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COMMISSION REVISED PROPOSAL FOR CONSTRUCTION PRODUCTS REGULATION

A STEP IN THE RIGHT DIRECTION, BUT MORE IS NEEDED

FIEC is the European Construction Industry Federation, representing via its 33 national Member Federations in 28 countries (26 EU & EFTA, Croatia and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as “global players”, carrying out all forms of building and civil engineering activities. FIEC is also an Associate Member in the European Committee for Standardisation CEN. Being composed of 2.6 million enterprises of which 97% are SMEs with fewer than 20 operatives, the Construction Sector employs 1.4 million operatives, representing 7.3 % of Europe’s total employment.

FIEC welcomes some of the clarifications brought by the Commission’s revised proposal on certain articles of the proposal for a Construction Products Regulation. FIEC however expresses concern that construction enterprises producing and incorporating products may, themselves, be forced into CE marking activities even though no product is actually placed on the market. FIEC also warns against creating extra burdens for SME contractors active in construction by allowing manufacturers to make essential information on product performances only available the Internet.

1. ENTERPRISES PRODUCING AND INSTALLING PRODUCTS FOR THEIR OWN WORKS MUST NOT BE OBLIGED TO CE MARK (RECITAL AND DEFINITIONS- ARTICLE 2)

Enterprises that produce AND install products in their own works, without putting the product on the market, must not be considered as manufacturers in the sense of this regulation and must not be required to become involved in CE marking activities. Contractors are themselves responsible for the works they build and making them adhere to additional procedures would be an unacceptable burden. It is wrong and also totally unnecessary to subject contractors to two sets of requirements (one on the products, the other on the installed product). Rather than improving the free movement of goods, obliging the CE Marking of on or off site prefabricated assembled components may lead to craftsmen and small building firms being driven out of business.

FIEC maintains that construction enterprises should not be obliged to CE mark the products they manufacture themselves either on or off the construction site, for incorporation into their own works. FIEC argues that this should be made clear in the text of the CPR.

2. MAINTAIN SUFFICIENT INFORMATION ON CONSTRUCTION PRODUCTS (ARTICLES 6 AND 8)

FIEC regrets the wording of the Commission’s revised proposal as far as the information accompanying CE marking is concerned. The Commission seems to indicate under Article 6 that it agrees to the principle that the declaration of performance should be supplied only by electronic means on the simple choice of the manufacturer. FIEC recalls that in many countries, contract law disallows the use of the electronic supply of product information unless the purchaser gives his prior express agreement.

Users of construction products incorporate thousands of different products into construction works and must be able to **immediately identify** a product arriving on a construction site. They cannot fulfil their legal responsibilities to incorporate products correctly according to the generally recognised state of technology by receiving construction products with only an identification code and a link to a website! Therefore important product performances should, wherever possible, continue to appear either on or attached to the product itself.

A requirement for manufacturers to provide information with their product should not be transformed into a new obligation for users to search through information on websites.

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3. ENSURE CREDIBILITY OF DECLARATION OF PERFORMANCE AND CE MARKING (ARTICLES 4 AND 5)

FIEC regrets that the Commission has not sought to tackle Article 4 in its revised proposal. The Construction Products Regulation covers the marketing of products but not regulations concerning their use, this is a national competence set out in regulations.

In a single market where products cross borders freely and in order for users of construction products to be able to **compare products in full transparency** across the European Union, the reference to all essential characteristics listed in the harmonised technical specification and linked to the product should continue to appear on the declaration of performance.

4. REFERENCE TO THE INTENDED USE OF A PRODUCT (ARTICLE 5)

FIEC applauds the Commission for reinstating the intended use of a construction product in the Declaration of Performance and in the standard. The absence of the intended use would prevent the user from knowing which requirements apply to the product and would render the CE marking useless.

5. PROMOTE THE RIGHT USE OF SIMPLIFIED MEASURES. (ARTICLES 26, 27 AND 28)

FIEC supports the principle behind simplified measures as an effective way of reducing burdens for manufacturers providing that these lead to an equivalent level of confidence in the declared performances of the products, especially as regards their safety. FIEC however continues to believe that rather than make blanket provision in the regulation for simplified measures based on the size of enterprise, less costly but equally safe evaluation means should be integrated into the harmonized technical specifications for small production volumes.

FIEC furthermore calls for a firm distinction to be made in Article 28 §1 so that it is clear that the provisions of the article apply only to enterprises whose main activity is manufacturing construction products.

FIEC is nevertheless encouraged that the Commission has included a new recital making clear that simplified measures should only apply to those who manufacture the products they place on the market.

6. COMMUNICATE THE CPR TO STAKEHOLDERS. (RECITAL)

FIEC equally applauds the Commission for recognising the need to inform all parties involved in the construction process about their respective responsibilities through awareness raising campaigns. This will be crucial for enabling the entire sector to adapt to the new legislation.