

10 August 2020

To the attention of CPR Technical Platform Stakeholders

Re: Commission's considerations for the review of the Construction Products Regulation (EU) 305/2011, especially with regard to the ETA (European Technical Assessment) route.

Dear Stakeholders,

The European Organisation for Technical Assessment (EOTA) would like to share with you its concerns over the radical changes proposed by the European Commission in the *Refined Indicative Options for the Review of the Construction Products Regulation* of 8 April 2020, especially with regard to the possible discontinuation of the ETA route.

While a targeted improvement of the Construction Products Regulation (CPR) would benefit all stakeholders, some of the Commission's current suggestions risk affecting the construction sector very negatively in terms of adaptation costs, timeliness and the practicability of implementation as well as international competitiveness.

The discontinuation of the ETA route, for instance, would remove considerable flexibility from the system and create major hurdles for manufacturers of non-standard products, such as innovative, complex, unique/niche or green products. Some non-standard products might even be blocked from the internal market and CE marking altogether. This situation risks harming the European Union's competitiveness, distorting the competition among upcoming product technologies, and increasing the uncertainty that manufacturers would have to accept in order to enter the European market. All in all, this would create an innovation-adverse climate.

The current ETA route, as a complement to main standardisation, presents major benefits to the construction sector:

- The ETA route is **open to any (current or future) non-standard construction product**, especially improved and innovative products, niche products and products for which there is as yet little on-site experience.
- The ETA route **creates a climate for innovation**. A recent survey carried out by EOTA found that the majority of manufacturers felt more confident in innovating because of the existence of the EOTA route.
- The ETA route ensures that innovative and non-standard products have **full, quick and unlimited-in-time access** to the internal market and CE marking, while leaving it to the manufacturer to decide whether, when, and how to use this option.



- The ETA route has been very successful in **aligning market needs with the regulatory requirements of the EU Member States**. This is due mostly to the special technical and legal expertise of EOTA's Technical Assessment Bodies.
- The ETA route combines **harmonised assessment methods with a tailor-made product performance assessment** carried out by qualified, independent assessment bodies. This approach ensures users' trust in ETA-covered products even in the absence of long-standing best practice reflected in a harmonised standard.
- The ETA route provides manufacturers with an instrument of **high international renown**, giving them easy access to many third-country markets, especially the US. Users worldwide trust the ETA. This is what has ensured the popularity of the ETA route, with 8,000 ETAs issued for approximately 2,700 manufacturers including both SMEs and larger companies.

EOTA is convinced that the current two-track harmonisation system (the main standardisation route complemented by the EOTA route) renders the European construction sector, in principle, well-equipped to compete on the international scene and to take construction into a greener future. Any revision of the CPR should therefore focus on tapping the full potential of the current harmonisation framework.

EOTA would also like to highlight the importance of finding viable short- and medium-term solutions to the current harmonisation backlog and allocating sufficient resources to this cause. Valuable initiatives, such as the model clauses for sustainability (BWR 7), which were jointly developed by the European Commission and EOTA, or the JIS-5-Action at CEN level (regrettably discontinued), should be followed up on and consistently implemented.

In light of the arguments mentioned above, EOTA and its members strongly recommend maintaining the ETA route in any future CPR framework as it is a key instrument for innovation in the construction sector. An improvement of the current system, rather than complete change, will be the best way forward.

Yours sincerely,

Karsten Kathage
President

European Organisation for
Technical Assessment

