28.

Amendment 5

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) ***In order to ensure safety and protection of the environment and to close a regulatory loophole that would otherwise exist, it is necessary to clarify that construction products manufactured on the construction site for immediate incorporation into the construction works are subject to the same rules as other construction products.*** Micro-enterprises, ***however***, often individually manufacture and install products on site. Subjecting those micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.

Amendment

(10) Micro-enterprises often individually manufacture and install products on site. Subjecting those micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.

Or. en

Justification

Clarification; Initial recital could be understood that all companies carrying out construction works would be obliged to CE-mark and thus be subject to the same rules than manufacturers, distributors and importers.

Amendment 6

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Ensuring the free movement of kits *or assemblies* of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly. ***However, for reasons of legal certainty, their composition should be precisely defined in harmonised technical specifications or European assessment documents.***

Amendment

(11) Ensuring the free movement of kits of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly.

Or. en

Amendment 7

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) ***Creating a Union market for small prefabricated one-family houses has a potential to reduce the price of housing and to have positive social and economic effects. Fairness to consumers remains a priority, specifically but not limited to ensuring affordability of housing in the context of the green transition, in line with Proposal for Council Recommendation on Ensuring a fair transition towards climate neutrality⁴⁰, in particular recommendations 7 a)-c). It is therefore necessary to lay down harmonised rules for such small houses. However, small houses are also construction works, for which the Member States are competent. As it might not be possible to integrate cumulatively all national requirements for small prefabricated one-family houses into the future harmonised technical***

Amendment

deleted

specifications, Member States should have the right to opt out of the application of rules that are to apply to those pre-fabricated one-family houses.

*⁴⁰ Proposal for a Council
Recommendation on Ensuring a fair
transition towards climate neutrality
COM(2021)801final 2021/0421 (NLE)*

Or. en

Justification

Small family houses are considered as construction works in several Member states. The Commission's proposal to cover prefabricated houses only in some Member States will create a market fragmentation and thus should be excluded from the scope.

Amendment 8

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market *or directly installed* in the outermost regions of the European Union from those requirements.

Amendment

(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market in the outermost regions of the European Union from those requirements.

Or. en

Amendment 9

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. ***It follows the recent trend in product legislation to develop a fall-back solution where the European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the new back-up empowerments for the Commission should 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.***

Amendment

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. ***However, in line with other product legislation, this Regulation provides a fall-back solution in exceptional well defined cases where the application of a legislative act is at risk.***

Or. en

Amendment 10

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this

Amendment

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this

Regulation, as only such standards 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*. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

Regulation, as only such standards 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 *differences in climate, geology and geography and other conditions prevailing in the Member States*. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

Or. en

Justification

Delimit competences and clarify the relationship of the Construction Product Regulation to the building regulations of the Member States.

Amendment 11

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to contribute to the objectives of the European Green Deal and the Circular Economy Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality

Amendment

(20) In order to contribute to the objectives of the European Green Deal and the Circular Economy Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality

and protection of environment, including climate, are necessary. When setting these requirements, the Commission should take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the *product*. ***These standards demonstrate that there is a practical need for such requirements on safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories. Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify the requirements for the respective construction product family or category.***

and protection of environment, including climate, are necessary. When setting these requirements, the Commission should ***address the safety risks and*** take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the products. ***Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify those requirements for the respective construction product family or category.***

Or. en

Amendment 12

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling, the repackaging or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, encompassing all those actors so that basic generic obligations can in one stroke be established for all of them.

Amendment

(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling, the repackaging or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, encompassing all those actors, so that basic generic obligations can, in one stroke, be established for all of them. ***However, the widening of the definition of ‘economic operator’ to include service providers should not result in those obligations applying to service providers that are merely concerned with the installation of CE-label products that they are handling in connection with their profession. That obligation will remain exclusively with the manufacturers or any natural or legal persons acting on their behalf.***

Or. en

Amendment 13

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In order to foster harmonised practices amongst Member States even

Amendment

(22) In order to foster harmonised practices amongst Member States even

where a consensus about these practices could not be found, the Commission should be empowered to adopt, ***with regard to a limited range of issues, implementing acts on the implementation of this Regulation. The respective empowerments concern the definitions, the obligations and rights of economic operators and the obligations and rights of notified bodies.***

where a consensus about these practices could not be found, the Commission should be empowered to adopt, ***at the request of a Member State, an implementing act concerning the regulatory status of the products.***

Or. en

Justification

Alignment with the changes in the articles 33, 62 and 85 concerned by the recital.

Amendment 14

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Member States set the safety level for construction works on the basis of their responsibilities towards their citizens, while the EU determines the framework conditions for the internal market. The competence to adopt provisions on construction works remains with the Member States. The essential requirements for construction works in Annex I, Part A, point 1 of this Regulation establish the links to construction products that are technically necessary, and serve as a basis for issuing standardisation requests to the European standardisation organisations for the development of standards for construction products, as well as for the development of European Assessment Documents and corresponding delegated acts.

Or. en

Justification

Clarify competence of Member States vis-à-vis EU legislation.

Amendment 15

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the **legitimate interests of** Member States to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. For the **same** reason, a mechanism allowing Member **State** to set, based on imperative grounds of health, safety or environmental protection, additional requirements for construction products should be established.

Amendment

(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the Member States' **competence** to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. **Member States are responsible** for the **safety, environmental and energy requirements that apply to construction and civil engineering works**. **For this** reason, a mechanism allowing Member **States** to set, based on imperative grounds of health, safety or environmental protection, additional requirements for construction products should be established **in order to enable Member States to react to special circumstances unique to their territory**.

Or. en

Justification

Clarify Member States' competence for construction works.

Amendment 16

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Moreover, in order to avoid

Amendment

(27) Moreover, in order to avoid

diverging practices of Member States and economic operators, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.

diverging practices of Member States and economic operators, **at the request of one or more Member States**, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.

Or. en

Justification

Alignment with Article 85.

Amendment 17

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) ***In particular***, in the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. ***This should be the case for instance for*** heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in

Amendment

(28) In the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. ***The intermediary products concerned are*** heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in

accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.

accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.

Or. en

Amendment 18

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents.

Amendment

(33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document ***in a machine-readable format*** or to include in those declarations permalinks to unamendable documents. ***Additionally, it should be possible for those permalinks to be provided in the form of QR-codes.***

Or. en

Justification

Improve user-friendliness.

Amendment 19

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which

Amendment

(35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which

the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements.

the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements. ***A CE marking should be sufficient proof of the performance and conformity of a product with the characteristics and requirements laid down by this Regulation. Member States should not therefore introduce any barriers to their markets based on characteristics and requirements that are not covered by the harmonised zone.***

Or. en

Justification

Clarification that no gold plating is intended.

Amendment 20

**Proposal for a regulation
Recital 35 a (new)**

Text proposed by the Commission

Amendment

(35a) Procedural rights of all economic operators and natural and legal persons acting on their behalf as regards competent national authorities' measures, decisions or orders taken should be ensured in line with the Regulation (EU) 2019/1020. Member States shall ensure the adequate appeal procedure against such measures.

Or. en

Justification

In replacement of the deletion of Article 20.

Amendment 21

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) To avoid misleading claims, any claims made by manufacturers of construction products should either be based on an assessment method contained in harmonised technical specifications or, where no such assessment method exists, on methods representing the best available techniques, where no such assessment method provided by a harmonised technical specification exists.

Amendment

deleted

Or. en

Amendment 22

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether the construction products are intended for professional use only, or also for use by consumers. To ensure that construction products can be traced back, manufacturers should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.

Amendment

(40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether the construction products are intended for professional use only, or also for use by consumers. To ensure that construction products can be traced back, ***information that allows the identification of*** manufacturers should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.

Or. en

Amendment 23

Proposal for a regulation Recital 50

Text proposed by the Commission

(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. ***Still, and with the aim to preserve the performance and safety of products, the economic operator undertaking the repackaging should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language set out by the Member State where the products are made available.***

Amendment

(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product.

Or. en

Justification

Alignment with Article 26.

Amendment 24

Proposal for a regulation Recital 51

Text proposed by the Commission

(51) In order to increase compliance of

Amendment

(51) In order to increase compliance of

manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, service providers, online market places and brokers should be empowered and requested to verify *certain easily verifiable characteristics of products and their manufacturers, such as determination of product type and drawing up a comprehensive* technical documentation, and should *actively* contribute to ensuring that only compliant products reach the users.

manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, *fulfilment* service providers, online market places, *sellers* and brokers should be empowered and requested to verify *at a documentary level that* manufacturers *have complied with their obligations as regards* technical documentation, and should contribute to ensuring that only compliant products reach the users.

Or. en

Justification

Alignment with Article 27.

Amendment 25

Proposal for a regulation Recital 53

Text proposed by the Commission

Amendment

(53) The safe use of used and re-manufactured products often depends on precise information on their first use. Economic operator de-installing used products for re-use or remanufacturing should therefore take protocols on the place, conditions and presumed length of use of the de-installed product.

deleted

Or. en

Justification

Recital is obsolete, as Art. 29, to which the recital refers, has been deleted.

Amendment 26

Proposal for a regulation

Recital 54

Text proposed by the Commission

Amendment

(54) The performance and safety of products also depend on the components used and on the services provided by calibrators or other service providers for their design and manufacturing. For these reasons, certain obligations should be established for suppliers of components and service providers involved in the manufacturing of products. Where a non-compliance or risk might have been caused by a supplied component or service of a certain economic operator, the supplier or service provider should inform thereof his other clients who have received the same component or service, so that non-compliances and risks can be effectively tackled for other products too.

deleted

Or. en

Justification

Recital is obsolete, as Article 30, to which the recital refers, has been deleted.

Amendment 27

Proposal for a regulation

Recital 58

Text proposed by the Commission

Amendment

(58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the

(58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the

building stock. *Accordingly, the Commission should be empowered to seize further opportunities of digitisation by implementing acts.*

building stock.

Or. en

Justification

Alignment with Article 33.

Amendment 28

Proposal for a regulation Recital 59

Text proposed by the Commission

Amendment

(59) As harmonised standards developed for construction products (hereafter: construction products standards) are mostly mandatory, to create legal certainty, these standards should not only be in line with the relevant standardisation requests and with this Regulation, but also with the general principles of Union law.

deleted

Or. en

Justification

Recital is obsolete, as Article 34, to which the recital refers, has been deleted.

Amendment 29

Proposal for a regulation Recital 60

Text proposed by the Commission

Amendment

(60) 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

deleted

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.

Or. en

Justification

Recital is obsolete, as Article 34, to which the recital refers, has been deleted.

Amendment 30

**Proposal for a regulation
Recital 61 a (new)**

Text proposed by the Commission

Amendment

(61a) Gaps in standardisation such as missing product characteristics or missing testing methods should not lead to a situation where the specific performance of a product related to the product's intended use required in a Member State to ensure the safety of the construction works cannot be declared in the Declaration of Performance. Required product characteristics which have not yet been fully harmonised and are related to a specific use can be regulated nationally until harmonisation has been achieved in order to avoid regulatory gaps.

Or. en

Amendment 31

**Proposal for a regulation
Recital 61 b (new)**

Text proposed by the Commission

Amendment

(61b) When setting up guidelines on the appropriate form and content of

standards, the Commission should build on the important work already done in the EC Guidelines for hENs under the CPR as of 28/06/2018, which has been presented by the Commission in the framework of the Joint Initiative on Standardisation.

Or. en

Amendment 32

Proposal for a regulation Recital 65

Text proposed by the Commission

(65) In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, ***for which the tool of a qualification matrix has proven to be most efficient***; to ensure ***and verify*** that the notified body ***is effectively in control of staffing, attribution of external experts, procedures, criteria and decision making, and not a subcontractor, subsidiary or another company belonging to the same family of companies***; and to enlarge the documentation to be provided by bodies when applying for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.

Amendment

(65) In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, to ensure that the notified body ***have sufficient and independent*** staffing and to enlarge the documentation to be provided by bodies when applying for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.

Justification

Alignment with changes in Art. 49 (6), Article 50 (3) and Article 50 (6).

Amendment 33**Proposal for a regulation****Recital 68**

Text proposed by the Commission

Amendment

(68) In order to avoid involvement between notified bodies' staff and the manufacturers, notified bodies should ensure rotation between the personnel carrying out different conformity assessment tasks.

deleted

Justification

Recital is obsolete, as Article 60 (7), to which the recital refers, has been deleted.

Amendment 34**Proposal for a regulation****Recital 71**

Text proposed by the Commission

Amendment

(71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, participation thereto should ***thus become mandatory***.

(71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, participation thereto, ***directly or by means of designated representatives, should be ensured by Member States***.

Justification

Alignment to Article 63.

Amendment 35

Proposal for a regulation

Recital 74

Text proposed by the Commission

(74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where ***both the two involved*** economic operators ***and the two involved notified bodies*** ***commit*** to cooperate and ***where the economic operator obtaining certification is in technical command of the product.***

Amendment

(74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where ***the assessed and verified*** economic operators ***agree*** to cooperate and ***share the data with the recognised notified body.***

Or. en

Justification

Alignment with Article 67.

Amendment 36

Proposal for a regulation

Recital 75

Text proposed by the Commission

(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on ***possible*** non-compliances through a complaint

Amendment

(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation ***and under relevant Union law*** in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on non-compliances

portal.

through a complaint portal *established and maintained by the Commission.*

Or. en

Justification

Alignment with Article 68.

Amendment 37

Proposal for a regulation
Recital 78

Text proposed by the Commission

Amendment

(78) *To ensure effective enforcement of the requirements and to strengthen market surveillance in Member States, as well as to ensure alignment with the Ecodesign for Sustainable Products Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed by the market surveillance authorities on specific product group or family or in relation to specific requirements and to establish minimum resources requirements.* **deleted**

Or. en

Justification

Recital is obsolete because of changes in Article 73.

Amendment 38

Proposal for a regulation
Recital 79

Text proposed by the Commission

Amendment

(79) In addition, to strengthen the on average weak capacities of market

(79) In addition, to strengthen the on average weak capacities of market

surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators.

surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary **to** provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators ***if they are in possession of non-compliant products.***

Or. en

Justification

Alignment with Article 75.

Amendment 39

Proposal for a regulation Recital 81

Text proposed by the Commission

(81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it.

Amendment

(81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it. ***The Member States should also raise the economic operators' awareness of the product contact points for construction within their territory.***

Or. en

Justification

Those product contact points were not well known in the past by economic operators.

Amendment 40

Proposal for a regulation
Recital 84

Text proposed by the Commission

(84) The *centralised* registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a centralised Union construction products database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue any of these paths, as appropriate.

Amendment

(84) The registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a centralised Union construction products database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue any of these paths, as appropriate.

Or. en

Justification

Alignment with Article 78.

Amendment 41

Proposal for a regulation
Recital 87

Text proposed by the Commission

(87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some empowerments for international cooperation should be

Amendment

deleted

provided for in this Regulation.

Or. en

Justification

Recital is obsolete because of changes in Article 82.

Amendment 42

Proposal for a regulation

Recital 88

Text proposed by the Commission

(88) A certain number of third countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database **or system**, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-compliant or risky products.

Amendment

(88) A certain number of third countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible **after consultation with Member States** to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-compliant or risky products.

Or. en

Justification

Alignment with Article 82.

Amendment 43

Proposal for a regulation Recital 90

Text proposed by the Commission

(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts set out by **implementing** acts should be established according to objective, transparent and non-discriminatory criteria.

Amendment

(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts set out by **delegated** acts should be established according to objective, transparent and non-discriminatory criteria.

Or. en

Justification

Alignment with Article 84.

Amendment 44

Proposal for a regulation Recital 91

Text proposed by the Commission

(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be **required** to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific

Amendment

(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be **encouraged** to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific

product groups, should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. ***Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised.*** The criteria should be transparent, objective and non-discriminatory.

product groups, could be used not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. The criteria should be transparent, objective and non-discriminatory.

Or. en

Justification

Alignment with changes in Article 84.

Amendment 45

Proposal for a regulation

Recital 92

Text proposed by the Commission

(92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing ***and amending*** product specific technical provisions and requirements; defining the applicable assessment and verification systems; determining the conditions under which obligations under other Union law fulfil certain obligations of this Regulation; amending the declaration of performance and declaration of conformity model; ***establishing*** additional obligations to

Amendment

(92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing product specific technical provisions and requirements; defining the applicable assessment and verification systems ***set out in Annex V;*** determining the conditions under which obligations under other Union law fulfil certain obligations of this Regulation; amending the declaration of performance and declaration of conformity model; ***specifying*** additional ***environmental***

manufacturers; revising and supplementing procedural rules for the development of European assessment documents; establishing *minimum requirements to market surveillance authorities; setting up a Union construction products database or system; establishing green public procurement requirements and defining minimum penalties*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴¹ OJ L 123, 12.5.2016, p. 1.

obligations to manufacturers; revising and supplementing procedural rules for the development of European assessment documents; establishing *voluntary* green public procurement requirements. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴¹ OJ L 123, 12.5.2016, p. 1.

Or. en

Justification

Alignment to changes in Article 4, Article 5, Article 73, Article 78 and Article 90.

Amendment 46

Proposal for a regulation

Recital 93

Text proposed by the Commission

(93) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission establishing means to transmit information; *providing details on how to execute*

Amendment

(93) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission establishing means to transmit information; adopting the format of the European

obligations and rights of economic operators; adopting the format of the European technical assessment; ***establishing minimum resources required by notified bodies and giving access to authorities of third countries to the information systems for harmonised decision-making to the EU construction products database or system*** and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴².

technical assessment; and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴².

⁴² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁴² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Justification

Alignment with changes in Article 33, Article 49, Article 78.

Amendment 47

Proposal for a regulation **Recital 94**

Text proposed by the Commission

(94) The Commission should adopt ***immediately applicable implementing*** acts where, in duly justified cases relating to human health or safety or the protection of the environment, imperative grounds of urgency so require.

Amendment

(94) The Commission should ***be empowered to*** adopt ***delegated*** acts where, in duly justified cases relating to human health or safety or the protection of the environment, imperative grounds of urgency so require.

Or. en

Justification

Alignment with changes in Article 7.

Amendment 48

Proposal for a regulation

Recital 98

Text proposed by the Commission

(98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. In order to ensure these goals and harmonised penalties, the Commission should be empowered to ***establish minimum penalties by acts adopted in accordance with Article 290 of the Treaty on the Functioning of the European Union.***

Amendment

(98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. In order to ensure these goals and harmonised penalties, the Commission should be empowered to ***develop harmonised criteria or guidance. Those criteria should at least cover the types of infringements laid down in this Regulation.***

Or. en

Justification

Alignment with changes in Article 90.

Amendment 49

Proposal for a regulation

Recital 100

Text proposed by the Commission

(100) To create legal certainty, it should be clarified for how long products placed on the market on the basis of European assessment documents adopted under Regulation (EU) No 305/2011 may remain in the distribution chain and thus be further made available on the market. Similarly to the practice under other

Amendment

deleted

product legislation, the appropriate period is considered to be five years after the expiry of the European technical assessment on the basis of which they have been placed on the market. In this way, six years after the entry into force of a harmonised technical specification adopted under this Regulation all products sold to users will comply with that harmonised technical specification and this Regulation.

Or. en

Justification

Recital is obsolete, as Article 93 (4), to which the recital refers, has been deleted.

Amendment 50

**Proposal for a regulation
Article 1 – paragraph 1 – introductory part**

Text proposed by the Commission

This Regulation establishes harmonised rules for the making available on the market *and direct installation* of construction products, regardless of whether undertaken in the framework of a service or not, by establishing:

Amendment

This Regulation establishes harmonised rules for the making available on the market of construction products, regardless of whether undertaken in the framework of a service or not, by establishing:

Or. en

Justification

Avoiding that construction companies could be inadvertently understood as manufacturers; Addition of "direct installation" unnecessarily increases the administrative burden; The inclusion of "direct installation" undermines the legislative competence of the Member States.

Amendment 51

**Proposal for a regulation
Article 1 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) rules on how to express the **environmental, including climate, and** safety performance of construction products in relation to their essential characteristics;

(a) **harmonised** rules on how to express the environmental and safety performance of construction products in relation to their essential characteristics;

Or. en

Justification

Express mention of environment superfluous.

Amendment 52

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) environmental, **including climate**, functional and safety product requirements for construction products.

(b) environmental, functional and safety product requirements for construction products.

Or. en

Justification

Express mention of climate superfluous.

Amendment 53

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

Amendment

This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components **or with products that could be regarded as construction products whilst not being intended by their manufacturer to be**

This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components.

construction products.

Or. en

Justification

Clarification of scope of application.

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***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;***

(a) 3D-printed construction products;

Or. en

Amendment 55

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***construction products manufactured on the construction site for immediate incorporation into construction works, without separate commercial action for the placing on the market;***

deleted

Or. en

Justification

Construction products manufactured on the construction site for immediate incorporation are covered by member states regulatory requirements for construction works. These requirements are imposed using the same technical specifications. Imposing a CE marking on those products will cause unnecessary burden. Even if factory production control (FPC) system can be done on site it creates a huge burden. None of the existing harmonised

technical specifications provide for appropriate FPC requirements that can be used on site. In addition, construction sites are rarely cross border thus there is no need to remove barriers to trade..

Amendment 56

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) *kits or assemblies, where their composition is specified in and covered by harmonised technical specifications or European assessment documents (EADs);* **deleted**

Or. en

Justification

Kits are construction products by definition. Assemblies are installed or assembled kits and thus constitute works.

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) *prefabricated one-family-houses of less than 180 m² surface floor space with one floor or of less than 100 m² surface floor space on two floors.* **deleted**

Or. en

Justification

Avoidance of fragmentation of the market.

Amendment 58

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Member States may decide not to apply this Regulation for the houses referred to in point (g) by notification to the Commission.

deleted

Or. en

Justification

Avoidance of fragmentation of the market.

Amendment 59

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the economic operator has changed the intended use of those used construction products or items from the intended use assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere decoration” purposes, ***those purposes being defined by the absence of any structural function for the construction works;***

(b) the economic operator has changed the intended use of those used construction products or items from the intended use assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere "decoration" purposes;

Or. en

Justification

Simplification: We added "decoration"-purposes to the definitions.

Amendment 60

Proposal for a regulation

Article 2 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) boilers, ***pipes***, tanks and ancillaries

(b) boilers, tanks and ancillaries and

and other products intended to be in contact with water for human consumption;

other products intended to be in contact with water for human consumption;

Or. en

Amendment 61

Proposal for a regulation

Article 2 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) systems treating waste water;

deleted

Or. en

Amendment 62

Proposal for a regulation

Article 2 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) sanitary appliances;

deleted

Or. en

Justification

Inclusion not necessary since sanitary appliances are already covered by the Drinking Water Directive.

Amendment 63

Proposal for a regulation

Article 2 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) lighting products subject to Commission Regulation (EU) 2019/2020 and lighting products subject to delegated acts under the Regulation establishing a framework for setting ecodesign

Justification

Lighting products are not permanently integrated into buildings, as they can easily be replaced; They are not safety critical, as they comply with existing EU regulations (for example existing EU laws on mechanical effects, fire resistance or the emission of hazardous substances into buildings); They are already covered by the Ecodesign Regulation.

Amendment 64

**Proposal for a regulation
Article 2 – paragraph 4**

Text proposed by the Commission

Amendment

**4. This Regulation also shall also *deleted*
apply to 3D-printing services of
construction products and of items
covered by this Regulation. 3D-printing
services include renting out of 3D-
printing machines that could be used for
construction products and items covered
by this Regulation.**

***This Regulation shall also apply to
services linked to:***

***— the manufacturing and
commercialisation of construction
products and or items covered by this
Regulation, and***

***— to the de-installing, preparation for re-
use, remanufacturing and dealing with
used construction products or items
covered by this Regulation.***

Justification

This regulation applies to products and not services.

Amendment 65

Proposal for a regulation Article 2 – paragraph 5

Text proposed by the Commission

5. Member States may exempt from the application of this Regulation construction products and items covered by this Regulation that are placed on the market or directly installed in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products or items do not bear the CE marking in accordance with Article 16. Construction products or items placed on the market **or directly installed** on the basis of such exemption shall not be deemed to be placed on the market **or directly installed** in the Union in the meaning of this Regulation.

Amendment

5. Member States may exempt from the application of this Regulation construction products and items covered by this Regulation that are placed on the market or directly installed in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products or items do not bear the CE marking in accordance with Article 16. Construction products or items placed on the market on the basis of such exemption shall not be deemed to be placed on the market in the Union in the meaning of this Regulation.

Or. en

Amendment 66

Proposal for a regulation Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘construction product’ 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 within the Union, **with the exception of items that are necessarily first integrated into an assembly, kit or**

Amendment

(1) ‘construction product’ means any **product** or a kit **which is produced or** placed on the market or **supplied to the construction site** for incorporation in a permanent manner in construction works or parts thereof within the Union, **including 3D-printed products** or other **items covered by this Regulation in accordance with Article 2(1) to (3);**

other **construction product prior to being incorporated in a permanent manner in construction works**;

Or. en

Justification

Extending the definition of the term “construction product” to its packaging and all other related requirements related to packaging is neither comprehensible nor reproducible or justified. It may lead to an excessive administrative burden for all market participants without discernible benefit in the production or supply chain nor for the end consumer. Including packaging in the definition could also lead to conflicts with existing European and national legislation such as the EU-Packaging Directive 94/62/EC. For simplification reasons we also suggest to merge construction products and product definitions.

Amendment 67

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘permanent’ means **for a duration of two years or longer**;

Amendment

(2) ‘permanent’ means **installed or affixed in such a manner that may significantly affect the basic work requirements and that the item cannot be removed without tools or mechanical force**;

Or. en

Justification

Avoidance of reduction of flexibility and administrative burden.

Amendment 68

Proposal for a regulation

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘product’ means **a construction product or other item covered by this Regulation in accordance with Article**

Amendment

deleted

2(1) to (3);

Or. en

Justification

We have merged this definition with the definition of construction product , as there is no reason why a distinction between the two is necessary.

Amendment 69

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) ‘direct installation’ means the installation of a product into a construction work of a client without prior making available on the market or the installation of a one-family house covered by this Regulation, regardless whether in the framework of providing a service or not;

deleted

Or. en

Amendment 70

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘essential characteristics’ 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;

(7) ‘essential characteristics’ 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 *the environmental characteristics* which have been listed in Annex I Part A Point 2;

Or. en

Amendment 71

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘product requirements’ 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;***

Amendment

(8) ‘product requirements’ means a threshold level or another characteristic with which a product has to comply before it can be placed on the market, ***covering the directly applicable general product requirements set out in Annex I Part D and the product specific requirements laid down in Annex I Part B and C and specified in accordance with Article 5(2);***

Or. en

Justification

Clarification by specifying where in the Annex these product requirements can be found.

Amendment 72

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the 3D-printing service provider, manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person, ***other than authorities, notified bodies, technical assessment bodies and product contact points for construction*** who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing ***or repackaging*** of products, or making those products

Amendment

(9) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the 3D-printing service provider, manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person, who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing of products, or making those products available on the market in accordance with this Regulation;

available on the market *or installing those products directly* in accordance with this Regulation, *and economic operators as defined in Article 3, point (13) of Regulation (EU) 2019/1020 of the European Parliament and of the Council*⁴⁴ ;

⁴⁴ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

Or. en

Amendment 73

Proposal for a regulation Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘3D-printing service provider’ means any natural or legal person offering, in the course of a commercial activity, one of the following services: renting or leasing out 3D-printers, printing *out* 3D-printing datasets, or brokering one of these services, regardless of whether the printing material is provided by that person or not;

Amendment

(10) ‘3D-printing service provider’ means any natural or legal person offering, in the course of a commercial activity, one of the following services: renting or leasing out 3D-printers, printing *a construction product on the basis of* 3D-printing datasets, or brokering one of these services, regardless of whether the printing material is provided by that person or not;

Or. en

Justification

Clarification.

Amendment 74

Proposal for a regulation

Article 3 – paragraph 1 – point 15

Text proposed by the Commission

Amendment

(15) ‘buildings’ means facilities, other than containers, giving shelter to humans, animals or objects, which either are permanently fixed to the ground or can only be transported by the help of special equipment whilst having a surface floor space of at least 20m² on one or several levels;

deleted

Or. en

Justification

Clarification; Definition brings no added value.

Amendment 75

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

Amendment

(16) ‘level’ means the *result of the assessment of the performance of a product in relation to its essential characteristics, expressed as a numerical value*;

(16) ‘level’ means the *expression of performance without a classification of potential performances and/or a specified minimum or maximum*;

Or. en

Justification

Characteristics such as dimensions are expressed in single values or binary terms, such as "pass" or "fail", whereas other characteristics are expressed as a minimum or maximum performance, such as strength. This amendment aims to reflect this.

Amendment 76

Proposal for a regulation

Article 3 – paragraph 1 – point 17

Text proposed by the Commission

Amendment

(17) ‘class’ means ***a range of levels, delimited by a minimum and a maximum value***, of performance ***of a product***;

(17) ‘class’ means ***an expression*** of performance ***according to a systematic division of potential performances***;

Or. en

Amendment 77

Proposal for a regulation

Article 3 – paragraph 1 – point 22

Text proposed by the Commission

Amendment

(22) ‘assembly’ means ***a set of at least two separate items, one of which is a product***;

deleted

Or. en

Justification

Avoidance of confusion due to the similarities with the definition of "kit".

Amendment 78

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point a

Text proposed by the Commission

Amendment

(a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to ***common civil*** engineering knowledge;

(a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to ***the most up-to-date subject-specific*** engineering knowledge;

Or. en

Amendment 79

Proposal for a regulation
Article 3 – paragraph 1 – point 25

Text proposed by the Commission

(25) ‘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’;***

Amendment

(25) ‘intended use’ means the intended ***use as determined*** by the manufacturer ***of the construction product as defined in the applicable harmonised technical specification;***

Or. en

Justification

The definition suggested assumes that manufacturers can foresee the needs of users at the end of the supply chain, even though they may vary from Member State to Member State because of traditions and conditions at regional/local levels. This would hinder the functioning of the internal market.

Amendment 80

Proposal for a regulation
Article 3 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen;

Amendment

(32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen ***or a performance representing what is currently possible applying common technologies, whether or not it is the most technologically advanced solution;***

Or. en

Justification

The suggested extremely high new compliance standard appears unbalanced and difficult to meet in practice. “State of the art” should be defined along a more practice-oriented line that reflects the realities of the sector and of member state practice.

Amendment 81

Proposal for a regulation

Article 3 – paragraph 1 – point 38

Text proposed by the Commission

(38) ‘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;

Amendment

(38) ‘harmonised zone’ means the sphere jointly covered by this Regulation, the harmonised technical specifications, and the Commission acts of general applicability ***related to the construction products*** adopted pursuant this Regulation;

Or. en

Justification

Clarification.

Amendment 82

Proposal for a regulation

Article 3 – paragraph 1 – point 39

Text proposed by the Commission

(39) ‘Union law’ means the TEU, the TFEU, general principles of law, acts of general applicability referred to in the second, third and fourth paragraph of Article 288 TFEU and any international agreements to which the Union is party or the Union and its Member States are parties;

Amendment

deleted

Or. en

Justification

This definition is superfluous and brings no added value.

Amendment 83

Proposal for a regulation
Article 3 – paragraph 1 – point 46 a (new)

Text proposed by the Commission

Amendment

(46a) ‘QR code’ means a matrix barcode that links to a website which is stable both for its content and the address (“URL”);

Or. en

Amendment 84

Proposal for a regulation
Article 3 – paragraph 1 – point 48

Text proposed by the Commission

Amendment

(48) ‘double use product’ means a product that is, by its manufacturer, intended to be used as product and as an item with another intended use that would fall outside of the scope of this Regulation if it had only that other intended use;

deleted

Or. en

Justification

Manufactures cannot foresee whether the construction products may also be used for example for decorative purposes.

Amendment 85

Proposal for a regulation
Article 3 – paragraph 1 – point 51

Text proposed by the Commission

Amendment

(51) ‘full-time equivalence’ means the work-power of one person employed full-time as defined by the Member State concerned or the work-power of several persons employed part-time working together the same number of hours per

deleted

day or week;

Or. en

Justification

This definition is redundant and brings no added value.

Amendment 86

**Proposal for a regulation
Article 3 – paragraph 1 – point 57**

Text proposed by the Commission

Amendment

(57) ‘broker’ means any natural or legal person providing an intermediation service for the placing on the market *or direct installation* of products;

(57) ‘broker’ means any natural or legal person providing an intermediation service for the placing on the market of products;

Or. en

Amendment 87

**Proposal for a regulation
Article 3 – paragraph 1 – point 69**

Text proposed by the Commission

Amendment

(69) ‘authority’ means the European Commission, its agencies, and any notifying authority, designating authority or market surveillance authority, unless specified otherwise in the respective provision: regardless of in which Member State it is located;

deleted

Or. en

Justification

This is redundant and brings no added value.

Amendment 88

Proposal for a regulation
Article 3 – paragraph 1 – point 70

Text proposed by the Commission

(70) ‘product presenting a risk’ means a product that, whenever during its entire life-cycle ***and even when created indirectly***, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use;

Amendment

(70) ‘product presenting a risk’ means a product that, whenever during its entire life-cycle, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use;

Or. en

Amendment 89

Proposal for a regulation
Article 3 – paragraph 1 – point 71 a (new)

Text proposed by the Commission

Amendment

(71a) ‘decoration purposes’ means purposes defined by the absence of any structural function for the construction works.

Or. en

Justification

Increase clarity.

Amendment 90

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The basic requirements for construction works, set out in Annex I Part A **Point 1** shall constitute the basis for the preparation of standardisation requests and harmonised technical specifications.

Amendment

1. The basic requirements for construction works, set out in Annex I Part A shall constitute ***the basis for the identification of essential characteristics of construction products. The essential characteristics of construction products shall be identified by the Commission, taking into account the regulatory needs of the Member States. The identified essential characteristics, together with the essential environmental characteristics listed in Annex I Part B, shall form*** the basis for the preparation of standardisation requests and harmonised technical specifications.

Or. en

Justification

Clarifies what the annex is about and the procedural steps.

Amendment 91

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The essential characteristics ***specified*** in accordance with paragraph 1 or listed in Annex I Part A **Point 2** and the methods for their assessment shall be laid down in standards which ***are rendered mandatory*** for purposes of application of this Regulation. ***The essential characteristics of products shall be identified in view of the basic requirements for construction works, taking account of the regulatory needs of Member States.***

Amendment

The essential characteristics ***identified*** in accordance with paragraph 1 or ***the essential environmental characteristics*** listed in Annex I Part **B** and the methods for their assessment shall be laid down in standards which for ***the*** purposes of ***the*** application of this Regulation ***are rendered mandatory by means of delegated acts referred to in the third subparagraph.***

Or. en

Justification

Clarifies characteristics and procedural steps.

Amendment 92

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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.

Amendment

For the purposes of the first subparagraph, the Commission shall 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. These standardisation requests may include a request to determine the threshold levels and classes of performance in relation to these essential characteristics and which of the essential characteristics may or shall be declared by manufacturers.

Or. en

Amendment 93

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

These standardisation requests shall be issued in accordance with the working plan established in accordance with Article 93a.

Or. en

Amendment 94

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

Where the Commission considers that a standard delivered pursuant to a request made in accordance with the first subparagraph fully meets such standardisation request, it shall adopt a delegated act in accordance with Article 87 to supplement this regulation by incorporating that standard.

Or. en

Justification

The current lack of duly published standards calls for added transparency and speed in the publication of standards.

Amendment 95

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

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. ***deleted***

Or. en

Amendment 96

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

The Commission shall verify that the basic principles and corner stones, and the Union law are respected in the standards prior to publishing the reference thereof in the Official Journal in accordance with Article 34.

deleted

Or. en

Justification

Avoidance of redundancies.

Amendment 97

Proposal for a regulation

Article 4 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. *By way of derogation from paragraph 2 and in order to cover the regulatory needs of Member States and to pursue the goals of Article 114 of the Treaty on the Functioning of the European Union*, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by establishing, for particular product families and categories, ***voluntary or*** mandatory essential characteristics and their assessment methods in any of the following cases:

3. *While priority shall be given to the elaboration of standards*, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, ***and after consultation of the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012***, by establishing, for particular product families and categories, mandatory essential characteristics and their assessment methods in any of the following cases:

Or. en

Amendment 98

Proposal for a regulation
Article 4 – paragraph 3 – point a

Text proposed by the Commission

(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) 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;

Amendment

(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within ***three years after having received the standardisation*** request;

Or. en

Justification

In order to speed up the publication of standards, clear timeframes is necessary. According to DIN, 2 years is the minimum amount of time needed for the creation of a standard.

Amendment 99

Proposal for a regulation
Article 4 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the standardisation request has not been accepted by any of the European standardisation organisations;

Or. en

Amendment 100

Proposal for a regulation
Article 4 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) the standards referred to in the first subparagraph of Article 4(2) are for other reasons considered not sufficient to cover regulatory needs of Member States

deleted

or the needs of economic operators;

Or. en

Justification

Avoidance of legal uncertainties. It is unclear under what circumstances the main route (standardisation via the European Standardisation Organisations) can be circumvented under this paragraph.

Amendment 101

**Proposal for a regulation
Article 4 – paragraph 3 – point e**

Text proposed by the Commission

Amendment

(e) *the standards referred to in the first subparagraph of Article 4(2) are not in line with EU climate and environmental legislation and ambition;* **deleted**

Or. en

Amendment 102

**Proposal for a regulation
Article 4 – paragraph 3 – point f**

Text proposed by the Commission

Amendment

(f) *references to standards referred to in the first subparagraph of Article 4(2) cannot be published in the Official Journal for the reasons set out in Article 34(4) or other legal reasons;* **(f) *there is a need to adapt standards which have been established by European standardisation organisations but which cannot be published in the Official Journal;***

Or. en

Justification

Alignment with the new Art. 34 (4), which allows COM to update draft standards that can't be cited because of technical or legal issues due to the old COM mandates.

Amendment 103

Proposal for a regulation

Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. In order to cover the regulatory needs of Member States and to pursue the ***environmental, safety and*** harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union, 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:

Amendment

4. ***While priority shall be given to the elaboration of standards*** in order to cover the regulatory needs of Member States and to pursue the harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, ***after consultation of the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012,*** by determining, for particular product families and categories, the following:

Or. en

Justification

Alignment with Article 4 (3); It is not clear why the procedure for threshold settings should be different comparing to the procedure for the essential characteristics; Environment and safety are not the goals of Article 114 of the TFEU.

Amendment 104

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. ***The Commission is empowered to amend Annex I Part A by means of delegated acts in accordance with Article 87 in order to adapt it to technical progress and to cover new risks and environmental aspects.***

Amendment

deleted

Or. en

Justification

This empowerment is too far-reaching. It is impossible to tell what direction these amendments might take.

Amendment 105

**Proposal for a regulation
Article 5 – paragraph 1**

Text proposed by the Commission

1. *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. 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.*

Amendment

1. *The Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying for the respective product family or category, product requirements laid down in Annex I Part B and C.*

Products shall only be placed on the market if they comply with the product requirements set out in this delegated act.

Or. en

Justification

Increase clarity by spelling out exactly what paragraph (2) does.

Amendment 106

**Proposal for a regulation
Article 5 – paragraph 2**

Text proposed by the Commission

2. *In order to specify the product requirements set out in Annex I Part B, C and D, the Commission is empowered to*

Amendment

2. *When specifying the product requirements set out in Annex I Part B, C, the Commission may define, for particular*

*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.*

product families and categories, *which of these product requirements shall apply to this product family or category and lay down the corresponding assessment methods. Once the Commission has specified these product requirements by delegated acts, it shall issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with these mandatory product requirements. In the event that there is no harmonised standard, the Commission shall establish clear guidelines for manufacturers on how to demonstrate conformity with product requirements.*

Or. en

Justification

Clarification and creation of a unambiguous procedure for demonstrating conformity with product requirements.

Amendment 107

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission is empowered to amend Annex I Part B, C and D by means of delegated acts in accordance with Article 87 in order to adapt it to technical progress and in particular to cover new risks and environmental aspects.

deleted

Or. en

Justification

This empowerment is too far-reaching. It is impossible to tell what direction these amendments might take.

Amendment 108

Proposal for a regulation Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Products information requirements

All construction products covered by this Regulation prior to being placed on the market, shall satisfy the product information requirements set out in Annex I Part D.

The Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying for the respective product family or category, the information product requirements laid down in Annex I Part D.

Or. en

Amendment 109

Proposal for a regulation Article 6 – title

Text proposed by the Commission

Amendment

Assessment and verification systems ***and their product specific modalities***

Assessment and verification systems

Or. en

Amendment 110

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to apply a tailor-made

1. In order to apply a tailor-made

approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category the applicable assessment and verification system among those set out in Annex V. It may also determine different assessment and verification systems to the same product family or category when differentiating by essential characteristic or product requirement.

approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category ***which of*** the applicable assessment and verification system among those set out in Annex V ***shall be used***. It may also determine different assessment and verification systems to the same product family or category when differentiating by essential characteristic or product requirement.

Or. en

Amendment 111

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Assessment and verification measures shall be defined together with harmonised technical specifications depending on the intended use and on the basis of clear, comprehensible and transparent criteria. The potential damage resulting from product deficiencies, the change in performance in the event of slightly deviating production conditions, the susceptibility to errors in the manufacturing process and the question of how easily manufacturing errors can be recognised shall be taken into account.

Or. en

Justification

The monitoring of construction products is of decisive importance for ensuring safety. It is therefore all the more important that the assessment and testing systems are defined according to clear, transparent and comprehensible criteria. In Article 6 however, selection criteria for the determination of the assessment and verification systems are completely

missing and could thus lead to non-transparent determinations within the framework of delegated acts.

Amendment 112

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. In order to facilitate and to harmonise the application of the requirements or obligations contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these requirements and obligations for a given product family or category

Amendment

2. In order to facilitate and to harmonise the application of the requirements or obligations contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these **assessment and verification** requirements and obligations for a given product family or category.

Or. en

Amendment 113

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. ***In order to counter systematic non-compliances of notified bodies or manufacturers or in view of adaptation to technical progress, the Commission is empowered to amend this Regulation, by means of delegated acts in accordance with Article 87, by introducing additional assessment or verification steps in the systems of Annex V.***

Amendment

deleted

Or. en

Justification

There is no such concept as systematic non-compliance in the regulation; Avoidance of uncertainties for businesses.

Amendment 114

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The harmonised zone shall be presumed to be comprehensive, covering all potential requirements for products ***other than those covered by other Union law.***

Amendment

1. The harmonised zone shall be presumed to be comprehensive, covering all potential requirements for ***construction*** products.

Or. en

Justification

"construction product" is a defined term, so the addition of "covered by this Regulation" is redundant and might in fact reduce the legal certainty of the text.

Amendment 115

Proposal for a regulation Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

This paragraph shall also apply to public tenders or direct attributions of contracts where those public tenders or direct attributions are executed under direct or indirect control of public entities or are executed with reference to public provisions on public tenders or direct attribution of contracts. This paragraph shall also apply to grants or other positive incentives with the exception of fiscal incentives. However, harmonised technical specifications may permit or recommend Member States to link the decisions on the attribution of public tenders, of contracts or of grants or other positive incentives to sub-classes or additional classes other than those established in accordance with Article 4(4) where these still relate to

Amendment

deleted

environmental performances assessed in accordance with these harmonised technical specifications.

Or. en

Justification

This prohibition of additional requirements in public procurement is very far-reaching and could lead to considerable restrictions in public procurement. If an architect envisages a building with certain materials, colours or shapes, the contracting authority/builder would only be allowed to demand these properties when purchasing the products if they are covered by harmonised standards. Since harmonised standards can never cover all properties, the contracting authority would probably have to remain silent on this. This cannot be the right outcome. It is necessary that the scope of the harmonised zone or the final harmonisation is clearly limited and/or the scope of this effect for public procurement is restricted.

Amendment 116

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. ***They shall refer to these essential characteristics, requirements and assessment methods proactively in all fora and on all occasions relevant for the elaboration of harmonised technical specifications. Fora elaborating harmonised technical specifications shall take note of these essential characteristics, requirements and assessment methods. The essential characteristics shall be covered by harmonised technical specifications to the extent possible.***

Amendment

3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. ***In order to facilitate this communication, Member States shall register all their national regulatory, and administrative measures that directly or indirectly influence the usability of construction products on their territory, in the Single Digital Gateway.***

Or. en

Justification

Clarification and Avoidance of redundancies.

Amendment 117

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission shall, by means of **implementing** acts, authorise the national measure notified under paragraph 4 where:

The Commission shall, by means of **delegated** acts, authorise the national measure notified under paragraph 4 where:

Or. en

Amendment 118

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) it ascertains that the regulation or administrative measure **appears** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;

(a) it ascertains that the regulation or administrative measure **is** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;

Or. en

Amendment 119

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).

Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).

Amendment 120

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 3

Text proposed by the Commission

Amendment

On duly justified imperative grounds of urgency relating to human health and safety or the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 88(3). **deleted**

Or. en

Justification

This subparagraph is redundant.

Amendment 121

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. *Member States shall register all their national regulation, and administrative measures directly or indirectly influencing the usability of products on their territory, into the Single Digital Gateway.* **deleted**

Or. en

Justification

Moved to Article 7 - paragraph 3.

Amendment 122

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Construction products standards

1. Construction products standards shall be established by the European standardisation organisations on the basis of a standardisation request issued by the Commission.

2. The Commission shall provide legally binding criteria on how the standards drawn up by the European standardisation organisations should be structured in terms of content and form by means of implementing acts.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1) no later than [1 year after entry into force].

3. Upon request by a European standardisation organisation, the Commission may provide an administrative support in setting up an internal legal division within the European standardisation organisation tasked with the legal proofreading of standards and ensuring the coherence and legal flawlessness of standards;

4. Construction products standards developed pursuant to Article 4(2) shall be of mandatory application for the purposes of this Regulation as of six months after the publication in the Official Journal of the delegated acts incorporating them in accordance with that paragraph, but may be voluntarily applied on the request of the manufacturer as from the date of that publication. They shall provide the methods and the criteria for assessing the performance of the products in relation to their essential characteristics. These standards shall, where appropriate and without endangering the accuracy,

reliability or stability of the results, provide methods less onerous than testing for assessing the performance of the products in relation to their essential characteristics, classes, threshold levels or product requirements.

5. Construction products standards developed pursuant to the second sentence of Article 5(2) or the third sentence of Article 22(4) shall be voluntary. Products which are in conformity with voluntary standards adopted in accordance with Article 5(2), or parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements laid down in Annex I Part B and C, as specified for the respective product family or category by harmonised technical specifications adopted in accordance with the second sentence of Article 5(2), to the extent that those requirements are covered by such voluntary standards and that this coverage has been precisely stated in the respective harmonised standard. Manufacturers who comply with voluntary standards adopted in accordance with Article 22(2), or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the obligations set out in Article 22(2), to the extent that those obligations are covered by such standards and that this coverage has been precisely stated in the respective standard.

6. 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 within a year after the draft for a standard has been transmitted to the Commission. In order for the Commission to fulfil this obligation in the given timeframe, the European standardisation organisations

shall inform the Commission on the progress and content of the standardisation deliverable in accordance with Article 10(5) of Regulation (EU) No 1025/2012.

7. In accordance with Article 5 of Regulation (EU) No 1025/2012, the Commission shall, where possible, participate in the informal and formal inquiries of European standardisation organisations developing the requested European standardisation deliverables, in particular on matters concerning the conformity of the standardisation deliverables with this Regulation and with other Union law.

Where the Commission perceives a standard to be unsatisfactory and consequently decides to not publish a reference of such standard in the Official Journal of the European Union, it shall present its reasons in writing laying out which corrections are necessary to the European standardisation organisation within a year after the draft for a standard has been transmitted.

The Commission shall, within 90 days following a positive assessment by the Commission, publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted voluntary conforming construction products standards that have been made available at an affordable price.

Or. en

Justification

Prevent further backlog of standards by introducing legally binding criteria or guidelines, meant to ensure the high quality of the standard; Increase transparency and cooperation; Speed up norm-creating process; Improve information flow between COM and CEN/CENELEC.

Amendment 123

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Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

To avoid double assessment of products, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 by determining the conditions under which ***the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation, where otherwise the same aspect of health, safety or protection of the environment would be assessed in parallel under this Regulation and other Union law.***

Amendment

To avoid double assessment ***of the same health, safety or protection of the environment aspects*** of products, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 by determining the conditions under which:

Or. en

Amendment 124

Proposal for a regulation
Article 8 – paragraph 1 – point a (new)

Text proposed by the Commission

(a) the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation;

Or. en

Amendment 125

Proposal for a regulation
Article 8 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) the fulfilment of this Regulation also fulfils certain obligations under other Union law.

Or. en

Amendment 126

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. By drawing up the declaration of performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability, **and this even where it did not act negligently**. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.

Amendment

3. By drawing up the declaration of performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.

Or. en

Justification

Extension of liability is unnecessary.

Amendment 127

Proposal for a regulation Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) the product is, **otherwise than by 3D-printing or already existing moulds**, individually manufactured or custom-made in a non-series process in response to a specific order, and installed in a single identified construction work, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works

Amendment

(a) the product is individually manufactured or custom-made in a non-series process in response to a specific order, and installed in a single identified construction work, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national

designated under the applicable national rules;

rules;

Or. en

Amendment 128

Proposal for a regulation Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) the product is ***otherwise than by 3D-printing or already existing moulds*** manufactured on the construction site, in a non-series process for its incorporation in the respective construction work in compliance with the applicable national rules and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; or

Amendment

(b) the product is manufactured on the construction site, in a non-series process for its incorporation in the respective construction work in compliance with the applicable national rules and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; or

Or. en

Amendment 129

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

3. A Member State may exempt from Article 9(1) parts of construction works other than products that are prepared for re-use or remanufactured provided that the part does not to circulate outside the territory of that Member State.

Amendment

deleted

Or. en

Justification

Construction works are not in the scope of the Regulation.

Amendment 130

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The declaration of performance shall be drawn up using the model set out in Annex II without *the section relating to conformity. The declaration of performance shall at least cover the performance with regard to the mandatory essential characteristics listed in Annex I Part A Point 2, the essential characteristics mandatory by virtue of harmonised technical specifications or delegated acts adopted in accordance with Article 4(3), and the assessment of environmental sustainability referred to in Article 22(1).*

Amendment

2. The declaration of performance shall be drawn up using the model set out in Annex II without *points 12 and 13c of this model.*

Or. en

Justification

Avoidance of confusion.

Amendment 131

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use to “*decoration*”. Where the economic operator has used this

Amendment

2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use to *decorative purposes*. Where the economic operator has used this

derogation, the declaration of performance shall be labelled “declaration of performance for used product”.

derogation, the declaration of performance shall be labelled “declaration of performance for used product”.

Or. en

Justification

Alignment with the definition in Article 3.

Amendment 132

Proposal for a regulation Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States shall set-up requirements for de-installers and the certification to be provided in accordance with ***the last sentence***, including on the definition of stresses that render the product unsuitable.

Amendment

Member States shall set-up requirements for de-installers and the certification to be provided in accordance with ***this paragraph***, including on the definition of stresses that render the product unsuitable.

Or. en

Amendment 133

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process, ***whilst going beyond repair, cleaning or regular maintenance or preparing for re-use as defined in Article 3, point (16), of Directive 2008/98/EC after being de-installed***, does not jeopardise the compliance with ***this Regulation*** or the performance of the product in relation to the relevant characteristics ***because, by their design, the transformative process cannot negatively influence the***

Amendment

4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process, does not jeopardise the compliance with the performance of the product in relation to the relevant characteristics. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for re-manufactured product”.

performance and the compliance or because the used replacement part has been assessed as equivalently performing and compliant. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for re-manufactured product”.

Or. en

Justification

Avoidance of redundancies.

Amendment 134

Proposal for a regulation

Article 12 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Paragraphs 1 to 4 shall apply to all of the following:

Amendment

Paragraphs 1 to 4 shall ***also*** apply to all of the following:

Or. en

Amendment 135

Proposal for a regulation

Article 12 – paragraph 9

Text proposed by the Commission

9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market ***or which have never been installed in the Union.***

Amendment

9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market.

Or. en

Amendment 136

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability, and this even where it did not act negligently. ***In case of non-compliance or absence of a declaration of conformity, the product may not be made available on the market.*** In the absence of objective indications to the contrary, Member States shall presume the declaration of conformity drawn up by the manufacturer to be accurate and reliable.

Amendment

3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability, and this even where it did not act negligently. In the absence of objective indications to the contrary, Member States shall presume the declaration of conformity drawn up by the manufacturer to be accurate and reliable.

Or. en

Justification

Avoidance of redundancies.

Amendment 137

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. ***Article 11(2) to (4) and*** Article 12 shall apply with regard to the declaration of conformity.

Amendment

3. Article 12 shall apply with regard to the declaration of conformity.

Or. en

Justification

The reference to Article 11 is not necessary since both declarations should be combined.

Amendment 138

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the declaration is provided by electronic means, the manufacturer shall issue that declaration in a commonly readable, but unamendable electronic format. *Alternatively*, the manufacturer may use a permalink provided that the permalink and the document accessible via the permalink are unamendable. Commission Delegated Regulation (EU) No 157/2014⁴⁶ shall apply under this Regulation.

⁴⁶ Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.

Amendment

Where the declaration is provided by electronic means, the manufacturer shall issue that declaration in a commonly *machine* readable, but unamendable electronic format. *To ensure the availability of information over time*, the manufacturer may use a permalink *or a QR-Code* provided that the permalink *or QR-Code* and the document accessible via the permalink *or QR-Code* are unamendable. Commission Delegated Regulation (EU) No 157/2014⁴⁶ shall apply under this Regulation.

⁴⁶ Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.

Or. en

Amendment 139

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. *Declarations may contain permalinks to unamendable environmental product declarations or other unamendable documents containing the requested information if those documents follow the order and structure of the declarations or if a correlation table linking the order of the declarations to the order of these documents is provided together with the permalink.*

Amendment

deleted

Amendment 140

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts. ***The CE marking may not be affixed to parts which are not key parts.***

Amendment

2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or ***declaration of performance and*** conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts.

Or. en

Justification

The declaration of conformity can't exist separately from the declaration of performance.

Amendment 141

Proposal for a regulation Article 16 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or ***the declared performance in relation to the essential characteristics covered by the harmonised zone.***

Amendment

Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or essential characteristics ***unless a basis for such reference was laid down in accordance with Art. 7(5).***

Or. en

Justification

Alignment with Art. 7 by deleting ambiguous wording regarding labels and restraining member states from unjustified blocking of products.

Amendment 142

Proposal for a regulation

Article 16 – paragraph 6 – subparagraph 1

Text proposed by the Commission

A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State.

Amendment

A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State ***while only those requirements covered by the harmonised zone shall be considered.***

Or. en

Amendment 143

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

(d) the unique identification code of the product-type, the permalink to the manufacturer's products registration(s) in Union databases and the precise location therein where the product can be found;

Amendment

(d) the unique identification code of the product-type, the permalink ***or QR-Code*** to the manufacturer's products registration(s) in Union databases and the precise location therein where the product can be found;

Or. en

Amendment 144

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

(e) the permalink to the manufacturer's own product presentation website, if ***any***

Amendment

(e) the permalink ***or QR-Code*** to the manufacturer's own product presentation

there is any;

website, if there is any;

Or. en

Amendment 145

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) the identification number of the notified body, if applicable. **deleted**

Or. en

Justification

Avoidance of duplication of information, because this is already included in the Declaration of Performance.

Amendment 146

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The items listed in points d) to f) may be replaced by a permalink to the combined declaration of performance and of conformity (electronic CE marking).

The items listed in points d) to f) may be replaced by a permalink **or QR-Code** to the combined declaration of performance and of conformity (electronic CE marking).

Or. en

Amendment 147

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. The CE marking shall be affixed before the product is placed on the market

3. The CE marking shall be affixed before the product is placed on the market.

or directly installed into a construction work. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.

It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.

Or. en

Amendment 148

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

No other marking than marking set out by Union legislation may be affixed on a product ***in a distance smaller than the double length*** of the CE marking ***measured from any point of the CE and the other marking set out by Union law.***

Amendment

Other marking than marking set out by Union legislation may be affixed on a product ***as long as it does not impair the visibility, legibility and meaning*** of the CE marking.

Or. en

Justification

Avoidance of confusion, as it could be understood that no other markings are allowed.

Amendment 149

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. Where diverging statements of non-compliance of an economic operator or of a product and requests for corrective action emanate from authorities of different Member States, an economic operator shall take differentiated measures, subject to where the products are intended to be made available on the market or directly installed. Where this is not possible or where a more severe measure imposed by one Member State

Amendment

deleted

encompasses the less severe measure imposed by another, the more severe measure shall be taken. Where these rules do not lead to a clear result, the Member States concerned and the Commission, and, on their request, other Member States shall try to find a common solution and, if need is, adopt an implementing act in accordance with Article 33.

Or. en

Justification

Clarification and avoidance of confusion, as this paragraph contradicts Article 70 on non-compliance.

Amendment 150

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

An economic operator shall, on request of an authority, communicate any economic operator or other actor to that authority:

Amendment

Any economic operator shall, on request of an authority, communicate any economic operator or other actor to that authority:

Or. en

Amendment 151

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

(c) *who is involved in financial and other collateral services linked to the making available or direct installation of products.*

Amendment

deleted

Or. en

Justification

Avoidance of confusion, as it is not clear how this is linked with the objectives of this regulation.

Amendment 152

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about ***to all connected data, including:***

When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about:

Or. en

Amendment 153

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission

Amendment

(ii) contact details of these operators;

(ii) contact details ***and email addresses*** of these operators;

Or. en

Amendment 154

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point iii

Text proposed by the Commission

Amendment

(iii) ***email addresses, websites and social media profiles of these operators;***

deleted

Or. en

Justification

Avoidance of unnecessary burdens for companies.

Amendment 155

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point v

Text proposed by the Commission

Amendment

(v) *bank accounts of these operators;* *deleted*
and

Or. en

Justification

Avoidance of unnecessary burdens for companies.

Amendment 156

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point vi

Text proposed by the Commission

Amendment

(vi) names, addresses, contact details of
natural or legal persons acting for those
operators.

(vi) names, addresses, contact details of
natural or legal persons acting for those
operators *if relevant*.

Or. en

Justification

Avoidance of unnecessary burdens for companies.

Amendment 157

Proposal for a regulation

Article 19 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 ***within two months*** after the availability of that database or system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least ***bi-annually*** verify the correctness of the provided data.

An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 after the availability of that database or system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least ***biennially*** verify the correctness of the provided data.

Or. en

Justification

clerical error; otherwise extreme unintended admin burden.

Amendment 158

**Proposal for a regulation
Article 20**

Text proposed by the Commission

Amendment

Article 20

deleted

Procedural rights of economic operators

1. Any definitive or interim measure, decision or order taken or made by authorities pursuant to this Regulation against an economic operator and the natural or legal persons acting on their behalf shall state the exact grounds on which it is based.

2. Any such measure, decision or order shall be communicated without delay to the relevant economic operator and the natural or legal persons acting on their behalf, who shall at the same time be informed of the remedies available to them under the law of the Member State concerned and of the time limits to which those remedies are subject.

3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity

to be heard within an appropriate period of not less than 10 working days, unless there is urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by this Regulation.

4. If the measure, decision or order is taken or made without the economic operator being given the opportunity to be heard, the economic operator shall be given that opportunity as soon as possible thereafter and that measure, decision or order can be reviewed promptly by the market surveillance authority.

5. Member States shall ensure that any measure covered by this Article can be appealed, with or without prior administrative appeal procedure, before a competent court. That court shall also be competent for deciding on the suspensive effect of the appeal or interim measures to be imposed by the court in view of both the public interest and the interests of the economic operator.

Or. en

Justification

This article is not necessary, procedural rights of Economic Operators are addressed in Article 18 of market surveillance regulation.

Amendment 159

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided in Article 3 point (31). ***The product type shall be processed in accordance with the applicable assessment and verification***

Amendment

1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided in Article 3 point (31). The manufacturer shall draw up a declaration of performance and a declaration of conformity in

system set out in Annex V. The manufacturer shall draw up a declaration of performance and a declaration of conformity in accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17.

accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17.

Or. en

Justification

Avoidance of confusion. Assessment Systems are not used to determine the product type and it is unclear what is meant by "processed".

Amendment 160

**Proposal for a regulation
Article 21 – paragraph 2**

Text proposed by the Commission

Amendment

2. The manufacturer shall refrain from any claim about the characteristics of a product that is not based on:

deleted

(a) the assessment method contained in a harmonised technical specification where the relevant characteristic is covered by such; or

(b) where no such assessment method exists, an assessment method which represents the most effective and advanced method to achieve an accurate assessment.

Or. en

Justification

Unnecessary, not included in the current CPR.

Amendment 161

**Proposal for a regulation
Article 21 – paragraph 3 – subparagraph 2**

Text proposed by the Commission

That technical documentation shall contain the mandatory or facultative calculation of environmental, ***including climate*** sustainability assessed in accordance with harmonised technical specifications adopted under this Regulation or with Commission acts adopted under this Regulation.

Amendment

That technical documentation shall contain the mandatory or facultative calculation of environmental, sustainability assessed in accordance with harmonised technical specifications adopted under this Regulation or with Commission acts adopted under this Regulation.

Or. en

Amendment 162

Proposal for a regulation

Article 21 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The manufacturer shall ensure that its product bear a manufacturer-specific type number ***and*** a batch or serial number. If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product.

Amendment

The manufacturer shall ensure that its product bear a manufacturer-specific type number, a batch or serial number ***or any other element allowing their identification***. If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product.

Or. en

Justification

Alignment with GPSR and current CPR; In addition, type and serial number may be the same, and in some continuous production there may be no batches. The DoP and CE markings require the indication of a unique identification code for the product type. Whatever additional identification number is attached to the product or documentation should be for the manufacturer to decide.

Amendment 163

Proposal for a regulation

Article 21 – paragraph 6 – subparagraph 1

Text proposed by the Commission

When making a product available on the market ***in a certain Member State***, the manufacturer shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.

Amendment

When making a product available on the market, the manufacturer ***who is not exempted in accordance with Article 10 of this Regulation*** shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.

Or. en

Justification

Reduction of bureaucratic burden for micro-enterprises.

Amendment 164

Proposal for a regulation

Article 21 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The Commission ***may***, by means of implementing acts determine the format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.

Amendment

The Commission ***shall***, by means of implementing acts determine the ***electronic*** format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.

Or. en

Justification

To facilitate digitalization of the construction sector, it is important, that the information contained in the DoP is provided in a machine-readable format that can be used with BIM and other applications, including digital building logbooks; to this end, the Commission needs to specify a common electronic format.

Amendment 165

Proposal for a regulation
Article 21 – paragraph 7

Text proposed by the Commission

7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 and the technical documentation in the EU product database **or system** established in accordance with Article 78.

Amendment

7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 and the technical documentation in the EU product database established in accordance with Article 78.

Or. en

Amendment 166

Proposal for a regulation
Article 21 – paragraph 9

Text proposed by the Commission

9. Where the product presents a risk **or is likely to present a risk**, the manufacturer shall **within two working days thereof** inform the authorised representative, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached the final user or consumer, the manufacturer shall **also alert the media and inform them** about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the

Amendment

9. Where the product presents a risk, the manufacturer shall inform the authorised representative, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached the final user or consumer, **that cannot be identified or contacted directly**. The manufacturer shall **through media and other appropriate channels, ensuring the widest possible reach, disseminate the information** about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the

product at their own cost.

meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.

Or. en

Justification

Alignment with GSPR and current CPR;

Amendment 167

**Proposal for a regulation
Article 23 – paragraph 2**

Text proposed by the Commission

2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable **for gross negligence or conscious** infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

Amendment

2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

Or. en

Justification

For no other economic operators gross negligence or conscious is included. It is not clear why it should be different in this case.

Amendment 168

**Proposal for a regulation
Article 23 – paragraph 3 – subparagraph 1 – point c**

Text proposed by the Commission

(c) terminate the contract **where** the manufacturer **infringes** this Regulation and inform thereof the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own

Amendment

(c) terminate the contract **if it considers that** the manufacturer **acts contrary to its obligations under** this Regulation and inform thereof **the manufacturer and** the competent national authorities of the Member States where the product is placed on the market and the

place of business;

national competent authority of his own
place of business;

Or. en

Justification

An infringement should not lead automatically to terminating the contract.

Amendment 169

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

(d) when having reason to believe that a product in question is non-compliant or presents a risk, inform the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and

Amendment

(d) when having reason to believe that a product in question is non-compliant or presents a risk, inform ***the manufacturer and*** the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and

Or. en

Amendment 170

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

5. Where an authorised representative ***considers that there is*** a non-compliance mentioned in the paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the ***authorised representative regards the infringements***

Amendment

5. Where an authorised representative ***identifies*** a non-compliance mentioned in the paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the ***non-compliance is*** remedied.

as remedied. Where the non-compliances are not remedied within one month whilst products possibly continue to be made available on the market, the authorised representative shall be allowed to terminate his contract with the manufacturer and thereof inform the national competent authorities of the Member States where the products are placed on the market and the national competent authority of his own place of business. The latter shall coordinate joint actions of all competent authorities, unless the national competent authorities agree on another national competent authority to coordinate.

Or. en

Justification

The deadline of 1 month is very arbitrary, and the rest of the sentence concerns the market surveillance authorities and not the authorized representative.

Amendment 171

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

2. The importer ***shall verify that the intended use of the product has been precisely and correctly determined by the manufacturer and*** shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.

Amendment

2. The importer shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.

Amendment 172

Proposal for a regulation Article 24 – paragraph 4

Text proposed by the Commission

Amendment

4. After having assembled all available product information from the manufacturer and the de-installer, the importer shall in particular scrutinise used and remanufactured products, namely with regard to damages or indications for loss of performance or non-compliance and changed mechanical or chemical properties, and assess all risks; when necessary to ensure safety or the protection of the environment, the importer shall reduce the intended use or refrain from selling. This obligation shall also apply to used and remanufactured products for which no declaration of performance is mandatory.

deleted

Or. en

Justification

Avoidance of red tape for recycling companies.

Amendment 173

Proposal for a regulation Article 24 – paragraph 5

Text proposed by the Commission

Amendment

5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to

5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to

the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the geographically responsible national competent authority thereof.

the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. ***In the event that the product is already placed on the market, it shall take the necessary corrective measures to bring that product into conformity, or, where appropriate, to withdraw or recall it.***

Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the geographically responsible national competent authority thereof.

Or. en

Justification

Inclusion of the provisions on the non-compliance of the product already on the market, which are already included in the old regulation, but were missing in the new proposal.

Amendment 174

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. When making a product available on the market, the ***distributor*** shall fulfil the obligations incumbent on importers in accordance with Article 24(1) to (5) whilst references to “placing on the market” shall be understood as “further making available on the market”.

Amendment

2. When making a product available on the market, the ***distributors shall verify at a documentary level that the manufacturer and the importer have complied with the requirements set out in Article 21(1), (5) and (6) and where applicable in Article 22(2), points (f) and (i) and*** shall fulfil the obligations incumbent on importers in accordance with Article 24(3) to (5) whilst references to “placing on the market” shall be understood as “further making available on the market”.

Or. en

Justification

Clarification.

Amendment 175

**Proposal for a regulation
Article 26 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) there is no manufacturer in the meaning of this Regulation; **deleted**

Or. en

Amendment 176

**Proposal for a regulation
Article 26 – paragraph 1 – point c**

Text proposed by the Commission

Amendment

(c) it modifies a product in such a way that compliance with the declaration of performance and of conformity or with the requirements set out in and in accordance with this Regulation may be affected;

(c) it *stores or* modifies a product in such a way that compliance with the declaration of performance and of conformity or with the requirements set out in and in accordance with this Regulation may be affected;

Or. en

Amendment 177

**Proposal for a regulation
Article 26 – paragraph 1 – point f a (new)**

Text proposed by the Commission

Amendment

(fa) it has subjected an imported or distributed used or remanufactured product to a transformative process going beyond repair, cleaning and regular

maintenance after being de-installed;

Or. en

Amendment 178

Proposal for a regulation

Article 26 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) it imports a used or remanufactured product, unless this product has been placed on the Union market before being used;

Or. en

Amendment 179

Proposal for a regulation

Article 26 – paragraph 1 – point f c (new)

Text proposed by the Commission

Amendment

(fc) it opts for assuming the role of the manufacturer.

Or. en

Amendment 180

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. Paragraph 1 shall also apply to:

deleted

(a) an importer of used or remanufactured products, unless the used or remanufactured product have been placed on the Union market before being

used;

(b) an importer or distributor of used products who does either of the following:

(i) subjects those used products to a transformative process going beyond repair, cleaning and regular maintenance after being de-installed;

(ii) opts for assuming the role of the manufacturer.

Or. en

Amendment 181

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. Paragraph 1 shall not apply where the economic operator only: *deleted*

(a) adds translations of the information supplied by the manufacturer;

(b) replaces the outer packaging of a product already placed on the market, including when changing the pack size, if the repackaging is carried out in such a way that the original condition of the product cannot be affected by it and that the information to be provided in accordance with this Regulation is still correctly provided.

Or. en

Amendment 182

Proposal for a regulation Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. An economic operator providing the activities listed in paragraph 3 shall inform thereof the manufacturer or its authorised representative, regardless of whether they own the products or whether they provide services. It shall carry out the repackaging in such a way that the original condition of the product cannot be affected by the repackaging and that the information to be provided in accordance with this Regulation is still correctly provided. The economic operator shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Regulation.

deleted

Or. en

Justification

Avoidance of overregulation and red tape.

Amendment 183

Proposal for a regulation Article 27 – title

Text proposed by the Commission

Amendment

Obligation of fulfilment service providers, brokers, online market places, online sellers, ***online shops and online search engines***

Obligation of fulfilment service providers, brokers, online market places ***and*** online sellers

Or. en

Amendment 184

Proposal for a regulation Article 27 – paragraph 1

Text proposed by the Commission

Amendment

1. When contributing to the making available on the market ***or direct***

1. When contributing to the making available on the market of a product,

installation of a product, fulfilment service provider or broker shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

fulfilment service provider or broker shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

Or. en

Amendment 185

Proposal for a regulation Article 27 – paragraph 2 – point b

Text proposed by the Commission

(b) verify that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and Article 22(2), points (f) and (i);

Amendment

(b) **shall** verify **at a documentary level** that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and Article 22(2), points (f) and (i);

Or. en

Justification

Avoidance of red tape.

Amendment 186

Proposal for a regulation Article 27 – paragraph 2 – point d

Text proposed by the Commission

(d) **eliminate all offers for products which are non-compliant or likely to be risky in the meaning of Article 21(9) last sentence on their own initiative or, within two working days, on request of the market surveillance authorities;**

Amendment

(d) **on the** request of the market surveillance authorities, **cease to offer products which are non-compliant or present a risk within the meaning of Article 21(9);**

Or. en

Justification

Clarification.

Amendment 187

Proposal for a regulation

Article 27 – paragraph 3 – point c

Text proposed by the Commission

(c) give an appropriate answer ***without undue delay, and in any event within five working days, in the Member State where the online marketplace operates***, to notices related to notification of accidents and other incidents with products received in accordance with [Article 14] of Regulation (EU) [.../...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC;

Amendment

(c) give an appropriate answer to notices related to notification of accidents and other incidents with products received in accordance with [Article 14] of Regulation (EU) [.../...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC;

Or. en

Amendment 188

Proposal for a regulation

Article 27 – paragraph 6

Text proposed by the Commission

6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace (***“online shops”***).

Amendment

6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace.

Or. en

Amendment 189

Proposal for a regulation
Article 27 – paragraph 7

Text proposed by the Commission

Amendment

7. *The paragraph 3, points (d) to (h) shall also apply to online search engines.* **deleted**

Or. en

Amendment 190

Proposal for a regulation
Article 28 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *refrain from placing on the market or directly installing products for clients without satisfying* the obligations incumbent on manufacturers;

(a) *satisfy* the obligations incumbent on manufacturers *when placing their products on the market;*

Or. en

Justification

Clarification.

Amendment 191

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. *Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall produce 10 such items and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall assess and document the fulfilment of requirements of this Regulation with* **deleted**

regard to the produced items.

Or. en

Justification

While 3D-printed products should be covered by the Regulation in the same way as any other construction product, there is no justification for introducing burdens and obligations that apply exclusively to 3D-printed construction products. 3D-printing construction products is an industry that - while still in its infancy - holds great potential for innovation and sustainability, for example due to the potential of using recycled materials in its kits. 3D-printing also holds the potential to greatly limit the amount of materials used in construction products, thereby significantly reducing the CO2-footprint of the entire construction sector. It is therefore important not to stifle innovation and growth in an industry that has not yet achieved its full potential.

Amendment 192

**Proposal for a regulation
Article 28 – paragraph 3**

Text proposed by the Commission

Amendment

3. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall produce 10 such items for each intended use and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall assess and document the fulfilment of requirements of this Regulation with regard to the produced items. **deleted**

Or. en

Justification

While 3D-printed products should be covered by the Regulation in the same way as any other construction product, there is no justification for introducing burdens and obligations that apply exclusively to 3D-printed construction products. 3D-printing construction products is an industry that - while still in its infancy - holds great potential for innovation and

sustainability, for example due to the potential of using recycled materials in its kits. 3D-printing also holds the potential to greatly limit the amount of materials used in construction products, thereby significantly reducing the CO2-footprint of the entire construction sector. It is therefore important not to stifle innovation and growth in an industry that has not yet achieved its full potential.

Amendment 193

Proposal for a regulation Article 29

Text proposed by the Commission

Amendment

Article 29

deleted

Obligations of economic operators de-installing or dealing with used products for re-use or remanufacturing

1. An economic operator de-installing used products for re-use or remanufacturing shall establish protocols on the place, conditions and presumed length of use of the de-installed product and make them available together with the products, regardless whether it exert its activity on its own behalf or for somebody else. The economic operator shall also make the protocols available on request to authorities, to later users of these products and to owners of the construction works in which they were re-installed.

2. Where an economic operator brokers, sells or otherwise makes available de-installed used products on its own behalf or for somebody else, it shall also fulfil the obligations of importers or distributors with regard to used products.

Or. en

Justification

So far, there is no market yet for re-useable construction products. This Regulation hopes to lay the groundwork for the development of such a market with the aim of rendering the construction sector more sustainable. Therefore, we should be careful not to pre-emptively introduce red tape for a non-existent industry branch, that we hope will flourish over the

coming years. Especially, if it is not yet foreseeable whether this additional red tape is necessary.

Amendment 194

Proposal for a regulation Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Obligations of suppliers and service providers involved in the manufacturing of products

1. A supplier or service provider involved in the manufacturing of products shall:

(a) provide to manufacturers, notified bodies and authorities all available information on the environmental sustainability of their supplied component or service;

(b) ensure the correctness of such information namely by respecting this Regulation and correct any errors made by communication to all their clients and, if potentially useful, to notified bodies and authorities;

(c) permit, in absence of such information, their customers to assess that environmental sustainability on their own expense and support that assessment, namely by giving access to all documents, including those of commercial character, relevant for that assessment;

(d) permit notified bodies to verify the correctness of any calculation of the environmental sustainability and support that verification;

(e) permit notified bodies to verify the performance and compliance of the supplied component or service and support that verification.

2. Where a supplier or service provider has been informed in accordance with the last sentence of Article 21(8), it shall forward that information to his other clients who have, in the last 5 years, received components or services which are identical with regard to the issue in question. In case of a serious risk as defined in Article 3, point (71) or a risk falling under the last sentence of Article 21(9), the supplier or service provider shall also inform the national competent authorities of the Member States where products with that component or manufacturing service have been made available on the market or directly installed; where it cannot identify these Member States, it shall inform all national competent authorities.

Or. en

Justification

The regulation should apply to products being placed on the market only. The regulation should not address raw materials and components. The CPR addresses products intended to be placed on the market with the aim of removing barriers to trade. Suppliers do not place products on the market. Arrangements between suppliers and manufacturers are to be dealt with in contracts between those parties. Regulators should not be involved in addressing technical requirements that the industry should take care of. Services should not be covered by this regulation.

Amendment 195

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Implementing acts on economic operators' obligations and rights

Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices creating an uneven

playing field for economic operators, the Commission may adopt implementing acts providing details on how to execute the obligations and rights of economic operators contained in this Chapter.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).

Or. en

Justification

Ensuring adequate involvement of the European Parliament in these important decisions.

Amendment 196

**Proposal for a regulation
Chapter IV – title**

Text proposed by the Commission

Amendment

**CONSTRUCTION PRODUCTS
STANDARDS AND EUROPEAN
ASSESSMENT DOCUMENTS**

EUROPEAN ASSESSMENT
DOCUMENTS

Or. en

Amendment 197

**Proposal for a regulation
Article 34**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Moved to Article 7a.

Amendment 198

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and European technical assessment, the European assessment document shall be referred to in the declaration of performance and the declaration of conformity. *deleted*

Or. en

Justification

Moved to paragraph 3a because in this ordering it is more logical.

Amendment 199

Proposal for a regulation Article 35 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) a harmonised technical specification intended to be adopted in the next 2 years as from the date of verification with the Commission; *deleted*

Or. en

Justification

Avoidance of burden for manufacturers. 2 years with no standard or possibility to request an EAD can be a period that is far too long for manufactures. Also, a standard may never be developed.

Amendment 200

Proposal for a regulation
Article 35 – paragraph 2 – subparagraph 2 – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) a harmonised technical specification or a delegated act does not cover an essential characteristic.

Or. en

Justification

This provision exists in the current Construction Products Regulation and is frequently used.

Amendment 201

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission

Amendment

3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting ***the*** European assessment document shall ***respect Article 36 and shall*** comply with Article ***37 and*** Annex ***III***.

3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting ***a*** European assessment document shall comply with Article ***36 the procedure laid down in Annex IIIa***.

Or. en

Amendment 202

Proposal for a regulation
Article 35 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and European technical assessment, the

European assessment document shall be referred to in the declaration of performance and the declaration of conformity.

Or. en

Justification

Moved from paragraph 1 because in this ordering it is more logical.

Amendment 203

**Proposal for a regulation
Article 35 – paragraph 4**

Text proposed by the Commission

4. The Commission is empowered to amend Annex **III** by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure the good functioning of the European assessment documents system.

Amendment

4. The Commission is empowered to amend Annex **IIIa** by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure the good functioning of the European assessment documents system.

Or. en

Amendment 204

**Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1 – point b**

Text proposed by the Commission

(b) disclose ***as little as possible*** information protected by intellectual property rights, and protect commercial secrecy and confidentiality;

Amendment

(b) ***not to*** disclose ***the*** information protected by intellectual property rights, and protect commercial secrecy and confidentiality;

Or. en

Amendment 205

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) allow **at any stage** for adequate participation by the Member States and the Commission;

Amendment

(d) allow for adequate participation by the Member States and the Commission;

Or. en

Justification

Contradiction with Annex III.6

Amendment 206

Proposal for a regulation

Article 37 – paragraph 1 – point c

Text proposed by the Commission

(c) where the product is not covered by any harmonised technical specification or European assessment document **and where no such harmonised technical specification is intended to be adopted in the next two years**, or no such or European assessment document is already in the procedure of developing pursuant to Annex III, the TAB shall apply the procedures set out in Annex III or those established in accordance with Article 35(4).

Amendment

(c) where the product is not covered by any harmonised technical specification or European assessment document or no such or European assessment document is already in the procedure of developing pursuant to Annex III, the TAB shall apply the procedures set out in Annex III or those established in accordance with Article 35(4).

Or. en

Justification

Avoidance of burden for manufacturers. 2 years with no standard or possibility to request an EAD can be a period that is far too long for manufactures. Also, a standard may never be developed. In addition, it is not clear how the deadline of 2 years would be met with regard to the standard-setting process and its publication in the Official Journal.

Amendment 207

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

2. Only European assessment documents referred to in that list and published ***in at least one language of the Union*** by either the Commission or by the organisation of TABs shall authorise the issuing of European technical assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing.

Amendment

2. Only European assessment documents referred to in that list and published by either the Commission or by the organisation of TABs shall authorise the issuing of European technical assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union ***or immediately in case the European technical document has been withdrawn*** unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing.

Or. en

Amendment 208

Proposal for a regulation
Article 40 – paragraph 3

Text proposed by the Commission

3. Where the performance of some of certain essential characteristics of the product can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document, ***unless there are good reasons to deviate from this rule.***

Amendment

3. Where the performance of some of certain essential characteristics of the product can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document.

Or. en

Justification

'Appropriately' gives sufficient discretion to the use of existing assessment methods and criteria.

Amendment 209

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document *established in accordance with the procedures set out in Article 37 and Annex III* the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38.

Amendment

A European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document, the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38.

Or. en

Justification

Unnecessary information without added value.

Amendment 210

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

When a request for a European technical assessment is made, the procedure laid down in Annex III shall apply.

Or. en

Amendment 211

Proposal for a regulation

Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Designating authorities

1. Member States wishing to designate technical assessment bodies shall designate a single authority in charge of technical assessment bodies (hereafter: the “designating authority”). Designating authorities shall satisfy the requirements for notifying authorities set out in Articles 48(1) and Article 49. The designating authority shall not be eligible for designation in accordance with Article 44(1).

2. Unless otherwise specified in this Chapter, the provisions applicable to notifying authorities and to notification procedures apply also to designating authorities and to the designation procedures. However, Member States may not use accreditation.

Or. en

Justification

No separate article is necessary for this. Moved into Article 44.

Amendment 212

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. **The Commission is empowered to amend this table by delegated acts adopted in accordance with Article 87 to adapt it to technical progress.**

Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. **When there is more than one TAB in the Member state, the Member state shall designate one single authority in charge of technical assessment bodies (hereafter: the**

“designated authority”)

Or. en

Justification

Inclusion of Article 43; Avoidance of extensive use of delegated acts to prevent uncertainties for manufacturers.

Amendment 213

Proposal for a regulation

Article 44 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The designating authority ***designated in accordance with Article 43*** shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The designating authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB.

Amendment

The designating authority shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The designating authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB.

Or. en

Amendment 214

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 1 – point i

Text proposed by the Commission

(i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available ***in all EU languages***.

Amendment

(i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available.

Justification

Avoidance of disproportionate burden, as not all Member States designate TAB's.

Amendment 215**Proposal for a regulation****Article 49 – paragraph 6 – subparagraph 1***Text proposed by the Commission*

The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks. ***The Commission may adopt implementing acts laying down a minimum number of full-time equivalences considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 48(3), this minimum number shall apply to that body.***

Amendment

The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.

Justification

Subsidiarity.

Amendment 216**Proposal for a regulation****Article 50 – paragraph 3 – subparagraph 1***Text proposed by the Commission*

A conformity assessment body shall be independent ***of*** the organisation or the product it assesses.

Amendment

A conformity assessment body shall be ***a third-party body*** independent ***from*** the organisation or the ***construction*** product it assesses.

Amendment 217**Proposal for a regulation****Article 50 – paragraph 3 – subparagraph 2***Text proposed by the Commission**Amendment*

It shall be independent of any and all business ties with organisations having an interest in the products it assesses, manufacturers, their trade partners or their shareholding investors, as well as with other notified bodies and their business associations, parent companies or subsidiaries. This does not preclude the notified body from carrying out assessment and verification activities for competing manufacturers.

deleted

Or. en

Justification

Shortening the text by deleting unnecessary, overly detailed information without relevant added value.

Amendment 218**Proposal for a regulation****Article 50 – paragraph 3 – subparagraph 3***Text proposed by the Commission**Amendment*

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body.

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered **to be** such an independent body.

Amendment 219**Proposal for a regulation****Article 50 – paragraph 6 – subparagraph 2 – point a***Text proposed by the Commission*

(a) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process. ***Personnel responsible for taking assessment decisions shall be employed by the notified body under the national law of the notifying Member State, shall not have any other potentially conflicting loyalty obligation or potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. Its number shall be sufficient to ensure business continuity and a consistent approach to conformity assessments;***

Amendment

(a) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process.

Amendment 220**Proposal for a regulation****Article 50 – paragraph 6 – subparagraph 2 – point b***Text proposed by the Commission*

(b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. ***This shall include a qualification matrix matching relevant personnel, their respective status and tasks within the conformity assessment body with the conformity assessment tasks in relation to***

Amendment

(b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. ***It shall have appropriate policies and procedures in place that distinguish between the tasks it carries out as a notified body and other activities and assign their personnel to these tasks.***

which the body intends to be notified;

Or. en

Justification

This Part is not needed. Alignment with current CPR Art. 43 (6a).

Amendment 221

Proposal for a regulation

Article 50 – paragraph 6 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) appropriate policies and procedures in place that distinguish between the tasks it carries out as a notified body and other activities;

deleted

Or. en

Amendment 222

Proposal for a regulation

Article 50 – paragraph 11

Text proposed by the Commission

Amendment

11. A notified body ***shall ensure that its assessment personnel is informed of the relevant standardisation activities and*** shall participate in, and ensure that its assessment personnel is informed of, activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result ***of that group.***

11. A notified body shall participate in, and ensure that its assessment personnel is informed of, ***relevant standardisation activities,*** activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result.

Or. en

Amendment 223

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission

A **conformity assessment** body to be authorised to carry out third party tasks in the assessment and verification process which demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to comply with the requirements set out in Article 50 in so far as the applicable harmonised standards cover those requirements.

Amendment

A **notified** body to be authorised to carry out third party tasks in the assessment and verification process which demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to comply with the requirements set out in Article 50 in so far as the applicable harmonised standards cover those requirements.

Or. en

Justification

Increase clarity.

Amendment 224

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

2. The notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. ***The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 50(6) point (b).***

Amendment

2. The notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.

Or. en

Justification

Avoidance of redundancies.

Amendment 225

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Notified bodies shall assume full responsibility for the tests in their entirety, including the accuracy and traceability of calibration and measurements, and for the reliability of the test results

deleted

Or. en

Justification

Avoidance of redundancies.

Amendment 226

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

Amendment

2. The application shall be accompanied by a description of the activities to be performed, the assessment and/or verification processes for which the body claims to be competent, ***the qualification matrix referred to in Article 50(6), point (b)***, an accreditation certificate, where one exists, issued by the national accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised standards, on the specific requirements and

2. The application shall be accompanied by a description of the activities to be performed, the assessment and/or verification processes for which the body claims to be competent, an accreditation certificate, where one exists, issued by the national accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised standards, on the specific requirements and assessment tasks.

assessment tasks.

Or. en

Amendment 227

Proposal for a regulation Article 58 – paragraph 1

Text proposed by the Commission

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations.

Amendment

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations. ***It shall immediately inform the Commission and the other Member States accordingly.***

Or. en

Amendment 228

Proposal for a regulation Article 59 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the Commission finds that a notified body does not meet, or no longer meets, the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including withdrawal of notification, if necessary.

Or. en

Amendment 229

Proposal for a regulation Article 60 – paragraph 7

Text proposed by the Commission

Amendment

7. Notified bodies shall ensure rotation between the personnel carrying out different assessment tasks. *deleted*

Or. en

Justification

Bureaucratic overreach.

Amendment 230

Proposal for a regulation Article 62

Text proposed by the Commission

Amendment

Article 62 *deleted*

Implementing acts on notified bodies' obligations and rights

Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices leading to unequal treatment of and creating an uneven playing field for economic operators, the Commission may, adopt implementing acts providing details on how to execute the obligations of notified bodies contained in Articles 60 and 61.

Those implementing acts shall be adopted in accordance with examination procedure referred to in Article 88(2).

Or. en

Amendment 231

Proposal for a regulation
Article 63 – paragraph 1

Text proposed by the Commission

The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. ***Coordination and cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.***

Amendment

The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. ***Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.***

Or. en

Justification

Bureaucratic overreach.

Amendment 232

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

Notified bodies shall participate in the work of that group, directly or by means of designated representatives.

deleted

Amendment

Or. en

Justification

Bureaucratic overreach.

Amendment 233

Proposal for a regulation
Article 63 – paragraph 3

Text proposed by the Commission

Amendment

Notified bodies shall apply as general guidance the administrative decisions and documents produced by that group.

deleted

Or. en

Justification

Bureaucratic overreach.

Amendment 234

Proposal for a regulation

Article 64 – paragraph 1 – introductory part

Text proposed by the Commission

1. A manufacturer may replace type testing by appropriate technical documentation demonstrating that:

Amendment

1. A manufacturer may replace type testing **or type calculation** by appropriate technical documentation demonstrating that:

Or. en

Justification

Type calculations are covered by simplified procedures in the current CPR and should be reintroduced in the new CPR. Replacing type calculation by appropriate technical documentation reduces red tape and limits the costs to manufacturers and SMEs.

Amendment 235

Proposal for a regulation

Article 64 – paragraph 1 – point b

Text proposed by the Commission

(b) the product, covered by a harmonised technical specification, which the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual items, given by the provider of such a system or of a component thereof, who has

Amendment

(b) the product, covered by a harmonised technical specification, which **or by a European Technical Assessment**, the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual items, given by the provider of such a

already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the item provided to **him**.

system or **supplier** of a component thereof, who has already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification **or the European Technical Assessment**. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the item provided to **them; or**

Or. en

Justification

Alignment with provisions of the current CPR due to the frequent use of European Technical Assessments in order to ensure that manufacturers can use simplified procedures for all appropriate products.

Amendment 236

Proposal for a regulation

Article 64 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised standard. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. The manufacturer may use the test results obtained by another manufacturer only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability

and stability of those test results.

Or. en

Justification

Adequate provision easing testing that exists in the current CPR and should be kept in the new CPR.

Amendment 237

Proposal for a regulation

Article 66

Text proposed by the Commission

Amendment

Article 66

deleted

Custom-made non-series products

1. In relation to products covered by a harmonised technical specification and which are individually manufactured or custom-made in a non-series process in response to a specific order, and which are installed in a single identified construction work by manufacturers who are also responsible for the safe incorporation of those products into construction works, the performance assessment part of the applicable system, as set out in Annex V, may be replaced by the manufacturer by Specific Technical Documentation demonstrating compliance of that product with the applicable requirements and providing data equivalent to those required by this Regulation and the applicable harmonised technical specifications. Equivalence is given where all the data needed and requirements applicable to the particular construction work and its future dismantling, including reuse, remanufacturing and recycling of its installed products, are provided or fulfilled on the basis of state-of-the-art methods.

2. *A notified body or TAB shall, in addition to the tasks set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1.*

Or. en

Justification

Custom-made non-series products are made in a non-series process in response to a specific order, and intended to be installed in a single identified construction work. There is no potential benefit of CE marking custom-made non-series products.

Amendment 238

Proposal for a regulation

Article 67 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

A notified body (hereafter: recognising notified body) may refrain from the assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where:

Amendment

A notified body (hereafter: recognising notified body) may refrain from the assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where *all of the following applies*:

Or. en

Amendment 239

Proposal for a regulation

Article 67 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) there is an agreement in place between the two notified bodies obliging them to share all information regarding the assessment and verification and their respective certificates and reports;

Amendment

deleted

Justification

All notified bodies are certified and legally accountable for their work and assessments. An additional agreement between notified bodies is unnecessary. This could create barriers to trade for SMEs. Moreover, the recognition or acceptance of test reports from other notified bodies should not be at the discretion of the accepting notifying body.

Amendment 240**Proposal for a regulation
Article 68 – paragraph 1***Text proposed by the Commission*

1. The Commission shall set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation.

Amendment

1. ***Without prejudice to the obligations of economic operators under this regulation and the activities of Market surveillance authorities under the regulation 2019/1020***, the Commission shall, ***in addition***, set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation.

Amendment 241**Proposal for a regulation
Article 70 – paragraph 1 – subparagraph 2***Text proposed by the Commission*

Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to bring the products or ***himself*** into compliance with those requirements and obligations or to withdraw the products

Amendment

Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to bring the products or ***its manufacturer*** into compliance with those requirements and obligations or to withdraw the products

from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

Or. en

Amendment 242

Proposal for a regulation Article 70 – paragraph 7

Text proposed by the Commission

7. Where, within **two** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified.

Amendment

7. Where, within **four** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified.

Or. en

Amendment 243

Proposal for a regulation Article 71 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the national measure is considered to be justified and the non-compliance of the construction product is attributed to shortcomings in the European Assessment Document as referred to in Article 70(5), point (c), the Commission shall inform the organisation of TAB's of the shortcoming and, if necessary, request the revision of the EAD

concerned.

Or. en

Amendment 244

Proposal for a regulation

Article 72 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Consumers shall be enabled to enter information on construction products presenting a risk to consumers through a separate section of the Safety Gate portal provided for in Article 2 of the General Product Safety Regulation. The Commission shall take due account of the information received and ensure follow-up, including transmission of the information to the relevant national authorities.

Or. en

Amendment 245

Proposal for a regulation

Article 73

Text proposed by the Commission

Amendment

Article 73

deleted

Minimum checks and minimum human resources

1. The Commission is empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum number of checks to be performed by the market surveillance authorities of each Member State on specific products covered by harmonised technical specifications or in relation to specific requirements set out in

such measures in order to ensure checks are performed on a scale adequate to safeguard the effective enforcement of this Regulation. The delegated acts may, where relevant, specify the nature of the checks required and methods to be used.

2. The Commission is also empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum human resources to be deployed by Member States for purposes of market surveillance with regard to products covered by this Regulation.

Or. en

Justification

This empowerment to adopt delegated acts to specify the nature of the checks required and methods to be used would constitute an infringement of the principle of subsidiarity.

Amendment 246

**Proposal for a regulation
Article 75 – paragraph 1**

Text proposed by the Commission

Market surveillance authorities shall have the right to recover from economic operators in possession of a non-compliant product *or from the manufacturer the costs of document inspection and physical product testing.*

Amendment

Market surveillance authorities shall have the right to recover from economic operators in possession of a non-compliant product.

Or. en

Justification

This article goes beyond what is foreseen in the Market Surveillance Regulation.

Amendment 247

Proposal for a regulation
Article 77 – paragraph 8

Text proposed by the Commission

Amendment

8. Member States and the Commission may use artificial intelligence to detect diverging decision making practices.

deleted

Or. en

Amendment 248

Proposal for a regulation
Article 78

Text proposed by the Commission

Amendment

Article 78

deleted

EU construction products database or system

1. The Commission is empowered to supplement this Regulation by means of delegated act according to Article 87, by setting up a Union construction products database or system that builds to the extent possible on the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products].

2. Economic operators may access all information stored in that database or system which regards them specifically. They may request that incorrect information is corrected.

3. The Commission may, by implementing acts give access to this database or system to certain authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:

- (a) ensure confidentiality,*
- (b) are partners of a mechanism for lawful transfers of personal data compliant with the Regulation (EU) 2016/679⁴⁸,*
- (c) commit to engage actively by notifying facts that might trigger the need for action of market surveillance authorities, and*
- (d) commit to engage against economic operators infringing this Regulation from their territory.*

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).

⁴⁸ *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1–88.*

Or. en

Amendment 249

Proposal for a regulation Article 78 a (new)

Text proposed by the Commission

Amendment

Article 78a

EU construction products database

- 1. The Commission shall establish and maintain a decentralised Union construction products database consisting of a harmonised interface for the Registry developed and maintained by the Commission. The database shall consist*

of a public section, a compliance section and an online portal giving access to those two sections.

The product database shall not replace or modify the responsibilities of the market surveillance authorities.

In order to protect trade secrets, the Commission shall merely provide links to the documentation and information, which remains stored on the servers of the relevant economic operators.

2. The product database shall serve the following purposes:

(a) to support market surveillance authorities in carrying out their tasks under this Regulation, including enforcement thereof;

(b) to provide the users and authorities with all necessary information about construction products placed on the market;

(c) to store all documentation and information requested from economic operators pursuant to Chapter III of this Regulation;

3. The content of the public part of the database shall contain for all construction product covered by this Regulation at least:

(a) product information satisfying the product information requirements set out in Annex I, Part D;

(b) its declarations of performance and conformity;

4. The compliance section of the product database shall be accessible only to market surveillance authorities and to the Commission and shall contain all documentation and information requested from economic operators pursuant to Chapter III of this Regulation not contained in the public part of the database.

5. The product database shall be established in accordance with the following criteria:

- (a) minimising the administrative burden for the supplier and other database users;**
- (b) user-friendliness and cost-effectiveness; and**
- (c) automatic avoidance of redundant registration.**

6. The compliance section of the database shall be established in accordance with the following criteria:

- (a) ensuring business confidentiality and other competitive concerns;**
- (b) protection from unintended use and the safeguarding of confidential information by way of strict security arrangements;**
- (c) ensuring the once-only principle;**
- (d) access rights based on the need-to-know principle;**
- (e) processing of personal data in accordance with Regulation (EU) 2018/1725 and Regulation (EU) 2016/679, as applicable;**
- (f) limitation of data access in scope to prevent copying larger data sets;**
- (g) traceability of data access for the supplier with regard to its technical documentation.**

7. Economic operators may access all information stored in that database or system which regards them specifically. They may request that incorrect information is corrected. A record of changes shall be kept for market surveillance purposes, keeping track of the dates of any editing.

8. The Commission may, by means of implementing acts, give access to this database to certain authorities of third countries that apply voluntarily this

Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:

(a) ensure business confidentiality and other competitive concerns;

(b) are partners of a mechanism for lawful transfers of personal data compliant with the Regulation (EU) 2016/679;

(c) commit to engage actively by notifying facts that might trigger the need for action of market surveillance authorities; and

(d) commit to engage against economic operators infringing this Regulation from their territory.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).

Or. en

Justification

A decentralised database, where the EU registry only links to economic operators' private servers and they thereby remain gate keepers of their own trade secrets is necessary in order to protect the European construction sector from cyber attacks.

Amendment 250

Proposal for a regulation Article 79 – paragraph 1

Text proposed by the Commission

1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of

Amendment

1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of

their tasks *and at any rate at least one full-time equivalence per Member State and one additional full-time equivalence per each ten millions of inhabitants*. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724⁴⁹ and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515⁵⁰.

⁴⁹ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.

⁵⁰ Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.

their tasks. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724⁴⁹ and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515⁵⁰.

⁴⁹ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.

⁵⁰ Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.

Or. en

Justification

Infringement of the principle of subsidiarity.

Amendment 251

Proposal for a regulation Article 79 – paragraph 3

Text proposed by the Commission

3. Product contact points for construction shall respond within 15 working days of receiving any request under paragraph 3.

Amendment

3. Product contact points for construction shall respond *or provide information free of charge* within 15 working days of receiving any request

under paragraph 2.

Or. en

Justification

In order to increase clarity, paragraphs 3 and 4 have been merged.

Amendment 252

**Proposal for a regulation
Article 79 – paragraph 4**

Text proposed by the Commission

Amendment

4. Product contact points for construction shall not charge any fee for the provision of the information under paragraph 3. **deleted**

Or. en

Justification

In order to increase clarity, paragraphs 3 and 4 have been merged.

Amendment 253

**Proposal for a regulation
Article 82 – paragraph 2**

Text proposed by the Commission

Amendment

2. The Commission may provide third countries or international organisations with selected information from the product database or system referred to in Article 78, to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance with this Regulation and receive relevant information on products and on preventive, restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share such information with national authorities,

2. The Commission **after consultation with the Member states** may provide third countries or international organisations with selected information from the product database or system referred to in Article 78, to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance with this Regulation and receive relevant information on products and on preventive, restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share

where relevant.

such information with national authorities,
where relevant.

Or. en

Amendment 254

Proposal for a regulation Article 82 – paragraph 5

Text proposed by the Commission

Amendment

5. *Where agreements with third countries permit the mutual support in terms of enforcement, Member States may, after consultation of the Commission, use the empowerments set out in Chapter VIII also for action against economic operators acting unlawful in or with respect to third countries, provided that the third countries respect the fundamental values referred to in Article 2 TEU, including the rule of law. Member States may request via the Commission third countries to enforce measures adopted in accordance with Chapter VIII. No cooperation under this Paragraph shall happen where there is no de facto reciprocity or where the Commission raises other concerns, namely with regard to the legal conditions set out in this Article or confidentiality of data.*

deleted

Or. en

Justification

This should not be decided by the Commission, but should be included in the agreements with third countries.

Amendment 255

Proposal for a regulation Article 83 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where Member States provide incentives for a product category covered by a delegated act establishing performance classes in accordance with Article 4(4), **point (a) or a “traffic-light-labelling” in accordance with Article 22(5)**, those incentives shall aim at the highest two populated classes / **colour codes**, or at higher classes / **better colour codes**.

Amendment

Where Member States provide incentives for a product category covered by a delegated act establishing performance classes in accordance with Article 4, those incentives shall aim at the highest two populated classes, or at higher classes.

Or. en

Justification

Ensure consistency with earlier deletion of traffic-light labelling.

Amendment 256

Proposal for a regulation

Article 83 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where **a delegated act defines** classes of performance in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.

Amendment

Where classes of performance **are defined** in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.

Or. en

Amendment 257

Proposal for a regulation

Article 83 – paragraph 2

Text proposed by the Commission

2. Where no delegated act is adopted pursuant to Article 4(4), the Commission may specify in the delegated acts adopted pursuant to Article 4(3), which levels of

Amendment

deleted

performance related to product parameters the Member States incentives shall concern.

When doing so, the Commission shall take into account the following criteria:

- (a) the relative affordability of the products depending on their level of performance;*
- (b) the need to ensure sufficient demand for more environmentally sustainable products.*

Or. en

Justification

Avoidance of unnecessary market distortion.

Amendment 258

Proposal for a regulation Article 83 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States may also provide incentives for the promotion of environmentally friendly construction products in line with state aid rules.

Or. en

Justification

It is important not to limit Member State's competence to create incentives for the production and use of sustainable construction products by defining the preconditions for such incentives too narrowly.

Amendment 259

Proposal for a regulation Article 84 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to supplement this Regulation by delegated acts according to Article 87 by establishing sustainability requirements ***applicable*** to public contracts, ***including implementation, monitoring and reporting of those requirements by Member States.***

Amendment

1. The Commission is empowered to supplement this Regulation by delegated acts according to Article 87 by establishing sustainability requirements ***that may be applied by Member States*** to public contracts.

Or. en

Amendment 260

**Proposal for a regulation
Article 84 – paragraph 2**

Text proposed by the Commission

2. Requirements adopted pursuant to paragraph 1 for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of ***mandatory*** technical specifications, ***selection criteria, award criteria***, contract performance clauses, or targets, as appropriate.

Amendment

2. Requirements adopted pursuant to paragraph 1 for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of ***voluntary*** technical specifications, contract performance clauses, or targets, as appropriate.

Or. en

Amendment 261

**Proposal for a regulation
Article 84 – paragraph 3 – introductory part**

Text proposed by the Commission

3. When establishing requirements pursuant to paragraph 1 for public contracts, the Commission ***shall*** take into account the following criteria:

Amendment

3. When establishing requirements pursuant to paragraph 1 for public contracts, the Commission ***may*** take into account the following criteria:

Amendment 262**Proposal for a regulation
Article 87 – paragraph 6***Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **four** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 263**Proposal for a regulation
Article 88 – paragraph 1***Text proposed by the Commission*

1. The Commission shall be **assisted** by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure).

Amendment

1. The Commission shall be **guided** by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure).

Justification

Member States in the Committee of Construction Products do only have an advisory and not decisional role. This should change as it will increase engagement of Member States and increase the likelihood of more balanced decisions reflecting the needs/views of all Member states.

Amendment 264

Proposal for a regulation

Article 89 – paragraph 2 – subparagraph 1

Text proposed by the Commission

All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks).

Amendment

All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks *or QR-Codes*).

Justification

All standards should be machine readable.

Amendment 265

Proposal for a regulation

Article 90 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) withholding data or technical specifications that could lead to the recall of the construction product or its components or to the refusal or withdrawal of the declaration of conformity;

Amendment 266

Proposal for a regulation

Article 90 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) making false declarations during the performance and conformity assessment procedures set out in Chapter VI;

Or. en

Amendment 267

Proposal for a regulation

Article 90 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) falsifying test results for conformity or for market surveillance;

Or. en

Amendment 268

Proposal for a regulation

Article 90 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission is empowered to supplement this Regulation by delegated act adopted in accordance with Article 87 in order to establish proportionate minimum penalties, targeting all economic operators, TABs and notified bodies directly or indirectly involved in the infringement of obligations of this Regulation.

deleted

Amendment 269

Proposal for a regulation

Article 90 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. With the adoption of this Regulation, the Commission shall develop harmonised criteria or guidance for effective, proportionate and dissuasive penalties. Those criteria shall at least cover the types of infringements laid down in paragraphs 2 and 3.

Or. en

Amendment 270

Proposal for a regulation

Article 91 – paragraph 1

Text proposed by the Commission

Amendment

No sooner than **8** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products **and construction works** and built environment. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

No sooner than **4** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and built environment. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

Or. en

Justification

Construction works fall under Member States' competence.

Amendment 271

**Proposal for a regulation
Article 92 – paragraph 1**

Text proposed by the Commission

Regulation (EU) 305/2011 is repealed with effect from **1 January 2045**.

Amendment

Regulation (EU) 305/2011 is repealed with effect from ***[the date of entry into force of this Regulation], with the exception of Articles 17, 18, 19, and 26, which are repealed with effect from [10 years after the date of entry into force of this Regulation].***

Or. en

Justification

Planning security for economic operators, taking into account the need for a continued legal basis for standardisation requests.

Amendment 272

**Proposal for a regulation
Article 93 – paragraph 4**

Text proposed by the Commission

4. *European assessment documents issued before [1 year after entry into force] remain valid until [3 years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available on the market for another five years.*

Amendment

deleted

Or. en

Justification

This paragraph would have led to a considerable burden on both EOTA and the Commission within a comparatively short period of time, as currently 317 EADs have been published in the Official Journal and a total of 575 EADs are available for the issuance of ETAs.

Amendment 273

Proposal for a regulation Article 93 a (new)

Text proposed by the Commission

Amendment

Article 93a

Working plan for transition

1. The Commission shall, not later than [1 year after entry into force], establish a working plan covering the following three-year period. That working plan shall be publicly available. The Commission shall renew and update the working plan for the following three-year period one year before its expiration.

Should the Commission see that it cannot achieve the goals set out in the working plan, it shall amend it accordingly without undue delay.

2. The working plan shall contain a list of product families which are considered as priorities for the issuing of standardisation requests in accordance with Article 4(2).

3. In establishing the priorities under paragraph 2 of this Article, the Commission shall pay particular attention to the replacement of harmonised technical specifications adopted under Regulation (EU) 305/2011 and the regulatory needs of Member States.

4. The Commission shall involve Member States in the drawing up of the priorities through a transparent and balanced methodology published together with the working plan.

Justification

Planning security for economic operators and transparency for citizens.

Amendment 274

**Proposal for a regulation
Annex I – Part A – point 1 – paragraph 2**

Text proposed by the Commission

The following list of **basic** requirements for construction works shall be taken as the basis for the identification of essential characteristics of products and for the preparation of standardization requests and harmonized technical specifications.

Amendment

The following list of requirements for construction works shall be taken as the basis for the identification of essential characteristics of products and for the preparation of standardization requests and harmonized technical specifications.

Justification

There is no need for the qualification 'basic' as there is no other type of requirement for construction works.

Amendment 275

**Proposal for a regulation
Annex I – Part A – point 1 – paragraph 3**

Text proposed by the Commission

These **basic** requirements for construction works do not constitute obligations incumbent upon economic operators or Member States.

Amendment

These requirements for construction works do not constitute obligations incumbent upon economic operators or Member States.

Amendment 276

Proposal for a regulation

Annex I – Part A – point 1 – paragraph 4

Text proposed by the Commission

The intended life span related to **basic** requirements for construction works shall take into account the likely impacts of the changing climate.

Amendment

The intended life span related to requirements for construction works shall take into account the likely impacts of the changing climate.

Or. en

Amendment 277

Proposal for a regulation

Annex I – Part D – point 1 – introductory part

Text proposed by the Commission

1. Products shall be accompanied by the following information:

Amendment

1. Products shall be accompanied by the following information, **where appropriate**:

Or. en

Amendment 278

Proposal for a regulation

Annex II – point 11 – point a

Text proposed by the Commission

(a) the list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared.

Amendment

(a) the list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared. ***When no performance is declared for one essential characteristic, its name can still be listed and the place where the performance could be given remains empty.***

Or. en

Justification

Manufacturers have adapted their DoP to indicate "NPD" when no performance is declared. This ensures transparency, because the customer is able to see what is not declared. Furthermore, many existing IT systems are not built to hide characteristics when the performance is not declared and would need to function properly, to be allowed to show the full list with empty cells when the performance is not declared. This would also enable simple interactions with Smart CE-marking and Building Information Modelling.

Amendment 279

Proposal for a regulation Annex III – title

Text proposed by the Commission

Amendment

Procedure *for adopting a European Assessment Document*

Procedure *concerning* a European *Technical Assessment*

Or. en

Amendment 280

Proposal for a regulation Annex III – point 1 – point c

Text proposed by the Commission

Amendment

(c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The **Commission selects the TAB to act as the responsible TAB, after consulting** the organisation of TABs.

(c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The responsible TAB **for developing the EAD shall be nominated by** the organisation of TABs.

Or. en

Justification

The working group for developing EADs is most efficient if managed by the organisation of TABs. Nominating the responsible TAB is a decision that hinges on resources within the

group of TABs and experience with this type of product, all factors best evaluated by the organisation of TABs, not the Commission.

Amendment 281

Proposal for a regulation Annex III – point 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) In the absence of a request for a European Technical Assessment the organisation of TABs may initiate the development of a European Assessment Document. In this case, it shall deliver to the working group responsible for the development of the EAD a technical file describing the product, its use and details of the factory production control to become applicable. The responsible TAB chairing the working group for developing the EAD shall be nominated by the organisation of TABs.

Or. en

Justification

The organization of TABs should be able to initiate EADs, in order to ensure that the technical content of the EAD is up-to-date and state of the art.

Amendment 282

Proposal for a regulation Annex III – point 3

Text proposed by the Commission

Amendment

3. Work programme *deleted*

After the conclusion of the contract with the manufacturer or the Group, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document, the schedule for its execution

and indicating the assessment programme. This communication shall take place within 3 months of the receipt of the request for a European Technical Assessment.

Or. en

Amendment 283

Proposal for a regulation Annex III – point 4

Text proposed by the Commission

Amendment

4. The draft European Assessment Document *deleted*

The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in cases foreseen in points 1(a) and 1(b) or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c).

Or. en

Amendment 284

Proposal for a regulation Annex III – point 5

Text proposed by the Commission

Amendment

5. Commission Participation *deleted*

A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the

organisation of TABs at any stage to abandon or modify the development of a certain European Assessment Document, including merging or splitting thereof.

Or. en

Amendment 285

Proposal for a regulation Annex III – point 6

Text proposed by the Commission

Amendment

6. Member States consultation **deleted**

In the case foreseen in point 1(c), the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.

Or. en

Amendment 286

Proposal for a regulation Annex III – point 7

Text proposed by the Commission

Amendment

7. Extension and delay **deleted**

Any delay in relation to the time limits set in points 1 to 4 in this Annex shall be reported by the working group to the organisation of TABs and to the Commission.

If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification

system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.

Or. en

Amendment 287

**Proposal for a regulation
Annex III – point 8**

Text proposed by the Commission

Amendment

8. Amendments and adoption of a European Assessment Document *deleted*

8.1. In cases foreseen in points 1.(a) and 1.(b), the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organization of TABs shall:

(a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account;

(b) adopt the draft European Assessment Document;

(c) send a copy of it to the Commission.

8.2. In the case foreseen in point 1.(c), the responsible TAB shall:

(a) adopt the draft European Assessment Document;

(b) send a copy of it to the Commission.

If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document

in cases foreseen in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.

Or. en

Amendment 288

Proposal for a regulation Annex III – point 9

Text proposed by the Commission

Amendment

9. Final European Assessment Document to be published *deleted*

The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. The organisation of TABs shall publish the European Assessment Document.

Or. en

Amendment 289

Proposal for a regulation Annex III a (new)

Text proposed by the Commission

Amendment

Annex IIIa

Procedure for adopting a European Assessment Document

1. Work programme

In cases as covered in Points 1(a) and 1(b), after agreement with the manufacturer and the Group respectively,

the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document, the schedule for its execution and indicating the assessment programme. This communication shall take place within 3 months of receipt of the request for a European Technical Assessment by a TAB, which shall initiate the procedure as laid down in Points 1(a) and 1(b) in this annex.

In the cases covered in Point 1(c), the organisation of TABs shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline as indicated above for cases in Points 1(a) and 1(b). After that, the Commission shall communicate to the organisation of TABs within 30 working days its observations on the work programme to proceed with the process. The responsible TAB or the organization of TABs, respectively, after having been given the opportunity to comment, shall amend the work programme accordingly.

In the cases covered in Point 1(d), the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document, the schedule for its execution and indicating the assessment programme.

2. The draft European Assessment Document

The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in cases foreseen in points 1(a) and 1(b) or the date the Commission communicated to the responsible TAB its observations on the work programme in

the case foreseen in point 1(c).

3. Commission Participation

A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to modify the development of a certain European Assessment Document, including merging or splitting thereof.

4. Member State consultation

In the case foreseen in point 1(c), the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.

Observations from the Member States are to be communicated to and dealt with by the Commission. The organisation of TABs shall be informed by the Commission of any change in the work programme, required and agreed by the Commission, within the time frame given to the Commission for commenting on the work programme before starting the development of the EAD.

5. Extension and delay

Any delay in relation to the time limits set in points 1 to 4 in this Annex shall be reported by the working group to the organisation of TABs and to the Commission. If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.

6. Amendments and adoption of a European Assessment Document

6.1. In cases foreseen in points 1.(a) and 1.(b), the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organization of TABs shall:

(a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account;

(b) adopt the draft European Assessment Document;

(c) send a copy of it to the Commission.

6.2. In the case foreseen in point 1.(c) and 1 (d), the responsible TAB shall:

(a) adopt the draft European Assessment Document;

(b) send a copy of it to the Commission.

If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document in cases foreseen in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.

If no comments are received from the Commission within 2 months, the European Assessment Document shall be deemed to be accepted by the European Commission.

7. Final European Assessment Document to be published

The organisation of TABs shall adopt the final European Assessment Document

and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. Such publication shall take place within 90 days. The organisation of TABs shall publish the European Assessment Document.

For publishing the reference of an amendment of a European Assessment Document in the Official Journal of the European Union that supersedes the previously cited version of the European Assessment Document, the organisation of TABs shall propose a coexistence period to the European Commission. Notifications of notified bodies based on the EAD being referred to as superseded in the Official Journal of the European Union do not expire but remain valid under the conditions of Articles 58 and 59.

Or. en

Justification

To 1.: Information and confirmation from the COM on the work programme is important for the development of the EAD by EOTA.

To 3.: The COM may ask to modify, but not to abandon, as the request for an EAD shows that there is a need for it.

To 4.: The evaluation of the insights gained from the consultation of MS is a competency of the COM, which is why the organisation of TABs needs to be informed in case changes are agreed between the COM and the MS that concern the development of the EAD.

To 6.2.: Speeding up the process ensures planning security.

To 7: Where a previous version of an EAD is superseded by a newer one, it is important to establish a coexistence period. In this way, manufacturers and notified bodies, have the time to adapt to new conditions as they may have to adapt their manufacturing process or apply for re-issuing of an ETA, or apply for a relevant notification

Amendment 290

Proposal for a regulation
Annex V – point 1 – point b – point ii

Text proposed by the Commission

(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

Amendment

(ii) an assessment of the performance of the product on the basis of type testing ***performed by a notified testing laboratory*** (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

Or. en

Amendment 291

Proposal for a regulation
Annex V – point 2 – point b – point ii

Text proposed by the Commission

(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

Amendment

(ii) an assessment of the performance of the product on the basis of type testing ***performed by a notified testing laboratory*** (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

Or. en

Amendment 292

Proposal for a regulation
Annex V – point 5 – point a – point i

Text proposed by the Commission

(i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type

Amendment

deleted

calculation, tabulated values or descriptive documentation of that product;

Or. en

Amendment 293

Proposal for a regulation Annex V – point 5 – point b – point i

Text proposed by the Commission

(i) *confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product* on the basis of *type* testing (based on sampling carried out by the manufacturer), *type* calculation *or* tabulated values *and, in all these cases, review of the* documentation of the product;

Amendment

(i) *assess* the performance on the basis of *testing performed by a notified testing laboratory* (based on sampling carried out by the manufacturer), calculation, tabulated values *or descriptive* documentation of the *construction* product;

Or. en

EXPLANATORY STATEMENT

General remarks and state of play

The construction industry accounts for almost 9% of the EU's GDP and provides employment for around 18 million citizens in more than 3 million companies in Europe. Manufacturers of construction products are mainly small and medium-sized enterprises that are an important economic and social asset for local communities in European regions and cities. Many of these companies sell their products in more than one Member State, which necessitates efficient and clear rules for the cross-border sale of construction products.

While the system of standardisation of construction products remains an overall success story within and beyond EU borders, it has reached its limits in recent years. The lack of citation of up-to-date harmonised standards for construction products is a key factor undermining the functioning of the internal market, as it creates trade barriers, additional costs and administrative burdens for economic operators and consumers alike. The process for the adoption of standards has become too slow and thus cannot keep up with the development of innovative products and new production methods in the construction sector. As a consequence, standards become outdated and the regulatory needs of the Member States are not met.

The Rapporteur welcomes the proposal by the Commission. An updated and more effective legislative framework is vital to ensure that construction products can be placed on the market unencumbered by bureaucratic burdens and delays in the standardization process. From the manufacturer to the consumer - actors throughout the value chain need planning security and legal certainty. However, the Rapporteur proposes the following additions and changes to the Commission proposal.

Reducing complexity

The CPR is a piece of legislation that should be understandable and implementable by economic actors throughout the value chain. The Rapporteur's amendments therefore aim to clarify, reduce bureaucratic burden and - in some cases - delete provisions that present a real risk of regulatory overreach. True to the one-in-on-out principle established by the Commission, the legislators should be careful not to regulate in the absence of necessity. Where tried and tested working methods have been successfully set up by the previous regulation, and there is no call to change these methods from stakeholders, the legislators should be careful not to create uncertainty by introducing unnecessary adjustments.

Scope of the revised CPR

The Rapporteur notes that the Commission proposal covers a wide range of areas that go far beyond the marketing of construction products. The scope of application of the proposed revision covers all actors of the "construction ecosystem", e.g., manufacturers, importers, distributors, suppliers, architects, designers, and contractors. The Rapporteur further took notice of the fact that the Commission proposal introduces new basic works requirements, product performance and inherent product requirements, as well as product information requirements.

The Rapporteur finds it essential for the application and good functioning of the legislative framework that all actors (manufacturers, distributors, and importers) are able to comply with the new regulation without difficulties and benefit from the information that must be provided according to the revision proposal. The revised Construction Products Regulation should continue to apply to the sale of construction products but not to service contracts with contractors. Those actors in the value chain that merely integrate a construction product into construction works, such as direct installers, should not be subject to the revised CPR.

The rapporteur welcomes the Commission's proposal to reduce the CO2 footprint of the construction sector by addressing the sustainability performance of construction products in the revision of the CPR.

Resolving implementation issues and backlog of standards

It is a priority for the Rapporteur to present solutions to the current backlog of standards that remain unpublished.

The Rapporteur suggests streamlining the standardisation procedure by introducing clear response deadlines and better communication methods between the Commission and CEN/CENELEC. The Rapporteur is also in favour of introducing binding criteria for the quality of standards, which will ensure that less standards are rejected by the Commission.

The Rapporteur is not in favour of bypassing the standardisation process via the adoption of delegated acts. Therefore, the draft report limits the Commission's possibilities to adopt harmonized technical specifications through delegated acts.

Vastly extending the Commission's competence to adopt harmonised technical specifications via delegated act would cause severe delays in the creation and adoption of new harmonised technical specifications, as the Commission lacks the staff and expertise to replace the work of the standardization organisations. CEN/CENELEC are equipped with the expertise and the personnel necessary to ensure a transparent and efficient standardisation process. Similarly, it should be recognised that the European Organisation for Technical Assessment (EOTA) presents an indispensable pathway towards market access for innovative products.

In the Rapporteur's view, the Commission should be able to supplement the CPR by adopting delegated acts where this is truly necessary in the interest of the internal market: For example, in the case of undue delays in the adoption of standards, where there is an urgency to adopt standards or where essential characteristics are not covered by the standard. The Commission should be able to adjust details in a standard where it is dissatisfied with the quality of the standard, as this speeds up the standardization process.

The division of competencies and the role of public procurement

A clear division between the competences of the Union and of the Member States is needed. The Rapporteur finds it imperative that the revised CPR recognizes that Member States remain responsible for the safety of construction works while the CPR as secondary legislation deals only with matters relating to construction products.

As far as the role of public procurement law in the CPR is concerned, the rapporteur points

out that it is a questionable practice for the Union legislator to regulate both via the Public Procurement Directives which have been transposed into national law and via the CPR as a regulation that is directly applicable in the Member States.

The rapporteur furthermore observes with great concern that the Commission proposal appears to interfere with Member States' competence to regulate public procurement procedures and thus considers that environmental requirements for public procurement contracts should be of voluntary nature to ensure that while environmental concerns are taken into account the bureaucratic burden is kept as low as possible for both contracting authorities and contractors.

Legal and planning security for the transition period

The Commission proposal introduces a transition period where both the current and the revised exist in parallel: By its sheer length - the current CPR shall only be repealed in 2045 - this system seems bound to create uncertainties. The Rapporteur suggests a shorter transition period with the repeal of all of the current CPR envisaged within 10 years at the latest.

In addition, the Rapporteur recommends that the Commission set up a publicly available Working Plan for Transition. This plan is to be regularly updated and should contain a list of product families which are considered as priorities for the issuing of standardisation requests. The Commission shall involve Member States in the drawing up of the priorities through a transparent and balanced methodology published together with the working plan. Via this approach, the Rapporteur hopes to achieve planning security for economic operators and transparency for citizens.

Increased use of digitalisation and easing the burden for small and medium sized companies

The Rapporteur welcomes that the proposal places greater emphasis on digital solutions, e.g., in Art. 78 (1). A Single Digital Gateway and the creation of a Union-wide database for construction products are, in principle, to be welcomed, provided that they do not place disproportionate administrative and financial burdens on users. The Rapporteur suggests that digital solutions such as QR codes should be included in the revised CPR.

Clear definition of the database for construction products

The registration of product information online on a construction products database increases transparency to the benefit of the safety of products and the protection of the environment and human health. The Rapporteur thus proposes to establish and maintain a decentralised Union database storing relevant data such as the Declaration of Performance. At the same time, it is vital to protect the trade secrets of the European construction sector from cyber-attacks. In order to guarantee a short response time to threats to cyber security, the Commission should only provide a platform for links to the relevant data, while manufacturers store the data on their private servers.