

EOTA Reflection on the Implementation of the Construction Products Regulation (EU) 305/2011 (CPR)

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1. Financial impact on the smartness of the ETA route

The assessment and harmonisation area in the construction sector claims significant human resources at TAB and at European level, and notably on EOTA Secretariat and EC DG GROW level. This is due to the increased responsibilities of the European Commission, in particular for the Publication of EADs. By recognizing the **implementation task** of all actors in the ETA process management and the EAD development at European level with regard to the requirements laid down by Member States and the Council in the CPR, in particular the set time limits, the risk for non-compliance can be excluded.

EOTA is of the opinion, that the existing **barriers to trade** for manufacturers and other economic operators which **challenge the Internal Market** and thus the Competitiveness of Europe in the global market can be avoided simply by **efficient and effective implementation of the CPR**.

EOTA has evaluated its ETA process management once more in July 2015 and identified

- an **overall handling and development time** (from the registration of the ETA request in EOTA up to the adoption and documentation of the methods for assessing the performance of a construction product) **of up to 7 months, and**
- an average time of **10,75 months in the publication phase**.

From July 2013 until July 2015, the EOTA Secretariat has managed more than **16.718 items** related to ETA requests. The responsible unit of the EC DG GROW has been informed about more than 2000 ETA requests and has been involved in more than 330 cases at least 6 times, 6 x 330 amounting consequently up to **1.980 times**. EOTA has identified a severe bottleneck in the publication phase of EADs.

Being aware of this bottleneck, **EOTA appreciates** the confirmation of the EC to use available resources to further enhance citation of EADs in the OJEU still in 2015.

Although a lot has been achieved during the past 2 years and EOTA can confirm a constantly increasing interest by manufacturers and economic actors from Europe and abroad, the credibility rate on the effectiveness after more than 2 years is not satisfactory.

Therefore, EOTA asks Member States to further develop and apply the necessary measures to fulfill their obligations expressed by the CPR.

➤ In particular: development of IT platform

The assessment of construction products via the ETA route is developed by TABs towards a tailor made service for manufacturers who wish to demonstrate their competence in the European Internal market. Market demands are high and the speed in commercialization are high. EOTA acknowledges the increasing challenge of human and financial resources.

Nevertheless, the process management of the ETA requests needs a smart and **real time procedure**. This can be established by modern IT technology and tools.

Therefore, EOTA reminds Member States and the European Commission to recognize the financial impact on the development of the necessary tools in EOTA and designated TABs as well and to provide for the necessary support, and the impact on human resources for an interim period of time (until of final establishment of all measures and tools).

2. Impact on the safety level of construction products in Europe

The instruments of the **CPR bear limitations** to determine, express and promote the results of a long standing and constantly developing technological experience in the construction sector. Art 24 (3), 21 (1), 2 No 12 and 10 of the CPR **focus rather on the format** of the documentation of the methods for assessing the performance of the construction product and its legal fitness against complaints (at European Court) than the technological content.

The EAD-format concluded between the EC and EOTA in March 2015 and currently applied to all EADs adopted in EOTA in 2013, 2014 and 2015 mirrors these limitations. These restrictions have an impact on the content and thus the value of the ETA as well. Information necessary for the intended use of the product for contractors and other relevant actors in the construction works area risk to be unsatisfactorily addressed. EOTA claimed further development on this issue.

Therefore, EOTA appreciates further clarification envisaged by the EC Services on the already concluded wording of the current EAD-format (March 2015) in cooperation with EOTA, notably with the determination of the material properties. EOTA will apply the new format in due course. The issue of safety remains insufficiently attended to.

➤ In particular: public availability of gained experience

The construction community has gained technological experience of construction products throughout the centuries. **Historical data**, as well as **market surveillance activities**, **surveillance of construction sites**, and the **assessment of products** by accredited or designated bodies, linked with the constant exchange of **best practices** build up a knowledge which should be made publicly available by appropriate measures or tools.

Therefore, EOTA asks Member States to urgently further develop alternatives to make such experience publicly available and to support fostering collaboration of the concerned actors in this field.

In this respect, EOTA as a pre-standardisation body offers to strengthen cooperation with the concerned stakeholders such as CEN, market surveillance and notified bodies in order to support the development of tools linking experience in risks assessments and historical experience in an adequate manner to the published assessment methods and criteria, ensuring a comprehensive online library for the manufacturer and professional user on EU level.

3. Impact of the Implementation of the CPR on the EU agenda

Unfortunately, an appropriate impact assessment were missing at that time and the recognition of a transition phase was neglected, although in Art 66 of the CPR transitional components are laid down.

Nevertheless, the interpretation of some clauses in this regulation, notably Annex II to the CPR, bore the risk to overdue bureaucracy and neglect pragmatism. Thus, constructiveness, transparency, participation, efficiency, effectiveness, and consistency are the principles EOTA members are committed to, and are laid down in the “green paper” of the EOTA CSM (Consistency System Manual). EOTA has evaluated its first approach in 2014. Thus, EOTA knows its shortcomings! EOTA constantly implements adjustments of its procedures towards a smart process, which from **2018** (the moment when manufacturers cannot use ETApprovals anymore as basis for their DoPs) onwards should be completed.

Therefore, EOTA urges Member States to enhance the revision of the CPR by establishing a Steering Committee of concerned actors monitoring the shortcomings in the implementation of this Regulation. The EC report in April 2016 can only be a report showing the interim result of the transitional achievements.

EOTA asks the European Parliament and the Council to foster **sound implementation with a reasonable support and time** for evaluation and adjustments until modifications in the CPR should be made.

EOTA is the **European Organisation for Technical Assessments** seated in Brussels. More than 45 Technical Assessment Bodies (**TAB**) assess construction products, systems and kits upon individual requests of manufacturers and document the methods and criteria for assessing the performance of such products in so called (**EAD**). EOTA makes those assessment methods and criteria publicly available which are not yet or not fully laid down in harmonized European standards (hEN). After publication of the references of EADs in the

Official Journal of the European Union (**OJEU**), these assessment methods and criteria rank also European harmonized technical specifications. The performance of the assessed products as stated in the European Technical Assessment (**ETA**) issued by TABs upon a manufacturer's request is acknowledged valid in the EU Member States, the EEA and Turkey. For the verification of the constancy of performance of construction products assessed via the ETA route, Notified Bodies may be accredited upon harmonised EADs (**hEAD**).

More information on www.eota.eu.