

Open public consultation on EU rules for products used in the construction of buildings and infrastructure works

Fields marked with * are mandatory.

Information about respondents

* 1. You are replying:

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

* 2. Your first name:

Bernard

* 3. Your last name:

Gilmont

* 5. Name of the organisation:

European Aluminium

* 6. Postal address of the organisation:

Avenue de Broqueville 12, BE 1150, Brussels

* 7. Country of organisation's headquarters:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany

- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

* 8. Type of organisation:

- Company or sole trader trader (manufacturer, importer, distributor, builder, designer, supplier, final user)
- Business representative (industry association, chamber of commerce, professional organisation)
- Technical body (notified body, technical assessment body, standardisation organisation, EOTA)
- Public authority or testing body (market surveillance e.g. inspectors/enforcement authorities, accreditation, notifying authority, product contact point, building controls)
- Non-governmental organisation
- Representative of construction workers
- Consumer organisation
- Research/academia
- Other

* 9. How many employees does your enterprise have?

- More than 250 employees
- Between 50 and 249 employees
- Between 10 and 49 employees
- Less than 10 employees
- I am self-employed

* 10. Is your organisation included in the Transparency register?

If it is not, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation.

(see: [Why a transparency register?](#))

- Yes
- No

Not applicable

* 11. Please enter your Register ID number:

9224280267-20

* 12. Your contribution

(Note that, whatever option is chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

- can be published with your organisation's information *(I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)*
- can be published provided that your organisation remains anonymous *(I consent to the publication of any information in my contribution in whole or in part - which may include quotes or opinions I express - provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication).*

Consultation



13. Do you know this symbol?

- Yes
- No

14. In your view what information does it provide with regard to construction products?

(it is possible to select more than one reply)

- This construction product has been assessed as to its performance in accordance with a harmonised European standard or a European Assessment Document
- This construction product complies with applicable local, regional or national building requirements and can therefore be used
- This construction product is safe
- This construction product is environmentally sustainable
- This construction product is made in the European Union
- I don't know

15. The following main elements of the EU legislation on construction products aim to provide a level playing field for all stakeholders working with construction products:

- harmonised European standards defining the performance characteristics of a product that could be tested as well as the test method that has to be used, and the reporting format for informing about the results;
- a harmonised system to select testing/assessment bodies (called "Notified Bodies") and to define their precise role, so as to ensure that the testing/assessment is done in all EU Member States in the same way.

Please rate how you think the above main elements have impacted the following issues:

	Large decrease	Some decrease	No effect	Some increase	Large increase	I don't know or not applicable
a) Market opportunities for companies in other Member States than their own	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Competition in your national market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Market opportunities for EU companies in countries outside the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Ability for small companies to compete with big companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Product choice for end-users	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
f) Product information for end-users	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
g) Innovation in the construction products sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
h) Product safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) Overall cost of production	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) Administrative costs to apply SME and simplification provisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Other impacts, please specify:

1000 character(s) maximum

The positive harmonisation effect of the CPR is about to be lost due to the enormous delays in citing candidate hENs and because of too frequent changes of the rules imposed by the European Commission to CEN.

You may elaborate on issues which are the most important or applicable in your case:

1000 character(s) maximum

Our industry is suffering from the new approaches that are followed in regard to classes and thresholds while assessing candidate harmonised standards. This is what we are experiencing particularly with EN 13830. According to our viewpoint, it would be better if the EC and Member States are participating in the preparation of the candidate hENs rather than assessing them in the end. That is why we do hope that developments of Joint Initiative on Standardisation will result in a solution that will be respected by all stakeholders involved.

16. Before the introduction of harmonised European standards for construction products, you were generally using national/regional systems.

Comparing the situations before and since the introduction of harmonised European standards, how would you consider that the benefits of the EU legislation on construction products (e.g. improved product information, improved product safety, increased cross-border trade, greater market opportunities, greater product choice, greater legal certainty) compare to the costs you bear (e.g. fees and charges, administrative costs, staff costs, materials costs, investment costs, hassle costs) when applying it?

- The costs greatly outweigh the benefits
- The costs just about outweigh the benefits
- The benefits are equal to the costs
- The benefits just about outweigh the costs
- The benefits greatly outweigh the costs
- I don't know

Please explain with reference to your case:

1000 character(s) maximum

In the previous systems, it was necessary to get National Approvals which were time & resource consuming procedures. In some cases, the communication difficulties with each and every organisation that was issuing those approvals was not simple and maybe not fair for all. With harmonised Tech Specs it is easy to assess the performance of your product in a specific Notified Body and use these DoP/CE marking as your passport to sell across the internal market.

17. In your view, could the benefits of EU legislation on construction products be achieved at a lower cost?

- Yes
- No
- I don't know

If "yes", please explain with reference of your case:

1000 character(s) maximum

That does not definitely require revision of the CPR but most likely a more pragmatic approach. To avoid unnecessary expenses, it would be essential to re-assess the applicable AVCP system applied to

some essential characteristics. For example: (1) thermal transmittance on EN 14351-1: could be AVCP system 4 instead of 3 as this characteristic is not related to safety of occupants (which is the case in EN 13830); (2) some products covered by EN 1090-1 don't need AVCP system 2+, e.g. temporary structures up to two storeys.

18. Please tell us whether in your view the CPR addresses each of the following potential issues regarding construction products sufficiently or not?

a) Extent and usefulness of information available to users of construction products (professional users and consumers)

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

There is no unique answer, as it depends (a) on the product family and (b) on the background of the person that gets the information (e.g. there is serious difference between an engineer and someone not educated, as this information may be valuable but not understandable)
Last but not least, if the Commission would require the provision of information targeting end-consumers (B2C), the regulatory framework should be the CPR and not any other (new or existing) European legislation.

b) Extent of choice available for consumers in construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

c) Legal certainty in the market for construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

It is key to have common rules: rights and obligations for all economic operators.

d) Extent of cross-border trade between EU Member States

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

It depends on the product family each manufacturer is specialised in. You cannot expect aggregates being transported to long distances. On the contrary, products which are more valuable (components used for production of a kit), have particularities (e.g. marble from specific source) and contain a lot of engineering (e.g. anchors), the cross-border trade is a significant issue.

In several cases, cross-border trade was the one and only reason for which manufacturers decided to develop innovative products for which recovering investment costs can only be achieved when they are sold in several Member States.

e) Level of administrative costs for market operators to comply with the EU legislation on construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

It is already well addressed Chapter III of the CPR. Also, simplified procedures (Chapter VI of the CPR) are giving competitive market access to SMEs.

f) Safety of construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

It is already well addressed via BRCWs.

g) Environmental impact of construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

It is already addressed via BRCWs 3 & 7 and should stay so.

h) Energy efficiency of construction products

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

It is already well addressed via BRCWs and should stay so.

i) Innovation in general, in particular information and information processing technologies (including BIM Building information modelling) use in the construction product sector

- This is not a significant issue
- This is a significant issue but it should not be addressed by EU legislation on construction products
- This is a significant issue and it should be addressed by EU legislation on construction products
- I don't know

Please explain:

1000 character(s) maximum

In fact there is no particular reason for which reference to information and information processing technologies should be made. Most likely, it is necessary to let the space for more 'liberal' interpretations of specific areas of the present Regulation.
Example on § 9.2 'shall be followed': replacing the alphanumeric declaration with a QR code, does not mean that CE marking is not enclosing precisely all required information of that article. In line with the Digital Single Market EU policy, we would highly appreciate the above solution to be allowed. This way forward, we could also manage to give the most accurate answer regarding Life Cycle Assessment topics (LCA).

19. Do you see any contradictions or overlaps between the EU Construction Products Regulation and other legislation at EU or national level (for example, rules on public procurement, rules on product safety, rules on eco-design, rules on health and safety of workers)?

- Yes
- No
- I don't know

If "yes", please explain with reference to your case:

1000 character(s) maximum

It has to be made clear to Member States that they are not allowed to require additional requirements from the essential characteristics given in the relevant harmonised technical specifications.

20. Do you see any positive synergies between the EU Construction Products Regulation and other legislation at EU or national level (for example, rules on public procurement, rules on product safety, rules on eco-design, rules on health and safety of workers)?

- Yes
- No
- I don't know

If "yes", please explain with reference to your case:

1000 character(s) maximum

In term of synergies, the CPR supports the implementation of the EPBD but could do it even more: e.g. by requiring the compulsory declaration of all energy-related performance characteristics for products of the building envelope through CPR Art.3 §3. When it comes to other energy or environmentally-related policy objectives, we insist that the full implementation CPR or its further development should always be pursued in priority instead of double regulation with other product policies (e.g. Ecodesign).

21. Do you think there is merit in legislating on construction products at EU level compared to doing it at national level (28 (27) national regimes)?

- Yes
- No
- Don't know

If "yes" OR "no", please explain:

1000 character(s) maximum

This is the only way forward if we are willing to have an actual internal market and free movement of goods.

22. Do you believe that the EU legislation on construction products should be maintained as it is?

- Yes, it should be maintained as it is now
- Yes, but with improved implementation and enforcement
- No
- I don't know

If "yes" OR "no", please explain, with particular focus on the advantages (benefits) and disadvantages (costs) this would entail:

1000 character(s) maximum

Construction sector is suffering with the fact that more than 100 candidate harmonised standards are not cited.
The use of electronic means should be further promoted via the so called Short CE marking and smart CE marking.
Our members suffer from a poor enforcement of the CPR due to insufficient resources invested by authorities for market surveillance.
By reading Question 23 for which we cannot answer due to the answer given in the present Question 22, we would like to highlight that during the High Level Thematic forum that took place on the 21st June 2017, no single participant suggested the repeal of the CPR. Same result can be derived by the written consultation: 98% of the respondents support the current CPR framework!

25. If the CE marking were no longer allowed for construction products, would you see a need for another kind of marking?

- Yes
- No
- I don't know

If "yes", please explain what kind of marking and why, with particular focus on the advantages (benefits) and disadvantages (costs) this would entail:

1000 character(s) maximum

26. Do you believe that the use of the RAPEX system (i.e. the Rapid Alert System for dangerous non-food products posing a risk to the health and safety of consumers) for construction products is the right tool to help ensure their safety in use?

The Rapid Alert System for dangerous non-food products ("RAPEX") enables quick exchange of information between 31 European countries and the European Commission about dangerous non-food products posing a risk to health and safety of consumers. This allows enforcement authorities in the countries that are members of the network to swiftly follow up on the notifications and to screen their markets for the possible presence of these unsafe products. Since 2010, the Rapid Alert System also covers professional products and products posing risks other than those affecting health and safety (such as risks to the environment).

- Yes
- No
- I don't know

If "no", would you see other tools that should be used?

1000 character(s) maximum

27. If you wish to add further information - within the scope of this questionnaire - please feel free to do so here.

1000 character(s) maximum

Please feel free to upload a concise document, such as a position paper. The maximal file size is 1MB. Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

The maximum file size is 1 MB

Thank you very much for your input into the review of the Construction Products Regulation!

Contact

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