

Open letter to the members of the CPR Review Technical Platform

EOTA has learnt that the European Commission plans to no longer include the ETA route in the future scenarios for the CPR revision. This is indicated clearly in the *Refined Indicative Options for the Review of the Construction Products Regulation* distributed by the European Commission on 21 February 2020.

EOTA is deeply concerned about such a repeal of the ETA route, which would lead to a partial roll-back of the internal market for construction products.

EOTA asks the Technical Platform stakeholders to fully consider the added and intrinsic value the ETA route to CE marking provides and to scrutinise the 'alternative solutions' presented by the EC. EOTA is concerned these do not fully cover what is offered by the ETA route.

The ETA route to CE marking should be maintained because:

- **It is well-established and understood by the market.** This is demonstrated by facts – there are currently more than 7,750 ETAs in 32 product areas issued for 2,670 manufacturers from 66 different countries¹.
- **It is valued by industry stakeholders.** In a 2016 survey carried out by the EC² and a 2018 open letter, industry stakeholders expressed their clear support of this route. Manufacturers state that the benefits of ETAs outweigh their costs by far². For specifiers, designers and contractors the ETA route presents an important reference document.
- **It is known and accepted worldwide.** The excellent reputation of the ETA route gives European manufacturers commercial advantage in opening new markets worldwide², e.g. in the US.
- **It is flexible and facilitates entrepreneurial initiative.** The ETA is open to all construction products not (fully) covered by a harmonised standard (no preliminary administrative decisions required or time limits imposed³).
- **It reflects regulatory and legal needs,** e.g. MS regulatory needs in the area of health and environmental protection. The ETA route has also proven able to react quickly to new legal requirements, such as the new legal consistency needs triggered by the James Elliott judgment.
- **It is responsive to industry trends.** EADs adopted or prepared in 2019/2020 confirm that the ETA closely reflects industry trends and assessment requirements, for example façade elements, construction adhesives, textile fibres and composite materials.

¹ Current EOTA data, similar data was provided to the European Commission in October 2018 in preparation of the evaluation of the relevance of EOTA tasks

² Supporting study for the evaluation of the relevance of EOTA tasks; BRE, Ecorys and Vito, December 2016

³ EC refined indicative options B, C and D would introduce such restrictions.

- **It is best practice.** Countries outside the EU – especially those facing safety issues due to lack of preliminary assessments – look to Europe and the ETA route as a best practice⁴.
- **It is co-ordinated and ensures a consistent common technical language.** Consistent and co-ordinated assessment benchmarks taking into consideration MS regulations and requirements are vital for maintaining safety, transparency and trust in the construction industry.⁵ EOTA has been very successful in promoting these objectives.

A flexible and co-ordinated system is needed to meet challenges ahead – and it already exists via the ETA route to CE marking.

The construction product market serves a dynamic industry facing many challenges. To name just one, building a sustainable and green future for Europe. A co-ordinated and flexible harmonisation system, which respects MS safety needs while encouraging entrepreneurial initiative, will continue to be key to successfully responding to these challenges at a European level.

It is doubtful if a model based strongly on delegated and implementing acts can provide such flexibility. It is also not clear how stakeholder participation, co-ordination, consistency and responsiveness to MS regulatory requirements will be ensured when technical specifications can be developed *unilaterally* by individual bodies.

Given that the European harmonisation system has currently ground to a virtual standstill, EOTA calls upon the European Parliament, Council, and Member States and all Stakeholders to encourage the EC to:

- **focus on and accord appropriate resources to viable short and medium-term solutions for solving the harmonisation backlog at the European stage**
- **concentrate on making the existing system more responsive to MS regulatory requirements as well as market needs**
- **reconsider its current interpretation of the James Elliot judgment which has caused controversy among legal experts**
- **maintain the well-established hEN/ETA regime**

⁴ Scoping study for an Australian Technical Evaluation Network (ATEN), Final Study Report, October 2019

⁵ EC refined indicative options B, C and D accord a strong role to individual actors (expert bodies, individual specification providers) which could jeopardize the consistency of the common technical language.