

**FIEC** is the European Construction Industry Federation, representing via its 29 National Member Federations in 26 countries (23 EU & EFTA 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.  
Recognised "Sectoral Social Partner" (employers)

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EUROPEAN CONSTRUCTION  
INDUSTRY FEDERATION

**FIEC position paper**

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## **Construction Products Regulation needs revising**

### **■ No repeal ! Flexibility required for some years until solutions found**

FIEC will not support the repeal of the Construction Products Regulation (CPR), but does support the proposed revision of the Regulation. Pending this revision, FIEC considers that the present CPR should be interpreted with flexibility ensuring that the deliverables of the Regulation are compatible with the needs of construction sector stakeholders.

FIEC thinks that in the long run a European market for construction products must be achieved, but this will take many years. In the meantime, it is important that flexible procedures should apply, permitting the sector to adapt gradually. The CPR is one of the means to work towards that goal, but in addition to the CPR, many other factors contribute to achieving the European market for construction products.

***It is crucial that the CPR should not be considered in isolation.***

### **■ Contractors need certainty in an increasingly complex regulatory environment**

Construction works are expected to comply with ever stricter performance requirements and construction products are becoming more complex. Therefore, it is important that contractors are able to have confidence in product performance, know that products are fit for the intended use and know that products respond to local needs; in order to build safe, healthy and environmentally-friendly works, meeting regulatory and other expectations.

### **■ FIEC supports existing framework but revision needs to address shortcomings**

A common European technical language, primarily developed through European standardisation, is the basis for a European market for construction products. FIEC is committed to continuously improving and extending this common European technical language. The Construction Products Directive and Regulation have strengthened its development. Consequently, FIEC does not support the repeal of the CPR. However, FIEC is dissatisfied with the CPR, which should be revised, because manufacturers' declared product performances under the Regulation are assumed to be accurate and reliable, when this might not always be the case.

Given its particular meaning in the framework of the CPR, different from that in the framework of legislation in other sectors, CE marking is being misunderstood. In particular:

- it is not a quality mark
- it is not a means to demonstrate fitness for use
- it does not mean that the product conforms to the technical specification (often an EN standard)
- it does not confirm whether declared performances comply with the requirements and criteria set for construction works by Member States and local stakeholders
- it does not indicate the level of third party control with regard to declared performances.

For all these reasons, CE marking does not instil confidence.

The CPR foresees significant intervention by the European Commission Services. It is clear that the available resources are insufficient and the regulation is therefore leading to ineffective red tape.

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## ■ Interim solutions require flexible interpretation and tolerance by Commission

Pending its revision, FIEC calls for flexibility in the meantime. Measures are necessary to facilitate and speed up administrative actions, such as the processing of (revised) mandates and delegated acts. Flexibility is required to prevent the blocking of standards. Procedures should be simplified in the interest of all involved stakeholders. Given the common goal, it is important that the European Commission, the Member States and stakeholders collaborate.

For contractors, it is important that the CPR is compatible with their day-to-day needs. The CPR should not be considered in isolation, but as one of the elements in the wider environment within which contractors operate, responding to regulatory requirements and clients' expectations. Therefore, the outcome of the CPR should be compatible with local specifications, codes and regulations. The CPR should take into account local traditions and uses and the different responsibilities that professional stakeholders have throughout Europe. Temporary solutions should be permitted and accepted in the place where the product is used, until European solutions are available.

## ■ FIEC's proposals for specific revisions to the CPR

1. The revision should clarify that the Regulation addresses the marketing of construction products, i.e. the placing on the market. The CPR should not comprise obligations for contractors, including those that manufacture a part of/ a whole product that they subsequently install themselves, to meet a bespoke need on a single identified construction work (Article 5).
2. The meaning of CE marking (Articles 8 and 9) should be clarified and, given the importance of understanding the reliability of declared performances, it should allow the identification of the nature and extent of third party involvement.
3. Whereas the CPR addresses the needs of manufacturers and Member States regarding the placing on the market of construction products, contractors and other users have other needs. Therefore, it is important that the CPR does not restrict in any way additional (quality) marks, approvals, certificates and the like. The latter are necessary:
  - a. to ensure reliable performance for users – after all, information and reliability needs may differ throughout the EU
  - b. to confirm the fitness for use of products, used in systems that vary throughout the EU
  - c. because in many situations contractors rely on third party confirmation that products comply with local regulatory requirements, codes of practice and clients' expectations for the works.

## ■ More compatibility - and long transition phase to facilitate implementation

The revised CPR should more effectively fit into the wider environment within which construction works are designed, procured, executed, used, maintained, renovated and demolished.

Finally, given the huge number of stakeholders involved, it is important that a sufficiently long transition period is foreseen for any revision, ensuring that information and guidance are available before regulatory requirements apply.