



Brussels, 18 November 2013

## Consumer Product Safety regulation (COM (2013)0078)

### The construction products view

The signatories of this position paper welcome and fully support the exclusion of construction products under Regulation (EU) 305/2011 of the scope Consumer Product Safety Regulation (COM (2013)0078- 2013/0049 (COD)), as per **amendment 44** of the IMCO report of 25 October 2013.

The Construction Product Regulation (EU) 305/2011 is a considerable improvement compared to the previous Construction Products Directive 89/106/EEC, incorporates all the key aspects of the *acquis communautaire*, and encompasses clear and consistent requirements concerning :

- **Economic operators obligations:** manufacturers, importers and distributors, as per Construction Products Regulation Articles 11 to 16.
- **Harmonised specifications:** European Standards and European Technical Assessments (specific to construction products), as per Construction Products Regulation Articles 17 to 28.
- **Market Surveillance provisions,** as per Construction Products Regulation Articles 56 to 59.

Furthermore, the Construction Products Regulation (EU) 305/2011 establishes:

- a **specific** and very complete **CE marking for construction products**, which content is regulated in its Article 9.2, and includes, among others, the requirement to include in the CE marking the name and address of the manufacturer.
- the **specific** obligation to **supply a Declaration of Performance of the products** (content regulated as per Article 6), which includes, among others, the requirement to specify the harmonised standard(s) used, as well as the system of assessment and verification of performance established by delegated act.
- **specific assessment and verification of performance** appropriate to each construction product, in many cases well beyond performing a simple testing (detailed in its Article 28 and Annex V).

As a consequence of the above, we, the undersigned, share the view expressed by the IMCO members that all relevant rules for safely marketing construction products are adequately covered by the Construction Product Regulation (EU) 305/2011.

Amending these rules to the new Consumer Products Safety Regulation would not only be detrimental to the clarity and consistency achieved by the Construction Product Regulation, but

would *de facto* imply lowering the level of protection guaranteed by the Construction Products Regulation.

We encourage the Parliament to carry IMCO proposed amendment 44 in its Plenary meeting, and DG Enterprise to safeguard the consistency and clarity of the Construction Products Regulation (EU) 305/2011.