



PRESS RELEASE – 28/1/2009

Has the Commission abandoned the goal of harmonisation in the Construction sector?

The internal market for construction products cannot be achieved by reducing transparency of product information

CEPMC, representing the manufacturers of construction products, UFEMAT, representing distributors, the ACE, representing architects and FIEC, representing construction companies incorporating construction products into construction works, welcome the replacement of the Construction Products Directive 89/106/EEC (CPD) by the proposal for a new Construction Products Regulation (CPR) that aims to remove all remaining regulatory and technical obstacles to the free movement of construction products in the European Economic Area. However, CEPMC, UFEMAT the ACE and FIEC consider that the CPR, as drafted, will lead to confusion and will reverse the trend in harmonisation of the market for construction products achieved through implementation of the CPD and the development of CE marking for products based on over 350 harmonised European standards.

The Commission Proposal as it stands: Confusion and loss of confidence

Once construction products are made available on the market under the new Regulation, a declaration of performance will only be compulsory if product requirements are regulated in the place of destination. The content of this compulsory declaration of performance will also be limited to only those characteristics which are regulated in a given Member State. **Bearing in mind that the majority of Member States only regulate a few requirements concerning construction products, the CPR will drastically reduce the mandatory content of the declaration of performance in many countries.**

In parallel, the Commission Proposal introduces the possibility to declare product performances even when this declaration is not compulsory, transforming the current CE marking into a “voluntary” declaration of performance. This may well become the norm and would result in the CE marking disappearing from entire product families. **Confusion in the market would then follow, caused by certain products bearing the CE marking and a full declaration of performance being sold alongside the same product by a different manufacturer bearing no CE marking and no declaration of performance or a declaration the content of which differs from one country to another.**

On this point, the proposed regulation reduces the level of harmonisation already achieved under the current Construction Products Directive. As the law stands, a manufacturer - in order to affix the CE marking to his product - draws up a declaration of performance for each product covered by a harmonised European specification. This declaration accompanies the CE marking and is based on the same list of essential characteristics across Europe.

Furthermore, **given that the intended use of a construction product is often linked to its performance, CEPMC, UFEMAT the ACE and FIEC request that the CPR include the requirement to cover the generic intended use of the product that is included under the current directive. Contractors, specifiers and distributors need to receive reliable performance information on construction products from manufacturers.**



CEPMC, UFEMAT the ACE and FIEC warn against the following inevitable consequences of reduced harmonisation:

- Confusion over information on products

- heavier burden for architects, designers and construction companies who will be confronted with variable and incomparable information on the same product,
- loss of credibility in the declared performances for users

- reduced harmonisation

- de-marking of already CE marked products
- Risk of reversing level of harmonisation achieved hitherto, creating a splintered market and inhibiting the free movement of construction products
- loss of the main benefits of the CE marking for manufacturers (one single assessment of the product and declaration of performance, valid for all the users everywhere in Europe)

- distortion of competition between manufacturers.

- The market will be faced with the same product, in some cases with and other cases without CE marking. The information on the performance of CE marked products will vary making a comparison impossible.
- open door to voluntary declarations of performance, possibly favourable to large companies at the expense of SMEs

- inability for effective market surveillance to be carried out.



CEPMC, UFEMAT, the ACE and FIEC:

1. Consider that the provisions of the CPR should be reinforced by making the Declaration of Performance and CE marking obligatory when an essential characteristic of a product in relation to basic works' requirements is covered.
2. Believe the Declaration of Performance should take the same form across the European Union and should list all the essential characteristics covered by the relevant harmonised European standard.
3. Are of the opinion that in order to reduce unnecessary burdens for manufacturers, the use of 'No Performance Determined' should be maintained for characteristics not regulated in the place where the product is to be used.
4. Maintain that a clear distinction should be drawn between manufacturer and contractor by explicitly excluding contractors from the scope of CE marking activities.
5. Believe that the information about the "Generic intended use" at product level should continue to be covered by harmonized standards and European Technical Approvals and be included in the declaration of performance.
6. Consider that awareness-raising of the provisions of the CPR among all actors in the construction sector through information campaigns will be an essential task.

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