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*Plenary sitting*

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**A9-0207/2023**

2.6.2023

**\*\*\*I**  
**REPORT**

on the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011  
(COM(2022)0144 – C9-0129/2022 – 2022/0094(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Christian Doleschal

Rapporteurs for the opinion of associated committees pursuant to Rule 57 of the Rules of Procedure:  
Sara Matthieu, Committee on the Environment, Public Health and Food Safety

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT .....	220
OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY .....	223
OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY .....	282
PROCEDURE – COMMITTEE RESPONSIBLE .....	346
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE .....	347



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (COM(2022)0144 – C9-0129/2022 – 2022/0094(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0144),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0129/2022),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 26 October 2022<sup>1</sup>;
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
  - having regard to the opinion of the Committee on Industry, Research and Energy,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0207/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

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<sup>1</sup> Not yet published in the Official Journal.

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) In order for a construction product to be placed on the market, the manufacturer is obliged to draw a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain **exemptions to this obligation are provided.**

**Amendment 2**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) It is necessary to establish well-functioning information flows, including via electronic means, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.

**Amendment 3**

*Amendment*

(2) In order for a construction product **covered by a harmonised technical specification** to be placed on the market, the manufacturer is obliged to draw **up** a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain **products should be exempted from this obligation, such as individually manufactured or custom-made products.**

*Amendment*

(4) It is necessary to establish well-functioning information flows, including via electronic means **and in a machine-readable format**, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) Pursuing *the* environmental goals, including the fight against climate change, makes it necessary to establish new environmental obligations and ***to lay the ground for the development and the application of*** an assessment method for the calculation of the environmental sustainability of construction products. For the same reason, it is necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.

**Amendment 4**

**Proposal for a regulation**  
**Recital 8**

*Amendment*

(7) Pursuing environmental goals, including the fight against climate change ***and the transition towards a circular economy***, makes it necessary to establish, ***without increasing disproportionately bureaucracy and costs for economic operators, especially for SMEs***, new environmental obligations and ***develop and apply*** an assessment method for the calculation of the environmental sustainability of construction products ***based on EN 15804 and widely used Environmental Product Declarations (‘EPDs’) by construction product manufacturers. This is essential to ensure the correct calculation of the environmental impact at the building level according to EN 15978.*** For the same reason, it is necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.

*Text proposed by the Commission*

(8) To ensure safety and functionality of construction products and, by extension, of construction works, ***it is necessary to avoid that items that are not intended by their manufacturers to be construction products are placed on the market as construction products. Importers, distributors and other downstream economic operators should therefore ensure that those pseudo construction products are not sold as construction products. Moreover,*** certain service providers such as fulfilment ***service providers or 3D-printing*** service providers should not contribute to the non-compliances of other economic operators. It is therefore necessary to render relevant provisions applicable also to these services and their providers.

## **Amendment 5**

### **Proposal for a regulation Recital 9**

*Text proposed by the Commission*

(9) It is possible that different ***economic operators provide a 3D-printing dataset, a 3D-printing machine or mould, and the material to be used therein, leading to a situation where none of those operators would be responsible for the safety and appropriate performance of the 3D-printed product. To avoid possible safety risks in this respect,*** it is therefore necessary to ***lay down provisions for 3D-printing datasets, materials intended to be used for 3D-printing and for 3D-printing services that permit 3D-printing of*** construction products, ***so that, by respecting these provisions, the economic operators jointly reach a level of safety similar to the one ensured for ordinary***

*Amendment*

(8) To ensure safety and functionality of construction products and, by extension, of construction works ***as well as workers and consumers,*** certain service providers such as fulfilment service providers should not contribute to the non-compliances of other economic operators. It is therefore necessary to render relevant provisions applicable also to these services and their providers.

*Amendment*

(9) It is possible that different ***natural or legal persons 3D-print construction products.*** It is therefore necessary to ***clarify that a natural or legal person that 3D-prints*** construction products ***when placing on the market products for clients should fulfil the obligations incumbent on manufacturers. In addition, it is necessary to ensure that that person uses the appropriate 3D-datasets, as well as that the materials used have undergone the procedures applicable to products and that the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material coincide.***



*construction* products.

## Amendment 6

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

(10) ***In order to ensure safety and protection of the environment and to close a regulatory loophole that would otherwise exist, it is necessary to clarify that construction products manufactured on the construction site for immediate incorporation into the construction works are subject to the same rules as other construction products. Micro-enterprises, however, often individually manufacture and install products on site.*** Subjecting those micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.

*Amendment*

(10) Subjecting micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected. ***Local authorities should be provided with the necessary financing mechanisms to help micro-enterprises access and be part of the sustainable product market.***

## Amendment 7

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

(11) Ensuring the free movement of kits ***or assemblies*** of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly. ***However, for reasons of legal certainty, their composition should be precisely defined in harmonised technical specifications or European assessment documents.***

*Amendment*

(11) Ensuring the free movement of kits of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly.

## Amendment 8

### Proposal for a regulation Recital 12

*Text proposed by the Commission*

*Amendment*

**(12) *Creating a Union market for small prefabricated one-family houses has a potential to reduce the price of housing and to have positive social and economic effects. Fairness to consumers remains a priority, specifically but not limited to ensuring affordability of housing in the context of the green transition, in line with Proposal for Council Recommendation on Ensuring a fair transition towards climate neutrality<sup>40</sup>, in particular recommendations 7 a)-c). It is therefore necessary to lay down harmonised rules for such small houses. However, small houses are also construction works, for which the Member States are competent. As it might not be possible to integrate cumulatively all national requirements for small prefabricated one-family houses into the future harmonised technical specifications, Member States should have the right to opt out of the application of rules that are to apply to those pre-fabricated one-family houses.*** **deleted**

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<sup>40</sup> *Proposal for a Council Recommendation on Ensuring a fair transition towards climate neutrality COM(2021)801final 2021/0421 (NLE)*

## Amendment 9

### Proposal for a regulation Recital 14

*Text proposed by the Commission*

(14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be subject to the same rules as new construction products, given that such products have never been assessed.

*Amendment*

(14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be subject to the same rules as new construction products, given that such products have never been assessed. ***This applies to construction products manufactured on the construction site for immediate incorporation into the construction works.***

**Amendment 10**

**Proposal for a regulation  
Recital 15**

*Text proposed by the Commission*

(15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where the intended use is changed, except to decoration purposes, for used construction products with unclear initial intended use, for used construction products which have undergone an important transformative process ***and*** for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements.

*Amendment*

(15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where the intended use is changed, except to decoration purposes, for used construction products with unclear initial intended use, for used construction products which have undergone an important transformative process, for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements ***and for used construction products that the economic operator is placing on the market for the first time.***

**Amendment 11**

**Proposal for a regulation  
Recital 17**

*Text proposed by the Commission*

(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market *or directly installed* in the outermost regions of the European Union from those requirements.

*Amendment*

(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market in the outermost regions of the European Union from those requirements.

**Amendment 12**

**Proposal for a regulation**

**Recital 18**

*Text proposed by the Commission*

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. ***It follows the recent trend in product legislation to develop*** a fall-back solution where the ***European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal***. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the ***new back-up empowerments for the Commission should be even more comprehensive***, permitting to optimise the overall output of technical specifications so to catch up the delay in

*Amendment*

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. ***However, in line with other product legislation, this Regulation provides*** a fall-back solution ***in exceptional and well-defined cases*** where the ***application of a legislative act is at risk***. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the Commission ***in collaboration with European standardisation organisations*** should ***establish a workable solution*** permitting to optimise the overall output of technical specifications so to catch up the delay in

the adaptation to technical progress.

the adaptation to technical progress.

## Amendment 13

### Proposal for a regulation

#### Recital 19

##### *Text proposed by the Commission*

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product characteristics in view of their specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

## Amendment 14

### Proposal for a regulation

#### Recital 20

##### *Amendment*

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product characteristics in view of their ***differences in climate, geology and geography and other conditions prevailing in the Member States'*** specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

(20) In order to contribute to the objectives of the European Green Deal **and** the Circular Economy Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary. When setting these requirements, the Commission should take into account **their** potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the product. These standards demonstrate that there is a practical need for such requirements on safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. **Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories.** Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify **the** requirements for the respective construction product

(20) In order to contribute to the objectives of the European Green Deal, the Circular Economy **Action Plan and the Zero Pollution** Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary. When setting these requirements, the Commission should **address the safety risks and** take into account **the requirements'** potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the product. These standards demonstrate that there is a practical need for such requirements on safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify **those** requirements for the respective construction product family or category.

family or category.

## Amendment 15

### Proposal for a regulation

#### Recital 21

##### *Text proposed by the Commission*

(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling, ***the repackaging*** or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, encompassing all those actors so that basic generic obligations can in one strike be established for all of them.

##### *Amendment*

(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, encompassing all those actors so that basic generic obligations can in one strike be established for all of them. ***However, the widening of the scope for such obligations as regards service providers should not be wrongly interpreted as an obligation for those service providers merely concerned with the installation of products as regards CE-labelled products that they are handling in connection with their profession. That obligation will remain exclusively with the manufacturer or any natural or legal persons acting on its behalf.***

## Amendment 16

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) In order to improve **the** legal certainty and to mitigate the fragmentation of the EU market for construction products due to the existence of national requirements and marks, it is necessary to clearly define the area regulated at the EU level, the so-called ‘harmonised zone’, as opposed to the elements remaining within the remit of Member States’ national regulatory sphere.

**Amendment 17**

**Proposal for a regulation**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

(23) In order to improve legal certainty and to mitigate the fragmentation of the EU market for construction products due to the existence of national requirements and marks, it is necessary to clearly define the area regulated at the EU level, the so-called ‘harmonised zone’, as opposed to the elements remaining within the remit of Member States’ national regulatory sphere.

**Amendment 18**

*Amendment*

***(23a) Member States set the safety level for construction works on the basis of their responsibilities towards their citizens, while the Union determines the framework conditions for the internal market. The competence to adopt provisions on construction works remains with the Member States. The basic requirements for construction works set out in Annex I, Part A of this Regulation establish the links to construction products that are technically necessary, and serve as a basis for issuing standardisation requests to the European standardisation organisations for the development of standards for construction products, as well as for the development of European Assessment Documents and corresponding delegated acts.***



**Proposal for a regulation**  
**Recital 23 b (new)**

*Text proposed by the Commission*

*Amendment*

**(23b) *The harmonised zone should also apply to public contracts, grants or other positive incentives with the exception of fiscal incentives.***

**Amendment 19**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

*Amendment*

(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the ***legitimate interests of*** Member States to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. For the ***same*** reason, a mechanism allowing Member ***State*** to set, based on imperative grounds of health, safety or environmental protection, additional requirements for construction products should be established.

(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the Member States' ***competence*** to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. ***Member States are responsible for the safety, environmental and energy requirements that apply to construction and civil engineering works. For this*** reason, a mechanism allowing Member ***States*** to set, based on imperative grounds of health, safety or environmental protection additional requirements for construction products should be established ***in order to enable Member States to react to special circumstances in their territory.***

**Amendment 20**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

(25) A circular economy, the key element of the Circular Economy Action

(25) A circular economy, the key element of the Circular Economy Action

Plan, can be promoted by mandatory deposit-refund systems and the obligation to take back unused products. Member States should therefore be allowed to take *such* measures.

Plan, can be promoted by mandatory deposit-refund systems and the obligation to take back *used or unused non-custom-made* products. Member States should therefore be allowed to take measures *in order to ban the unnecessary destruction of construction products*.

## Amendment 21

### Proposal for a regulation

#### Recital 26

##### *Text proposed by the Commission*

(26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, *where otherwise the same aspect of health, safety or protection of the environment, including climate, would be assessed in parallel under this Regulation and other Union law*.

##### *Amendment*

(26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation.

## Amendment 22

### Proposal for a regulation

#### Recital 27

##### *Text proposed by the Commission*

(27) Moreover, in order to avoid diverging practices of Member States and

##### *Amendment*

(27) Moreover, in order to avoid diverging practices of Member States and

economic operators, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.

## Amendment 23

### Proposal for a regulation

#### Recital 28

*Text proposed by the Commission*

(28) ***In particular***, in the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. ***This should be the case for instance for*** heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.

## Amendment 24

economic operators, ***at the request of one or more Member States***, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.

*Amendment*

(28) In the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement priority for the setting of sustainability requirements will be given to the [ESPR]. ***The intermediary products concerned are*** heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents.

*Amendment*

(33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents. ***In order to simplify supply chain communication, declarations of performance and declarations of conformity should additionally be made available in a machine-readable format. This would allow the user via an app to check conformity with the application rules of the Member State where the product is used. An important prerequisite for machine-readable declarations is a standardised IT format, which is required for each harmonised technical specification. The CEN Workshop Agreement CWA 17316 “Smart CE marking for construction products” provides a basis for the development of harmonised XML formats for declarations of performance, which could be used to complement harmonised standards and harmonised technical specifications accordingly.***

**Amendment 25**

**Proposal for a regulation**  
**Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

***(33a) Pending the revision of the harmonised technical specifications in accordance with this Regulation, the declarations of performance and***

*conformity might contain permalinks to unamendable environmental product declarations or other unamendable documents containing the requested information.*

## Amendment 26

### Proposal for a regulation Recital 35

#### *Text proposed by the Commission*

(35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements.

#### *Amendment*

(35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements. ***A CE marking should be sufficient proof of the conformity of a product with the characteristics and requirements laid down by this Regulation. Member States should not therefore introduce any barriers to their markets based on characteristics and requirements that are not covered by the harmonised zone.***

## Amendment 27

### Proposal for a regulation Recital 35 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(35a) Markings other than the CE marking, including private ones, might contain additional information that could help users to make an informed choice on which product would be best suited for the needs of their construction works.***

## Amendment 28

### Proposal for a regulation Recital 35 b (new)

*Text proposed by the Commission*

*Amendment*

***(35b) The procedural rights of all economic operators and natural or legal persons acting on their behalf in relation to measures, decisions or orders taken by competent national authorities should be ensured in line with Regulation (EU) 2019/1020. Member States should ensure that adequate appeal procedures against such measures, decisions or orders are in place.***

## Amendment 29

### Proposal for a regulation Recital 36

*Text proposed by the Commission*

*Amendment*

(36) To ensure safety, functionality and sustainability of construction products, and by extension of construction works, all economic operators intervening in the supply ***and distribution*** chain should take appropriate measures to ensure that they place or make available on the market only construction products which are in compliance with the binding Union requirements. In order to improve the legal clarity, it is necessary to set explicitly the obligations of economic operators.

(36) To ensure safety, functionality and sustainability of construction products, and by extension of construction works, all economic operators intervening in the supply chain should take appropriate measures to ensure that they place or make available on the market only construction products which are in compliance with the binding Union requirements. In order to improve the legal clarity, it is necessary to set explicitly the obligations of economic operators.

## Amendment 30

### Proposal for a regulation Recital 38

*Text proposed by the Commission*

*Amendment*

**(38) To avoid misleading claims, any claims made by manufacturers of construction products should either be based on an assessment method contained in harmonised technical specifications or, where no such assessment method exists, on methods representing the best available techniques, where no such assessment method provided by a harmonised technical specification exists.**

**deleted**

## **Amendment 31**

### **Proposal for a regulation Recital 39**

*Text proposed by the Commission*

*Amendment*

(39) Technical documentation about construction products, drawn by the manufacturer, facilitates the verification of those products by authorities and notified bodies against the Union requirements. To enhance access to comprehensive information, that technical documentation should include ***an assessment of the environmental sustainability*** of the construction product.

(39) Technical documentation about construction products, drawn by the manufacturer, facilitates the verification of those products by authorities and notified bodies against the Union requirements. To enhance access to comprehensive information, that technical documentation should include ***the essential characteristics related to life cycle*** of the construction product.

## **Amendment 32**

### **Proposal for a regulation Recital 40**

*Text proposed by the Commission*

*Amendment*

(40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether

(40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether

the construction products are intended for professional use only, **or also for use by consumers**. To ensure that construction products can be traced back, manufacturers should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.

the construction products are intended for professional use only, **particularly where expertise is needed in order to use the product**. To ensure that construction products can be traced back, **information that enables** manufacturers **to be identified** should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.

### Amendment 33

#### Proposal for a regulation

##### Recital 42

###### *Text proposed by the Commission*

(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to **reach a fair level of environmental sustainability, both for** their products and **their** manufacturing. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the construction works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.

###### *Amendment*

(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to **ensure that both** their products and manufacturing **contribute significantly to the Union's climate and environmental objectives by substantially improving their products' environmental footprint**. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the construction works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.

### Amendment 34

#### Proposal for a regulation

##### Recital 43

###### *Text proposed by the Commission*

(43) With the goals of ensuring

###### *Amendment*

(43) With the goals of ensuring



sustainability and durability of construction products, manufacturers should ensure that products can be used for **a very long time**. Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts.

## Amendment 35

### Proposal for a regulation Recital 44

#### *Text proposed by the Commission*

(44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan, manufacturers should **favour re-use**, remanufacturing **and** recycling of their products. The (preparation for) re-use, remanufacturing and recycling require **certain** design, namely **by** facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in product **databases or systems** and on the manufacturer's websites, in addition to the instructions for use.

## Amendment 36

sustainability and durability of construction products, manufacturers should ensure that products can be used for **as long as possible**. Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts.

#### *Amendment*

(44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan **and the waste hierarchy**, manufacturers should **prevent waste generation by facilitating and prioritising repair, re-use and** remanufacturing. **Manufacturers should increase resource efficiency through appropriate use of by-products and should, when products come to the end of their life, ensure** recycling of their products. The (preparation for) re-use, remanufacturing and recycling require **specific** design **choices**, namely facilitating the separation of **products**, components and materials **at de-installation, deconstruction and demolition and** at the later stage of recycling and avoiding mixed, blended or intricate materials **and substances of concern**. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in **the Digital Product Passport** and on the manufacturer's websites **or by means of QR codes**, in addition to the instructions for use.

**Proposal for a regulation**  
**Recital 45**

*Text proposed by the Commission*

(45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations **and achieving** the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled.

*Amendment*

(45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations, **general requirements on the gradual improvement of environmental performance, the preferred use of environmentally friendly materials, recycled content obligations and the availability of information on the use, repair, remanufacturing or recycling of products should be applicable to all manufacturers. In order to specify these requirements for certain product families or categories as well as to set further requirements and to achieve** the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled.

**Amendment 37**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt

*Amendment*

(47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt

delegated acts to establish specific labelling requirements *which might include the easily understandable traffic light labelling.*

delegated acts to establish specific labelling requirements

## Amendment 38

### Proposal for a regulation Recital 50

*Text proposed by the Commission*

(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. ***However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. Still, and with the aim to preserve the performance and safety of products, the economic operator undertaking the repackaging should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language set out by the Member State where the products are made available.***

*Amendment*

(50) An economic operator who ***stores or*** modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same.

## Amendment 39

### Proposal for a regulation Recital 51

*Text proposed by the Commission*

(51) In order to increase compliance of

*Amendment*

(51) In order to increase compliance of

manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, service providers, online market places and brokers should be empowered and requested to verify *certain easily verifiable characteristics of products and their manufacturers, such as determination of product type and drawing up a comprehensive* technical documentation, and should *actively* contribute to ensuring that only compliant products reach the users.

## Amendment 40

### Proposal for a regulation Recital 52

*Text proposed by the Commission*

(52) In order to avoid that *3D-printing is used to circumvent* the obligations under this Regulation, 3D-printing *service providers* should *have certain information obligations*.

## Amendment 41

### Proposal for a regulation Recital 54

manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, *fulfilment* service providers, online market places, *sellers* and brokers should be empowered and requested to verify *at a documentary level that* manufacturers *have complied with their obligations as regards* technical documentation, and should contribute to ensuring that only compliant products reach the users.

*Amendment*

(52) In order to avoid that the obligations under this Regulation *are circumvented in cases where the production technology, for example 3D-printing, could involve several different actors contributing to the design and manufacture of a construction product, it is necessary to clearly define the role of the manufacturer. The natural and legal person printing a construction product should take responsibility under this Regulation for the whole product, unless there is another person who places the product on the market under his name or trademark or who takes responsibility for the product by issuing a declaration of performance and conformity.*

*Text proposed by the Commission*

*Amendment*

**(54) The performance and safety of products also depend on the components used and on the services provided by calibrators or other service providers for their design and manufacturing. For these reasons, certain obligations should be established for suppliers of components and service providers involved in the manufacturing of products. Where a non-compliance or risk might have been caused by a supplied component or service of a certain economic operator, the supplier or service provider should inform thereof his other clients who have received the same component or service, so that non-compliances and risks can be effectively tackled for other products too.**

**deleted**

## **Amendment 42**

### **Proposal for a regulation Recital 55**

*Text proposed by the Commission*

*Amendment*

(55) Certain items used for construction have multiple potential purposes. Their manufacturers should have the freedom to decide whether these items are intended for construction or not, also in order to avoid that they have to undergo performance and conformity assessment where not necessary. However, if they decide that a certain item is not intended for construction whilst it could be used for it (**“pseudo product”**), the manufacturers and other economic operators should ensure that it is not used in construction works. Otherwise some of the items would end up in construction whilst not fulfilling the requirements of this Regulation.

(55) Certain items used for construction have multiple potential purposes. Their manufacturers should have the freedom to decide whether these items are intended for construction or not, also in order to avoid that they have to undergo performance and conformity assessment where not necessary. However, if they decide that a certain item is not intended for construction whilst it could be used for it, ***it should be marked as “not for construction” and*** the manufacturers and other economic operators should ensure that it is not used in construction works. Otherwise some of the items would end up in construction whilst not fulfilling the requirements of this Regulation.

## Amendment 43

### Proposal for a regulation Recital 58

*Text proposed by the Commission*

(58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the building stock. ***Accordingly, the Commission should be empowered to seize further opportunities of digitisation by implementing acts.***

*Amendment*

(58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the building stock.

## Amendment 44

### Proposal for a regulation Recital 59

*Text proposed by the Commission*

(59) ***As harmonised standards developed for construction products (hereafter: construction products standards) are mostly mandatory, to create legal certainty, these standards should not only be in line with the relevant standardisation requests and with this Regulation, but also with the general principles of Union law.***

*Amendment*

***deleted***

## Amendment 45

### Proposal for a regulation Recital 60

*Text proposed by the Commission*

*Amendment*

**(60)** *In order to ensure a timely citation of references of construction products standards in the Official Journal of the European Union, the European Commission should be empowered to limit in scope or overrule deficient standards for purposes of legal effects under this Regulation by delegating acts instead of refusing to cite their references in the Official Journal.*

*deleted*

#### **Amendment 46**

##### **Proposal for a regulation Recital 61 a (new)**

*Text proposed by the Commission*

*Amendment*

**(61a)** *When setting up guidelines on the appropriate form and content of standards, the Commission should build on the important work already done in the EC Guidelines for hENs under the CPR as of 28/06/2018, which has been presented by the Commission in the framework of the Joint Initiative on Standardisation.*

#### **Amendment 47**

##### **Proposal for a regulation Recital 65**

*Text proposed by the Commission*

*Amendment*

**(65)** In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up

**(65)** In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up

minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, **for which the tool of a qualification matrix has proven to be most efficient**; to ensure **and verify** that the notified body **is effectively in control of staffing, attribution of external experts, procedures, criteria and decision making, and not a subcontractor, subsidiary or another company belonging to the same family of companies**; and to enlarge the documentation to be provided by bodies when applying for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.

#### Amendment 48

##### Proposal for a regulation

##### Recital 68

*Text proposed by the Commission*

(68) In order to avoid involvement between notified bodies' staff and the manufacturers, notified bodies **should ensure** rotation between the personnel carrying out different conformity assessment tasks.

#### Amendment 49

##### Proposal for a regulation

##### Recital 71

*Text proposed by the Commission*

(71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies

minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, to ensure that the **staffing of the notified body is sufficient and independent**, and to enlarge the documentation to be provided by bodies when applying for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.

*Amendment*

(68) In order to avoid involvement between notified bodies' staff and the manufacturers, **it should be possible for the notified bodies to allow** rotation between the personnel carrying out different conformity assessment tasks.

*Amendment*

(71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies



should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, *participation thereto* should *thus become mandatory*.

should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, *directly or by means of designated representatives*, should *be ensured by Member States*.

## Amendment 50

### Proposal for a regulation

#### Recital 72

*Text proposed by the Commission*

(72) The attempts of establishing simplified procedures for *small and medium-sized enterprises* in Regulation (EU) No 305/2011 and thus reducing the burden and costs on *SMEs and microenterprises* have not been entirely effective and have often remained misunderstood or not used due to the lack of awareness or the lack of clarity regarding their application. By addressing the identified shortcomings while building on the previously established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting *SMEs* while ensuring performance, safety and environmental sustainability of construction products.

*Amendment*

(72) The attempts of establishing simplified procedures for *microenterprises* in Regulation (EU) No 305/2011 and thus reducing the burden and costs on microenterprises have not been entirely effective and have often remained misunderstood or not used due to the lack of awareness or the lack of clarity regarding their application. By addressing the identified shortcomings while building on the previously established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting *microenterprises* while ensuring performance, safety and environmental sustainability of construction products.

## Amendment 51

### Proposal for a regulation

#### Recital 74

*Text proposed by the Commission*

(74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where *both the two involved* economic operators *and the two involved notified bodies* *commit* to cooperate and *where the*

*Amendment*

(74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where *the assessed and verified* economic operators *agree* to cooperate *with the recognised notified body*, and *share the*

*economic operator obtaining certification is in technical command of the product.*

*data with it.*

## **Amendment 52**

### **Proposal for a regulation**

#### **Recital 75**

*Text proposed by the Commission*

(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on **possible non-compliances** through a complaint portal.

*Amendment*

(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation **and under relevant Union law** in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on **non-compliance** through a complaint portal **established and maintained by the Commission**.

## **Amendment 53**

### **Proposal for a regulation**

#### **Recital 76**

*Text proposed by the Commission*

(76) To address the identified shortcomings with regards to the market surveillance under Regulation (EU) No. 305/2011, this Regulation should contain more empowerments for Member States authorities and for the Commission that should enable authorities to act under all potential problematic circumstances.

*Amendment*

(76) To address the identified shortcomings with regards to the market surveillance under Regulation (EU) No. 305/2011, this Regulation should contain more **justified** empowerments for Member States authorities and for the Commission that should enable authorities to act under all potential problematic circumstances.

## **Amendment 54**

**Proposal for a regulation**  
**Recital 78**

*Text proposed by the Commission*

*Amendment*

**(78) To ensure effective enforcement of the requirements and to strengthen market surveillance in Member States, as well as to ensure alignment with the Ecodesign for Sustainable Products Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed by the market surveillance authorities on specific product group or family or in relation to specific requirements and to establish minimum resources requirements.**

*deleted*

**Amendment 55**

**Proposal for a regulation**  
**Recital 79**

*Text proposed by the Commission*

*Amendment*

(79) In addition, to strengthen the on average weak capacities of market surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators.

(79) In addition, to strengthen the on average weak capacities of market surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary **to** provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators **if they are in possession of non-compliant products.**

**Amendment 56**

**Proposal for a regulation**  
**Recital 81**

*Text proposed by the Commission*

(81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it.

*Amendment*

(81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it. ***Member States should also raise economic operators' awareness of the product contact points for construction within their territory.***

**Amendment 57**

**Proposal for a regulation  
Recital 84**

*Text proposed by the Commission*

(84) The ***centralised*** registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a ***centralised Union construction products database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue any of these paths, as appropriate.***

*Amendment*

(84) The registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a ***construction digital product passport and a construction product passport registry.***

**Amendment 58**

**Proposal for a regulation  
Recital 87**

*Text proposed by the Commission*

(87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some **empowerments for international cooperation should be provided for in this Regulation.**

**Amendment 59**

**Proposal for a regulation**  
**Recital 88**

*Text proposed by the Commission*

(88) A certain number of third countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database **or system**, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-

*Amendment*

(87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some **provision should be made in this Regulation for the Commission to engage in** international cooperation.

*Amendment*

(88) A certain number of third countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible, **after consultation with Member States**, to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative

compliant or risky products.

third countries about non-compliant or risky products.

## Amendment 60

### Proposal for a regulation

#### Recital 90

*Text proposed by the Commission*

(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts set out *by implementing* acts should be established *according to* objective, transparent and non-discriminatory criteria.

*Amendment*

(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts *that are specifically tendered as green public procurement contracts* set out *in delegated* acts should be established *by the Commission based on* objective, transparent and non-discriminatory criteria, *taking into consideration the specific constraints of small local authorities and the needs of SMEs.*

## Amendment 61

### Proposal for a regulation

#### Recital 91

*Text proposed by the Commission*

(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be *required* to align their procurement with specific green public procurement criteria *or targets*, to be set out in the delegated acts adopted

*Amendment*

(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be *encouraged* to align their procurement with specific green public procurement criteria, to be set out in the delegated acts adopted pursuant to this

pursuant to this Regulation. The criteria or **targets** set by delegated acts for specific product groups, **should be complied with** not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. **Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised.** The criteria should be transparent, objective and non-discriminatory.

Regulation. The **sustainability criteria could take form of mandatory technical specifications or performance levels, or, as appropriate, selection criteria, award criteria or contract performance clauses, while allowing contracting authorities discretion to decide on the entirety of the criteria needed for the public procurement.** The sustainability criteria set by delegated acts for specific product groups **could be used** not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. The criteria should be transparent, objective and non-discriminatory.

## Amendment 62

### Proposal for a regulation

#### Recital 92

##### *Text proposed by the Commission*

(92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing **and amending** product specific technical provisions and requirements; **defining** the applicable assessment and verification systems; determining the conditions under which obligations under other Union law fulfil certain obligations of this Regulation; amending the declaration of performance and declaration of conformity model; **establishing** additional obligations to manufacturers; revising and supplementing

##### *Amendment*

(92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing product specific technical provisions and requirements; **specifying** the applicable assessment and verification systems **set out in Annex V**; determining the conditions under which obligations under other Union law fulfil certain obligations of this Regulation; amending the declaration of performance and declaration of conformity model; **specifying** additional **environmental** obligations to manufacturers; revising and

procedural rules for the development of European assessment documents; establishing *minimum requirements to market surveillance authorities; setting up a Union construction products database or system; establishing* green public procurement requirements *and defining minimum penalties*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>41</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>41</sup> OJ L 123, 12.5.2016, p. 1.

## Amendment 63

### Proposal for a regulation Recital 93

#### *Text proposed by the Commission*

(93) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission establishing means to transmit information; *providing details on how to execute obligations and rights of economic operators*; adopting the format of the European technical assessment; *establishing minimum resources required*

supplementing procedural rules for the development of European assessment documents; establishing green public procurement requirements. *This empowerment should be limited to what is required to fulfil Member States' needs identified and included in the working plan*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>41</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. *When developing those acts, the Commission should aim at reducing the administrative burden for companies and take into account the needs of SMEs.*

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<sup>41</sup> OJ L 123, 12.5.2016, p. 1.

#### *Amendment*

(93) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission establishing means to transmit information; adopting the format of the European technical assessment; and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the



***by notified bodies and giving access to authorities of third countries to the information systems for harmonised decision-making to the EU construction products database or system*** and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>42</sup> .

European Parliament and of the Council<sup>42</sup> .

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<sup>42</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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<sup>42</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

## **Amendment 64**

### **Proposal for a regulation Recital 98**

#### *Text proposed by the Commission*

(98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. ***In order to ensure these goals and harmonised penalties, the Commission should be empowered to establish minimum penalties by acts adopted in accordance with Article 290 of the Treaty on the Functioning of the European Union.***

#### *Amendment*

(98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.

## **Amendment 65**

### **Proposal for a regulation Recital 100**

*Text proposed by the Commission*

*Amendment*

**(100) To create legal certainty, it should be clarified for how long products placed on the market on the basis of European assessment documents adopted under Regulation (EU) No 305/2011 may remain in the distribution chain and thus be further made available on the market. Similarly to the practice under other product legislation, the appropriate period is considered to be five years after the expiry of the European technical assessment on the basis of which they have been placed on the market. In this way, six years after the entry into force of a harmonised technical specification adopted under this Regulation all products sold to users will comply with that harmonised technical specification and this Regulation.**

**deleted**

## **Amendment 66**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

This Regulation establishes harmonised rules for the making available on the market **and direct installation** of construction products, regardless of whether undertaken in the framework of a service or not, by establishing:

This Regulation establishes harmonised rules for the **placing and** making available on the market of construction products, regardless of whether undertaken in the framework of a service or not, by establishing:

## **Amendment 67**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) rules on how to express the environmental, including **climate**, and

(a) **harmonised** rules on how to express the environmental, including **life**

safety performance of construction products in relation to their essential characteristics;

**cycle assessment** and safety performance of construction products in relation to their essential characteristics;

## Amendment 68

### Proposal for a regulation

#### Article 1 – paragraph 1 – point b

*Text proposed by the Commission*

(b) environmental, **including climate**, functional and safety product requirements for construction products.

*Amendment*

(b) environmental, functional and safety product requirements for construction products.

## Amendment 69

### Proposal for a regulation

#### Article 1 – paragraph 2

*Text proposed by the Commission*

This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components or with **products that could be regarded as construction products whilst not being intended by their manufacturer to be construction products.**

*Amendment*

This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components or with **double use products, including the de-installation and reuse of those products.**

## Amendment 70

### Proposal for a regulation

#### Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***This Regulation contributes to the efficient functioning of the internal market by ensuring the free movement of safe and sustainable construction products in the Union and to the objectives of a green and digital transition by preventing and reducing the impact***

*that construction products have on the environment and on the health and safety of people.*

#### **Amendment 71**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *3D-datasets placed on the market to permit the 3D-printing of construction products covered by this Regulation and 3D-printed construction products and moulds;*

(a) 3D-printed construction products;

#### **Amendment 72**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) *materials intended to be used for the 3D-printing of construction products on or close to the construction site or for the manufacturing using moulds on or close to the construction site;*

*deleted*

#### **Amendment 73**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *construction products manufactured on the construction site for immediate incorporation into construction works, without separate commercial action for the placing on the market;*

*deleted*

#### **Amendment 74**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – subparagraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) kits or assemblies, where their composition is specified in and covered by harmonised technical specifications or European assessment documents (EADs);** **deleted**

**Amendment 75**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – subparagraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) prefabricated one-family-houses of less than 180 m<sup>2</sup> surface floor space with one floor or of less than 100 m<sup>2</sup> surface floor space on two floors.** **deleted**

**Amendment 76**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

**Member States may decide not to apply this Regulation for the houses referred to in point (g) by notification to the Commission.** **deleted**

**Amendment 77**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) the economic operator has changed the intended use of those used construction products or items from the intended use** **(b) the economic operator has changed the intended use of those used construction products or items from the intended use**

assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere decoration” purposes, ***those purposes being defined by the absence of any structural function for the construction works;***

assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere “decoration” purposes;

#### **Amendment 78**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the economic operator is placing a used construction product on the market for the first time;***

#### **Amendment 79**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 2 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) obligations of economic operators de-installing or dealing with used products for reuse are not fulfilled;***

#### **Amendment 80**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

(b) boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption;

(b) ***the hygiene-related quality of*** boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption;

#### **Amendment 81**

**Proposal for a regulation**  
**Article 2 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) systems treating waste water;** **deleted**

**Amendment 82**

**Proposal for a regulation**  
**Article 2 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) sanitary appliances;** **deleted**

**Amendment 83**

**Proposal for a regulation**  
**Article 2 – paragraph 3 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) traffic signalling products.** **deleted**

**Amendment 84**

**Proposal for a regulation**  
**Article 2 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) lighting products subject to Directives 2014/35/EU, 2014/53/EU or 2001/95/EC;**

**Amendment 85**

**Proposal for a regulation**  
**Article 2 – paragraph 3 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

***(eb) electrical and electronic products subject to Directives 2014/35/EU, 2014/30/EU, 2014/53/EU, RoHs Directive or the [XXX] Ecodesign for Sustainable Products Regulation.***

## **Amendment 86**

### **Proposal for a regulation Article 2 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. This Regulation also shall also apply to 3D-printing services of construction products and of items covered by this Regulation. 3D-printing services include renting out of 3D-printing machines that could be used for construction products and items covered by this Regulation.***

***deleted***

***This Regulation shall also apply to services linked to:***

- the manufacturing and commercialisation of construction products and or items covered by this Regulation, and***
- to the de-installing, preparation for re-use, remanufacturing and dealing with used construction products or items covered by this Regulation.***

## **Amendment 87**

### **Proposal for a regulation Article 2 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Member States may exempt from the application of this Regulation construction products *and items* covered**

**5. Member States may exempt from the application of this Regulation construction products covered by this**



by this Regulation that are placed on the market ***or directly installed*** in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products ***or items*** do not bear the CE marking in accordance with Article 16. Construction products ***or items*** placed on the market ***or directly installed*** on the basis of such exemption shall not be deemed to be placed on the market ***or directly installed*** in the Union in the meaning of this Regulation.

Regulation that are placed on the market in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products do not bear the CE marking in accordance with Article 16. Construction products placed on the market on the basis of such exemption shall not be deemed to be placed on the market in the Union in the meaning of this Regulation.

## Amendment 88

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 1

*Text proposed by the Commission*

(1) ‘construction product’ means any ***formed or formless physical item, including its packaging and instructions for use, or a kit or assembly combining such items, that is*** placed on the market or ***produced*** for incorporation in a permanent manner in construction works or parts thereof within the Union, ***with the exception of items that are necessarily first integrated into an assembly, kit or other construction product prior to being incorporated in a permanent manner in construction works;***

*Amendment*

(1) ‘construction product’ means any ***product*** or a kit ***which is produced and*** placed on the market or ***supplied to the construction site*** for incorporation in a permanent manner in construction works or parts thereof within the Union, ***including 3D-printed products*** or other ***items covered by this Regulation in accordance with Article 2(1) to (3);***

## Amendment 89

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 2

*Text proposed by the Commission*

*Amendment*

(2) ‘permanent’ means *for a duration of two years or longer*;

(2) ‘permanent’ means *installed or affixed in such a manner that it may significantly affect the basic work requirements and that it is intended to remain in the construction work or parts thereof and cannot be removed without tools or mechanical force after the completion of the construction or renovation process*;

## **Amendment 90**

### **Proposal for a regulation Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ‘product’ means *a construction product or other item covered by this Regulation in accordance with Article 2(1) to (3)*;

*deleted*

## **Amendment 91**

### **Proposal for a regulation Article 3 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) ‘direct installation’ means *the installation of a product into a construction work of a client without prior making available on the market or the installation of a one-family house covered by this Regulation, regardless whether in the framework of providing a service or not*;

*deleted*

## **Amendment 92**

### **Proposal for a regulation Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

(7) ‘essential characteristics’ means those characteristics of the product which relate to the basic requirements for construction works as set out in Annex I Part A **Point 1** or which have been listed in Annex I Part A **Point 2**;

*Amendment*

(7) ‘essential characteristics’ means those characteristics of the product which relate to the basic requirements for construction works as set out in Annex I Part A or **the environmental characteristics** which have been listed in Annex I Part **B**;

**Amendment 93**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘product requirements’ means a threshold level or another characteristic with which a product has to comply before it can be placed on the market **or installed directly, including those requirements relating to labelling and instructions for use or other information to be provided;**

*Amendment*

(8) ‘product requirements’ means a threshold level or another characteristic **set out in Annex I Part C 1 and C 2, and specified in accordance with Article 5,** with which a **construction** product has to comply before it can be placed on the market;

**Amendment 94**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

(9) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the **3D-printing service provider**, manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person, **other than authorities, notified bodies, technical assessment bodies and product contact points for construction** who is subject to

*Amendment*

(9) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing of products, or making those products

this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing *or repackaging* of products, or making those products available on the market *or installing those products directly* in accordance with this Regulation, *and economic operators as defined in Article 3, point (13) of Regulation (EU) 2019/1020 of the European Parliament and of the Council*<sup>44</sup> ;

available on the market in accordance with this Regulation;

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<sup>44</sup> *Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).*

#### **Amendment 95**

##### **Proposal for a regulation Article 3 – paragraph 1 – point 10**

*Text proposed by the Commission*

*Amendment*

**(10) ‘3D-printing service provider’ means any natural or legal person offering, in the course of a commercial activity, one of the following services: renting or leasing out 3D-printers, printing out 3D-printing datasets, or brokering one of these services, regardless of whether the printing material is provided by that person or not;**

*deleted*

#### **Amendment 96**

##### **Proposal for a regulation Article 3 – paragraph 1 – point 15**

*Text proposed by the Commission*

*Amendment*

**(15) ‘buildings’ means facilities, other**

*deleted*

*than containers, giving shelter to humans, animals or objects, which either are permanently fixed to the ground or can only be transported by the help of special equipment whilst having a surface floor space of at least 20m<sup>2</sup> on one or several levels;*

#### **Amendment 97**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 16**

*Text proposed by the Commission*

(16) ‘level’ means the *result of the assessment of the performance of a product in relation to its essential characteristics, expressed as a numerical value;*

*Amendment*

(16) ‘level’ means the *expression of performance without a classification of potential performance or a specified minimum or maximum;*

#### **Amendment 98**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 17**

*Text proposed by the Commission*

(17) ‘class’ means *a range of levels, delimited by a minimum and a maximum value, of performance of a product;*

*Amendment*

(17) ‘class’ means *an expression of performance within a systematic division of potential performances;*

#### **Amendment 99**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 22**

*Text proposed by the Commission*

(22) ‘assembly’ means *a set of at least two separate items, one of which is a product;*

*Amendment*

*deleted*

#### **Amendment 100**

## Proposal for a regulation

### Article 3 – paragraph 1 – point 24 – point a

*Text proposed by the Commission*

(a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to **common civil** engineering knowledge;

*Amendment*

(a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to **the most up-to-date subject-specific** engineering knowledge;

## Amendment 101

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 25

*Text proposed by the Commission*

(25) ‘intended use’ means the **use** intended by the manufacturer, **including the conditions for usage, as laid out in technical documentation, on labels, in instructions for use, or in publicity material, whilst usages mentioned only in one of these are already part of the ‘intended use’**;

*Amendment*

(25) ‘intended use’ means the intended **use as determined** by the manufacturer **of the construction product as defined in the applicable harmonised technical specification**;

## Amendment 102

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 26

*Text proposed by the Commission*

(26) ‘repair’ means the process of **returning** a faulty product to a condition where it can fulfil its intended use;

*Amendment*

(26) ‘repair’ means the process of **fixing** a faulty **product or replacing its defective components, in order to return the** product to a condition where it can fulfil its intended use;

## Amendment 103

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 27**

*Text proposed by the Commission*

(27) ‘maintenance’ means an action carried out to retain a product in a condition where it is able to function as ***required***;

*Amendment*

(27) ‘maintenance’ means an action carried out to retain a product in a condition where it is able to function as ***specified***;

**Amendment 104**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 31**

*Text proposed by the Commission*

(31) ‘product type’ means the abstract model of individual products, ***determined*** by the ***intended use and a set of characteristics which exclude any variation with regard to performance or to the fulfilment of product requirements set-out in or in accordance with this Regulation, produced in a specific production process using a given combination of raw materials or components, whilst identical items of different manufacturers also belong to different product types***;

*Amendment*

(31) ‘product type’ means the abstract model of individual products, ***defined*** by the ***same*** set of ***declared performances***;

**Amendment 105**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 32**

*Text proposed by the Commission*

(32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen;

*Amendment*

(32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen ***or a performance representing what is currently possible applying common technologies, whether or not it is the most technologically***

*advanced solution;*

## **Amendment 106**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 38**

*Text proposed by the Commission*

(38) ‘harmonised zone’ means the sphere jointly covered by this Regulation, the harmonised technical specifications, and *the* Commission acts of general applicability adopted pursuant this Regulation;

*Amendment*

(38) ‘harmonised zone’ means the sphere jointly covered by this Regulation, the harmonised technical specifications, and Commission acts of general applicability *related to construction products* adopted pursuant *to* this Regulation;

## **Amendment 107**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 39**

*Text proposed by the Commission*

(39) *‘Union law’ means the TEU, the TFEU, general principles of law, acts of general applicability referred to in the second, third and fourth paragraph of Article 288 TFEU and any international agreements to which the Union is party or the Union and its Member States are parties;*

*Amendment*

*deleted*

## **Amendment 108**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 42**

*Text proposed by the Commission*

(42) ‘individually manufactured’ means that, due to the specifications of the client, there is a *variation in terms of manufacturing method when* compared with all other products produced for other

*Amendment*

(42) ‘individually manufactured’ means that, due to the specifications of the client, there is a *need for readjustment of the production equipment for the manufacture when* compared with all



clients by the economic operator in question;

other products produced for other clients by the economic operator in question;

## **Amendment 109**

### **Proposal for a regulation Article 3 – paragraph 1 – point 44**

*Text proposed by the Commission*

*Amendment*

**(44) ‘custom-made’ means that, due to the specifications of the client, there is a variation in terms of size or material when compared with all other products produced for other clients by the economic operator in question.**

**deleted**

## **Amendment 110**

### **Proposal for a regulation Article 3 – paragraph 1 – point 45 a (new)**

*Text proposed by the Commission*

*Amendment*

**(45a) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;**

## **Amendment 111**

### **Proposal for a regulation Article 3 – paragraph 1 – point 46**

*Text proposed by the Commission*

*Amendment*

**(46) ‘harmonised technical specifications’ means construction products standards established in accordance with Article 4(2) *the reference of which has been published in the Official Journal in accordance with Article 34 and thereby were rendered mandatory for purposes of application of***

**(46) ‘harmonised technical specifications’ means construction products standards established in accordance with Article 4(2) and delegated acts adopted in accordance with Article 4(3) and (4), Article 5(1), or Article 22(4) that contain technical prescriptions;**

**this Regulation**, and delegated acts adopted in accordance with Article 4(3) and (4), Article 5(2), or Article 22(4) that contain technical prescriptions;

## Amendment 112

### Proposal for a regulation Article 3 – paragraph 1 – point 48

*Text proposed by the Commission*

(48) ‘double use product’ means a product that is, by its manufacturer, **intended** to be used as product **and** as an item with another **intended** use that would fall outside of the scope of this Regulation if it had only that other intended use;

*Amendment*

(48) ‘double use product’ means a product that is **intended** by its manufacturer to be used as **a** product **or** as an item with another use that would fall outside of the scope of this Regulation if it had only that other intended use;

## Amendment 113

### Proposal for a regulation Article 3 – paragraph 1 – point 51

*Text proposed by the Commission*

(51) ‘**full-time equivalence**’ means the **work-power of one person employed full-time as defined by the Member State concerned or the work-power of several persons employed part-time working together the same number of hours per day or week;**

*Amendment*

**deleted**

## Amendment 114

### Proposal for a regulation Article 3 – paragraph 1 – point 57

*Text proposed by the Commission*

(57) ‘broker’ means any natural or legal person providing an intermediation service for the placing on the market **or direct installation** of products;

*Amendment*

(57) ‘broker’ means any natural or legal person providing an intermediation service for the placing on the market of products;

## Amendment 115

### Proposal for a regulation Article 3 – paragraph 1 – point 69

*Text proposed by the Commission*

**(69) ‘authority’ means the European Commission, its agencies, and any notifying authority, designating authority or market surveillance authority, unless specified otherwise in the respective provision: regardless of in which Member State it is located;**

*Amendment*

**deleted**

## Amendment 116

### Proposal for a regulation Article 3 – paragraph 1 – point 70

*Text proposed by the Commission*

(70) ‘product presenting a risk’ means a product that, whenever during its entire life-cycle **and even when created indirectly**, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use;

*Amendment*

(70) ‘product presenting a risk’ means a product that, whenever during its entire life-cycle, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use;

## Amendment 117

### Proposal for a regulation Article 3 – paragraph 1 – point 71 a (new)

*Text proposed by the Commission*

*Amendment*

***(71a) ‘decorative purposes’ means purposes defined by the absence of any structural function or basic requirements for the construction works as listed in Annex I;***

## **Amendment 118**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 71 b (new)**

*Text proposed by the Commission*

*Amendment*

***(71b) ‘by-product’ means a ‘by-product’ within the meaning of Article 5 of Directive 2008/98/EC;***

## **Amendment 119**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 71 c (new)**

*Text proposed by the Commission*

*Amendment*

***(71c) ‘recyclability’ means the ability of waste materials or products to be effectively and efficiently separated, collected, sorted and aggregated as defined waste streams in preparation for recycling, and then recycled through relevant industrial processes and reprocessed into recycled materials or products, whilst minimising quality or functionality losses compared to the original material or product.***

## **Amendment 120**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. The basic requirements for construction works, set out in Annex I Part A **Point 1** shall constitute the basis for the preparation of standardisation requests and harmonised technical specifications.

*Amendment*

1. The basic requirements for construction works, set out in Annex I Part A shall constitute ***the basis for the identification of essential characteristics of construction products. The essential characteristics of construction products shall be identified by the Commission, taking into account the regulatory needs of the Member States and Union safety, environmental, circularity and climate objectives. The essential characteristics identified, together with the essential environmental characteristics listed in Annex I Part B, shall form*** the basis for the preparation of standardisation requests and harmonised technical specifications.

**Amendment 121**

**Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The essential characteristics ***specified*** in accordance with paragraph 1 or listed in Annex I Part ***A Point 2*** and the methods for their assessment shall be laid down in standards which ***are rendered mandatory*** for purposes of application of this Regulation. ***The essential characteristics of products shall be identified in view of the basic requirements for construction works, taking account of the regulatory needs of Member States.***

*Amendment*

The essential characteristics ***identified*** in accordance with paragraph 1 or ***the essential environmental characteristics*** listed in Annex I Part ***B*** and the methods for their assessment shall be laid down in standards which, for ***the*** purposes of ***the*** application of this Regulation, ***are rendered mandatory by means of delegated acts referred to in Article 6a(9).***

**Amendment 122**

**Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Commission **may** issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods.

*Amendment*

***For the purposes of the first subparagraph, the Commission shall issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods. These standardisation requests may include a request to determine the threshold levels and classes of performance in relation to these essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall determine the requirements to be met for the establishment of the threshold levels, classes of performance and mandatory characteristics in the standardisation request.***

**Amendment 123**

**Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The standardisation requests concerning the determination of the threshold levels and classes of performance shall be accompanied by an impact assessment, in accordance with paragraph 13 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.***

**Amendment 124**

**Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall issue standardisation requests to lay down specific requirements as regards essential characteristics for used construction products. These standardisation requests shall be issued in line with the working plan established in accordance with Article 93a.***

## **Amendment 125**

### **Proposal for a regulation Article 4 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

***The respective standardisation requests may also include a request that the European standardisation organisation determine in the standards referred to in the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request.***

***deleted***

## **Amendment 126**

### **Proposal for a regulation Article 4 – paragraph 2 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

***The Commission shall verify that the basic principles and corner stones, and the Union law are respected in the standards prior to publishing the***

***deleted***

*reference thereof in the Official Journal in accordance with Article 34.*

#### **Amendment 127**

##### **Proposal for a regulation Article 4 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. *By way of derogation from paragraph 2 and in order to cover the regulatory needs of Member States and to pursue the goals of Article 114 of the Treaty on the Functioning of the European Union, the Commission is empowered to supplement this Regulation by means of* delegated acts in accordance with Article 87, by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods *in* any of the following *cases*:

*Amendment*

3. *While priority shall be given to the elaboration of standards, the Commission is empowered to adopt* delegated acts in accordance with Article 87, *supplementing this Regulation* by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods *where no harmonised standard covering the relevant essential characteristics has been delivered pursuant to a request made in accordance with the first subparagraph of paragraph 2 of this Article and no such standard is expected to be delivered within a reasonable time and, in addition, any of the following conditions is fulfilled*:

#### **Amendment 128**

##### **Proposal for a regulation Article 4 – paragraph 3 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

*(-a) the Commission has requested one or more European standardisation organisations to draft a harmonised standard for the requirements and the request has not been accepted by any of the European standardisation organisations;*

#### **Amendment 129**



**Proposal for a regulation**  
**Article 4 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the ***time-frame*** set out in the standardisation request;

*Amendment*

(a) there are undue ***and unjustified*** delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the ***time frame*** set out in ***the request but not longer than 2 years after having received*** the standardisation request;

**Amendment 130**

**Proposal for a regulation**  
**Article 4 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) ***there is an urgency for the adoption of more harmonised technical specifications that cannot be matched with standards referred to in the first subparagraph of Article 4(2) alone;***

*Amendment*

***deleted***

**Amendment 131**

**Proposal for a regulation**  
**Article 4 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) one or more essential characteristics referring to basic work requirements set out in Annex I Part A, ***Point 1*** or included in Annex I Part A, ***Point 2*** are not covered by the standards referred to in the first subparagraph of Article 4(2) the references of which are already published in the Official Journal;

*Amendment*

(c) one or more essential characteristics referring to basic work requirements set out in Annex I Part A or included in Annex I Part ***B*** are not covered by the standards referred to in the first subparagraph of Article 4(2) the references of which are already published in the Official Journal ***and the European standardisation organisations refused to***

*revise or amend the relevant standard in due time;*

#### **Amendment 132**

##### **Proposal for a regulation Article 4 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) the standards referred to in the first subparagraph of Article 4(2) are for other reasons considered not sufficient to cover regulatory needs of Member States or the needs of economic operators;*

*deleted*

#### **Amendment 133**

##### **Proposal for a regulation Article 4 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) there is a need to revise or amend the standard referred to in the first subparagraph of Article 4(2) in order to cover the regulatory needs of Member States, or to align with the Union safety, environmental, circularity and climate objectives, and the European standardisation organisations refused or were unable to revise or amend the relevant standard in due time;*

#### **Amendment 134**

##### **Proposal for a regulation Article 4 – paragraph 3 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) the standards referred to in the first subparagraph of Article 4(2) are not in line with EU climate and environmental legislation and ambition;*

*deleted*

## Amendment 135

### Proposal for a regulation

#### Article 4 – paragraph 3 – point f

*Text proposed by the Commission*

(f) *references to standards referred to in the first subparagraph of Article 4(2) cannot be published in the Official Journal for the reasons set out in Article 34(4) or other legal reasons;*

*Amendment*

(f) *there is a need to adapt a standard or part of it which has been adopted by a European standardisation organisation but which cannot be published in the Official Journal in accordance with Article 6a(8);*

## Amendment 136

### Proposal for a regulation

#### Article 4 – paragraph 3 – point g

*Text proposed by the Commission*

(g) *references to standards referred to in the first subparagraph of Article 4(2) have been withdrawn from the Official Journal or were published with a restriction.*

*Amendment*

*deleted*

## Amendment 137

### Proposal for a regulation

#### Article 4 – paragraph 4 – introductory part

*Text proposed by the Commission*

4. In order to cover the regulatory needs of Member States and to pursue the environmental, safety and harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union, *the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by determining, for particular product families and categories, the following:*

*Amendment*

4. *While priority shall be given to the elaboration of standards, the Commission is empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation in order to cover the urgent regulatory needs of Member States and to pursue the environmental, safety objectives and harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union,. In such case, the Commission may determine*

*the following for specific* product families and categories:

#### **Amendment 138**

##### **Proposal for a regulation Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Before preparing a delegated act, the Commission shall inform the committee referred to in Article 22 of Regulation (EU) No 1025/2012 that it considers the conditions set out in paragraph 3 and 4 to be fulfilled.**

#### **Amendment 139**

##### **Proposal for a regulation Article 4 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. When preparing the delegated act, the Commission shall consult the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012.**

#### **Amendment 140**

##### **Proposal for a regulation Article 4 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**4c. Where a harmonised standard is adopted by a European standardisation organisation and is rendered mandatory by means of a delegated act referred to in Article 6a(9), the Commission shall repeal the delegated acts referred to in paragraphs 3 or 4 of this Article, or those**

*parts thereof that cover the same requirements.*

## **Amendment 141**

### **Proposal for a regulation Article 4 – paragraph 5**

*Text proposed by the Commission*

5. The Commission is empowered to **amend Annex I Part A by means of** delegated acts in accordance with Article 87 in order to adapt it to technical progress and to cover new risks and environmental aspects.

*Amendment*

5. The Commission is empowered to **adopt** delegated acts in accordance with Article 87 **amending Annex I, Part A** in order to **comply with the standardisation priorities established pursuant to Article 93a(2)**, to adapt it to **reflect** technical progress and to cover new risks and environmental aspects.

## **Amendment 142**

### **Proposal for a regulation Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4a*

##### ***Product information requirements***

***All construction products covered by this Regulation shall, prior to their placing on the market, satisfy the product information requirements set out in Annex I Part C3.***

***The product information requirements set out in Annex I Part C3 may be specified for the respective product family or category by means of delegated acts adopted by the Commission in accordance with Article 87 or by means of standards following a standardisation request made by the Commission pursuant to Article 4(2).***

***The product information requirements laid down in Annex I Part C3 shall be provided for all construction products on***

*the product packaging or attached in accordance with Article 21(5). For the construction products covered by harmonised technical specification information requirements shall be available via the digital product passport.*

## **Amendment 143**

### **Proposal for a regulation Article 5 – paragraph 1**

*Text proposed by the Commission*

1. *All products covered by this Regulation shall, prior to their placing on the market or direct installation, satisfy the generic, directly applicable product requirements set out in Annex I Part D and the product requirements laid down in Annex I Part B and C as specified for the respective product family or category in accordance with paragraph 2. The product requirements laid down in Annex I Part B and C are only applicable where they have been specified in accordance with paragraph 2.*

*Amendment*

1. *The Commission is empowered to adopt delegated acts in accordance with Article 87, supplementing this Regulation by specifying for the respective product family or category, product requirements laid down in Annex I Part C1 and C2.*

## **Amendment 144**

### **Proposal for a regulation Article 5 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Prior to their placing on the market, construction products covered by this Regulation shall satisfy the product requirements specified in such delegated acts.*

## **Amendment 145**

### **Proposal for a regulation Article 5 – paragraph 2**

*Text proposed by the Commission*

2. ***In order to specify*** the product requirements set out in Annex I ***Part B, C and D***, the Commission ***is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying***, for particular product families and categories, these product requirements ***and by laying*** down the corresponding assessment methods. Once the Commission has specified ***these*** product requirements by delegated acts, it ***may*** issue standardisation requests which aim at the elaboration of ***voluntary*** harmonised standards providing presumption of conformity with these mandatory product requirements ***as specified by these delegated acts***.

*Amendment*

2. ***When specifying*** the product requirements set out in Annex I ***Parts C1 and C2 in accordance with paragraph 1 of this Article***, the Commission ***may define***, for particular product families and categories, ***which of*** these product requirements ***shall apply to that product family or category and lay*** down the corresponding assessment methods. Once the Commission has specified ***those*** product requirements by delegated acts, it ***shall*** issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with these mandatory product requirements. ***In the event there is no harmonised standard, the Commission shall establish clear guidelines for manufacturers on how to demonstrate conformity with product requirements***.

**Amendment 146**

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. The Commission is empowered to ***amend*** Annex I Part B, C and D ***by means of delegated acts in accordance with Article 87*** in order to adapt it to technical progress and ***in particular*** to cover new risks and environmental aspects.

*Amendment*

3. The Commission is empowered to ***adopt delegated acts in accordance with Article 87*** amending Annex I Part B, C and D in order to ***comply with the standardisation priorities established pursuant to Article 93a(2), to adapt*** it to technical progress and ***to cover*** new risks and environmental aspects.

**Amendment 147**

**Proposal for a regulation**  
**Article 6 – title**

*Text proposed by the Commission*

Assessment and verification systems **and their product specific modalities**

*Amendment*

Assessment and verification systems

## **Amendment 148**

### **Proposal for a regulation Article 6 – paragraph 1**

*Text proposed by the Commission*

1. In order to apply a tailor-made approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category the applicable assessment and verification **system** among those set out in Annex V. It may also determine different assessment and verification systems to the same product family or category when differentiating by essential characteristic or product requirement.

*Amendment*

1. In order to apply a tailor-made approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category **which of the applicable assessment and verification systems are to be used**. It may also determine different assessment and verification systems to the same product family or category when differentiating by essential characteristic or product requirement.

## **Amendment 149**

### **Proposal for a regulation Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Assessment and verification systems shall be determined together with harmonised technical specifications depending on the intended use and on the basis of clear, comprehensible and transparent criteria. The potential damage resulting from product deficiencies, the change in performance in the event of slightly deviating production conditions,***



*the susceptibility to errors in the manufacturing process and the question of how easily manufacturing errors can be recognised shall be taken into account.*

## Amendment 150

### Proposal for a regulation Article 6 – paragraph 2

*Text proposed by the Commission*

2. In order to facilitate and to harmonise the application of the requirements or obligations contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these requirements and obligations for a given product family or category

*Amendment*

2. In order to facilitate and to harmonise the application of the requirements or obligations contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these **assessment and verification** requirements and obligations for a given product family or category.

## Amendment 151

### Proposal for a regulation Article 6 – paragraph 3

*Text proposed by the Commission*

3. *In order to counter systematic non-compliances of notified bodies or manufacturers or in view of adaptation to technical progress, the Commission is empowered to amend this Regulation, by means of delegated acts in accordance with Article 87, by introducing additional assessment or verification steps in the systems of Annex V.*

*Amendment*

*deleted*

## Amendment 152

### Proposal for a regulation Article 6 a (new)

***Article 6a***

***Construction products standards***

***1. Construction products standards shall be established by the European standardisation organisations on the basis of a standardisation request issued by the Commission.***

***2. The Commission shall adopt implementing acts laying down a clear and stable set of rules for the whole standardisation process including roles, responsibilities, competences and the general procedural deadlines for all stakeholders involved as well as templates to be used.***

***Those implementing acts shall be adopted no later than [1 year after entry into force of this Regulation].***

***Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).***

***3. At the request of a European standardisation organisation, the Commission may provide an administrative support in setting up an internal legal division within the European standardisation organisation tasked with the legal proofreading of standards and ensuring the coherence and legal flawlessness of standards.***

***4. Construction products standards laid down in the implementing acts referred to in Article 4(2) shall be of mandatory application for the purposes of this Regulation from 12 months after the publication of the delegated acts adopted pursuant to paragraph 9 of this Article. They may be voluntarily applied on request of the manufacturer from the date of that publication. They shall provide the methods and the criteria for assessing the performance of the products in relation to their essential characteristics. Those***

*standards shall, where appropriate and without endangering the accuracy, reliability or stability of the results, provide methods that are less onerous than testing for assessing the performance of the products in relation to their essential characteristics, classes, threshold levels or product requirements.*

*5. Construction products standards developed pursuant to the second sentence of Article 5(2) or the third sentence of Article 22(4) shall be voluntary. Products which are in conformity with voluntary standards adopted in accordance with Article 5(2), or parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements laid down in Annex I Parts C1 and C2, as specified for the respective product family or category by harmonised technical specifications adopted in accordance with the second sentence of Article 5(2), to the extent that those requirements are covered by such voluntary standards and that such coverage has been precisely stated in the respective harmonised standard. Manufacturers who comply with voluntary standards adopted in accordance with Article 22(2), or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the obligations set out in Article 22(2), to the extent that those obligations are covered by such standards and that such coverage has been precisely stated in the respective standard.*

*6. The Commission shall, without fail, assess the conformity of construction products standards established by the European standardisation organisations with the relevant standardisation requests, with this Regulation and with other Union acts.*

*The Commission shall carry out the*

*assessment referred to in the first subparagraph of this paragraph within 6 months after the standard has been transmitted to it. In order for the Commission to fulfil this obligation within that timeframe, the European standardisation organisations shall regularly inform the Commission of the progress and content of the standardisation deliverable in accordance with Article 10(5) of Regulation (EU) No 1025/2012.*

*7. The Commission shall, where possible, participate in the informal and formal inquiries of European standardisation organisations developing the requested European standardisation deliverables, in particular on matters concerning the conformity of the standardisation deliverables with this Regulation and with other Union acts.*

*8. Where the Commission perceives a standard or its part to be unsatisfactory and consequently decides to not have recourse to it in a delegated act adopted pursuant to paragraph 9 of this Article, it shall present its reasons in writing, laying out which corrections are necessary, to the European standardisation organisation within 6 months after the draft for a standard has been transmitted. In such a case, the Commission may mandate the European standardisation organisation to correct the standard or in accordance with article 4(3) letter f the Commission is empowered to supplement this Regulation by delegated acts by modifying the respective standards or its part .*

*9. Where it considers that a standard delivered pursuant to a request made in accordance with the first subparagraph of Article 4(2) fully meets the requirements of such standardisation request, the Commission shall adopt a delegated act in accordance with Article 87 to supplement this Regulation by having recourse to that*

*standard.*

**10. The Commission shall, within 90 days following a positive assessment, publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted voluntary conforming construction products standards that have been made available at an affordable price.**

## **Amendment 153**

### **Proposal for a regulation Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The harmonised zone shall be presumed to be comprehensive, covering all *potential* requirements for products *other than those covered by other Union law*.

*Amendment*

1. The harmonised zone shall be presumed to be comprehensive, covering all *existing and future legal* requirements for *construction* products.

## **Amendment 154**

### **Proposal for a regulation Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*This paragraph shall also apply to public tenders or direct attributions of contracts where those public tenders or direct attributions are executed under direct or indirect control of public entities or are executed with reference to public provisions on public tenders or direct attribution of contracts. This paragraph shall also apply to grants or other positive incentives with the exception of fiscal incentives. However, harmonised technical specifications may permit or recommend Member States to link the decisions on the attribution of public tenders, of contracts or of grants or other positive incentives to sub-classes or*

*Amendment*

*deleted*

*additional classes other than those established in accordance with Article 4(4) where these still relate to environmental performances assessed in accordance with these harmonised technical specifications.*

## Amendment 155

### Proposal for a regulation Article 7 – paragraph 3

*Text proposed by the Commission*

3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. ***They shall refer to these essential characteristics, requirements and assessment methods proactively in all fora and on all occasions relevant for the elaboration of harmonised technical specifications. Fora elaborating harmonised technical specifications shall take note of these essential characteristics, requirements and assessment methods. The essential characteristics shall be covered by harmonised technical specifications to the extent possible.***

## Amendment 156

### Proposal for a regulation Article 7 – paragraph 4

*Text proposed by the Commission*

4. Where a Member State deems it necessary, on imperative grounds of health, safety or protection of the environment, including climate, to establish requirements by regulation or to take administrative

*Amendment*

3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. ***In order to facilitate this communication, Member States shall register in the Single Digital Gateway all their national regulatory and administrative measures directly or indirectly influencing the usability of construction products on their territory.***

*Amendment*

4. Where a Member State deems it necessary, ***including in urgency situations***, on imperative grounds of health, safety or ***the protection of persons as well as the*** protection of the

measures in derogation of paragraph 2, it shall notify the Commission thereof, justifying the need for the procedural obligations established and explain the regulatory need it aims to address and provide evidence both for the existence of the regulatory need and the lack of coverage by the harmonised zone and other Union law. Member States shall to that end use the notification procedure under Directive (EU) 2015/1535, where applicable.

environment, including climate, to establish requirements by regulation, or to take administrative measures in derogation of paragraph 2, it shall notify the Commission thereof, justifying the need for the procedural obligations established and explain the regulatory need it aims to address and provide evidence both for the existence of the regulatory need and the lack of coverage by the harmonised zone and other Union law. Member States shall to that end use the notification procedure under Directive (EU) 2015/1535, where applicable.

## Amendment 157

### Proposal for a regulation

#### Article 7 – paragraph 5 – subparagraph 1 – introductory part

*Text proposed by the Commission*

The Commission shall, **by means of implementing acts**, **authorise** the national measure notified under paragraph 4 where:

*Amendment*

The Commission shall adopt **delegated acts in accordance with Article 87 supplementing this Regulation to, by authorising** the national measure notified under paragraph 4 **of this Article** where:

## Amendment 158

### Proposal for a regulation

#### Article 7 – paragraph 5 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) it ascertains that the regulation or administrative measure **appears** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;

*Amendment*

(a) it ascertains that the regulation or administrative measure **is** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;

## Amendment 159

### Proposal for a regulation

#### Article 7 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).***      ***deleted***

#### **Amendment 160**

##### **Proposal for a regulation Article 7 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

***On duly justified imperative grounds of urgency relating to human health and safety or the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 88(3).***      ***deleted***

#### **Amendment 161**

##### **Proposal for a regulation Article 7 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

***6. Member States shall register all their national regulation, and administrative measures directly or indirectly influencing the usability of products on their territory, into the Single Digital Gateway.***      ***deleted***

#### **Amendment 162**

##### **Proposal for a regulation Article 7 – paragraph 7 – introductory part**

*Text proposed by the Commission*

*Amendment*

***7. This Regulation does not hinder Member States to introduce mandatory***

***7. This Regulation does not hinder Member States to introduce mandatory***



deposit-refund systems, to oblige manufacturers to take back used or not used products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with:

deposit-refund systems, to oblige manufacturers to take back used or not used **non-custom-made** products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with:

## Amendment 163

### Proposal for a regulation Article 7 – paragraph 8

#### *Text proposed by the Commission*

8. Member States may ban the destruction of products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.

#### *Amendment*

8. Member States may ban the destruction of **surplus and unsold products** and products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.

## Amendment 164

### Proposal for a regulation Article 8 – paragraph 1

#### *Text proposed by the Commission*

To avoid double assessment of products, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 by determining the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation, **where otherwise the same aspect of health, safety or protection of the environment would be assessed in parallel under this Regulation and other Union law.**

#### *Amendment*

To avoid double assessment of **the same aspects of products which are related to health, safety or protection of the environment**, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 by determining the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation.

## Amendment 165

### Proposal for a regulation Article 8 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Where conflicts arise between this Regulation and Regulation (EU) 2019/1020, Regulation (EU) 1025/2012, Regulation 765/2008/EC, Directive 2001/95/EC, Directive (EU) 2019/1937, and [XXX] (Ecodesign for Sustainable Products Regulation), this Regulation shall prevail.***

## Amendment 166

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Where a product is covered by a harmonised technical specification adopted in accordance with Article 4(2) **or (3)**, the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance before such a product is placed on the market. A manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance in accordance with the relevant European assessment document and European technical assessment.

1. Where a **construction** product is covered by a harmonised technical specification adopted in accordance with Article 4(2), **(3) or (4)** the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance before such a product is placed on the market. A manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance in accordance with the relevant European assessment document and European technical assessment.

## Amendment 167

### Proposal for a regulation Article 9 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. By drawing up the declaration of

3. By drawing up the declaration of

performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability, **and this even where it did not act negligently**. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.

performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.

## Amendment 168

### Proposal for a regulation Article 10 – paragraph 1 – point a

*Text proposed by the Commission*

(a) the product is, **otherwise than by 3D-printing or already existing moulds**, individually manufactured or custom-made in a non-series process in response to a specific order, **and installed in a single identified construction work**, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules;

*Amendment*

(a) the product is individually manufactured or custom-made in a non-series process in response to a specific order, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules;

## Amendment 169

### Proposal for a regulation Article 10 – paragraph 1 – point b

*Text proposed by the Commission*

(b) **the product is otherwise than by 3D-printing or already existing moulds manufactured on the construction site, in a non-series process for its incorporation**

*Amendment*

*deleted*

*in the respective construction work in compliance with the applicable national rules and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; or*

#### **Amendment 170**

##### **Proposal for a regulation Article 10 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.** *A Member State may exempt from Article 9(1) parts of construction works other than products that are prepared for re-use or remanufactured provided that the part does not circulate outside the territory of that Member State.*

*deleted*

#### **Amendment 171**

##### **Proposal for a regulation Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *The declaration of performance shall be drawn up using the model set out in Annex II without **the section relating to conformity. The declaration of performance shall at least cover the performance with regard to the mandatory essential characteristics listed in Annex I Part A Point 2, the essential characteristics mandatory by virtue of harmonised technical specifications or delegated acts adopted in accordance with Article 4(3), and the assessment of environmental sustainability referred to in Article 22(1).***

**2.** *The declaration of performance shall be drawn up using the model set out in Annex II without **points 12 and 13c thereof.***

#### **Amendment 172**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. **The information** referred to in Article 31 **or, as the case may be, in Article 33** of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>45</sup> shall be provided together with the declaration of performance.

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<sup>45</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).

**Amendment 173**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without

*Amendment*

4. **Safety data sheets** referred to in Article 31 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>45</sup> shall be provided together with the declaration of performance **where the construction product is supplied to an industrial or professional user.**

**The information referred to in Article 33 of Regulation (EC) No 1907/2006 shall be provided to consumers together with the declaration of performance.**

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<sup>45</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).

*Amendment*

2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without

undergoing a full procedure in accordance with this Regulation where it limits the intended use to “**decoration**”. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for used product”.

undergoing a full procedure in accordance with this Regulation where it limits the intended use to **decorative purposes**. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for used product **for decorative purposes**” .

#### Amendment 174

##### Proposal for a regulation Article 12 – paragraph 3 – subparagraph 2

###### *Text proposed by the Commission*

Member States shall set-up requirements for de-installers and the certification to be provided in accordance with **the last sentence**, including on the definition of stresses that render the product unsuitable.

###### *Amendment*

Member States shall set-up requirements for de-installers and the certification to be provided in accordance with **this paragraph**, including on the definition of stresses that render the product unsuitable.

#### Amendment 175

##### Proposal for a regulation Article 12 – paragraph 4

###### *Text proposed by the Commission*

4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process, **whilst going beyond repair, cleaning or regular maintenance or preparing for re-use as defined in Article 3, point (16), of Directive 2008/98/EC after being de-installed**, does not jeopardise the compliance with **this Regulation** or the performance of the product in relation to the relevant characteristics **because, by their design, the transformative process cannot negatively influence the performance and the compliance or because the used replacement part has been assessed as equivalently performing and compliant**. Where the economic

###### *Amendment*

4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process does not jeopardise the compliance with the performance of the product in relation to the relevant characteristics. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for re-manufactured product”.

operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for re-manufactured product”.

#### **Amendment 176**

##### **Proposal for a regulation**

##### **Article 12 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Paragraphs 1 to 4 shall apply to all of the following:

*Amendment*

Paragraphs 1 to 4 shall **also** apply to all of the following:

#### **Amendment 177**

##### **Proposal for a regulation**

##### **Article 12 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Article 21(2) shall not apply to products falling under the derogations of paragraphs 1 to 5. However, the economic operators shall provide the information set out in Annex I Part **D**.

*Amendment*

Article 21(2) shall not apply to products falling under the derogations of paragraphs 1 to 5. However, the economic operators shall provide the information set out in Annex I Part **C3**.

#### **Amendment 178**

##### **Proposal for a regulation**

##### **Article 12 – paragraph 9**

*Text proposed by the Commission*

9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market **or which have never been installed in the Union**.

*Amendment*

9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market.

#### **Amendment 179**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) verify the product's compliance with the product requirements of Annex I **Part B and C** to the extent that they have been specified by delegated acts in accordance with Article **5(2)**, and with the product requirements of Annex I Part **D**;

*Amendment*

(a) verify the product's compliance with the product requirements of Annex I, **Parts C1 and C2** to the extent that they have been specified by delegated acts in accordance with Article **5(1)**, and with the product **information** requirements of Annex I, Part **C3**;

**Amendment 180**

**Proposal for a regulation**  
**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability, **and this even where it did not act negligently. In case of non-compliance or absence of a declaration of conformity, the product may not be made available on the market.** In the absence of objective indications to the contrary, Member States shall presume the declaration of conformity drawn up by the manufacturer to be accurate and reliable.

*Amendment*

3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability. In the absence of objective indications to the contrary, Member States shall presume the declaration of conformity drawn up by the manufacturer to be accurate and reliable.

**Amendment 181**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. The declaration of conformity shall express conformity of a product with product requirements referred to in Article

*Amendment*

1. The declaration of conformity shall express conformity of a product with product requirements referred to in Article



5(1) and (2).

**5 and product information requirements referred to in Article 4a.**

## Amendment 182

### Proposal for a regulation Article 14 – paragraph 3

*Text proposed by the Commission*

3. **Article 11(2) to (4) and** Article 12 shall apply with regard to the declaration of conformity.

*Amendment*

3. Article 12 shall apply with regard to the declaration of conformity.

## Amendment 183

### Proposal for a regulation Article 14 – paragraph 4

*Text proposed by the Commission*

4. The manufacturer shall fulfil the obligations of this Article as from ***the first revision of the declaration of performance undertaken by the manufacturer*** after the date of application of harmonised technical specification, ***for the respective product family or category, but at the latest 3 years after that date.***

*Amendment*

4. The manufacturer shall fulfil the obligations of this Article as from ***18 months*** after the date of application of ***the relevant*** harmonised technical specification.

## Amendment 184

### Proposal for a regulation Article 15 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

***Where*** the declaration ***is*** provided by electronic means, the manufacturer ***shall issue that declaration in a commonly readable***, but unamendable electronic format. ***Alternatively***, the manufacturer may use a permalink provided that the permalink and the document accessible via the permalink are unamendable.

*Amendment*

The declaration provided by electronic means ***shall be issued by*** the manufacturer ***in a machine-readable***, but unamendable electronic format.

Commission Delegated Regulation (EU) No 157/2014<sup>46</sup> shall apply under this Regulation.

***The Commission shall issue standardisation requests which aim at the elaboration of standard formats for machine-readable declarations for each harmonised technical specification.***

***The Commission shall ensure that these standard formats are developed according to a uniform concept. As part of the commonly readable electronic format, the manufacturer may use a permalink *or a data carrier* provided that the permalink *or data carrier* and the document accessible via the permalink *or data carrier* are unamendable. Commission Delegated Regulation (EU) No 157/2014<sup>46</sup> shall apply under this Regulation.***

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<sup>46</sup> Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.

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<sup>46</sup> Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.

## **Amendment 185**

### **Proposal for a regulation Article 15 – paragraph 3**

*Text proposed by the Commission*

***3. Declarations may contain permalinks to unamendable environmental product declarations or other unamendable documents containing the requested information if those documents follow the order and structure of the declarations or if a correlation table linking the order of the declarations to the order of these documents is provided together with the permalink.***

*Amendment*

***deleted***

## Amendment 186

### Proposal for a regulation Article 16 – paragraph 2

*Text proposed by the Commission*

2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts. ***The CE marking may not be affixed to parts which are not key parts.***

*Amendment*

2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or, ***where applicable, a declaration of performance and*** conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts.

## Amendment 187

### Proposal for a regulation Article 16 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or ***the declared performance in relation to the essential characteristics covered by the harmonised zone.***

*Amendment*

Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or essential characteristics ***unless a basis for such reference was laid down in accordance with Article 7(5).***

## Amendment 188

### Proposal for a regulation Article 16 – paragraph 6 – subparagraph 1

*Text proposed by the Commission*

A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State.

*Amendment*

A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State. ***Only those requirements covered by***

*the harmonised zone shall be considered by that Member State.*

## Amendment 189

### Proposal for a regulation Article 16 – paragraph 6 – subparagraph 2

*Text proposed by the Commission*

A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the product conforms with product requirements set-up in or by means of this Regulation, unless it is specified in the respective harmonised technical specification that the respective requirements constitute only minimum requirements.

*Amendment*

A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when ***the declared performances correspond to the requirements in that Member State*** or the product conforms with product requirements set-up in or by means of this Regulation, unless it is specified in the respective harmonised technical specification that the respective requirements constitute only minimum requirements.

## Amendment 190

### Proposal for a regulation Article 17 – paragraph 2 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) the unique identification code of the product-type, the permalink to the manufacturer's products registration(s) in Union databases ***and the precise location therein where the product can be found;***

*Amendment*

(d) the unique identification code of the product-type, the permalink ***or data carrier*** to the manufacturer's products registration(s) in Union databases ***or to the manufacturer's website;***

## Amendment 191

### Proposal for a regulation Article 17 – paragraph 2 – subparagraph 1 – point e

*Text proposed by the Commission*

*Amendment*

**(e) the permalink to the manufacturer's own product presentation website, if any there is any;**

**deleted**

## **Amendment 192**

### **Proposal for a regulation**

#### **Article 17 – paragraph 2 – subparagraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) the identification number of the notified body, if applicable.**

**deleted**

## **Amendment 193**

### **Proposal for a regulation**

#### **Article 17 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The items listed in points d) to f) may be replaced by a permalink to the combined declaration of performance and of conformity (electronic CE marking).

The items listed in points d) to f) may be replaced by a permalink **or data carrier** to the combined declaration of performance and of conformity (electronic CE marking).

## **Amendment 194**

### **Proposal for a regulation**

#### **Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The CE marking shall be affixed before the product is placed on the market **or directly installed into a construction work**. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.

3. The CE marking shall be affixed before the product is placed on the market. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.

## **Amendment 195**

**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

Markings other than the CE marking, including private ones, may be affixed on a product only if they do not ***cover or refer to harmonised technical specifications or to product requirements or essential characteristics or assessment methods included in the harmonised zone.***

*Amendment*

Markings other than the CE marking, including private ones, may be affixed on a product only if they do not ***only signify conformity of the product with the declared performance or with the product requirements set out in this Regulation and if those requirements are not mandatory for the marketing or use of a product. Those restrictions do not apply to the EU Ecolabel and other officially recognised type I-ecolabels (ISO 14024).***

**Amendment 196**

**Proposal for a regulation**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

***No*** other marking than marking set out by Union legislation may be affixed on a product ***in a distance smaller than the double length*** of the CE marking ***measured from any point of the CE and the other marking set out by Union law.***

*Amendment*

Other marking than marking set out by Union legislation may be affixed on a product ***provided that it does not impair the visibility, legibility and meaning*** of the CE marking.

**Amendment 197**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. An economic operator shall take all necessary measures to ensure continued compliance, ***including of products***, with this Regulation. Where non-compliance of the economic operator or of a product has been stated and corrective action has been requested by a market surveillance

*Amendment*

1. An economic operator shall take all necessary measures to ensure continued compliance with this Regulation. Where non-compliance of the economic operator or of a product has been stated and corrective action has been requested by a market surveillance authority in

authority in accordance with Article 70(1), the economic operator shall submit progress reports to that authority until that authority decides that the corrective action can be closed.

accordance with Article 70(1), the economic operator shall submit progress reports to that authority until that authority decides that the corrective action can be closed.

## Amendment 198

### Proposal for a regulation Article 19 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. Where diverging statements of non-compliance of an economic operator or of a product and requests for corrective action emanate from authorities of different Member States, an economic operator shall take differentiated measures, subject to where the products are intended to be made available on the market or directly installed. Where this is not possible or where a more severe measure imposed by one Member State encompasses the less severe measure imposed by another, the more severe measure shall be taken. Where these rules do not lead to a clear result, the Member States concerned and the Commission, and, on their request, other Member States shall try to find a common solution and, if need is, adopt an implementing act in accordance with Article 33.**

**deleted**

## Amendment 199

### Proposal for a regulation Article 19 – paragraph 3 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

An economic operator shall, on request of **an** authority, communicate any economic operator or other actor to that authority:

An economic operator shall, on request of **the competent** authority, communicate any economic operator or other actor to that authority:

## Amendment 200

### Proposal for a regulation

#### Article 19 – paragraph 3 – subparagraph 1 – point c

*Text proposed by the Commission*

*Amendment*

**(c) who is involved in financial and other collateral services linked to the making available or direct installation of products.** **deleted**

## Amendment 201

### Proposal for a regulation

#### Article 19 – paragraph 3 – subparagraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about **to all connected data, including:**

When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about **the following:**

## Amendment 202

### Proposal for a regulation

#### Article 19 – paragraph 3 – subparagraph 2 – point i

*Text proposed by the Commission*

*Amendment*

**(i) addresses of the operators referred to in the first subparagraph;** **deleted**

## Amendment 203

### Proposal for a regulation

#### Article 19 – paragraph 3 – subparagraph 2 – point ii

*Text proposed by the Commission*

*Amendment*

**(ii) contact details of these operators;**

**(ii) contact details, including addresses, email addresses and websites of the operators referred to in the first subparagraph;**



## Amendment 204

### Proposal for a regulation

#### Article 19 – paragraph 3 – subparagraph 2 – point iii

*Text proposed by the Commission*

*Amendment*

**(iii) email addresses, websites and social media profiles of these operators;** **deleted**

## Amendment 205

### Proposal for a regulation

#### Article 19 – paragraph 3 – subparagraph 2 – point v

*Text proposed by the Commission*

*Amendment*

**(v) bank accounts of these operators;** **deleted**  
**and**

## Amendment 206

### Proposal for a regulation

#### Article 19 – paragraph 3 – subparagraph 2 – point vi

*Text proposed by the Commission*

*Amendment*

(vi) names, addresses, contact details of natural or legal persons acting for those operators.

(vi) names, addresses, contact details of natural or legal persons acting for those operators, ***if relevant, and, in any event, in compliance with [GDPR].***

## Amendment 207

### Proposal for a regulation

#### Article 19 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. An economic operator shall be able to present all documentation ***and*** information referred to in this Chapter to authorities for a period of ten years after

4. An economic operator shall be able to present all documentation, ***including the declaration of performance and the declaration of conformity, through the***

they have last been in possession or dealing with the product in question, ***unless they are permanently available via the product registration database or system established in accordance with Article 78.*** It shall present the documentation and information within 10 days of receipt of a request by the respective authority.

***digital construction products passport, as well as*** information referred to in this Chapter to authorities for a period of ten years after they have last been in possession or dealing with the product in question. It shall present the documentation and information within 10 days of receipt of a request by the respective authority.

## Amendment 208

### Proposal for a regulation Article 19 – paragraph 5 – subparagraph 1

*Text proposed by the Commission*

***An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 within two months after the availability of that database or system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least bi-annually verify the correctness of the provided data.***

*Amendment*

***deleted***

## Amendment 209

### Proposal for a regulation Article 19 – paragraph 6

*Text proposed by the Commission*

6. An economic operator ***may*** inform authorities of any likely infringement of this Regulation it becomes aware of. Where this economic operator considers that non-conforming products present a risk to human safety or to the environment, it shall immediately inform the competent authorities of the Member States in which it made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.

*Amendment*

6. An economic operator ***shall*** inform authorities of any likely infringement of this Regulation it becomes aware of. Where this economic operator considers that non-conforming products present a risk to human safety or to the environment, it shall immediately inform the competent authorities of the Member States in which it made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.

## Amendment 210

### Proposal for a regulation Article 20

*Text proposed by the Commission*

*Amendment*

#### *Article 20*

*deleted*

#### *Procedural rights of economic operators*

- 1. Any definitive or interim measure, decision or order taken or made by authorities pursuant to this Regulation against an economic operator and the natural or legal persons acting on their behalf shall state the exact grounds on which it is based.*
- 2. Any such measure, decision or order shall be communicated without delay to the relevant economic operator and the natural or legal persons acting on their behalf, who shall at the same time be informed of the remedies available to them under the law of the Member State concerned and of the time limits to which those remedies are subject.*
- 3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 working days, unless there is urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by this Regulation.*
- 4. If the measure, decision or order is taken or made without the economic operator being given the opportunity to be heard, the economic operator shall be given that opportunity as soon as possible thereafter and that measure, decision or order can be reviewed promptly by the market surveillance authority.*
- 5. Member States shall ensure that any measure covered by this Article can*

*be appealed, with or without prior administrative appeal procedure, before a competent court. That court shall also be competent for deciding on the suspensive effect of the appeal or interim measures to be imposed by the court in view of both the public interest and the interests of the economic operator.*

## Amendment 211

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided in Article 3 point (31). ***The product type shall be processed in accordance with the applicable assessment and verification system set out in Annex V.*** The manufacturer shall draw up a declaration of performance and a declaration of conformity in accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17.

*Amendment*

1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided in Article 3 point (31). The manufacturer shall draw up a declaration of performance and a declaration of conformity in accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17.

## Amendment 212

### Proposal for a regulation Article 21 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. The manufacturer shall refrain from any claim about the characteristics of a product that is not based on:

***(a) the assessment method contained in a harmonised technical specification where the relevant characteristic is***

*Amendment*

2. The manufacturer shall refrain from any claim about the ***essential*** characteristics of a product that is not based on ***the assessment method contained in the applicable harmonised technical specification.***

*covered by such; or*

**(b) where no such assessment method exists, an assessment method which represents the most effective and advanced method to achieve an accurate assessment.**

## **Amendment 213**

### **Proposal for a regulation**

#### **Article 21 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The manufacturer shall, as the basis for the declarations referred to in paragraph 1, draw up a technical documentation describing the intended use including the ***precise*** conditions for use and all the elements necessary to demonstrate performance and conformity.

*Amendment*

The manufacturer shall, as the basis for the declarations referred to in paragraph 1, draw up a technical documentation describing the intended use including the conditions for use and all the elements necessary to demonstrate performance and conformity.

## **Amendment 214**

### **Proposal for a regulation**

#### **Article 21 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

That technical documentation shall contain the mandatory or facultative calculation of ***environmental, including climate sustainability*** assessed in accordance with harmonised technical specifications adopted under this Regulation ***or with Commission acts adopted under this Regulation.***

*Amendment*

That technical documentation shall contain the mandatory or facultative calculation of ***essential characteristics related to life cycle*** assessed in accordance with harmonised technical specifications adopted under this Regulation.

## **Amendment 215**

### **Proposal for a regulation**

#### **Article 21 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

The manufacturer shall ensure that its **product** bear a manufacturer-specific type number **and** a batch or serial number. If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product.

*Amendment*

The manufacturer shall ensure that its **products** bear a manufacturer-specific type number, a batch or serial number **or any other element enabling them to be identified**. If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product.

**Amendment 216**

**Proposal for a regulation**

**Article 21 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

The manufacturer shall in the same way as set out in the first subparagraph label a product as “Only for professional use” if it is **not intended for consumers or other non-professional users**. Products not labelled “Only for professional use” shall be deemed to be also intended for non-professional users and consumers in the meaning of this Regulation and the Regulation (EU) ... [Regulation on General Product Safety].

*Amendment*

The manufacturer shall in the same way as set out in the first subparagraph label a product as “Only for professional use” if **expertise is needed in order to use it and shall display the label to customers before it is bound by a sales contract, including in case of distance selling**. Products not labelled “Only for professional use” shall be deemed to be also intended for non-professional users and consumers in the meaning of this Regulation and the Regulation (EU) ... [Regulation on General Product Safety].

**Amendment 217**

**Proposal for a regulation**

**Article 21 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

***The manufacturer shall, in a visible manner, display to customers before it is bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this***

*Amendment*

***deleted***

***Regulation or harmonised technical specifications.***

**Amendment 218**

**Proposal for a regulation  
Article 21 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

When making a product available on the market ***in a certain Member State***, the manufacturer shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I Part ***D*** in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.

*Amendment*

When making a product available on the market, the manufacturer ***who is not exempted in accordance with Article 10 of this Regulation*** shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I, Part ***C3*** in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.

**Amendment 219**

**Proposal for a regulation  
Article 21 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

The Commission ***may, by means of*** implementing acts determine the format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.

*Amendment*

The Commission ***shall adopt*** implementing acts ***to*** determine the ***electronic*** format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.

**Amendment 220**

**Proposal for a regulation  
Article 21 – paragraph 7**

*Text proposed by the Commission*

7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the

*Amendment*

7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the

information referred to in paragraph 6 **and the technical documentation** in the **EU product database or system** established in accordance with **Article 78**.

information referred to in paragraph 6 in the **construction digital product passport and construction product passport registry** established in accordance with **Chapter IXa**.

## Amendment 221

### Proposal for a regulation Article 21 – paragraph 9

#### *Text proposed by the Commission*

9. Where the product presents a risk **or is likely to present a risk**, the manufacturer shall within **two** working days **thereof** inform the authorised **representative**, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached **the** final user or consumer, the manufacturer shall **also alert the media and inform them** about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.

#### *Amendment*

9. Where the product presents a risk, the manufacturer shall **without undue delay and at the latest** within **3** working days inform **all** the authorised **representatives**, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached **a** final user or consumer **who cannot be identified or contacted directly**, the manufacturer shall, **through media and other appropriate channels, ensuring the widest possible reach, disseminate information** about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.

## Amendment 222



## Proposal for a regulation

### Article 22 – paragraph 2 – subparagraph 1 – point a – introductory part

*Text proposed by the Commission*

*Amendment*

(a) design and manufacture products and their packaging in such a way that their overall environmental, ***including climate sustainability reaches the state of the art level***, unless a lower level:

(a) design and manufacture products and their packaging in such a way that ***the protection of human health and their overall environmental sustainability are maximised, including for climate and biodiversity, as well as energy and resource efficiency, indoor air quality and the avoidance of substances of concern*** unless a lower level:

## Amendment 223

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) under the conditions set out in point (a)(i) and (ii) of this Article, ensure that, where technically and economically feasible and without impacting the safety of construction works, by 10 years after the adoption of performance classes in accordance with Article 4(4), point (a), or Article 5(2), all products placed on the market fall within the two highest environmental performance classes established;***

## Amendment 224

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) under the conditions set out in point (a)(i) and (ii) give preference to recyclable materials ***and*** materials gained from recycling;

(b) under the conditions set out in point (a)(i) and (ii) ***and without creating unjustified barriers to the internal market***, give preference to ***local, reusable, sustainably sourced bio-based or***

recyclable materials, materials gained from *re-use or recycling and by-products, while taking into account the environmental and climate impacts of transporting such materials*;

## Amendment 225

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point c

*Text proposed by the Commission*

(c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental, including climate *sustainability* contained in harmonised technical specifications;

*Amendment*

(c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental *sustainability*, including climate, *biodiversity, and resource and energy efficiency*, contained in harmonised technical specifications;

## Amendment 226

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability *does not fall beyond* the average durability of products of the respective category;

*Amendment*

(d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability *is significantly improved compared to* the average durability of products of the respective category *that serves the same purpose*;

## Amendment 227

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point f

*Text proposed by the Commission*

(f) make available, *in product databases, instructions for use and* on

*Amendment*

(f) make available, *at least* on permalinks of their own websites *or by*

permalinks of their own websites, information on how to repair the products and any additional information necessary for repairing, including relevant warnings;

*means of QR codes and in the Digital Product Passport established in accordance with Article 78, relevant instructions for use*, information on how to repair the products and any additional information necessary for repairing, including relevant warnings;

## Amendment 228

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point g

##### *Text proposed by the Commission*

(g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, with reasonably short delivery time, spare parts for their products for 10 years after the last product of the respective type has been placed on the market or directly installed and inform proactively about this availability;

##### *Amendment*

(g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, ***with a reasonable and non-discriminatory price and*** with reasonably short delivery time, spare parts for their products for 10 years after the last product of the respective type has been placed on the market or directly installed and inform proactively about this availability;

## Amendment 229

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point h

##### *Text proposed by the Commission*

(h) design products in such a way that ***re-use, remanufacturing and recycling are facilitated***, namely by facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials, ***unless*** remanufacturing and recycling are risky for human safety or the environment. ***In this case the manufacturer shall refrain from such design and*** warn against remanufacturing and recycling in accordance with the following point;

##### *Amendment*

(h) design products ***components and materials*** in such a way that ***that they are reusable, remanufacturable and recyclable***, namely by facilitating the separation of ***products*** components and materials at ***de-installation, deconstruction and demolition and*** the later stage of recycling and avoiding mixed, blended or intricate materials ***and substances of concern, and, when*** remanufacturing and recycling are risky for human safety or the environment, warn against remanufacturing and recycling in

accordance with the following point;

## Amendment 230

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point i

*Text proposed by the Commission*

(i) make available, ***in product databases, instructions for use and*** on their own websites, information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings;

*Amendment*

(i) make available, ***at least*** on their own websites ***or by means of QR codes and in the Digital Product Passport established in accordance with Article 78, relevant*** information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings ***and a list of recycling facilities***;

## Amendment 231

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point j

*Text proposed by the Commission*

(j) accept to regain, directly or via their importers and distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market.

*Amendment*

(j) accept to regain ***free of charge***, directly or via their importers and distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market, ***unless more than 5 years have passed since the product was placed on the market***;

## Amendment 232

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point j a (new)

*Text proposed by the Commission*

*Amendment*

***(ja) have extended producer responsibility, in accordance with relevant***

*provisions in Directive 2008/98/EC, for products that they make available on the market for the first time within the territory of a Member State, including financing of direct or indirect collection, transport, preparation for repurposing and remanufacturing, treatment and recycling of waste construction products and providing end-of-life information.*

## **Amendment 233**

### **Proposal for a regulation Article 22 – paragraph 4**

*Text proposed by the Commission*

4. In order to specify the obligations set out in paragraph 2, the Commission **is empowered to** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 for a specific product family or category. The obligations contained in paragraph 2 shall not apply before such a delegated act or a harmonised standard has become applicable.

*Amendment*

4. In order to specify the obligations set out in paragraph 2 **of this Article**, the Commission **shall, by ... [1 year after date of application of this Regulation],** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 **of this Article** for a specific product family or category. The obligations contained in paragraph 2, **points (a), (d), (e), (g) (h), (j) and (ja) of this Article** shall not apply before such a delegated act or a harmonised standard has become applicable.

## **Amendment 234**

### **Proposal for a regulation Article 22 – paragraph 5**

*Text proposed by the Commission*

5. In order to ensure transparency for

*Amendment*

5. In order to ensure transparency for

the users and to promote sustainable products, the Commission ***is empowered to*** supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements ***including “traffic-light-labelling”*** in relation to environmental obligations set out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), point (a).

the users and to promote sustainable products, the Commission ***shall*** supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements ***for products marketed to end consumers*** in relation to environmental obligations set out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), point (a).

## **Amendment 235**

### **Proposal for a regulation Article 22 – paragraph 6**

*Text proposed by the Commission*

6. The manufacturer shall affix the ***traffic light*** label in the way set out in the delegated acts adopted in accordance with paragraph 5.

*Amendment*

6. The manufacturer shall affix the label in the way set out in the delegated acts adopted in accordance with paragraph 5, ***including in a visible manner at the point of sale, including online sales, and on the website of the manufacturer.***

## **Amendment 236**

### **Proposal for a regulation Article 22 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. Where appropriate to promote the availability of products with the best sustainability performance on the market, the Commission shall foster the use of the EU Ecolabel referred to in Regulation (EC) No 66/2010 of the European Parliament and of the Council for labelling the best performing products.***

## **Amendment 237**

**Proposal for a regulation**  
**Article 23 – paragraph 1**

*Text proposed by the Commission*

1. A manufacturer may appoint, by a written mandate, any natural or legal person established within the Union as a single authorised representative. A manufacturer not established in the Union shall appoint a single authorised representative.

*Amendment*

1. A manufacturer ***established in the Union*** may appoint, by a written mandate, any natural or legal person established within the Union as a single authorised representative. A manufacturer not established in the Union shall appoint a single authorised representative.

**Amendment 238**

**Proposal for a regulation**  
**Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable for ***gross negligence or conscious*** infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

*Amendment*

2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

**Amendment 239**

**Proposal for a regulation**  
**Article 23 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) terminate the contract ***where*** the manufacturer ***infringes*** this Regulation and inform thereof the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business;

*Amendment*

(c) terminate the contract ***if it considers that*** the manufacturer ***has acted contrary to its obligations under*** this Regulation and inform thereof ***the manufacturer and*** the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business;

## Amendment 240

### Proposal for a regulation

#### Article 23 – paragraph 3 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) when having reason to believe that a product in question is non-compliant or presents a risk, inform the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and

*Amendment*

(d) when having reason to believe that a product in question is non-compliant or presents a risk, inform ***the manufacturer and*** the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and

## Amendment 241

### Proposal for a regulation

#### Article 23 – paragraph 5

*Text proposed by the Commission*

5. Where an authorised representative ***considers that there is*** a non-compliance mentioned in ***the*** paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the ***authorised representative regards the infringements as*** remedied. ***Where the non-compliances are not remedied within one month whilst products possibly continue to be made available on the market, the authorised representative shall be allowed to terminate his contract with the manufacturer and thereof inform the national competent authorities of the Member States where the products are placed on the market and the national competent authority of his own place of business. The latter shall coordinate joint actions of all competent authorities, unless the national competent authorities***

*Amendment*

5. Where an authorised representative ***identifies*** a non-compliance mentioned in paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the ***non-compliance is*** remedied.



*agree on another national competent authority to coordinate.*

## Amendment 242

### Proposal for a regulation Article 24 – paragraph 2

*Text proposed by the Commission*

2. The importer ***shall verify that the intended use of the product has been precisely and correctly determined by the manufacturer and*** shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part ***D*** in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.

*Amendment*

2. The importer shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part ***C3*** in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.

## Amendment 243

### Proposal for a regulation Article 24 – paragraph 4

*Text proposed by the Commission*

4. After having assembled all available product information from the manufacturer and the de-installer, ***the importer shall in particular*** scrutinise used and remanufactured products, ***namely*** with regard to damages or indications for loss of performance or non-compliance ***and changed mechanical or chemical properties, and assess*** all risks; ***when necessary to ensure safety or the protection of the environment, the importer shall reduce the intended use or***

*Amendment*

4. ***The importer shall,*** after having assembled all available product information from the manufacturer and the de-installer, scrutinise used and remanufactured products with regard to damages or indications for loss of performance or non-compliance, ***while assessing*** all risks.

*refrain from selling. This obligation shall also apply to used and remanufactured products for which no declaration of performance is mandatory.*

#### Amendment 244

##### Proposal for a regulation Article 24 – paragraph 5

*Text proposed by the Commission*

5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. ***Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the geographically responsible national competent authority thereof.***

*Amendment*

5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. ***In the event that the product has already been placed on the market, it shall take the necessary corrective measures to bring that product into conformity, or, where appropriate, to withdraw or recall it.***

#### Amendment 245

##### Proposal for a regulation Article 25 – paragraph 2

*Text proposed by the Commission*

2. When making a product available on the market, ***the distributor*** shall fulfil the obligations incumbent on importers in accordance with Article 24(1) to (5) whilst references to “placing on the market” shall be understood as “further making available on the market”.

*Amendment*

2. When making a product available on the market, ***distributors shall verify at a documentary level that the manufacturer and the importer have complied with the requirements set out in Article 21(1), (5) and (6) and, where applicable, in Article 22(2), points (f) and (i) and*** shall fulfil the obligations incumbent on importers in accordance with Article 24(3) to (5) whilst

references to “placing on the market” shall be understood as “further making available on the market”.

#### **Amendment 246**

##### **Proposal for a regulation Article 25 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The distributor shall ensure that no products are sold to consumers or other non-professional users which are labelled “for professional use only”. These products shall, in their premises, online and on paper publicity material, be presented as products for professional use only.**

**deleted**

#### **Amendment 247**

##### **Proposal for a regulation Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) there is no manufacturer in the meaning of this Regulation;**

**deleted**

#### **Amendment 248**

##### **Proposal for a regulation Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) it modifies a product in such a way that compliance with the declaration of performance and of conformity or with the requirements set out in and in accordance with this Regulation may be affected;**

**(c) it *stores or* modifies a product in such a way that compliance with the declaration of performance and of conformity or with the requirements set out in and in accordance with this Regulation may be affected;**

## Amendment 249

### Proposal for a regulation Article 26 – paragraph 1 – point f

*Text proposed by the Commission*

(f) it claims for it characteristics deviating from the characteristics ***claimed*** by the manufacturer.

*Amendment*

(f) it claims for it characteristics deviating from the characteristics ***declared*** by the manufacturer.

## Amendment 250

### Proposal for a regulation Article 26 – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

***(fa) it has subjected an imported or distributed, used or remanufactured product to a transformative process going beyond repair, cleaning and regular maintenance after being de-installed;***

## Amendment 251

### Proposal for a regulation Article 26 – paragraph 1 – point f b (new)

*Text proposed by the Commission*

*Amendment*

***(fb) it imports a used or remanufactured product, unless this product has been placed on the Union market before being used;***

## Amendment 252

### Proposal for a regulation Article 26 – paragraph 1 – point f c (new)

*Text proposed by the Commission*

*Amendment*

***(fc) it opts to assume the role of the manufacturer.***

## Amendment 253

### Proposal for a regulation Article 26 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. *Paragraph 1 shall also apply to:* **deleted**
- (a) *an importer of used or remanufactured products, unless the used or remanufactured product have been placed on the Union market before being used;*
- (b) *an importer or distributor of used products who does either of the following:*
- (i) *subjects those used products to a transformative process going beyond repair, cleaning and regular maintenance after being de-installed;*
- (ii) *opts for assuming the role of the manufacturer.*

## Amendment 254

### Proposal for a regulation Article 26 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. *Paragraph 1 shall not apply where the economic operator only:* **deleted**
- (a) *adds translations of the information supplied by the manufacturer;*
- (b) *replaces the outer packaging of a product already placed on the market, including when changing the pack size, if the repackaging is carried out in such a way that the original condition of the product cannot be affected by it and that the information to be provided in accordance with this Regulation is still correctly provided.*

## Amendment 255

### Proposal for a regulation Article 26 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**4. An economic operator providing the activities listed in paragraph 3 shall inform thereof the manufacturer or its authorised representative, regardless of whether they own the products or whether they provide services. It shall carry out the repackaging in such a way that the original condition of the product cannot be affected by the repackaging and that the information to be provided in accordance with this Regulation is still correctly provided. The economic operator shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Regulation.**

**deleted**

## Amendment 256

### Proposal for a regulation Article 27 – title

*Text proposed by the Commission*

*Amendment*

Obligation of fulfilment service providers, brokers, online market places, online sellers, **online shops and online search engines**

Obligation of fulfilment service providers, brokers, online market places **and** online sellers

## Amendment 257

### Proposal for a regulation Article 27 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. When contributing to the making available on the market **or direct installation** of a product, fulfilment service

1. When contributing to the making available on the market of a product, fulfilment service provider or broker shall

provider or broker shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.

## Amendment 258

### Proposal for a regulation Article 27 – paragraph 2 – point b

*Text proposed by the Commission*

(b) verify that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and Article 22(2), points (f) and (i);

*Amendment*

(b) verify ***at a documentary level*** that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and Article 22(2), points (f) and (i);

## Amendment 259

### Proposal for a regulation Article 27 – paragraph 2 – point d

*Text proposed by the Commission*

(d) ***eliminate all offers for products which are non-compliant or likely to be risky in the meaning of Article 21(9) last sentence on their own initiative or, within two working days, on request of the market surveillance authorities;***

*Amendment*

(d) ***at the*** request of the market surveillance authorities, ***cease to offer products which are non-compliant or present a risk within the meaning of Article 21(9);***

## Amendment 260

### Proposal for a regulation Article 27 – paragraph 3 – point c

*Text proposed by the Commission*

(c) give an appropriate answer ***without undue delay, and in any event within five working days, in the Member State where the online marketplace operates,*** to

*Amendment*

(c) give an appropriate answer to notices related to notification of accidents and other incidents with products received in accordance with [Article 14] of

notices related to notification of accidents and other incidents with products received in accordance with [Article 14] of Regulation (EU) [...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC;

Regulation (EU) [...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC;

## **Amendment 261**

### **Proposal for a regulation Article 27 – paragraph 6**

*Text proposed by the Commission*

6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace (*“online shops”*).

*Amendment*

6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace.

## **Amendment 262**

### **Proposal for a regulation Article 27 – paragraph 7**

*Text proposed by the Commission*

7. *The paragraph 3, points (d) to (h) shall also apply to online search engines.*

*Amendment*

*deleted*

## **Amendment 263**

### **Proposal for a regulation Article 27 – paragraph 8**

*Text proposed by the Commission*

8. A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the

*Amendment*

8. A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the



requirements set out in this Regulation.

requirements set out in this Regulation.  
***The manufacturer or importer of construction products shall provide the fulfilment service providers with the detailed information necessary for ensuring the safe storage, packaging, addressing or dispatch and further functioning of the product.***

#### **Amendment 264**

##### **Proposal for a regulation Article 28 – title**

*Text proposed by the Commission*

*Amendment*

Obligations ***of 3D-printing service providers and of providers of moulds, of 3D-printing datasets, and of 3D-printing materials***

Obligations ***in relation to 3D-printing of construction products***

#### **Amendment 265**

##### **Proposal for a regulation Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. A ***3D-printing service provider*** shall:

1. A ***natural or legal person that 3D-prints construction products*** shall:

#### **Amendment 266**

##### **Proposal for a regulation Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) ***refrain from placing on the market or directly installing products for clients without satisfying*** the obligations incumbent on manufacturers;

(a) ***satisfy*** the obligations incumbent on manufacturers ***when placing their products on the market;***

#### **Amendment 267**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) *inform its clients that they may use 3D-printing services only for the fabrication of products for their own use, unless satisfying the obligations incumbent on manufacturers;*

*Amendment*

(b) *use the appropriate 3D datasets;*

**Amendment 268**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) *inform its clients that the 3D-datasets and the materials to be used shall have undergone the procedures applicable to products under this Regulation; and*

*Amendment*

(c) *ensure that* the materials *used* have undergone the procedures applicable to products under this Regulation; and

**Amendment 269**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) *inform its clients that both* the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material *shall coincide and confirm the usability of the material for that type of 3D-dataset and the given 3D-printing technology.*

*Amendment*

(d) *ensure that* the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material coincide.

**Amendment 270**

**Proposal for a regulation**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall produce 10 such items and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall assess and document the fulfilment of requirements of this Regulation with regard to the produced items.** *deleted*

#### **Amendment 271**

##### **Proposal for a regulation Article 28 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall produce 10 such items for each intended use and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall assess and document the fulfilment of requirements of this Regulation with regard to the produced items.** *deleted*

#### **Amendment 272**

##### **Proposal for a regulation Article 30**

**Article 30**

**deleted**

***Obligations of suppliers and service providers involved in the manufacturing of products***

***1. A supplier or service provider involved in the manufacturing of products shall:***

***(a) provide to manufacturers, notified bodies and authorities all available information on the environmental sustainability of their supplied component or service;***

***(b) ensure the correctness of such information namely by respecting this Regulation and correct any errors made by communication to all their clients and, if potentially useful, to notified bodies and authorities;***

***(c) permit, in absence of such information, their customers to assess that environmental sustainability on their own expense and support that assessment, namely by giving access to all documents, including those of commercial character, relevant for that assessment;***

***(d) permit notified bodies to verify the correctness of any calculation of the environmental sustainability and support that verification;***

***(e) permit notified bodies to verify the performance and compliance of the supplied component or service and support that verification.***

***2. Where a supplier or service provider has been informed in accordance with the last sentence of Article 21(8), it shall forward that information to his other clients who have, in the last 5 years, received components or services which are identical with regard to the issue in question. In case of a serious risk as defined in Article 3, point (71) or a risk***

*falling under the last sentence of Article 21(9), the supplier or service provider shall also inform the national competent authorities of the Member States where products with that component or manufacturing service have been made available on the market or directly installed; where it cannot identify these Member States, it shall inform all national competent authorities.*

#### **Amendment 273**

##### **Proposal for a regulation Article 31 – title**

*Text proposed by the Commission*

*Amendment*

Double use *and pseudo* products

Double use products

#### **Amendment 274**

##### **Proposal for a regulation Article 31 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. A manufacturer of double use products shall satisfy the obligations of this Regulation *for all the items of the respective type*, unless they are *specifically* marked as “not for construction”.

1. A manufacturer of double use products *and other economic operators dealing with them* shall satisfy the obligations of this Regulation, unless they are marked as “not for construction”.

#### **Amendment 275**

##### **Proposal for a regulation Article 31 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *Other economic operators dealing with double use products shall fulfil the obligations incumbent on them in accordance with this Regulation. In their commercial contracts, they shall establish*

*deleted*

*an obligation of their clients to do the same and not to sell or to use items for construction which are marked as “not for construction”.*

#### Amendment 276

##### Proposal for a regulation Article 31 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. For *items suitable* for construction *for which the manufacturer has never intended such use and which, therefore, have not been CE-marked (“pseudo products”)*, other economic operators shall:

*Amendment*

3. For *double use products marked as “not for construction”* other economic operators shall:

#### Amendment 277

##### Proposal for a regulation Article 32 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the economic operator uses the currency of the Member States *or a cryptocurrency covered by Regulation (EU) [...]<sup>47</sup> unless, in the latter case, selling to the Union is explicitly excluded by effective means*;

*Amendment*

(b) the economic operator uses the currency of the Member States;

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<sup>47</sup> *Future Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937, see COM/2020/593 final.*

#### Amendment 278

##### Proposal for a regulation Article 33

*Text proposed by the Commission*

*Amendment*

**Article 33**

**deleted**

***Implementing acts on economic operators' obligations and rights***

***Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices creating an uneven playing field for economic operators, the Commission may adopt implementing acts providing details on how to execute the obligations and rights of economic operators contained in this Chapter.***

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).***

**Amendment 279**

**Proposal for a regulation  
Chapter IV – title**

*Text proposed by the Commission*

*Amendment*

**CONSTRUCTION PRODUCTS  
STANDARDS AND EUROPEAN  
ASSESSMENT DOCUMENTS**

**EUROPEAN ASSESSMENT  
DOCUMENTS**

**Amendment 280**

**Proposal for a regulation  
Article 34**

*Text proposed by the Commission*

*Amendment*

**[...]**

**deleted**

***(Moved to Article 6a)***

**Amendment 281**

**Proposal for a regulation**  
**Article 35 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and European technical assessment, the European assessment document shall be referred to in the declaration of performance and the declaration of conformity.**

**deleted**

**Amendment 282**

**Proposal for a regulation**  
**Article 35 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Following a request for a European technical assessment by a manufacturer or a group of manufacturers or on initiative of the Commission, a European assessment document may be drawn up and adopted by the organisation of technical assessment bodies ('TABs') in agreement with the Commission for any product not covered by:

Following a request for a European technical assessment by a manufacturer or a group of manufacturers or on initiative of the Commission, a European assessment document may be drawn up and adopted by the organisation of technical assessment bodies ('TABs') in agreement with the Commission for any **kind or category of** product not covered by:

**Amendment 283**

**Proposal for a regulation**  
**Article 35 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) a harmonised technical specification intended to be adopted in the next **2 years** as from the date of verification with the Commission;

(b) a harmonised technical specification intended to be adopted in the next **1 year** as from the date of verification with the Commission;



## Amendment 284

### Proposal for a regulation Article 35 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall task EOTA and CEN with coordinating to ensure that there is no overlap between a European assessment document and harmonised standards or parts thereof.**

## Amendment 285

### Proposal for a regulation Article 35 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting *the* European assessment document shall **respect Article 36 and shall** comply with Article 37 and Annex III.

3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting *a* European assessment document shall comply with Article 36 **and the procedure laid down in Annex IIIa.**

## Amendment 286

### Proposal for a regulation Article 35 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and a European technical assessment, the European assessment document shall be referred to in the declaration of performance and the declaration of conformity.**

## Amendment 287

### Proposal for a regulation Article 35 – paragraph 4

*Text proposed by the Commission*

4. The Commission is empowered to amend Annex **III** by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure the good functioning of the European assessment documents system.

*Amendment*

4. The Commission is empowered to amend Annex **IIIa** by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure the good functioning of the European assessment documents system.

## Amendment 288

### Proposal for a regulation Article 36 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) disclose ***as little as possible*** information protected by intellectual property rights, and protect commercial secrecy and confidentiality;

*Amendment*

(b) ***not to*** disclose ***the*** information protected by intellectual property rights, and protect commercial secrecy and confidentiality;

## Amendment 289

### Proposal for a regulation Article 36 – paragraph 1 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) allow ***at any stage*** for adequate participation by the Member States and the Commission;

*Amendment*

(d) allow for adequate participation by the Member States and the Commission;

## Amendment 290

**Proposal for a regulation**  
**Article 36 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The balancing of principles laid down in points (a) and (b) shall at least allow for the disclosure of the name of the product at the stage of the approval and the communication of the work programme, as set out in Annex **III**, point **3.**, and the detailed contents of the draft European assessment document set out in Annex **III**, point 7.

*Amendment*

The balancing of principles laid down in points (a) and (b) **of this paragraph** shall at least allow for the disclosure of the name of the product at the stage of the approval and the communication of the work programme, as set out in Annex **IIIa**, point **5** and the detailed contents of the draft European assessment document set out in Annex **IIIa**, point **5**.

**Amendment 291**

**Proposal for a regulation**  
**Article 37 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next **two years**, or no such or European assessment document is already in the procedure of developing pursuant to Annex **III**, the TAB shall apply the procedures set out in Annex **III** or those established in accordance with Article 35(4).

*Amendment*

(c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next **year**, or no such or European assessment document is already in the procedure of developing pursuant to Annex **IIIa**, the TAB shall apply the procedures set out in Annex **IIIa** or those established in accordance with Article 35(4).

**Amendment 292**

**Proposal for a regulation**  
**Article 38 – paragraph 2**

*Text proposed by the Commission*

2. Only European assessment documents referred to in that list and published **in at least one language of the Union** by either the Commission or by the organisation of TABs shall authorise the

*Amendment*

2. Only European assessment documents referred to in that list and published by either the Commission or by the organisation of TABs shall authorise the issuing of European technical

issuing of European technical assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing.

assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union *or immediately where the European technical document has been withdrawn* unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing.

## **Amendment 293**

### **Proposal for a regulation**

#### **Article 38 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *In order to ensure the high quality of European assessment documents and to accommodate the confidentiality needs of the applicant for the related European technical assessment, before the reference to a new European assessment document is cited in the Official Journal of the European Union, a draft of the first European technical assessment based on that European assessment document shall be issued. If necessary, the final draft of the European assessment document shall be amended based on the experience gained with the issue of the first European technical assessment. The Commission, jointly with organisation of TABs, shall communicate the date of citation of the reference to the European assessment document.*

## **Amendment 294**

### **Proposal for a regulation**

#### **Article 40 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a description of the product covered; and

*Amendment*

(a) a description of the ***kind or category of*** product covered; and

**Amendment 295**

**Proposal for a regulation  
Article 40 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the list of essential characteristics, relevant for the intended use of the product as set out by the manufacturer and agreed between the manufacturer and the organisation of TABs, and the methods and criteria for assessing the performance of the product in relation to those essential characteristics.

*Amendment*

(b) the list of essential characteristics, relevant for the intended use of the ***kind or category of*** product as set out by the manufacturer and agreed between the manufacturer and the organisation of TABs, and the methods and criteria for assessing the performance of the product in relation to those essential characteristics.

**Amendment 296**

**Proposal for a regulation  
Article 40 – paragraph 2**

*Text proposed by the Commission*

2. Principles for the applicable factory production control to be applied shall be set out in the European assessment document, taking into account the conditions of the manufacturing process of the product concerned.

*Amendment*

2. Principles for the applicable factory production control to be applied shall be set out in the European assessment document, taking into account the conditions of the manufacturing process of the ***kind or category of*** product concerned.

**Amendment 297**

**Proposal for a regulation  
Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Where the performance of some of certain essential characteristics of the

*Amendment*

3. Where the performance of some of certain essential characteristics of the ***kind***

**product** can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document, ***unless there are good reasons to deviate from this rule.***

**or category of products** can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document.

## **Amendment 298**

### **Proposal for a regulation**

#### **Article 42 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

***The*** European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document ***established in accordance with the procedures set out in Article 37 and Annex III*** the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38.

*Amendment*

***A*** European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document, the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38.

## **Amendment 299**

### **Proposal for a regulation**

#### **Article 42 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. When a request for a European technical assessment is made, the procedure laid down in Annex IIIa shall apply.***

## **Amendment 300**

### **Proposal for a regulation**

#### **Article 43**

*Text proposed by the Commission*

*Amendment*

**Article 43**

**deleted**

***Designating authorities***

**1. Member States wishing to designate technical assessment bodies shall designate a single authority in charge of technical assessment bodies (hereafter: the “designating authority”). Designating authorities shall satisfy the requirements for notifying authorities set out in Articles 48(1) and Article 49. The designating authority shall not be eligible for designation in accordance with Article 44(1).**

**2. Unless otherwise specified in this Chapter, the provisions applicable to notifying authorities and to notification procedures apply also to designating authorities and to the designation procedures. However, Member States may not use accreditation.**

**Amendment 301**

**Proposal for a regulation**

**Article 44 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. **The Commission is empowered to amend this table by delegated acts adopted in accordance with Article 87 to adapt it to technical progress.**

Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. **When the Member State decides to designate a TAB, it shall appoint one single authority in charge of technical assessment bodies (the “designated authority”).**

**Amendment 302**

**Proposal for a regulation**

**Article 44 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The **designating authority** designated **in accordance with Article 43** shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The **designating** authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB.

**Amendment 303**

**Proposal for a regulation**  
**Article 44 – paragraph 5**

*Text proposed by the Commission*

5. The Commission may investigate the compliance of TABs with the requirements set out in this chapter, as well as the fulfilment by the responsible **designating** authorities of their monitoring obligations.

**Amendment 304**

**Proposal for a regulation**  
**Article 44 – paragraph 6**

*Text proposed by the Commission*

6. TABs shall, upon request by the relevant **designating** authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify compliance.

*Amendment*

The designated **authority** shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The **designated** authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB.

*Amendment*

5. The Commission may investigate the compliance of TABs with the requirements set out in this chapter, as well as the fulfilment by the responsible **designated** authorities of their monitoring obligations.

*Amendment*

6. TABs shall, upon request by the relevant **designated** authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify compliance.



## Amendment 305

### Proposal for a regulation

#### Article 46 – paragraph 2 – subparagraph 1 – point i

*Text proposed by the Commission*

(i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available ***in all EU languages***.

*Amendment*

(i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available.

## Amendment 306

### Proposal for a regulation

#### Article 46 – paragraph 6

*Text proposed by the Commission*

6. The Commission may make the financing of the organisation of TABs, regardless of via grants or public tenders, subject to the fulfilment of ***certain*** organisational and performance requirements, including with regard to a fair geographic distribution of TABs.

*Amendment*

6. The Commission may make the financing of the organisation of TABs, regardless of via grants or public tenders, subject to the fulfilment of organisational and performance requirements, including with regard to a fair geographic distribution of TABs.

## Amendment 307

### Proposal for a regulation

#### Article 49 – paragraph 6 – subparagraph 1

*Text proposed by the Commission*

The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks. ***The Commission may adopt implementing acts laying down a minimum number of full-time equivalences considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body***

*Amendment*

The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.

*referred to in Article 48(3), this minimum number shall apply to that body.*

#### **Amendment 308**

##### **Proposal for a regulation Article 49 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).*      *deleted*

#### **Amendment 309**

##### **Proposal for a regulation Article 50 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

A conformity assessment body shall be independent of the organisation or the product it assesses.

A conformity assessment body shall be *a third-party body* independent *of all business ties* of the organisation or the *construction* product it assesses.

#### **Amendment 310**

##### **Proposal for a regulation Article 50 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*It shall be independent of any and all business ties with organisations having an interest in the products it assesses, manufacturers, their trade partners or their shareholding investors, as well as with other notified bodies and their business associations, parent companies or subsidiaries. This does not preclude the notified body from carrying out assessment and verification activities for competing manufacturers.*      *deleted*

## Amendment 311

### Proposal for a regulation

#### Article 50 – paragraph 3 – subparagraph 3

*Text proposed by the Commission*

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body.

*Amendment*

A **conformity assessment** body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body.

## Amendment 312

### Proposal for a regulation

#### Article 50 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

A **notified** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which it assesses, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the **notified** body or the use of products for personal purposes.

*Amendment*

A **conformity assessment** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which it assesses, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the **conformity assessment** body or the use of products for personal purposes.

## Amendment 313

### Proposal for a regulation

#### Article 50 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

A **notified** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not become directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, nor represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement and integrity related to the activities for which they have been notified nor provide consultancy services.

*Amendment*

A **conformity assessment** body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not become directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, nor represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement and integrity related to the activities for which they have been notified nor provide consultancy services.

**Amendment 314**

**Proposal for a regulation**

**Article 50 – paragraph 4 – subparagraph 3**

*Text proposed by the Commission*

A **notified** body shall ensure that activities of its parent or sister companies, its subsidiaries or subcontractors do not affect the confidentiality, objectivity and impartiality of its assessment and/or verification activities.

*Amendment*

A **conformity assessment** body shall ensure that activities of its parent or sister companies, its subsidiaries or subcontractors do not affect the confidentiality, objectivity and impartiality of its assessment and/or verification activities.

**Amendment 315**

**Proposal for a regulation**

**Article 50 – paragraph 5**

*Text proposed by the Commission*

5. A **notified** body and its personnel shall carry out the third party tasks in the assessment and verification process with the highest degree of professional integrity and requisite technical competence in the specific field and shall be free from all

*Amendment*

5. A **conformity assessment** body and its personnel shall carry out the third party tasks in the assessment and verification process with the highest degree of professional integrity and requisite technical competence in the specific field

pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities.

and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities.

## Amendment 316

### Proposal for a regulation

#### Article 50 – paragraph 6 – subparagraph 1

*Text proposed by the Commission*

A **notified** body shall be capable of carrying out all the third party tasks in the assessment and verification process assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the **notified** body itself or on its behalf and under its responsibility.

*Amendment*

A **conformity assessment** body shall be capable of carrying out all the third party tasks in the assessment and verification process assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the **conformity assessment** body itself or on its behalf and under its responsibility.

## Amendment 317

### Proposal for a regulation

#### Article 50 – paragraph 6 – subparagraph 2 – point a

*Text proposed by the Commission*

(a) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process. **Personnel responsible for taking assessment decisions shall be employed by the notified body under the national law of the notifying Member State, shall not have any other potentially conflicting loyalty obligation or potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. Its number shall be sufficient to ensure business continuity and a consistent**

*Amendment*

(a) the necessary **competent** personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process;

*approach to conformity assessments;*

### Amendment 318

#### Proposal for a regulation

#### Article 50 – paragraph 6 – subparagraph 2 – point b

*Text proposed by the Commission*

(b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. ***This shall include a qualification matrix matching relevant personnel, their respective status and tasks within the conformity assessment body with the conformity assessment tasks in relation to which the body intends to be notified;***

*Amendment*

(b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. ***It shall have appropriate policies and procedures in place that distinguish between the tasks it carries out as a notified body and other activities, and it shall assign its personnel to those tasks.***

### Amendment 319

#### Proposal for a regulation

#### Article 50 – paragraph 6 – subparagraph 2 – point c

*Text proposed by the Commission*

(c) ***appropriate policies and procedures in place that distinguish between the tasks it carries out as a notified body and other activities;***

*Amendment*

***deleted***

### Amendment 320

#### Proposal for a regulation

#### Article 50 – paragraph 6 – subparagraph 3

*Text proposed by the Commission*

A ***notified*** body shall have the means necessary to perform the technical and administrative tasks connected with the activities for which it intends to be notified in an appropriate manner and shall have

*Amendment*

A ***conformity assessment*** body shall have the means necessary to perform the technical and administrative tasks connected with the activities for which it intends to be notified in an appropriate

access to all necessary equipment or facilities.

manner and shall have access to all necessary equipment or facilities.

### **Amendment 321**

#### **Proposal for a regulation Article 50 – paragraph 9**

*Text proposed by the Commission*

9. A **notified** body shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the assessment and/or the verification performed.

*Amendment*

9. A **conformity assessment** body shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the assessment and/or the verification performed.

### **Amendment 322**

#### **Proposal for a regulation Article 50 – paragraph 10**

*Text proposed by the Commission*

10. The personnel of the **notified** body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks under Annex V, except in relation to the competent administrative authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

*Amendment*

10. The personnel of the **conformity assessment** body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks under Annex V, except in relation to the competent administrative authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

### **Amendment 323**

#### **Proposal for a regulation Article 50 – paragraph 11**

*Text proposed by the Commission*

11. A **notified body shall ensure that its assessment personnel is informed of the relevant standardisation activities and**

*Amendment*

11. A **conformity assessment body** shall participate in, and ensure that its assessment personnel is informed of,

shall participate in, and ensure that its assessment personnel is informed of, activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result *of that group*.

*relevant standardisation activities*, activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result.

#### Amendment 324

##### Proposal for a regulation Article 51 – title

*Text proposed by the Commission*

*Amendment*

Presumption of conformity

Presumption of conformity *of notified bodies*

#### Amendment 325

##### Proposal for a regulation Article 53 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. *The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 50(6) point (b).*

2. The notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.

#### Amendment 326

##### Proposal for a regulation Article 55 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The application shall be accompanied by a description of the

2. The application shall be accompanied by a description of the



activities to be performed, the assessment and/or verification processes for which the body claims to be competent, ***the qualification matrix referred to in Article 50(6), point (b)***, an accreditation certificate, where one exists, issued by the national accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised standards, on the specific requirements and assessment tasks.

activities to be performed, the assessment and/or verification processes for which the body claims to be competent, an accreditation certificate, where one exists, issued by the national accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised standards, on the specific requirements and assessment tasks.

#### **Amendment 327**

##### **Proposal for a regulation Article 58 – paragraph 1**

###### *Text proposed by the Commission*

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations.

###### *Amendment*

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations. ***It shall immediately inform the Commission and the other Member States accordingly.***

#### **Amendment 328**

##### **Proposal for a regulation Article 59 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *Where the Commission finds that a notified body does not meet, or no longer meets, the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including withdrawal of notification, if necessary.*

### **Amendment 329**

#### **Proposal for a regulation Article 60 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7.** *Notified bodies shall ensure rotation between the personnel carrying out different assessment tasks.*

*deleted*

### **Amendment 330**

#### **Proposal for a regulation Article 62**

*Text proposed by the Commission*

*Amendment*

*Article 62*

*deleted*

#### ***Implementing acts on notified bodies’ obligations and rights***

***Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices leading to unequal treatment of and creating an uneven playing field for economic operators, the Commission may, adopt implementing acts providing details on how to execute the obligations of notified bodies contained in Articles 60 and 61.***

***Those implementing acts shall be adopted in accordance with examination***

*procedure referred to in Article 88(2).*

### **Amendment 331**

#### **Proposal for a regulation Article 63 – paragraph 1**

*Text proposed by the Commission*

The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. Coordination and cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.

*Amendment*

The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. ***Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.*** Coordination and cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.

### **Amendment 332**

#### **Proposal for a regulation Article 63 – paragraph 2**

*Text proposed by the Commission*

***Notified bodies shall participate in the work of that group, directly or by means of designated representatives.***

*Amendment*

***deleted***

### **Amendment 333**

#### **Proposal for a regulation Article 63 – paragraph 3**

*Text proposed by the Commission*

Notified bodies shall ***apply*** as general guidance the administrative decisions and documents produced by that group.

*Amendment*

Notified bodies shall ***take into account*** as general guidance the administrative decisions and documents produced by that group.

## Amendment 334

### Proposal for a regulation

#### Article 64 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. A manufacturer may replace type testing by appropriate technical documentation demonstrating that:

*Amendment*

1. A manufacturer may replace type testing **or type calculation** by appropriate technical documentation demonstrating that:

## Amendment 335

### Proposal for a regulation

#### Article 64 – paragraph 1 – point a

*Text proposed by the Commission*

(a) for one or several essential characteristics of the product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out to that end in the relevant harmonised technical specification **or a Commission act**; or

*Amendment*

(a) for one or several essential characteristics of the product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out to that end in the relevant harmonised technical specification; or

## Amendment 336

### Proposal for a regulation

#### Article 64 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the product, covered by a harmonised technical specification, which the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual items, given by the provider of such a

*Amendment*

(b) the product, covered by a harmonised technical specification **or by a European technical assessment**, which the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual

system or of a component thereof, who has already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the item provided to *him*.

items, given by the provider of such a system or *supplier* of a component thereof, who has already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification *or the European technical assessment*. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the item provided to *them; or*

### Amendment 337

#### Proposal for a regulation Article 64 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised standard. When those conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. The manufacturer may use the test results obtained by another manufacturer only after having obtained the authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results.*

### Amendment 338

#### Proposal for a regulation Article 66

*Text proposed by the Commission*

*Amendment*

**Article 66**

**deleted**

**Custom-made non-series products**

**1. In relation to products covered by a harmonised technical specification and which are individually manufactured or custom-made in a non-series process in response to a specific order, and which are installed in a single identified construction work by manufacturers who are also responsible for the safe incorporation of those products into construction works, the performance assessment part of the applicable system, as set out in Annex V, may be replaced by the manufacturer by Specific Technical Documentation demonstrating compliance of that product with the applicable requirements and providing data equivalent to those required by this Regulation and the applicable harmonised technical specifications. Equivalence is given where all the data needed and requirements applicable to the particular construction work and its future dismantling, including reuse, remanufacturing and recycling of its installed products, are provided or fulfilled on the basis of state-of-the-art methods.**

**2. A notified body or TAB shall, in addition to the tasks set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1.**

**Amendment 339**

**Proposal for a regulation**

**Article 67 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

A notified body (hereafter: recognising notified body) may refrain from the

A notified body (hereafter: recognising notified body) may refrain from the

assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where:

assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where ***all of the following applies:***

#### **Amendment 340**

##### **Proposal for a regulation**

##### **Article 67 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) there is an agreement in place between the two notified bodies obliging them to share all information regarding the assessment and verification and their respective certificates and reports;***

***deleted***

#### **Amendment 341**

##### **Proposal for a regulation**

##### **Article 68 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation.

1. ***Without prejudice to the obligations of economic operators under this Regulation and the activities of market surveillance authorities under Regulation 2019/1020,*** the Commission shall, ***in addition,*** set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation.

#### **Amendment 342**

##### **Proposal for a regulation**

##### **Article 68 – paragraph 2**

*Text proposed by the Commission*

2. Where the Commission **consider** a complaint or report relevant and substantiated, it shall assign it to a market surveillance authority for it to follow-up with the relevant natural or legal person in accordance with Article 11(7), point (a) of Regulation (EU) 2019/1020.

*Amendment*

2. Where the Commission **considers** a complaint or report relevant and substantiated **based on clearly defined criteria**, it shall **without undue delay** assign it to a market surveillance authority for it to follow-up with the relevant natural or legal person in accordance with Article 11(7), point (a) of Regulation (EU) 2019/1020.

### **Amendment 343**

#### **Proposal for a regulation Article 68 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall adopt implementing acts establishing the criteria and the timeline referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).**

### **Amendment 344**

#### **Proposal for a regulation Article 68 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. As regards construction products that might present a risk to the health and safety of consumers, any interested natural or legal person shall have the possibility to inform the Commission through a separate section of the Safety Gate Portal. The Commission shall give due consideration to the information received and, after verification of its accuracy, where appropriate, forward that information to the relevant Member**



*State's market surveillance authority without undue delay to ensure that those complaints are appropriately followed-up.*

#### **Amendment 345**

##### **Proposal for a regulation Article 69 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall designate, amongst their competent authorities, the 'national competent authority' which is the *focal point for contacts* with other Member States.

*Amendment*

2. Member States shall designate, amongst their competent authorities, the 'national competent authority' which is the *single point of contact for communication* with other Member States.

#### **Amendment 346**

##### **Proposal for a regulation Article 69 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The designated competent authorities shall have all the powers listed in Article 14(4) of Regulation (EU) 2019/1020. These powers shall be, for the purposes of this Regulation, extended to all economic operators covered by this Regulation.**

#### **Amendment 347**

##### **Proposal for a regulation Article 69 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. For the purpose of market surveillance, investigation and enforcement, competent authorities shall have the power to request from other public authorities or bodies relevant information in their possession.**

## Amendment 348

### Proposal for a regulation

#### Article 70 – title

*Text proposed by the Commission*

Procedure to deal with ***non-compliances***

*Amendment*

Procedure to deal with ***non-compliance***

## Amendment 349

### Proposal for a regulation

#### Article 70 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Where a market surveillance authority of one Member State has sufficient reason to believe that certain products covered by a ***construction products standard*** or for which a European technical assessment has been issued, or its manufacturer, is non-compliant, it shall carry out an evaluation in relation to the products and the manufacturer concerned covering the respective requirements laid down by this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

*Amendment*

Where a market surveillance authority of one Member State has sufficient reason to believe that certain products covered by a ***harmonised technical specification*** or for which a European technical assessment has been issued, or its manufacturer, is non-compliant, it shall carry out an evaluation in relation to the products and the manufacturer concerned covering the respective requirements laid down by this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

## Amendment 350

### Proposal for a regulation

#### Article 70 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to

*Amendment*

Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to

bring the products or *himself* into compliance with those requirements and obligations or to withdraw the products from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

bring the products or *their manufacturer* into compliance with those requirements and obligations or to withdraw the products from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

## **Amendment 351**

### **Proposal for a regulation Article 70 – paragraph 7**

#### *Text proposed by the Commission*

7. Where, within **two** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified.

#### *Amendment*

7. Where, within **3** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified.

## **Amendment 352**

### **Proposal for a regulation Article 71 – paragraph 1 – subparagraph 1**

#### *Text proposed by the Commission*

Where, on completion of the procedure set out in Article 70(4), objections are raised against a measure taken by a Member State or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall **decide by**

#### *Amendment*

Where, on completion of the procedure set out in Article 70(4), objections are raised against a measure taken by a Member State or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall **adopt**

*means of* implementing act **adopted**  
whether the measure is justified or not.

*implementing acts, within four months of  
the notification received pursuant to  
Article 70(4), setting out its decision*  
whether the measure is justified or not.

### Amendment 353

#### Proposal for a regulation Article 71 – paragraph 2

*Text proposed by the Commission*

2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant product is withdrawn from their markets and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

*Amendment*

2. If the national measure is considered justified, all Member States shall, **without delay**, take the necessary measures to ensure that the non-compliant product is withdrawn from their markets and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

### Amendment 354

#### Proposal for a regulation Article 71 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Where the national measure is considered to be justified and the non-compliance of the construction product is attributed to shortcomings in a European assessment document, as referred to in Article 70(5), point (c), the Commission shall inform the organisation of TABs of the shortcoming and, if necessary, request the revision of the European assessment document concerned.**

### Amendment 355

#### Proposal for a regulation Article 73

*Text proposed by the Commission*

*Amendment*

**Article 73**

**deleted**

***Minimum checks and minimum human resources***

***1. The Commission is empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum number of checks to be performed by the market surveillance authorities of each Member State on specific products covered by harmonised technical specifications or in relation to specific requirements set out in such measures in order to ensure checks are performed on a scale adequate to safeguard the effective enforcement of this Regulation. The delegated acts may, where relevant, specify the nature of the checks required and methods to be used.***

***2. The Commission is also empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum human resources to be deployed by Member States for purposes of market surveillance with regard to products covered by this Regulation.***

**Amendment 356**

**Proposal for a regulation**

**Article 74 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) elaborate guidelines for the application and enforcement of requirements and obligations set out in ***delegated acts referred to in Article 4(3) and (4) and Article 5(2) and (3) and the delegated acts referred to in Article 22(4)***, including common practices and methodologies for effective market surveillance.

(d) elaborate guidelines for the application and enforcement of requirements and obligations set out in ***harmonised technical specifications adopted pursuant to this Regulation***, including common practices and methodologies for effective market surveillance, ***such as the number and type of checks to be performed by market***

*surveillance authorities;*

#### **Amendment 357**

##### **Proposal for a regulation**

##### **Article 74 – paragraph 2 – subparagraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) elaborate guidelines for economic operators on the harmonised application of this Regulation.*

#### **Amendment 358**

##### **Proposal for a regulation**

##### **Article 75 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Market surveillance authorities shall have the right to recover from economic operators *in possession of a non-compliant product or from the manufacturer* the costs of document inspection and physical product testing.

*Where a product has been found to be non-compliant,* market surveillance authorities shall have the right to recover from economic operators *who placed or made available the product on the market* the costs of document inspection and physical product testing, *with a justification of those costs.*

#### **Amendment 359**

##### **Proposal for a regulation**

##### **Article 77 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. Member States and the Commission may use artificial intelligence to detect diverging decision making practices.

8. Member States and the Commission may use artificial intelligence *systems* to detect diverging decision making practices.

#### **Amendment 360**

**Proposal for a regulation**  
**Article 78**

*Text proposed by the Commission*

*Amendment*

**Article 78**

**deleted**

***EU construction products database or system***

- 1. The Commission is empowered to supplement this Regulation by means of delegated act according to Article 87, by setting up a Union construction products database or system that builds to the extent possible on the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products].***
- 2. Economic operators may access all information stored in that database or system which regards them specifically. They may request that incorrect information is corrected.***
- 3. The Commission may, by implementing acts give access to this database or system to certain authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:***
  - (a) ensure confidentiality,***
  - (b) are partners of a mechanism for lawful transfers of personal data compliant with the Regulation (EU) 2016/679<sup>48</sup>,***
  - (c) commit to engage actively by notifying facts that might trigger the need for action of market surveillance authorities, and***
  - (d) commit to engage against economic operators infringing this Regulation from their territory.***

***Those implementing acts shall be adopted in accordance with the advisory procedure***

*referred to in Article 88(1).*

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***<sup>48</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1–88.***

## **Amendment 361**

### **Proposal for a regulation Article 79 – paragraph 1**

#### *Text proposed by the Commission*

1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of their tasks ***and at any rate at least one full-time equivalence per Member State and one additional full-time equivalence per each ten millions of inhabitants.*** They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724<sup>49</sup> and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515<sup>50</sup>.

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<sup>49</sup> Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending

#### *Amendment*

1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of their tasks. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724<sup>49</sup> and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515<sup>50</sup>.

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<sup>49</sup> Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending



Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.

<sup>50</sup> Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.

Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.

<sup>50</sup> Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.

## **Amendment 362**

### **Proposal for a regulation Article 79 – paragraph 3**

*Text proposed by the Commission*

3. Product contact points for construction shall respond within 15 working days of receiving any request under paragraph 3.

*Amendment*

3. Product contact points for construction shall respond ***or provide information free of charge*** within 15 working days of receiving any request under paragraph 3.

## **Amendment 363**

### **Proposal for a regulation Article 79 – paragraph 4**

*Text proposed by the Commission*

4. ***Product contact points for construction shall not charge any fee for the provision of the information under paragraph 3.***

*Amendment*

***deleted***

## **Amendment 364**

### **Proposal for a regulation Chapter IX a (new)**

*Text proposed by the Commission*

*Amendment*

***Chapter IXa  
Construction digital product passport and***

*product passport registry*

*Article 81a*

*Establishment of the construction digital product passport*

**1. The Commission shall adopt delegated acts in accordance with Article 87 to supplement this Regulation by setting up a construction digital product passport in accordance with the conditions set out in this Chapter.**

**The construction digital product passport shall be compatible and interoperable with the digital product passport established by the regulation (EU) [Regulation on eco design for sustainable products], without compromising interoperability with Building Information Modelling (BIM) by taking into account the specific characteristics and requirements related to construction products.**

**2. The construction digital product passport shall consist of:**

**(a) the declaration of performance or the combined declaration of performance and conformity;**

**(b) the product information laid down in Annex I Part D; and**

**(c) technical documentation referred to in Articles 64(1), 65(1), 66(1) and Annex II point 11(b).**

**3. The construction digital product passport shall be accessible via electronic means through the data carrier.**

**4. The following data carriers or similar means may be used to access the construction digital product passport:**

**(a) QR code;**

**(b) bar code;**

**(c) RFID chip;**

**(d) permalink.**

**5. The construction digital product**

*passport shall be accessible free of charge to all economic operators, clients, users and authorities through the data carrier. Different levels of access can be provided taking into account the need to protect intellectual property rights, sensitive commercial information or to ensure the safety of construction works.*

*6. Construction digital product passports shall be made accessible on the manufacturer's website, database or an online platform chosen by the manufacturer of the respective products for 10 years after the last product has been placed on the market. After this time frame, the information shall either continue to be made accessible by the manufacturer or shall be transferred to the centralised Commission registry established in accordance with Article 81d.*

*7. The manufacturer shall at least biennially verify the correctness of the information contained in the construction digital product passport.*

*8. Once a construction product is placed on the market, the information in the construction digital product passport connected to it may only be modified in order to correct clerical mistakes. Any modifications shall be available using the same data carrier and shall include detailed information about the new version and the reasons for the update.*

#### *Article 81b*

##### *General requirements for the construction digital product passport*

*1. A construction digital product passport shall meet the following conditions:*

*(a) it shall be connected through one or more than one data carrier to the unique identification code of the product-type;*

*(b) the data carrier shall be affixed in*

*a visible, legible and inedible manner to the product or to a label attached to it. Where the nature of the product does not allow or guarantee this, it shall be indicated on the packaging or on the accompanying documents;*

*(c) the data carrier shall comply with standard ('ISO/IEC') 15459:2015;*

*(d) all information included in the construction digital product passport shall be based on open, standards, developed with an interoperable format and shall be machine-readable, structured, and searchable, in accordance with the essential requirements set out in Article 81c. Technical documentation referred to in Article 81a(2)(c) shall be exempted from this obligation when justified for technical reasons;*

*(e) the information included in the construction digital product passport shall refer to the product corresponding to the unique identification code of the product-type.*

*The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend the first subparagraph, point (c), of this Article in light of technical and scientific progress by replacing the standard referred to in that point or adding other European or international standards with which the data carrier and the unique identifiers shall comply for the purposes of meeting the conditions set out in this Article.*

*2. The economic operator placing the product on the market shall provide other economic operators with a digital copy of the data carrier to allow the other economic operator to make it accessible to customers where they cannot physically access the product. The economic operator placing the product on the market shall provide that digital copy free of charge and within 5 working days of the request of the other economic*

*operator.*

*Article 81c*

*Technical design and operation of the construction digital product passport*

*The technical design and operation of the construction digital product passport shall comply with the following essential requirements:*

- (a) construction digital product passports shall be fully interoperable with other construction digital product passports in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;*
- (b) the data included in the construction digital product passport shall be stored by the manufacturers responsible for its creation or by operators authorised to act on their behalf;*
- (c) if the data included in the construction digital product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;*
- (d) the construction digital product passport shall remain available for at least 10 years after the last placing on the market of the respective construction product, including after an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport; after this time frame information can continue to be made available by manufacturer or shall be transferred to the centralised Commission registry;*
- (e) data authentication, reliability and integrity shall be ensured;*
- (f) construction digital product passports shall be designed and operated*

*so that a high level of security and privacy is ensured and fraud is avoided.*

*The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend the essential requirements specified in this Article in light of technical and scientific progress.*

#### *Article 81d*

##### *Construction product passport registry*

*1. The Commission shall set up and maintain a registry storing information included in the construction product passports by delegated acts adopted pursuant to Article 87.*

*The registry referred to in the first subparagraph shall include, at least:*

- (a) a list of the data carriers and the unique product identifiers referred to in Article 81b(1), point (a);*
- (b) the information set out in Article 81a(2), as transferred by manufacturer.*

*The Commission shall ensure that the information stored in the registry referred to in the first subparagraph is processed securely and in compliance with Union law, including applicable rules on the protection of personal data.*

*2. The Commission shall adopt delegated acts pursuant to Article 87 supplementing this Regulation by specifying the information which, in addition to being included in the product passport, shall be stored in the registry referred to in paragraph 1 of this Article, taking into account at least the following criteria:*

- (a) the need to allow for the verification of the authenticity of the product passport;*
- (b) the relevance of information for improving the efficiency and effectiveness of market surveillance checks and customs controls in relation to*

*construction products;*

*(c) the need to avoid a disproportionate administrative burden for economic operators.*

*3. In relation to its responsibility to establish and manage the registry referred to in paragraph 1 and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 3, point (8) of Regulation (EU) 2018/1725.*

*4. The economic operator placing the product on the market shall upload, in the registry referred to in paragraph 1, the information referred to in paragraph 2.*

## **Amendment 365**

### **Proposal for a regulation**

#### **Article 82 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) scientific, technical, and regulatory matters, aiming to improve product safety or the protection of the environment;

*Amendment*

(e) scientific, technical, and regulatory matters, aiming to improve product safety or the protection of the environment **and consumers**;

## **Amendment 366**

### **Proposal for a regulation**

#### **Article 82 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall regularly inform Member States about the cooperation activities with third countries or international organisations it undertakes pursuant to the first subparagraph.***

## **Amendment 367**

**Proposal for a regulation**  
**Article 82 – paragraph 2**

*Text proposed by the Commission*

2. The Commission may provide third countries or international organisations with selected information from the product ***database or system referred to in Article 78***, to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance with this Regulation and receive relevant information on products and on preventive, restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share such information with national authorities, where relevant.

*Amendment*

2. The Commission, ***after consultation with the Member States***, may provide third countries or international organisations with selected information from the ***digital construction passport*** to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance with this Regulation and receive relevant information on products and on preventive, restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share such information with national authorities, where relevant.

**Amendment 368**

**Proposal for a regulation**  
**Article 82 – paragraph 5**

*Text proposed by the Commission*

5. ***Where agreements with third countries permit the mutual support in terms of enforcement, Member States may, after consultation of the Commission, use the empowerments set out in Chapter VIII also for action against economic operators acting unlawful in or with respect to third countries, provided that the third countries respect the fundamental values referred to in Article 2 TEU, including the rule of law. Member States may request via the Commission third countries to enforce measures adopted in accordance with Chapter VIII. No cooperation under this Paragraph shall happen where there is no de facto reciprocity or where the Commission raises other concerns, namely with regard to the legal conditions set out in this Article or confidentiality of***

*Amendment*

***deleted***



*data.*

## **Amendment 369**

### **Proposal for a regulation**

#### **Article 83 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where Member States provide incentives for a product category covered by *a delegated act establishing* performance classes in accordance with Article 4(4), *point (a) or a “traffic-light-labelling”* in accordance with Article 22(5), those incentives shall aim at the highest two *populated* classes / *colour codes, or at higher classes / better colour codes.*

*Amendment*

Where Member States provide incentives for a product category covered by performance classes *established* in accordance with Article 4 *or a label* in accordance with Article 22(5), those incentives shall aim at the highest two classes.

## **Amendment 370**

### **Proposal for a regulation**

#### **Article 83 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where *a delegated act defines* classes of performance in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.

*Amendment*

Where classes of performance *are defined* in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.

## **Amendment 371**

### **Proposal for a regulation**

#### **Article 83 – paragraph 2**

*Text proposed by the Commission*

**2.** *Where no delegated act is adopted pursuant to Article 4(4), the Commission may specify in the delegated acts adopted pursuant to Article 4(3), which levels of performance related to product*

*Amendment*

*deleted*

*parameters the Member States incentives shall concern.*

*When doing so, the Commission shall take into account the following criteria:*

*(a) the relative affordability of the products depending on their level of performance;*

*(b) the need to ensure sufficient demand for more environmentally sustainable products.*

### **Amendment 372**

#### **Proposal for a regulation Article 83 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Member States may also provide incentives for the promotion of environmentally friendly and sustainable construction products that are not covered by harmonised technical specifications in line with State aid rules.*

### **Amendment 373**

#### **Proposal for a regulation Article 84 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission is empowered to **supplement this Regulation by** delegated acts **according to** Article 87 by establishing sustainability requirements **applicable** to public contracts, including implementation, monitoring and reporting of those requirements by Member States.

1. **Without prejudice to Directives 2014/24/EU and 2014/25/EU**, the Commission is empowered to **adopt** delegated acts **in accordance with** Article 87 **supplementing this Regulation by** establishing sustainability requirements **that shall be applied by Member States** to public **contracts that are specifically tendered as green public procurement** contracts, including implementation, monitoring and reporting of those requirements by Member States. **The first delegated act shall be adopted by the**

***Commission by 31 December 2026.  
Member States and the Commission shall provide technical and financial assistance to national contracting authorities to upskill and reskill the staff in charge of green public procurement.***

## **Amendment 374**

### **Proposal for a regulation Article 84 – paragraph 2**

*Text proposed by the Commission*

2. Requirements ***adopted*** pursuant to paragraph 1 for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, ***or targets, as appropriate.***

*Amendment*

2. ***Sustainability*** requirements ***established*** pursuant to paragraph 1 for ***green*** public ***procurement*** contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory ***performance levels or*** technical specifications, ***or, as appropriate,*** selection criteria, award criteria ***or*** contract performance clauses, ***while taking into consideration the specific needs and constraints of small local authorities and of SMEs.***

## **Amendment 375**

### **Proposal for a regulation Article 84 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. When establishing requirements pursuant to paragraph 1 for public contracts, the Commission shall take into account the following criteria:

*Amendment*

3. When establishing ***sustainability*** requirements pursuant to paragraph 1 for ***green*** public ***procurement*** contracts, the Commission shall, ***in line with paragraphs 13 and 28 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, consult experts designated by each Member State and relevant***

*stakeholders, carry out an impact assessment and take into account at least the following criteria:*

#### **Amendment 376**

##### **Proposal for a regulation Article 84 – paragraph 3 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) environmental benefits entailed by the uptake of products in the highest two performance classes;*

#### **Amendment 377**

##### **Proposal for a regulation Article 84 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs.

(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs *and taking into account the availability of those products on the market;*

#### **Amendment 378**

##### **Proposal for a regulation Article 84 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) the Members States' regulatory needs and different climate conditions;*

#### **Amendment 379**

##### **Proposal for a regulation Article 84 – paragraph 3 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) *the impact on, and needs of, SMEs.***

## **Amendment 380**

### **Proposal for a regulation Article 84 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. *Sustainability requirements established pursuant to paragraph 1 for green public procurement contracts shall not prevent Member States from establishing more ambitious requirements.***

## **Amendment 381**

### **Proposal for a regulation Article 84 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. *Notwithstanding paragraphs 1 and 2, Member States may use the EU Ecolabel and other national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010 as award criteria, technical specifications or contract performance requirements, in line with Article 43 of Directive 2014/24/EU.***

## **Amendment 382**

### **Proposal for a regulation Article 88 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall be ***assisted***

1. The Commission shall be ***guided*** by

by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure).

the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure).

## Amendment 383

### Proposal for a regulation

#### Article 89 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks).

##### *Amendment*

All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks *or other data carriers*).

## Amendment 384

### Proposal for a regulation

#### Article 89 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

All information obligations set up by Article 7(3), **(4) and (6)**, Article 19(1), (3), (5) and (6), **Article 20(2) and (3)**, Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article **26(4)**, Article **27(2)**, Articles **28** to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article **78(3)**, **Article** 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means.

##### *Amendment*

All information obligations set up by Article 7(3) **and (4)**, Article 19(1), (3), (5) and (6), Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article **27(2)**, Article **28**, **Article 29**, **Article 31**, **Article 32**, Articles **34** to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means.

*However, information to be provided in accordance with Annex I Part **D** and harmonised technical specifications specifying it shall be provided on paper for products not labelled “not for consumers” or “only for professional use”. Moreover, consumers may request any other information to be provided on paper.*

Information to be provided in accordance with Annex I Part **C3**, *as well as* any other information, *shall* be provided *in* paper *format free of charge within one month, if requested by the consumer at the time of purchase.*

#### **Amendment 385**

##### **Proposal for a regulation Article 90 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) withholding data or technical documentation that could lead to the recall of the construction product or its components or to the refusal or withdrawal of the declaration of conformity;*

#### **Amendment 386**

##### **Proposal for a regulation Article 90 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(ea) making false statements during the assessment and verification procedures undergone with a view to drawing up the declarations of performance and conformity;*

#### **Amendment 387**

**Proposal for a regulation**  
**Article 90 – paragraph 2 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) falsifying test results for conformity or for market surveillance;***

**Amendment 388**

**Proposal for a regulation**  
**Article 90 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

**(g)** information to be provided in accordance with Annex I Part **D** and harmonised technical specifications is missing, incomplete or incorrect;

**(g)** information to be provided in accordance with Annex I Part **C3** and harmonised technical specifications is missing, incomplete or incorrect;

**Amendment 389**

**Proposal for a regulation**  
**Article 90 – paragraph 2 – point m**

*Text proposed by the Commission*

*Amendment*

***(m) 3D-printing services are provided under infringement of Article 28.***

***deleted***

**Amendment 390**

**Proposal for a regulation**  
**Article 90 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. The Commission is empowered to supplement this Regulation by delegated act adopted in accordance with Article 87 in order to establish proportionate minimum penalties, targeting all economic operators, TABs and notified bodies directly or indirectly involved in the infringement of obligations of this***

***deleted***



**Regulation.**

**Amendment 391**

**Proposal for a regulation  
Article 91 – paragraph 1**

*Text proposed by the Commission*

No sooner than **8** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

*Amendment*

No sooner than **5** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The ***evaluation shall inter alia assess the correlation of the revised Construction Products Regulation with Regulation (EU) ... (Ecodesign for Sustainable Products Regulation).*** The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

**Amendment 392**

**Proposal for a regulation  
Article 92 – paragraph 1**

*Text proposed by the Commission*

Regulation (EU) 305/2011 is repealed with effect from **1 January 2045**.

*Amendment*

Regulation (EU) 305/2011 is repealed with effect from ***[the date of entry into force of this Regulation], with the exception of Articles 2 to 9, 11, 27 and 28, which are repealed with effect from [10 years after the date of entry into force of this Regulation].***

## Amendment 393

### Proposal for a regulation Article 92 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The Articles listed in the first subparagraph shall only be applicable to European assessment documents and harmonised standards cited in accordance with Regulation (EU) 305/2011 and not withdrawn afterwards.***

## Amendment 394

### Proposal for a regulation Article 93 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. ***The following standards remain valid under this Regulation, as standards referred to in the first subparagraph of Article 4(2):***

3. ***All standards that are in force on [date of application of this Regulation] shall remain valid until they are withdrawn by the Commission or otherwise repealed.***

## Amendment 395

### Proposal for a regulation Article 93 – paragraph 3 – point a

*Text proposed by the Commission*

*Amendment*

***(a)***

***deleted***

## Amendment 396

### Proposal for a regulation Article 93 – paragraph 3 – point b

*Text proposed by the Commission*

*Amendment*

***(b)***

***deleted***

## Amendment 397

### Proposal for a regulation Article 93 – paragraph 3 – point c

*Text proposed by the Commission*

*Amendment*

(c) *[to be inserted during the negotiations of the legislators].*

*deleted*

## Amendment 398

### Proposal for a regulation Article 93 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. European assessment documents issued before [**1 year after** entry into force] remain valid until [**3** years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available on the market for another five years.

4. European assessment documents issued before [entry into force] remain valid until [**5** years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available on the market for another five years.

## Amendment 399

### Proposal for a regulation Article 93 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Notified bodies' certificates *or test reports* and European technical assessments issued under Regulation (EU) 305/2011 remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Article 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these documents may be further made available on the market for another five years.

5. Notified bodies' certificates and European technical assessments issued under Regulation (EU) 305/2011 remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Article 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these documents may be further made available on the market for another five years.

## Amendment 400

### Proposal for a regulation Article 93 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 93a*

##### *Working plan for transition and standardisation priorities*

**1. The Commission shall, not later than [6 months after entry into force], establish a working plan covering at least the following three-year period.**

***The Commission shall be supported by an expert group composed of experts designated by the Member States and representatives of European standardisation organisations and of relevant European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012 ('the CPR Acquis Expert Group').***

***The working plan referred to in the first subparagraph shall be publicly available. The Commission shall renew and update the working plan for the following three-year period one year before its expiration as long as this Regulation remains applicable.***

***If the Commission considers that it cannot achieve the goals set out in the working plan, it shall amend it accordingly without undue delay.***

**2. The working plan shall contain a list of product families or categories which are considered as priorities for the development of harmonised technical specifications and the issuing of standardisation requests in accordance with Article 4(2), Article 4a and Article 5 of this Regulation. This list shall be updated yearly after consultation with the CPR Acquis expert group.**

***3. In establishing the priorities under paragraph 2 of this Article, the Commission shall pay particular attention to the replacement of harmonised technical specifications adopted under Regulation (EU) 305/2011, the regulatory needs of Member States, safety issues related to construction works and products and EU climate and circular economy goals. The Commission shall use a transparent and balanced methodology published together with the working plan.***

***4. Following the establishment of the working plan, Member States shall communicate to the Commission the essential characteristics they require for the relevant construction product family or category, including the assessment methods they apply and any threshold levels or performance classes that they deem necessary, as well as other product requirements.***

***When Member States communicate their regulatory needs to the Commission pursuant to the first subparagraph, the Commission shall integrate them in the standardisation request within 12 months. The Commission shall provide a statement of reasons where it refuses to integrate those regulatory needs.***

***5. The Commission shall, once a year, report to the Member States and the European Parliament about progress in implementing the working plan, including the standardization requests issued and, where appropriate, delays in implementation and its reasons. That report shall include information about the number of standards proposed by the European standardisation organisations, the average time needed for the assessment of standards by the Commission, and the ratio between standards accepted and rejected by the Commission.***

## Amendment 401

### Proposal for a regulation Annex I – title

*Text proposed by the Commission*

*Amendment*

Requirements

Requirements *for construction works and products*

## Amendment 402

### Proposal for a regulation Annex I – Part A – title

*Text proposed by the Commission*

*Amendment*

Basic requirements for construction works  
*and essential characteristics to be covered*

Basic requirements for construction works

## Amendment 403

### Proposal for a regulation Annex I – Part A – point 1 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*Basic requirements for construction works*

*deleted*

## Amendment 404

### Proposal for a regulation Annex I – Part A – point 1 – point 1.1 – paragraph 2

*Text proposed by the Commission*

*Amendment*

The construction works and *any part* of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the

The construction works and *the relevant parts* of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the

construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.

construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.

## Amendment 405

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.2 – paragraph 2

##### *Text proposed by the Commission*

The construction works and **any part** of them shall be designed, constructed, used, maintained and demolished in such a way that an event of fire is appropriately prevented. In case of a fire, the fire shall be detected and an alarm or alert shall be triggered without a delay. The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants.

##### *Amendment*

The construction works and **the relevant parts** of them shall be designed, constructed, used, maintained and demolished in such a way that an event of fire is appropriately prevented. In case of a fire, the fire shall be detected and an alarm or alert shall be triggered without a delay. The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants.

## Amendment 406

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.3 – paragraph 2 – introductory part

##### *Text proposed by the Commission*

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not **present acute or chronic threat to the** health and safety of workers, occupants **or neighbors** as a result of any of the following:

##### *Amendment*

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not **adversely affect the hygiene or** health and safety of workers, occupants, **or neighbours** as a result of any of the following:

## Amendment 407

**Proposal for a regulation**

**Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the emissions of hazardous substances, volatile organic compounds or hazardous particles into indoor air;

(a) the emissions of hazardous substances volatile organic compounds, ***odours*** or hazardous particles into indoor air;

**Amendment 408**

**Proposal for a regulation**

**Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) the release of microplastics;***

**Amendment 409**

**Proposal for a regulation**

**Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

***(eb) as far as possible, the release of substances of concern into indoor air or water;***

**Amendment 410**

**Proposal for a regulation**

**Annex I – Part A – point 1 – point 1.7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***Hazardous*** emissions into the outdoor environment of construction works

Emissions into the outdoor environment of construction works

**Amendment 411**

**Proposal for a regulation**

**Annex I – Part A – point 1 – point 1.7 – paragraph 2 – point a**



*Text proposed by the Commission*

*Amendment*

(a) the release of hazardous substances or radiation into ground water, marine or surface waters or soil;

(a) the release of hazardous substances, **microplastics**, or radiation into **air**, ground water, marine or surface waters or soil;

#### **Amendment 412**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 1 – point 1.7 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the release of **net** greenhouse gas emissions into the atmosphere.

(d) the release of greenhouse gas emissions into the atmosphere.

#### **Amendment 413**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) use of **raw** and secondary materials of high environmental sustainability and thus with a low environmental footprint;

(a) **maximising the resource efficient** use of **by-products** and secondary, **low-carbon, sustainably sourced bio-based, or local materials as well as raw** materials of high environmental sustainability and thus with a low environmental footprint;

#### **Amendment 414**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) minimizing the overall amount of raw materials used;

(b) minimizing the overall amount of raw materials used **and maximising the use of secondary materials where applicable**;

#### **Amendment 415**

**Proposal for a regulation**

**Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) minimising the overall volumes of waste generated;**

**Amendment 416**

**Proposal for a regulation**

**Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) easy deconstruction, use of sustainably sourced, used and recycled materials.**

**Amendment 417**

**Proposal for a regulation**

**Annex I – Part A – point 2 – title**

*Text proposed by the Commission*

*Amendment*

Essential characteristics **to be covered**

**PART B: Essential environmental characteristics of construction products**

**Amendment 418**

**Proposal for a regulation**

**Annex I – Part A – point 2 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

Harmonised technical specifications shall **to the extent possible** cover the following essential characteristics related to life cycle assessment:

Harmonised technical specifications shall cover the following essential characteristics related to life cycle assessment:

**Amendment 419**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *climate change effects*  
(mandatory);

(a) **Global Warming Potential total**  
(mandatory);

**Amendment 420**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

(aa) **Global Warming Potential fossil fuels (mandatory);**

**Amendment 421**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

(ab) **Global Warming Potential biogenic (mandatory);**

**Amendment 422**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

(ac) **Global Warming Potential land use and land use change (mandatory);**

**Amendment 423**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) *ozone* depletion;

(b) depletion ***potential of the stratospheric ozone layer (mandatory)***;

#### **Amendment 424**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) acidification potential;

(c) acidification potential,  
***Accumulated Exceedance (mandatory)***;

#### **Amendment 425**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) eutrophication *aquatic* freshwater;

(d) eutrophication ***potential, fraction of nutrients reaching*** freshwater ***end compartment (mandatory)***;

#### **Amendment 426**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

(e) eutrophication *aquatic* marine;

(e) eutrophication ***potential, fraction of nutrients reaching*** marine ***end compartment (mandatory)***;

#### **Amendment 427**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

(f) eutrophication ***terrestrial***;

(f) eutrophication ***potential, Accumulated Exceedance (mandatory)***;

#### **Amendment 428**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

(g) ***photochemical*** ozone;

(g) ***formation potential of tropospheric ozone (mandatory)***;

#### **Amendment 429**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point h**

*Text proposed by the Commission*

*Amendment*

(h) abiotic depletion – ***minerals, metals***;

(h) abiotic depletion ***potential for non-fossil resources***

#### **Amendment 430**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point i**

*Text proposed by the Commission*

*Amendment*

(i) abiotic depletion – fossil ***fuels***;

(i) abiotic depletion ***for fossil resources potential (mandatory)***;

#### **Amendment 431**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 2 – paragraph 2 – point j**

*Text proposed by the Commission*

*Amendment*

(j) water ***use***;

(j) water ***(user) deprivation potential***,

*deprivation-weighted water consumption (mandatory);*

#### **Amendment 432**

##### **Proposal for a regulation Annex I – Part A – point 2 – paragraph 3**

*Text proposed by the Commission*

Harmonised technical specifications shall indicate that for the essential ***characteristic of climate change effects*** under ***point (a)*** it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1).

*Amendment*

Harmonised technical specifications shall indicate that, for the essential ***characteristics in the first subparagraph*** under ***points (a) to (j)***, it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1). ***By... [5 years after the entry into force of this Regulation], it shall be mandatory for the manufacturer to declare the essential characteristics under points (k) to (p).***

#### **Amendment 433**

##### **Proposal for a regulation Annex I – Part B – title**

*Text proposed by the Commission*

**PART B:** Requirements ensuring the appropriate functioning and performance of products

*Amendment*

##### ***PART C: Product requirements***

**PART C1:** Requirements ensuring the appropriate functioning and performance of products

#### **Amendment 434**

##### **Proposal for a regulation Annex I – Part C – title**

*Text proposed by the Commission*

**PART C:** Inherent product requirements

*Amendment*

**PART C2:** Inherent product requirements

## Amendment 435

### Proposal for a regulation

#### Annex I – Part C – point 1 – point 1.2 – paragraph 2 – point c

*Text proposed by the Commission*

(c) where risk avoidance is not possible, risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use;

*Amendment*

(c) where risk avoidance is not possible, risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use, ***where such warnings are not already required by other applicable Union legal acts;***

## Amendment 436

### Proposal for a regulation

#### Annex I – Part C – point 2 – paragraph 2

*Text proposed by the Commission*

Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase.

*Amendment*

Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, ***the transport of materials and products,*** its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase.

## Amendment 437

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.1 – introductory part

*Text proposed by the Commission*

2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed ***in accordance with the state of the art:***

*Amendment*

2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed ***wherever possible without safety loss:***

## Amendment 438

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point a**

*Text proposed by the Commission*

(a) maximising durability in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements;

*Amendment*

(a) maximising durability **and reliability of the product or its components as expressed through a product's guaranteed lifetime, technical lifetime indication of real use information on the product, resistance to stress or ageing mechanisms in order to extend the lifetime of buildings and their use phase** and in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements. **Emissions from life-cycle extensions should be assessed and compared with demolition and reconstruction emissions through pre-demolition audits;**

**Amendment 439**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point c**

*Text proposed by the Commission*

(c) maximising recycled content **wherever possible without safety loss or outweighing negative environmental impact;**

*Amendment*

(c) maximising **reused, recycled renewable, and by-product** content;

**Amendment 440**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point d**

*Text proposed by the Commission*

(d) selection of safe, environmentally benign substances;

*Amendment*

(d) selection of safe, **sustainable-by-design, and** environmentally benign substances;



## Amendment 441

### Proposal for a regulation Annex I – Part C – point 2 – point 2.1 – point f

*Text proposed by the Commission*

*Amendment*

(f) resource efficiency;

(f) **materials and** resource efficiency,  
**including maximising the use of  
renewable materials;**

## Amendment 442

### Proposal for a regulation Annex I – Part C – point 2 – point 2.1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(fa) modularity;**

## Amendment 443

### Proposal for a regulation Annex I – Part C – point 2 – point 2.1 – point i

*Text proposed by the Commission*

*Amendment*

(i) reparability during the expected life span;

(i) **ease of** reparability during the expected life span;

## Amendment 444

### Proposal for a regulation Annex I – Part C – point 2 – point 2.1 – point j

*Text proposed by the Commission*

*Amendment*

(j) **possibility** of maintenance and refurbishment during the expected life span;

(j) **ease** of maintenance and refurbishment during the expected life span;

## Amendment 445

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(la) sustainable sourcing, as demonstrated by due diligence statements and sustainable sourcing certification, where relevant;**

**Amendment 446**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**(lb) minimising product-to-packaging ratio;**

**Amendment 447**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 c (new)**

*Text proposed by the Commission*

*Amendment*

**(lc) release of odours or substances with adverse effects on human health into indoor air;**

**Amendment 448**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 d (new)**

*Text proposed by the Commission*

*Amendment*

**(ld) microplastic release;**

**Amendment 449**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 e (new)**

*Text proposed by the Commission*

*Amendment*

**(le) amounts of waste generated, notably hazardous waste and waste without an identified recycling treatment;**

#### **Amendment 450**

##### **Proposal for a regulation**

##### **Annex I – Part C – point 2 – point 2.1 – point 1 f (new)**

*Text proposed by the Commission*

*Amendment*

**(lf) absence of waste that could be otherwise reused or recycled treated to final disposal, including incineration with recovery of energy, or backfilled.**

#### **Amendment 451**

##### **Proposal for a regulation**

##### **Annex I – Part C – point 2 – point 2.2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**Harmonised technical specifications** shall, as appropriate, specify these inherent product environmental requirements, which might relate to but are in essence independent from the phase of the installation of the product into construction works.

**Delegated acts adopted in accordance with Article 5(2)** shall, as appropriate, specify these inherent product environmental requirements **for product families or categories**, which might relate to but are in essence independent from the phase of the installation of the product into construction works.

#### **Amendment 452**

##### **Proposal for a regulation**

##### **Annex I – Part C – point 2 – point 2.2 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

When specifying the inherent product environmental requirements, **harmonised technical specifications** shall at least cover

When specifying the inherent product environmental requirements, **delegated acts** shall at least cover the following

the following elements:

elements:

### Amendment 453

#### Proposal for a regulation

##### Annex I – Part C – point 2 – point 2.2 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) *if possible*, define *the state of the art of addressing the* environmental aspects with regard to the respective product category, including the minimum recycled content;

(a) define environmental aspects with regard to the respective product category, *which shall at least include whole life cycle greenhouse gas emissions, resource efficiency*, including the minimum recycled content, *and reusability*;

### Amendment 454

#### Proposal for a regulation

##### Annex I – Part C – point 2 – point 2.2 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

(c) where avoidance is not possible, negative effects and risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.

(c) where avoidance is not possible, negative effects and risks *derived from any type of the product's performance* shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.

### Amendment 455

#### Proposal for a regulation

##### Annex I – Part C – point 2 – point 2.2 – paragraph 3

*Text proposed by the Commission*

*Amendment*

*When specifying* the inherent product environmental requirements, *harmonised technical specifications may differentiate these in accordance with performance classes*.

*Delegated acts adopted in accordance with Article 5(2) shall, where applicable, determine mandatory threshold levels and classes of performance for particular product families and categories in relation to the inherent product environmental requirements referred to in paragraph 2.*

## Amendment 456

### Proposal for a regulation Annex I – Part D – title

*Text proposed by the Commission*

PART **D**: Product information requirements

*Amendment*

PART **C3**: Product information requirements

## Amendment 457

### Proposal for a regulation Annex I – Part D – point 1 – introductory part

*Text proposed by the Commission*

1. Products shall be accompanied by the following information:

*Amendment*

1. Products shall be accompanied by the following information, **where appropriate**:

## Amendment 458

### Proposal for a regulation Annex I – Part D – point 1 – point 1.3 – introductory part

*Text proposed by the Commission*

1.3. Transport, installation, maintenance, deconstruction and demolition rules:

*Amendment*

1.3. Transport, installation, maintenance, deconstruction, **deinstallation** and demolition rules, **where applicable**:

## Amendment 459

### Proposal for a regulation Annex I – Part D – point 1 – point 1.3 – point a – introductory part

*Text proposed by the Commission*

(a) Safety during transport, installation, maintenance, deconstruction and demolition:

*Amendment*

(a) Safety during transport, installation, **deinstallation**, maintenance, deconstruction and demolition:

## Amendment 460

### Proposal for a regulation

#### Annex I – Part D – point 1 – point 1.3 – point c – point ii

*Text proposed by the Commission*

(ii) the type and frequency of inspections and maintenance required for safety reasons and, where appropriate, the parts subject to wear and the criteria for replacement;

*Amendment*

(ii) the type and frequency of inspections and maintenance required for safety **and durability** reasons and, where appropriate, the parts subject to wear and the criteria for replacement;

## Amendment 461

### Proposal for a regulation

#### Annex I – Part D – point 1 – point 1.6 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Where available, information on the performance of the product as measured in terms of its inherent product environmental requirements.***

## Amendment 462

### Proposal for a regulation

#### Annex II – point 2 – point a

*Text proposed by the Commission*

(a) the manufacturer's products registration(s) in EU databases, **and the precise location therein where the product can be found**, and to his own product presentation website;

*Amendment*

(a) the manufacturer's products registration(s) in EU databases and to his own product presentation website;

## Amendment 463

### Proposal for a regulation

#### Annex II – point 3 – point h

*Text proposed by the Commission*

(h) social media contact details;

*Amendment*

(h) social media contact details, ***where available***;

#### **Amendment 464**

##### **Proposal for a regulation Annex II – point 4 – point h**

*Text proposed by the Commission*

(h) social media contact details;

*Amendment*

(h) social media contact details, ***where available***;

#### **Amendment 465**

##### **Proposal for a regulation Annex II – point 5 – point h**

*Text proposed by the Commission*

(h) social media contact details.

*Amendment*

(h) social media contact details, ***where available***.

#### **Amendment 466**

##### **Proposal for a regulation Annex II – point 6 – point h**

*Text proposed by the Commission*

(h) social media contact details.

*Amendment*

(h) social media contact details, ***where available***.

#### **Amendment 467**

##### **Proposal for a regulation Annex II – point 11 – point a**

*Text proposed by the Commission*

(a) the list of essential characteristics,

*Amendment*

(a) the list of essential characteristics,

as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared.

as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared. ***When no performance is declared for one essential characteristic, its name can still be listed and the place where the performance could be given remains empty.***

#### **Amendment 468**

##### **Proposal for a regulation Annex III – title**

*Text proposed by the Commission*

*Amendment*

Procedure ***for adopting*** a European Assessment ***Document***

Procedure ***concerning*** a European ***Technical*** Assessment

#### **Amendment 469**

##### **Proposal for a regulation Annex III – point 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The ***Commission selects the TAB to act as the responsible TAB, after consulting*** the organisation of TABs.

(c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The ***TAB responsible for developing the EAD shall be nominated by*** the organisation of TABs.

#### **Amendment 470**

##### **Proposal for a regulation Annex III – point 1 – point c a (new)**



*Text proposed by the Commission*

*Amendment*

***(ca) In the absence of a request for a European Technical Assessment, the organisation of TABs may initiate the development of a European Assessment Document. In this case, it shall deliver to the working group responsible for the development of the EAD a technical file describing the product, its use and the details of the factory production control which will be applicable. The TAB responsible for chairing the working group for developing the EAD shall be nominated by the organisation of TABs.***

#### **Amendment 471**

##### **Proposal for a regulation Annex III – point 3**

*Text proposed by the Commission*

*Amendment*

#### **3. Work programme**

***deleted***

***After the conclusion of the contract with the manufacturer or the Group, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document, the schedule for its execution and indicating the assessment programme. This communication shall take place within 3 months of the receipt of the request for a European Technical Assessment.***

*(Moved to Annex IIIa, point 1)*

#### **Amendment 472**

##### **Proposal for a regulation Annex III – point 4**

*Text proposed by the Commission*

*Amendment*

**4. The draft European Assessment Document** *deleted*

*The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in cases foreseen in points 1(a) and 1(b) or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c).*

*(Moved to Annex IIIa, point 2)*

**Amendment 473**

**Proposal for a regulation  
Annex III – point 5**

*Text proposed by the Commission*

*Amendment*

**5. Commission Participation** *deleted*

*A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to abandon or modify the development of a certain European Assessment Document, including merging or splitting thereof.*

*(Moved to Annex IIIa, point 3)*

**Amendment 474**

**Proposal for a regulation  
Annex III – point 6**

*Text proposed by the Commission*

*Amendment*

**6. Member States consultation** **deleted**

*In the case foreseen in point 1(c), the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.*

*(Moved to Annex IIIa, point 4)*

**Amendment 475**

**Proposal for a regulation**  
**Annex III – point 7**

*Text proposed by the Commission*

*Amendment*

**7. Extension and delay** **deleted**

*Any delay in relation to the time limits set in points 1 to 4 in this Annex shall be reported by the working group to the organisation of TABs and to the Commission.*

*If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.*

*(Moved to Annex IIIa, point 5)*

**Amendment 476**

**Proposal for a regulation**  
**Annex III – point 8**

**8. Amendments and adoption of a European Assessment Document** *deleted*

**8.1. In cases foreseen in points 1.(a) and 1.(b), the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organization of TABs shall:**

**(a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account;**

**(b) adopt the draft European Assessment Document;**

**(c) send a copy of it to the Commission.**

**8.2. In the case foreseen in point 1.(c), the responsible TAB shall:**

**(a) adopt the draft European Assessment Document;**

**(b) send a copy of it to the Commission.**

**If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document in cases foreseen in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.**

*(Moved to Annex IIIa, point 6)*

**Amendment 477**

**Proposal for a regulation**  
**Annex III – point 9**

*Text proposed by the Commission*

*Amendment*

**9. Final European Assessment Document to be published**

*deleted*

*The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. The organisation of TABs shall publish the European Assessment Document.*

*(Moved to Annex IIIa, point 7)*

**Amendment 478**

**Proposal for a regulation**  
**Annex III a (new)**

*Text proposed by the Commission*

*Amendment*

**Annex III a**

**Procedure for adopting a European Assessment Document**

**1. Work programme**

*In the cases foreseen by points 1(a) and 1(b) of Annex III, after agreement with the manufacturer and the Group respectively, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document and the schedule for its execution, indicating the assessment programme. This communication shall take place within three months of receipt of the request for a European Technical Assessment by a TAB, which shall initiate the procedure as laid down in points 1(a) and 1(b) of Annex III.*

*In the case provided for by point 1(c) of Annex III, the organisation of TABs shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline as indicated in the previous subparagraph. The Commission shall then communicate to the organisation of TABs within 30 working days its observations on the work programme. The responsible TAB or the organisation of TABs, respectively, after having been given the opportunity to comment, shall amend the work programme accordingly.*

*In the case foreseen in point 1(d) of Annex III, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document and the schedule for its execution, indicating the assessment programme.*

## **2. The draft European Assessment Document**

*The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in the cases foreseen in points 1(a) and 1(b) of Annex III or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c) of Annex III.*

## **3. Commission Participation**

*A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to modify the development of a certain European Assessment Document, including merging or splitting thereof.*

#### **4. Member States consultation**

*In the case provided for in point 1(c) of Annex III, the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.*

*Observations from the Member States shall be communicated to, and dealt with by, the Commission. The organisation of TABs shall be informed by the Commission of any change in the work programme, required and agreed by the Commission, within the time frame given to the Commission for commenting on the work programme before starting the development of the EAD.*

#### **5. Extension and delay**

*Any delay in relation to the time limits set in point 2 of Annex III or points 1 and 2 of this Annex shall be reported by the working group to the organisation of TABs and to the Commission.*

*If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.*

#### **6. Amendments and adoption of a European Assessment Document**

**6.1** *In the cases provided for in points 1(a) and 1(b) of Annex III, the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organisation of TABs shall:*

*(a) if applicable, inform the manufacturer or the Group as to how their reactions*

*have been taken into account;*

*(b) adopt the draft European Assessment Document; and*

*(c) send a copy of it to the Commission.*

**6.2** *In the cases provided for in points 1(c) and 1(d) of Annex III, the responsible TAB shall:*

*(a) adopt the draft European Assessment Document; and*

*(b) send a copy of it to the Commission.*

*If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document in cases provided for in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.*

*If no comments are received from the Commission within two months, the European Assessment Document shall be deemed to be accepted by it.*

## **7. Final European Assessment Document to be published**

*The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. Such publication shall take place within 90 days. The organisation of TABs shall publish the European Assessment Document.*

*For publishing the reference of an amendment of a European Assessment Document in the Official Journal of the*



***European Union that supersedes the previously cited version of the European Assessment Document, the organisation of TABs shall propose a coexistence period to the Commission. Notifications of notified bodies based on the EAD being referred to as superseded in the Official Journal of the European Union shall not expire and shall remain valid under the conditions of Articles 58 and 59.***

**Amendment 479**

**Proposal for a regulation  
Annex IV – Table 1**

*Text proposed by the Commission*

*Table 1 —Product areas*

AREA CODE	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).

11	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
12	WOOD BASED PANELS AND ELEMENTS.
13	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
14	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
15	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
16	WASTE WATER ENGINEERING PRODUCTS.
17	FLOORINGS.
18	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.
19	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
20	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.
21	ROAD CONSTRUCTION PRODUCTS.
22	AGGREGATES.
23	CONSTRUCTION ADHESIVES.
24	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
25	SPACE HEATING APPLIANCES.
26	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
27	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
28	POWER, CONTROL AND COMMUNICATION CABLES.
29	SEALANTS FOR JOINTS.
30	FIXINGS.
31	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
32	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.
33	CONSTRUCTION PRODUCTS NOT INCLUDED IN THE PRODUCT AREAS ABOVE.

*Amendment*

*Table 1 —Product areas*

AREA CODE	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSUM PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).
11	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
12	WOOD BASED PANELS AND ELEMENTS.
13	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
14	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
15	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
16	WASTE WATER ENGINEERING PRODUCTS.
17	FLOORINGS.
18	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.

19	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
20	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.
21	ROAD CONSTRUCTION PRODUCTS.
22	AGGREGATES.
23	CONSTRUCTION ADHESIVES.
24	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
25	SPACE HEATING APPLIANCES.
26	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
27	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
28	POWER, CONTROL AND COMMUNICATION CABLES.
29	SEALANTS FOR JOINTS.
30	FIXINGS.
31	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
32	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.
<b>32a</b>	<b><i>ATTACHED LADDERS</i></b>
33	CONSTRUCTION PRODUCTS NOT INCLUDED IN THE PRODUCT AREAS ABOVE.

## Amendment 480

### Proposal for a regulation Annex V – paragraph 1

#### *Text proposed by the Commission*

The manufacturer shall correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification. Where a notified body is involved in assessment and verification, the notified body shall verify these determinations, ***including the verification that no identical items are***

#### *Amendment*

The manufacturer shall correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification. Where a notified body is involved in assessment and verification, the notified body shall verify these determinations.

*declared to be of a different type.*

#### **Amendment 481**

##### **Proposal for a regulation**

##### **Annex V – point 1 – point b – introductory part**

*Text proposed by the Commission*

(b) The notified body shall issue the certificate of performance and of conformity on the basis of:

*Amendment*

(b) The notified body shall issue the certificate ***of constancy*** of performance and of conformity on the basis of:

#### **Amendment 482**

##### **Proposal for a regulation**

##### **Annex V – point 1 – point b – point ii**

*Text proposed by the Commission*

(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product;

*Amendment*

(ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values ***or documentation describing the product*** and, in all these cases, review of the documentation of the product;

#### **Amendment 483**

##### **Proposal for a regulation**

##### **Annex V – point 1 – point c**

*Text proposed by the Commission*

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. ***On this occasion, it shall undertake a check of 50 random points falling under the paragraphs (a) (ii) to (iv) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance,***

*Amendment*

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control.

*amongst these 50 points and the other verifications to be made in accordance with this paragraph.*

#### **Amendment 484**

##### **Proposal for a regulation Annex V – point 2 – point b – introductory part**

*Text proposed by the Commission*

(b) The notified body shall issue the certificate of performance and of conformity on the basis of:

*Amendment*

(b) The notified body shall issue the certificate *of constancy* of performance and of conformity on the basis of:

#### **Amendment 485**

##### **Proposal for a regulation Annex V – point 2 – point c**

*Text proposed by the Commission*

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. *On this occasion, it shall undertake a check of 40 random points falling under the items (a) (ii) to (iv) and withdraw the report or certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 40 points and the other verifications to be made in accordance with this paragraph.*

*Amendment*

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control.

#### **Amendment 486**

##### **Proposal for a regulation Annex V – point 3 – point c**

*Text proposed by the Commission*

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control.

*Amendment*

(c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control.

*On this occasion, it shall undertake a check of 30 random points falling under the paragraphs (a) (iii) to (v) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 30 points and the other verifications to be made in accordance with this paragraph.*

#### **Amendment 487**

##### **Proposal for a regulation Annex V – point 5 – point a – point i**

*Text proposed by the Commission*

*Amendment*

*(i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product;* **deleted**

#### **Amendment 488**

##### **Proposal for a regulation Annex V – point 5 – point b – point i**

*Text proposed by the Commission*

*Amendment*

*(i) confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of type testing (based on sampling carried out by the manufacturer), type calculation or tabulated values and, in all these cases, review of the documentation of the product;*

*(i) an assessment of the performance on the basis of testing performed by a notified testing laboratory (based on sampling carried out by the manufacturer), calculation, tabulated values or descriptive documentation of the construction product;*

#### **Amendment 489**

**Proposal for a regulation**  
**Annex V – point 5 – point b – point ii**

*Text proposed by the Commission*

(ii) *undertaking a check of 20 random points falling under the paragraphs (a) (iii) and (iv) and refuse the issuing of a certificate in case it detects more than 2 non-compliance or one particularly grave non-compliance, amongst these 20 points and the other verifications to be made in accordance with this paragraph.*

*Amendment*

(ii) *confirmation of the correct determination of the product type and of the product category.*

**Amendment 490**

**Proposal for a regulation**  
**Annex V – point 7 – point a – introductory part**

*Text proposed by the Commission*

(a) Inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following *elements*, which shall ensure a continuous orderly manufacturing process:

*Amendment*

(a) *In the case of systems 1+, 1 and 2+, inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following **element**, which shall ensure a continuous orderly manufacturing process:*

**Amendment 491**

**Proposal for a regulation**  
**Annex V – point 7 – point a – point i**

*Text proposed by the Commission*

(i) *appropriate competence of the personnel;*

*Amendment*

(i) *the factory production control specifying the measures and frequencies foreseen to ensure constancy of performance, including the critical to performance parameters;*

**Amendment 492**

**Proposal for a regulation**  
**Annex V – point 7 – point a – point ii**



*Text proposed by the Commission*

*Amendment*

**(ii) appropriateness of the technical equipment;**

**deleted**

#### **Amendment 493**

##### **Proposal for a regulation**

##### **Annex V – point 7 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

**(iii) appropriateness of the facilities and other conditions influencing the manufacturing;**

**deleted**

#### **Amendment 494**

##### **Proposal for a regulation**

##### **Annex V – point 7 – point b**

*Text proposed by the Commission*

*Amendment*

(b) Factory production control shall cover the process from receipt of the raw materials and components to the dispatch of the product once the production has started ('gate to gate' approach). **It** shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore reach the performances declared in the declaration of performance and are compliant with the requirements set out in or under this Regulation.

(b) Factory production control shall cover the process from receipt of the raw materials and components to the dispatch of the product once the production has started ('gate to gate' approach) **and include as a minimum the critical to performance parameters. In the case of systems 1+, 1 and 2+, the notified body** shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore reach the performances declared in the declaration of performance and are compliant with the requirements set out in or under this Regulation.

#### **Amendment 495**

##### **Proposal for a regulation**

##### **Annex V – point 7 – point d**

*Text proposed by the Commission*

(d) Verification of *items* shall, *to 50 %*, *target items* which *are most likely to contain deficiencies and, to another 50 %*, *target items chosen at random*.

*Amendment*

(d) *In the case of system 3+, verification shall consist of the verification of all calculations and input data. In that context, the notified body shall verify whether the applicable rules on modelling and calculation laid down in the applicable harmonised technical specification or methodology provided by the Commission are followed and whether the calculation model and input data reflect the production process. In case a verified IT tool or one provided by the Commission is used, the verification shall focus on the correct use of the tool. Where secondary data is used, the notified body shall check whether the correct data sets, prescribed by applicable product specific calculation rules contained in the applicable harmonised technical specification or the methodology provided by the Commission, are used. Where company-specific data is used, the reliability of that data shall be verified. To that end, the notified body may undertake an audit of the manufacturing plant to which the data refer, and shall examine documentation to verify the reliability of the data. The notified body may extend this examination to key parts from suppliers who are obliged to cooperate in accordance with Article 30.*

## **Amendment 496**

### **Proposal for a regulation Annex V – point 7 – point f**

*Text proposed by the Commission*

(f) Where *the above mentioned failure rates have been trespassed or where a grave error or the intention to cheat has been detected*, the notified body shall refuse issuing a certificate for at least one year or withdraw the certificate whilst

*Amendment*

(f) Where, *in the case of system 1+, 1, 2+ or 3+, there is evidence that the manufacturer has not performed his task properly or the product performances do not comply with the declared performances*, the notified body shall

permitting issuing a new one only after *one year*.

refuse issuing a certificate for at least one year or withdraw the certificate whilst permitting issuing a new one only after *the deficiencies have been remedied*.

## **EXPLANATORY STATEMENT**

### **General remarks and state of play**

The construction industry accounts for almost 9% of the EU's GDP and provides employment for around 18 million citizens in more than 3 million companies in Europe. Manufacturers of construction products are mainly small and medium-sized enterprises that are an important economic and social asset for local communities in European regions and cities. Many of these companies sell their products in more than one Member State, which necessitates efficient and clear rules for the cross-border sale of construction products.

While the system of standardisation of construction products remains an overall success story within and beyond EU borders, it has reached its limits in recent years. The lack of citation of up-to-date harmonised standards for construction products is a key factor undermining the functioning of the internal market, as it creates trade barriers, additional costs and administrative burdens for economic operators and consumers alike. The process for the adoption of standards has become too slow and thus cannot keep up with the development of innovative products and new production methods in the construction sector. As a consequence, standards become outdated and the regulatory needs of the Member States are not met.

The Rapporteur welcomes the proposal by the Commission. An updated and more effective legislative framework is vital to ensure that construction products can be placed on the market unencumbered by bureaucratic burdens and delays in the standardization process. From the manufacturer to the consumer - actors throughout the value chain need planning security and legal certainty. However, the Rapporteur proposes the following additions and changes to the Commission proposal.

### **Reducing complexity**

The CPR is a piece of legislation that should be understandable and implementable by economic actors throughout the value chain. The Rapporteur's amendments therefore aim to clarify, reduce bureaucratic burden and - in some cases - delete provisions that present a real risk of regulatory overreach. True to the one-in-on-out principle established by the Commission, the legislators should be careful not to regulate in the absence of necessity. Where tried and tested working methods have been successfully set up by the previous regulation, and there is no call to change these methods from stakeholders, the legislators should be careful not to create uncertainty by introducing unnecessary adjustments.

### **Scope of the revised CPR**

The Rapporteur notes that the Commission proposal covers a wide range of areas that go far beyond the marketing of construction products. The scope of application of the proposed revision covers all actors of the "construction ecosystem", e.g., manufacturers, importers, distributors, suppliers, architects, designers, and contractors. The Rapporteur further took notice of the fact that the Commission proposal introduces new basic works requirements, product performance and inherent product requirements, as well as product information requirements.

The Rapporteur finds it essential for the application and good functioning of the legislative framework that all actors (manufacturers, distributors, and importers) are able to comply with the new regulation without difficulties and benefit from the information that must be provided according to the revision proposal. The revised Construction Products Regulation should continue to apply to the sale of construction products but not to service contracts with contractors. Those actors in the value chain that merely integrate a construction product into construction works, such as direct installers, should not be subject to the revised CPR.

The rapporteur welcomes the Commission's proposal to reduce the CO2 footprint of the construction sector by addressing the sustainability performance of construction products in the revision of the CPR.

### **Resolving implementation issues and backlog of standards**

It is a priority for the Rapporteur to present solutions to the current backlog of standards that remain unpublished.

The Rapporteur suggests streamlining the standardisation procedure by introducing clear response deadlines and better communication methods between the Commission and CEN/CENELEC. The Rapporteur is also in favour of introducing binding criteria for the quality of standards, which will ensure that less standards are rejected by the Commission.

The Rapporteur is not in favour of bypassing the standardisation process via the adoption of delegated acts. Therefore, the draft report limits the Commission's possibilities to adopt harmonized technical specifications through delegated acts.

Vastly extending the Commission's competence to adopt harmonised technical specifications via delegated act would cause severe delays in the creation and adoption of new harmonised technical specifications, as the Commission lacks the staff and expertise to replace the work of the standardization organisations. CEN/CENELEC are equipped with the expertise and the personnel necessary to ensure a transparent and efficient standardisation process. Similarly, it should be recognised that the European Organisation for Technical Assessment (EOTA) presents an indispensable pathway towards market access for innovative products.

In the Rapporteur's view, the Commission should be able to supplement the CPR by adopting delegated acts where this is truly necessary in the interest of the internal market: For example, in the case of undue delays in the adoption of standards, where there is an urgency to adopt standards or where essential characteristics are not covered by the standard. The Commission should be able to adjust details in a standard where it is dissatisfied with the quality of the standard, as this speeds up the standardization process.

### **The division of competencies and the role of public procurement**

A clear division between the competences of the Union and of the Member States is needed. The Rapporteur finds it imperative that the revised CPR recognizes that Member States remain responsible for the safety of construction works while the CPR as secondary legislation deals only with matters relating to construction products.

As far as the role of public procurement law in the CPR is concerned, the rapporteur points

out that it is a questionable practice for the Union legislator to regulate both via the Public Procurement Directives which have been transposed into national law and via the CPR as a regulation that is directly applicable in the Member States.

The rapporteur furthermore observes with great concern that the Commission proposal appears to interfere with Member States' competence to regulate public procurement procedures and thus considers that environmental requirements for public procurement contracts should be of voluntary nature to ensure that while environmental concerns are taken into account the bureaucratic burden is kept as low as possible for both contracting authorities and contractors.

### **Legal and planning security for the transition period**

The Commission proposal introduces a transition period where both the current and the revised exist in parallel: By its sheer length - the current CPR shall only be repealed in 2045 - this system seems bound to create uncertainties. The Rapporteur suggests a shorter transition period with the repeal of all of the current CPR envisaged within 10 years at the latest.

In addition, the Rapporteur recommends that the Commission set up a publicly available Working Plan for Transition. This plan is to be regularly updated and should contain a list of product families which are considered as priorities for the issuing of standardisation requests. The Commission shall involve Member States in the drawing up of the priorities through a transparent and balanced methodology published together with the working plan. Via this approach, the Rapporteur hopes to achieve planning security for economic operators and transparency for citizens.

### **Increased use of digitalisation and easing the burden for small and medium sized companies**

The Rapporteur welcomes that the proposal places greater emphasis on digital solutions, e.g., in Art. 78 (1). A Single Digital Gateway and the creation of a Union-wide database for construction products are, in principle, to be welcomed, provided that they do not place disproportionate administrative and financial burdens on users. The Rapporteur suggests that digital solutions such as QR codes should be included in the revised CPR.

### **Clear definition of the database for construction products**

The registration of product information online on a construction products database increases transparency to the benefit of the safety of products and the protection of the environment and human health. The Rapporteur thus proposes to establish and maintain a decentralised Union database storing relevant data such as the Declaration of Performance. At the same time, it is vital to protect the trade secrets of the European construction sector from cyber-attacks. In order to guarantee a short response time to threats to cyber security, the Commission should only provide a platform for links to the relevant data, while manufacturers store the data on their private servers.

9.2.2023

## **OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY**

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (COM(2022)0144 – C9-0129/2022 – 2022/0094(COD))

Rapporteur for opinion(\*): Sara Matthieu

(\*) Associated committee – Rule 57 of the Rules of Procedure

### **SHORT JUSTIFICATION**

#### **Environmental impact of construction products**

The construction products ecosystem is a key pillar of the implementation of the European Green Deal and the backbone of Europe's Renovation Wave. It is key to achieving Europe's climate targets for 2030, 2040 and 2050. The construction products industry provides millions of jobs and many companies have already shown there can be a market for innovative, clean and circular products. Today, market forces and policies do not provide sufficient support for these European frontrunners.

There are currently enormous environmental impacts associated with the construction sector as a whole. Construction products account for half of raw materials used in Europe, generate a third of the EU's total waste and almost 10% of our total carbon footprint. Only 1% of construction products are reused, leaving a large gap to the objectives of a truly circular European economy. There is an obvious and urgent need for more innovation and competition in sustainable construction products in Europe. The Construction Products Regulation has so far failed to address this need.

Therefore, the Rapporteur welcomes the proposal by the European Commission, in particular the newly created opportunities to promote sustainability and increase competition and innovation in sustainable construction products on the European market. The revised Regulation can contribute significantly to our efforts towards energy- and resource-efficient buildings and renovations, and to addressing the sustainability of construction products.

However, the Rapporteur also finds that further measures are needed to reach the objective of a European climate neutral, toxic-free circular economy for construction products. To this end, the Rapporteur proposes a number of amendments.

#### **Standardisation process does not live up to environmental urgency**

The development of harmonised standards has proven to be burdensome, slow, and not able to fulfil Union environment and climate objectives. Environmental requirements should be set through Commission acts. Requirements should be regularly updated to ensure they align with technological progress and Union climate and environment law.

### **Democratic oversight**

The use of Commission acts will also increase democratic oversight. Mandatory thresholds for construction products should not be part of the standardisation process, but should rather be developed by the European Commission, taking into account the views of all relevant stakeholders. This ensures the European Parliament and the Council are involved in the process.

### **Alignment with ESPR**

The recently proposed Ecodesign for Sustainable Products Regulation sets the benchmark for environmental sustainability objectives for all products on the European market. The new Construction Products Regulation should follow the ESPR as closely as possible. The Rapporteur welcomes the inclusion of environmental requirements along the life-cycle of construction products. A clear working plan for the development of harmonised standards and Commission acts should be established to ensure predictability for manufacturers, public authorities and the wider construction ecosystem.

### **Transparency of environmental impact**

In order to accurately and reliably calculate the environmental impacts of buildings, as required amongst others by the Energy Performance of Buildings Directive, the Rapporteur proposes to make the life cycle assessment of all relevant essential characteristics of construction products mandatory, using science-based assessment tools such as the updated Product Environmental Footprint method.

### **Mandatory sustainability obligations**

Basic, common sustainability obligations, including the promotion of recyclable and recycled materials, and provision of information on repair, remanufacturing and recycling should apply to all manufacturers. The Commission shall be empowered to develop more detailed requirements where necessary.

### **Mandatory Green Public Procurement rules**

Public tenders create a significant portion of the total European market for construction products. In line with the Commission's Communication on making sustainable products the norm, the Rapporteur proposes a clear timeline for the development of mandatory criteria for the public procurement of construction products.



## ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
CPE - Construction Products Europe, 48010783162-91
EBC - European Builders Confederation, 09256701147-51
ECOS - Environmental Coalition on Standards, 96668093651-33
EQAR - European Quality Association for Recycling
FEICA - Association of the European Adhesive & Sealant Industry, 51642763262-89
IBU - Institut Bauen und Umwelt, 026252539326-25
PlasticsEurope, 454264611835-56

## AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 7

*Text proposed by the Commission*

(7) Pursuing the environmental goals, including the fight against climate change, makes it necessary to establish new environmental obligations and to lay the ground for the development and the application of an assessment method for the calculation of the environmental sustainability of construction products. For the same reason, it is necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators

*Amendment*

(7) Pursuing the environmental goals, including the fight against climate change **and biodiversity loss and the transition towards a carbon-neutral, environmentally sustainable, toxic-free and fully circular economy within planetary boundaries by 2050 at the latest**, makes it necessary to establish new environmental obligations and to lay the ground for the development and the application of an assessment method for the calculation of the environmental sustainability of construction products. For the same reason, it is necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the

preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.

calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.

## Amendment 2

### Proposal for a regulation

#### Recital 13

##### *Text proposed by the Commission*

(13) The compliance of construction products with Union legislation often depends on the compliance of their key parts with that legislation. However, because key parts are often integrated into various construction products, the protection of safety and of the environment, including climate, is better achieved when those key parts are assessed upstream, that is when the performance and conformity of key parts will be assessed beforehand and independently from the assessment of the final construction product into which they are integrated. Similarly, market surveillance becomes more efficient when non-compliant key parts can be identified and targeted. Hence, it is necessary to lay down rules applicable to key parts of construction products.

##### *Amendment*

(13) The compliance of construction products with Union legislation often depends on the compliance of their key parts with that legislation. However, because key parts are often integrated into various construction products, the protection of safety and of the environment, including climate **and biodiversity**, is better achieved when those key parts are assessed upstream, that is when the performance and conformity of key parts will be assessed beforehand and independently from the assessment of the final construction product into which they are integrated. Similarly, market surveillance becomes more efficient when non-compliant key parts can be identified and targeted. Hence, it is necessary to lay down rules applicable to key parts of construction products.

## Amendment 3

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. It follows the recent trend in product legislation to **develop** a fall-back solution where the European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the new **back-up** empowerments for the Commission should be even more comprehensive, permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress.

*Amendment*

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council **and on Regulation (EU) ... [Ecodesign for Sustainable Products Regulation]**. It follows the recent trend in product legislation to **ensure that all products placed on the Union market become increasingly sustainable and stand the test of circularity, in line with the European Green Deal**. A fall-back solution **is envisaged** where the European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the new empowerments for the Commission should be even more comprehensive, permitting **to define mandatory essential characteristics related to sustainability and** to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress. **The Commission should be guided by and ensure coherence with the environmental sustainability objectives pursued by Regulation (EU) ... [Ecodesign for Sustainable Products Regulation]**.

**Amendment 4**

**Proposal for a regulation**  
**Recital 18 a (new)**

***(18a) To deliver in the most efficient way on the European Green Deal’s objectives, to provide predictability for manufacturers, public authorities and the wider construction ecosystem and to address the most impactful products first, the Commission should carry out a prioritisation of product families with the highest impact on climate or energy and resource use, to be regulated under this Regulation and requirements that will apply to them. Considering the large volumes in which it is produced and the associated environmental impacts as well as the amount of energy used in production, sustainability product requirements for concrete should be addressed with priority. The Commission should, at the latest 6 months after the entry into force of this Regulation and based on a scientific and evidence-based approach, adopt a working plan, covering at least 3 years, laying down a list of product groups for which it plans to adopt requirements.***

## **Amendment 5**

### **Proposal for a regulation Recital 19**

*Text proposed by the Commission*

*Amendment*

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States’ ability to request safety *and* environmental, including *climate-related*,

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States’ ability to request safety, **human health-related and overall** environmental,

product characteristics in view of their specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

including *those related to climate, biodiversity, energy and resource efficiency and chemical substances*, product characteristics in view of their specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

## Amendment 6

### Proposal for a regulation

#### Recital 20

##### *Text proposed by the Commission*

(20) In order to contribute to the objectives of the European Green Deal and the Circular Economy Action Plan, and to ensure safe construction products, safety being *one of the* goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary. When setting these requirements, the Commission should take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product

##### *Amendment*

(20) In order to contribute to the objectives of the European Green Deal and the Circular Economy Action Plan, and to ensure safe *and sustainable* construction products, *health, safety, environmental protection and consumer protection* being goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate *and biodiversity*, are necessary. When setting these requirements, the Commission should take into account their potential contribution to achieving Union climate, environmental, *biodiversity and resource* and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive

requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the product. These standards demonstrate that there is a practical need for such requirements on safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories. Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify the requirements for the respective construction product family or category.

89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the product. These standards demonstrate that there is a practical need for such requirements on safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories. Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify the requirements for the respective construction product family or category. ***The Commission should consult European standardisation organisations and relevant stakeholders prior the adoption of the delegated acts.***

## Amendment 7

### Proposal for a regulation

#### Recital 25

##### *Text proposed by the Commission*

(25) A circular economy, the key element of the Circular Economy Action Plan, can be promoted by mandatory deposit-refund systems and the obligation to take back unused products. Member States should therefore be allowed to take such measures.

##### *Amendment*

(25) A circular economy, the key element of the Circular Economy Action Plan, can be promoted by mandatory deposit-refund systems and the obligation to take back unused products. Member States should therefore be allowed to take such measures. ***Where national measures can lead to fragmentation of the market***

*or insufficient environmental protection, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission to specify Union-wide requirements.*

## **Amendment 8**

### **Proposal for a regulation Recital 26**

#### *Text proposed by the Commission*

(26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, where otherwise the same aspect of health, safety or protection of the environment, including climate, would be assessed in parallel under this Regulation and other Union law.

#### *Amendment*

(26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate **and biodiversity**, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, where otherwise the same aspect of health, safety or protection of the environment, including climate **and biodiversity**, would be assessed in parallel under this Regulation and other Union law.

## **Amendment 9**

### **Proposal for a regulation Recital 28**

#### *Text proposed by the Commission*

(28) In particular, in the case of energy-related products included in ecodesign working plans which are also construction

#### *Amendment*

(28) In particular, in the case of energy-related products included in ecodesign working plans which are also construction

products and for intermediary products, **with the exception of cement**, priority for the setting of sustainability requirements will be given to the [ESPR]. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, **excluding building-integrated photovoltaic panels**. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.

products and for intermediary products priority for the setting of sustainability requirements will be given to the [ESPR]. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. **In order to fully respect the “safety first” principle, functionality and safety requirements of cement should, with priority, be set under this Regulation.** For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.

## Amendment 10

### Proposal for a regulation Recital 42

#### *Text proposed by the Commission*

(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to **reach a fair level of environmental sustainability, both for their products and their** manufacturing. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the construction works. To give manufacturers

#### *Amendment*

(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to **ensure both** their products and manufacturing **contribute significantly towards the Union's climate and environmental objectives by substantially improving their products' environmental footprint**. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and



certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.

safety aspects can relate to the product as such or to the construction works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.

## Amendment 11

### Proposal for a regulation

#### Recital 43

##### *Text proposed by the Commission*

(43) With the goals of ensuring sustainability and durability of construction products, manufacturers should ensure that products can be used for ***a very long time***. Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts.

##### *Amendment*

(43) With the goals of ensuring sustainability and durability of construction products, manufacturers should ensure that products can be used for ***as long as possible***. Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts.

## Amendment 12

### Proposal for a regulation

#### Recital 44

##### *Text proposed by the Commission*

(44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan, manufacturers should ***favour re-use, remanufacturing and recycling*** of their products. The (preparation for) re-use, remanufacturing and recycling require ***certain*** design, namely ***by*** facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in product ***databases or***

##### *Amendment*

(44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan ***and the waste hierarchy***, manufacturers should ***prevent waste generation by facilitating and prioritizing repair, re-use and*** remanufacturing. ***Manufacturers should increase resource efficiency through appropriate use of by-products and should, when products come to the end of their life, ensure*** recycling of their products. The (preparation for) re-use, remanufacturing and recycling require ***specific*** design ***choices***, namely facilitating the separation of ***products***, components and materials ***at de-installation, deconstruction and demolition and*** at the

*systems* and on the manufacturer's websites, in addition to the instructions for use.

later stage of recycling and avoiding mixed, blended or intricate materials **and substances of concern**. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in **the Digital Product Passport** and on the manufacturer's websites **or by means of QR codes**, in addition to the instructions for use.

## Amendment 13

### Proposal for a regulation Recital 44 a (new)

*Text proposed by the Commission*

*Amendment*

***(44a) The use of bio-based construction products to improve the embodied carbon performance of buildings must ensure that the overall climate impacts of related biomass production are included in a whole lifecycle assessment approach and demonstrate lower global warming potential than alternative construction materials. Similarly, a lower relative impact is also to be demonstrated for other key environmental impact indicators such as land-use and biodiversity. Construction material sourcing should not contribute to land use change, such as deforestation and forest degradation.***

## Amendment 14

### Proposal for a regulation Recital 45

*Text proposed by the Commission*

*Amendment*

(45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish

(45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish

comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations **and achieving** the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled.

comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations, **general requirements on the gradual improvement of environmental performance, the preferred use of environmentally friendly materials, recycled content obligations and the availability of information on the use, repair, remanufacturing or recycling of products should be applicable to all manufacturers. In order to specify these requirements for certain product families or categories as well as to set further requirements and to achieve** the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled.

## Amendment 15

### Proposal for a regulation Recital 45 a (new)

*Text proposed by the Commission*

*Amendment*

**(45a) Due to their climate and environmental impacts construction products should be subject to an equivalent level of stringency as other products covered by the Regulation (EU) ... [Ecodesign for Sustainable Products Regulation]. It is therefore necessary to align this Regulation with the obligations and requirements set for other products under the Regulation (EU) ... [Ecodesign for Sustainable Products Regulation].**

## Amendment 16

### Proposal for a regulation Recital 47

*Text proposed by the Commission*

(47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt delegated acts to establish specific labelling requirements ***which might include the easily understandable traffic light labelling.***

**Amendment 17**

**Proposal for a regulation**

**Recital 84**

*Text proposed by the Commission*

(84) The centralised registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a centralised Union construction products ***database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue any of these paths, as appropriate.***

**Amendment 18**

**Proposal for a regulation**

**Recital 90**

*Amendment*

(47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt delegated acts to establish specific labelling requirements

*Amendment*

(84) The centralised registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a centralised Union Construction Products ***Digital Product Passport.***

*Text proposed by the Commission*

(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts set out by **implementing** acts should be established according to objective, transparent and non-discriminatory criteria.

*Amendment*

(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts set out by **delegated** acts should be established according to objective, transparent and non-discriminatory criteria.

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) rules on how to express the environmental, including climate, and safety performance of construction products in relation to their essential characteristics;

*Amendment*

(a) rules on how to express the environmental, including climate, and safety performance of construction products **throughout the entire value chain until the application as a building component**, in relation to their essential characteristics **and in line with the Energy Performance of Buildings Directive**;

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) environmental, including climate, functional and safety product requirements for construction products.

*Amendment*

(b) environmental **product requirements**, including climate, **biodiversity and energy and resource efficiency**), **as well as** functional and safety product requirements for construction products, **while avoiding the use of substances of concern and ensuring**

*human health.*

## **Amendment 21**

### **Proposal for a regulation Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 1a*

#### *Objectives*

*The objectives of this Regulation are to contribute to the efficient functioning of the single market and ensuring the safety of construction products and construction works, while making sustainable construction products become the norm by preventing and reducing the adverse impacts of construction products and construction works on the environment, human health, and the health and safety of workers, towards a carbon-neutral, environmentally sustainable, toxic-free and fully circular economy within planetary boundaries by 2050 at the latest.*

## **Amendment 22**

### **Proposal for a regulation Article 2 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) sanitary appliances;*

*deleted*

#### *Justification*

*Sanitary appliances are covered by the current CPR. Excluding them from the new CPR could create legal instability and generate additional administrative burdens and costs for the manufacturers due to the reintroduction of principle of mutual recognition.*

## **Amendment 23**

### **Proposal for a regulation**

### Article 3 – paragraph 1 – point 63

*Text proposed by the Commission*

(63) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, from raw material acquisition or generation from natural resources over manufacturing, de-installation, possibly reuse with or without prior remanufacturing to final disposal;

*Amendment*

(63) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, from raw material acquisition or generation from natural resources over manufacturing, de-installation, possibly reuse with or without prior remanufacturing to final disposal **or recycling**;

### Amendment 24

#### Proposal for a regulation

#### Article 3 – paragraph 1 – point 64 a (new)

*Text proposed by the Commission*

*Amendment*

**(64a) ‘substance of concern’ means a substance of concern as defined in Article 2, point (28), of Regulation (EU) ... [Ecodesign for Sustainable Products Regulation];**

*Justification*

*The definition of substance of concern should mirror the definition in ESPR.*

### Amendment 25

#### Proposal for a regulation

#### Article 3 – paragraph 1 – point 71 a (new)

*Text proposed by the Commission*

*Amendment*

**(71a) ‘by-product’ means a by-product as defined in Article 5 of Directive 2008/98/EC.**

*Justification*

*The requirements laid out in the CPR, and especially Annex 1, should also refer to by-product content as well as recycled content. By-products also provide environmental benefits by displacing the use of virgin materials, in a similar way as recycled content, but they not fall into the definition of recycling and have a separate definition under the waste framework*

directive. A definition is needed in the CPR to align with the Waste Framework Directive definition.

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 71 b (new)**

*Text proposed by the Commission*

*Amendment*

***(71b) ‘embodied carbon’ means the carbon emissions associated with materials and construction processes throughout the whole lifecycle of a building, either upfront during the initial construction process or during the use of the building to repair or replace building elements.***

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 71 c (new)**

*Text proposed by the Commission*

*Amendment*

***(71c) ‘recyclability’ means the ability of waste materials or products to be effectively and efficiently separated, collected, sorted and aggregated as defined waste streams in preparation for recycling, and then recycled through relevant industrial processes and reprocessed into recycled materials or products, whilst minimising quality or functionality losses compared to the original material or product;***

## **Amendment 28**

### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – subparagraph 1**



*Text proposed by the Commission*

The essential characteristics specified in accordance with paragraph 1 or listed in Annex I Part A Point 2 and the methods for their assessment shall be laid down in standards which are rendered mandatory for purposes of application of this Regulation. The essential characteristics of products shall be identified in view of the basic requirements for construction works, taking account of the regulatory needs of Member States.

*Amendment*

The essential characteristics specified in accordance with paragraph 1, ***excluding Annex I Part A point 1(8)***, or listed in Annex I Part A Point 2 and the methods for their assessment shall be laid down in standards which are rendered mandatory for purposes of application of this Regulation. The essential characteristics of products shall be identified in view of the basic requirements for construction works, taking account of the regulatory needs of Member States ***and environmental sustainability objectives pursued by Regulation (EU) ... [Ecodesign for Sustainable Products Regulation]***.

**Amendment 29**

**Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Commission ***may*** issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods.

*Amendment*

The Commission ***shall*** issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics ***listed in Annex I Part A point 1 (1) to (7)*** and their assessment methods.

**Amendment 30**

**Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

***The respective standardisation requests may also include a request that the European standardisation organisation determine in the standards referred to in***

*Amendment*

***deleted***

*the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request.*

### **Amendment 31**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the time-frame set out in the standardisation request;

*Amendment*

(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the time-frame set out in the standardisation request ***and no later than three years after the standardisation request was issued;***

### **Amendment 32**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) the standardisation request has not been accepted by any of the European standardisation organisations;***

### **Amendment 33**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

***(ab) the adopted standard does not sufficiently fulfil the criteria described in the standardisation request;***

#### **Amendment 34**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Commission shall adopt delegated acts in accordance with Article 87 to supplement this Regulation, according to the timeline defined in accordance with Article 5a, by establishing the essential characteristics listed in Annex I Part A Point 1(8) and Point 2, including mandatory threshold levels or classes of performance and the methods for their assessment.***

#### **Amendment 35**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers;

(a) threshold levels and classes of performance in relation to the essential characteristics, ***taking into account Union environment, climate and biodiversity goals, energy and resource efficiency***, and which of the essential characteristics may or shall be declared by manufacturers ***in a transparent manner, including through the use of digital product passports***;

#### **Amendment 36**

**Proposal for a regulation**  
**Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The Commission shall consult European standardisation organisations and relevant stakeholders prior to the adoption of the delegated acts referred to in this article.**

**Amendment 37**

**Proposal for a regulation**  
**Article 4 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. The Commission shall assess the conformity with Union climate and environmental legislation, including in light of technological progress, of standards referred to in paragraph 2 and Commission acts adopted in accordance with paragraphs 3a and 4 at least every five years after the publication in the Official Journal of the European Union. A negative assessment shall trigger the adoption of delegated acts referred to in Article 34(4) or in accordance with this Article.**

**Amendment 38**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. In order to specify the product requirements set out in Annex I Part B, C and D, the Commission **is empowered to** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these product

2. In order to specify the product requirements, **including threshold levels**, set out in Annex I Part B, C and D, the Commission **shall** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and

requirements and by laying down the corresponding assessment methods. Once the Commission has specified these product requirements by delegated acts, it may issue standardisation requests which aim at the elaboration of voluntary harmonised standards providing presumption of conformity with these mandatory product requirements as specified by these delegated acts.

categories, these product requirements and by laying down the corresponding assessment methods. Once the Commission has specified these product requirements by delegated acts, it may issue standardisation requests which aim at the elaboration of voluntary harmonised standards providing presumption of conformity with these mandatory product requirements as specified by these delegated acts.

## **Amendment 39**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. For performance requirements set in Annex I part B and C, the respective delegated acts referred to in paragraph 2 shall, as appropriate, include:**

**(a) mandatory threshold levels and classes of performance in relation to a specific product parameter referred to in Annex I part B and C or a combination thereof;**

**(b) non-quantitative requirements that aim to improve one or more parameters referred to in Annex I part B and C or a combination thereof. The Commission shall regularly assess and, where necessary, update adopted threshold levels, classes of performance and non-quantitative requirements.**

## **Amendment 40**

### **Proposal for a regulation**

#### **Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. For information requirements set**

*out in Annex I part D, manufacturers are required to disclose information in the Declaration of Conformity.*

## **Amendment 41**

### **Proposal for a regulation Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 5a**

##### ***Prioritisation and planning***

- 1. When prioritising products for requirements under this Regulation, the Commission shall take into account their potential contribution to achieving Union climate and environmental objectives. The Commission shall adopt by six months after entry into force of the Regulation and regularly update a working plan, covering a period of at least 3 years, setting out a list of product families or categories it intends to establish obligations in accordance with this Regulation. In the development of the working plan, the Commission shall consult the Member States, the European Parliament and stakeholders, including civil society. The working plan shall identify and prioritise environmental hotspots per product family or category.***
- 2. The first working plan shall, at the minimum, include the following product families: - M128 Concrete, mortar and grout - M115 Reinforcing steel - M120 Structural metallic products - M103 thermal insulating products***
- 3. By 36 months after entry into force of the Regulation, the Commission shall for the product families referred to in the second paragraph, where appropriate, adopt delegated acts in accordance with Article 4(3a) and (4) and Article 22(4).***

## Amendment 42

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Member States shall respect the harmonised zone in their national law, other rules or administrative action and shall not set additional requirements for products covered by it. They shall in particular apply the following:*

*Amendment*

*The requirements making up the harmonised zone are minimum requirements and shall not prevent any Member State from maintaining or introducing more stringent measures requiring higher environmental standards for construction works, in particular the setting of requirements at the building level. Such measures shall be compatible with Union law. Where national legislation provides for more stringent measures, the Member State shall notify such legislation to the Commission. Unless the protection of human health and the environment requires more stringent measures, Member States shall apply the following:*

## Amendment 43

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 1 – point c

*Text proposed by the Commission*

*(c) unless otherwise specified in accordance with Article 5(3), national law, other rules or administrative action shall not duplicate or go beyond product requirements specified in accordance with Article 5 or the threshold levels established in accordance with Article 4(4);*

*Amendment*

*deleted*

*Justification*

*Follows from the amendment by the Rapporteur on the introductory part of this paragraph.*

## Amendment 44

**Proposal for a regulation**  
**Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

***This paragraph shall also apply to public tenders or direct attributions of contracts where those public tenders or direct attributions are executed under direct or indirect control of public entities or are executed with reference to public provisions on public tenders or direct attribution of contracts. This paragraph shall also apply to grants or other positive incentives with the exception of fiscal incentives. However,*** harmonised technical specifications may ***permit or recommend*** Member States to link the decisions on the attribution of public tenders, of contracts or of grants or other positive incentives to sub-classes or additional classes other than those established in accordance with Article 4(4) where these still relate to environmental performances assessed in accordance with these harmonised technical specifications.

*Amendment*

Harmonised technical specifications may ***require the*** Member States to link the decisions on the attribution of public tenders, of contracts or of grants or other positive incentives to sub-classes or additional classes other than those established in accordance with Article 4(4) where these still relate to environmental performances assessed in accordance with these harmonised technical specifications.

**Amendment 45**

**Proposal for a regulation**  
**Article 7 – paragraph 7 – point a**

*Text proposed by the Commission*

***(a) the owner of the product, whilst having a choice amongst the manufacturer, the importer or the distributor as addressee, is in charge of the transport back to the distributor, importer or manufacturer;***

*Amendment*

***deleted***

*Justification*

*It should be up to the Member States to develop the basic rules of national deposit-refund systems.*



## Amendment 46

### Proposal for a regulation

#### Article 7 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. By 31 December 2028, the Commission shall assess Union wide deposit-refund systems for certain product categories and families. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking appropriate measures, including the adoption of legislative proposals. Member States, when implementing national deposit-refund systems in accordance with paragraph 7, shall notify the Commission of those measures. National deposit-refund systems shall not prevent the adoption of a harmonised Union-wide system.**

*Justification*

*To ensure the functioning of the internal market, the Commission should assess the benefits of harmonised European deposit systems for certain products.*

## Amendment 47

### Proposal for a regulation

#### Article 7 – paragraph 8

*Text proposed by the Commission*

*Amendment*

8. Member States may ban the destruction of products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.

8. Member States may ban the destruction of **surplus and unsold products** or products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.

## Amendment 48

**Proposal for a regulation**  
**Article 7 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. Taking into account national destruction bans in accordance with paragraph (8) and the information provided in accordance with Article 22a, the Commission shall be empowered to adopt delegated acts according to Article 87 to supplement this Regulation by prohibiting economic operators to destroy surplus and unsold products in the Union, where the destruction of such products falling within a certain product family or category has significant environmental impact.**

**Amendment 49**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The information referred to in Article 31 or, as the case may be, in Article 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>45</sup> shall be provided together with the declaration of performance.

4. The information referred to in Article 31 or, as the case may be, in Article 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>45</sup> shall be provided together with the declaration of performance. ***Without prejudice to Article 31 and 33 of Regulation (EC) No 1907/2006, this information shall at least be supplied for the following substances:***

***a) information on included substances identified in accordance with Article 59(1) of Regulation (EC) No 1907/2006;***

***b) information on included substances classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008.***

***c) information on included priority substances in the field of water policy referred to in Annex I of Directive***

**2013/39/EU of the European Parliament and of the Council;**

**d) information on included existing active substances referred to in Regulation (EU) 528/2012 of the European Parliament and of the Council.**

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<sup>45</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).

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<sup>45</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).

## **Amendment 50**

### **Proposal for a regulation Article 18 – paragraph 1**

#### *Text proposed by the Commission*

Markings other than the CE marking, including private ones, may be affixed on a product only if they do not cover or refer to harmonised technical specifications or to product requirements or essential characteristics or assessment methods included in the harmonised zone.

#### *Amendment*

Markings other than the CE marking, including private ones, may be affixed on a product only if they do not cover or refer to harmonised technical specifications or to product requirements or essential characteristics or assessment methods included in the harmonised zone. ***This shall not apply to the EU Ecolabel and other national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010.***

## **Amendment 51**

**Proposal for a regulation**  
**Article 22 – paragraph 1**

*Text proposed by the Commission*

1. For the product characteristics specified in Annex I Part A Point 2, the manufacturer shall assess the environmental characteristics of the product in accordance with ***harmonised technical specifications or with Commission acts adopted under this Regulation*** and use, once available, the latest version of the software made freely available on the website of the European Commission. However, this shall not apply in case of used, remanufactured or surplus products, unless the economic operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation as for new products.

*Amendment*

1. For the product characteristics specified in Annex I Part A Point 2, the manufacturer shall assess the environmental characteristics of the product ***using the assessment method specified in delegated acts adopted*** in accordance with ***Article 4(3a)*** and use, once available, the latest version of the software made freely available on the website of the European Commission. However, this shall not apply in case of used, remanufactured or surplus products, unless the economic operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation as for new products.

**Amendment 52**

**Proposal for a regulation**  
**Article 22 – paragraph 2 – subparagraph 1 – point a – introductory part**

*Text proposed by the Commission*

(a) design and manufacture products and their packaging in such a way that their overall environmental, ***including climate sustainability reaches the state of the art level***, unless a lower level:

*Amendment*

(a) design and manufacture products and their packaging in such a way that ***the protection of human health and their overall environmental sustainability are maximised, including for climate and biodiversity, as well as energy and resource efficiency, indoor air quality and the avoidance of substances of concern*** unless a lower level:

**Amendment 53**

**Proposal for a regulation**  
**Article 22 – paragraph 2 – subparagraph 1 – point a – point ii**

*Text proposed by the Commission*

*Amendment*

(ii) is ***either*** necessary to improve the environmental sustainability at the level of the construction works.

(ii) is necessary to improve the environmental sustainability at the level of the construction works.

#### **Amendment 54**

##### **Proposal for a regulation**

##### **Article 22 – paragraph 2 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) under the conditions set out in point (a)(i) and (ii), ensure that, where technically and economically feasible and without impacting the safety of construction works, by 10 years after the adoption of performance classes in accordance with Article 4(4), point (a), or Article 5(2), all products placed on the market fall within the two highest environmental performance classes established;***

#### **Amendment 55**

##### **Proposal for a regulation**

##### **Article 22 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) under the conditions set out in point (a)(i) and (ii) give preference to recyclable materials ***and*** materials gained from recycling;

(b) under the conditions set out in point (a)(i) and (ii) ***and without creating unjustified barriers to the single market,*** give preference to ***local, reusable, sustainably sourced bio-based or*** recyclable materials, materials gained from ***re-use or recycling and by-products, while taking into account the environmental and climate impacts of transporting such materials;***

## Amendment 56

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point c

*Text proposed by the Commission*

(c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental, including climate *sustainability* contained in harmonised technical specifications;

*Amendment*

(c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental *sustainability*, including climate, *biodiversity, and resource and energy efficiency*, contained in harmonised technical specifications;

## Amendment 57

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability *does not fall beyond* the average durability of products of the respective category;

*Amendment*

(d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability *is significantly improved compared to* the average durability of products of the respective category *that serves the same purpose*;

## Amendment 58

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point f

*Text proposed by the Commission*

(f) make available, *in product databases, instructions for use and* on permalinks of their own websites, information on how to repair the products and any additional information necessary for repairing, including relevant warnings;

*Amendment*

(f) make available, *at least* on permalinks of their own websites *or by means of QR codes and in the Digital Product Passport established in accordance with Article 78, relevant instructions for use*, information on how to repair the products and any additional information necessary for repairing, including relevant warnings;

## Amendment 59

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point g

*Text proposed by the Commission*

(g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, with reasonably short delivery time, spare parts for their products for 10 years after the last product of the respective type has been placed on the market or directly installed and inform proactively about this availability;

*Amendment*

(g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, **with a reasonable and non-discriminatory price and** with reasonably short delivery time, spare parts for their products for 10 years after the last product of the respective type has been placed on the market or directly installed and inform proactively about this availability;

## Amendment 60

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point h

*Text proposed by the Commission*

(h) design products in such a way that **re-use, remanufacturing and recycling are facilitated**, namely by facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials, **unless** remanufacturing and recycling are risky for human safety or the environment. **In this case** the manufacturer **shall refrain from such design and** warn against remanufacturing and recycling in accordance with the following point;

*Amendment*

(h) design products **components and materials** in such a way that **that they are reusable, remanufacturable and recyclable**, namely by facilitating the separation of **products** components and materials **at de-installation, deconstruction and demolition and** the later stage of recycling and avoiding mixed, blended or intricate materials **and substances of concern. When** remanufacturing and recycling are risky for human safety or the environment the manufacturer warn against remanufacturing and recycling in accordance with the following point;

## Amendment 61

### Proposal for a regulation

#### Article 22 – paragraph 2 – subparagraph 1 – point i

*Text proposed by the Commission*

(i) make available, ***in product databases, instructions for use and*** on their own websites, information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings;

*Amendment*

(i) make available, ***at least*** on their own websites ***or by means of QR codes and in the Digital Product Passport established in accordance with Article 78,*** ***relevant*** information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings ***and a list of recycling facilities;***

**Amendment 62**

**Proposal for a regulation**

**Article 22 – paragraph 2 – subparagraph 1 – point j**

*Text proposed by the Commission*

(j) accept to regain, directly or via their importers and distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market.

*Amendment*

(j) accept to regain ***free of charge,*** directly or via their importers and distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market, ***unless more than 5 years have passed since the product was placed on the market;***

**Amendment 63**

**Proposal for a regulation**

**Article 22 – paragraph 2 – subparagraph 1 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

***(ja) have extended producer responsibility, in accordance with relevant provisions in Directive 2008/98/EC, for products that they make available on the market for the first time within the territory of a Member State, including financing of direct or indirect collection, transport, preparation for repurposing and remanufacturing, treatment and***



## **Amendment 64**

### **Proposal for a regulation Article 22 – paragraph 4**

#### *Text proposed by the Commission*

4. In order to specify the obligations set out in paragraph 2, the Commission **is empowered to** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 for a specific product family or category. The obligations contained in paragraph 2 shall not apply before such a delegated act or a harmonised standard has become applicable.

#### *Amendment*

4. In order to specify the obligations set out in paragraph 2, the Commission **shall, by ... [1 year after entry into force of this Regulation],** supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 for a specific product family or category. The obligations contained in paragraph 2, **points (a), (d), (e), (g) (h), (j) and (ja)** shall not apply before such a delegated act or a harmonised standard has become applicable.

## **Amendment 65**

### **Proposal for a regulation Article 22 – paragraph 5**

#### *Text proposed by the Commission*

5. In order to ensure transparency for the users and to promote sustainable products, the Commission **is empowered to** supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements **including “traffic-light-labelling”** in relation to environmental obligations set

#### *Amendment*

5. In order to ensure transparency for the users and to promote sustainable products, the Commission **shall** supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements **for products marketed to end consumers** in relation to environmental obligations set

out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), point (a).

out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), point (a).

## **Amendment 66**

### **Proposal for a regulation Article 22 – paragraph 6**

*Text proposed by the Commission*

6. The manufacturer shall affix the **traffic light** label in the way set out in the delegated acts adopted in accordance with paragraph 5.

*Amendment*

6. The manufacturer shall affix the label in the way set out in the delegated acts adopted in accordance with paragraph 5, **including in a visible manner at the point of sale, including online sales, and on the website of the manufacturer.**

## **Amendment 67**

### **Proposal for a regulation Article 22 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Where appropriate to promote the availability of products with the best sustainability performance on the market, the Commission shall foster the use of the EU Ecolabel referred to in Regulation (EC) No 66/2010 of the European Parliament and of the Council for labelling the best performing products.**

## **Amendment 68**

### **Proposal for a regulation Article 34 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall assess the conformity of construction products

*Amendment*

4. The Commission shall assess the conformity of construction products

standards established by the European standardisation organisations with the relevant standardisation requests, with this Regulation and with other Union law. The Commission shall publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted conforming construction products standards that have been made available at an affordable price. Where a reference to a standard cannot be published otherwise in the Official Journal, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 86 to modify the respective standards for purposes of legal effects under this Regulation.

standards established by the European standardisation organisations with the relevant standardisation requests, with this Regulation and with other Union law. The Commission shall publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted conforming construction products standards that have been made available at an affordable price. Where a reference to a standard cannot be published otherwise in the Official Journal, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 86 **and in consultation with the European standardization organisations**, to modify the respective standards for purposes of legal effects under this Regulation.

#### *Justification*

*European standardization organizations shall be empowered to produce recommendations on the criteria a) and b). The European Commission shall use the recommendations as the basis for Delegated Acts on environmental, safety and harmonisation standards.*

#### **Amendment 69**

##### **Proposal for a regulation**

##### **Article 78 – title**

*Text proposed by the Commission*

EU construction products **database or system**

*Amendment*

EU Construction Products **Digital Product Passport**

#### **Amendment 70**

##### **Proposal for a regulation**

##### **Article 78 – paragraph 1**

*Text proposed by the Commission*

1. The Commission **is empowered to** supplement this Regulation by means of delegated act according to Article 87, by

*Amendment*

1. **By 31 December 2026**, the Commission **shall** supplement this Regulation by means of delegated act

setting up a Union construction products **database or system** that builds **to the extent possible** on the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products].

according to Article 87, by setting up a Union Construction Products **Digital Product Passport** that builds on **and is interoperable with** the Digital Product Passport established by Regulation (EU) ... [**Ecodesign for Sustainable Products Regulation**].

## Amendment 71

### Proposal for a regulation Article 78 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. The product passport shall be designed for the long-term use and be universally accessible for all with a specific access for individual groups of repairers, re-users, recyclers, manufacturers and consumers.**

## Amendment 72

### Proposal for a regulation Article 78 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

**1b. The product passport shall contain at least:**

**i) the information on material and chemical content;**

**ii) the information on safety and environmental performance, including climate and biodiversity sustainability, energy and resource efficiency performance as well as the impact on human health and indoor air quality;**

**iii) the instructions for repair, reuse, recycling and upgrading.**

## Amendment 73

## Proposal for a regulation

### Article 78 – paragraph 3 – subparagraph 1 – introductory part

*Text proposed by the Commission*

The Commission may, by implementing acts give access to this *database or system* to certain authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:

*Amendment*

The Commission may, by implementing acts give access to this *Digital Product Passport* to certain authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:

## Amendment 74

### Proposal for a regulation

#### Article 83 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Where Member States provide incentives for a product category covered by a delegated act establishing performance classes in accordance with Article 4(4), point (a) or a “*traffic-light-labelling*” in accordance with Article 22(5), those incentives shall aim at the highest two *populated* classes / *colour codes*, or at *higher classes* / *better colour codes*.

*Amendment*

Where Member States provide incentives for a product category covered by a delegated act establishing performance classes in accordance with Article 4(4), point (a) or a *label* in accordance with Article 22(5), those incentives shall aim at the highest two classes.

## Amendment 75

### Proposal for a regulation

#### Article 83 – paragraph 2 – subparagraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the environmental benefits derived from the uptake of products in the highest two classes.*

## Amendment 76

### Proposal for a regulation

#### Article 84 – paragraph 1

*Text proposed by the Commission*

1. The Commission **is empowered to** supplement this Regulation by delegated acts according to Article 87 by establishing sustainability requirements applicable to public contracts, including implementation, monitoring and reporting of those requirements by Member States.

*Amendment*

1. **By 31 December 2025**, the Commission **shall** supplement this Regulation by delegated acts according to Article 87 by establishing **mandatory** sustainability requirements applicable to **all** public contracts, including implementation, monitoring and reporting of those requirements by Member States.

**Amendment 77**

**Proposal for a regulation**  
**Article 84 – paragraph 2**

*Text proposed by the Commission*

2. Requirements adopted pursuant to paragraph 1 for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.

*Amendment*

2. Requirements adopted pursuant to paragraph 1 for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate. **These requirements shall allow the use of the EU Ecolabel and other national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010 as selection criteria.**

**Amendment 78**

**Proposal for a regulation**  
**Article 84 – paragraph 3 – point a (new)**

*Text proposed by the Commission*

*Amendment*

**(a a) the environmental benefits**

*entailed by the uptake of products in the highest two performance classes;*

## **Amendment 79**

### **Proposal for a regulation Article 84 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs.

*Amendment*

(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs *as determined on a total lifetime and operating cost basis.*

## **Amendment 80**

### **Proposal for a regulation Article 84 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) the relevant Union green public procurement criteria.*

## **Amendment 81**

### **Proposal for a regulation Article 84 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. Where a product is covered by the Union green public procurement criteria but not yet by harmonised technical specifications, contracting authorities and contracting entities shall make best efforts to purchase only products and services that respect at least the technical specifications set at ‘core’ level in the relevant Union green public procurement criteria including among others for Office Building Design, Construction and*

***Management and Union green public procurement criteria for Road Design, Construction and Maintenance.***

**Amendment 82**

**Proposal for a regulation  
Article 87 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall be conferred on the Commission for a period of **five** years from ... [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the **five-year** period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

*Amendment*

2. The power to adopt delegated acts referred to in Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall be conferred on the Commission for a period of **six** years from ... [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the **six-year** period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

*Justification*

*Coherence with ESPR, which establishes a period of 6 years. Industry needs to be consulted in order that the delegates act is fit for purpose and implementable*

**Amendment 83**

**Proposal for a regulation  
Article 91 – paragraph 1**

*Text proposed by the Commission*

**No sooner than 8** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to

*Amendment*

**By ... [4** years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of



the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The *evaluation shall include an assessment of:*

*(a) the alignment of requirements established under this Regulation, in terms of sustainability, protection of the environment, schedule and stringency, with Regulation (EU) ... [Ecodesign for Sustainable Products Regulation], and*

*(b) the contribution of the construction products sector towards Union overall environmental, including climate and biodiversity objectives.*

*The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.*

*Where appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation, in particular on the alignment of the provisions of this Regulation with Regulation (EU) ... [Ecodesign for Sustainable Products Regulation].*

## **Amendment 84**

### **Proposal for a regulation Article 92 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Regulation (EU) 305/2011 is repealed with

Regulation (EU) 305/2011 is repealed with

effect from 1 January **2045**.

effect from 1 January **2029**.

### *Justification*

*A transition period of more than 20 years is far too long. Climate change is not waiting for 20 years. In 20 years innovations have developed and new greener and more sustainable technologies and materials have risen.*

## **Amendment 85**

### **Proposal for a regulation**

#### **Annex I – Part A – point 1 – point 1.3 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not ***present acute or chronic threat to the*** health and safety of workers, occupants ***or neighbors*** as a result of any of the following:

##### *Amendment*

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not ***adversely affect the hygiene or*** health and safety of workers, occupants, ***or neighbours*** as a result of any of the following:

## **Amendment 86**

### **Proposal for a regulation**

#### **Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point a**

##### *Text proposed by the Commission*

(a) the emissions of hazardous substances, volatile organic compounds or hazardous particles into indoor air;

##### *Amendment*

(a) the emissions of hazardous substances volatile organic compounds, ***odours*** or hazardous particles into indoor air;

## **Amendment 87**

### **Proposal for a regulation**

#### **Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point e a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***(ea) the release of microplastics;***

## Amendment 88

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.3 – paragraph 2 – point e b (new)

*Text proposed by the Commission*

*Amendment*

*(eb) to the extent possible, the release of substances of concern into indoor air or water;*

## Amendment 89

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.6 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

The construction works and their heating, cooling, lighting and ventilation installations shall be designed, built, and maintained in such a way that, throughout their life cycle, the amount of energy they require in use shall be low, when account is taken of:

The construction works and their heating, cooling, lighting and ventilation installations shall be designed, built, and maintained in such a way that, throughout their life cycle, the ***embodied carbon and the*** amount of energy they require in use shall be low, when account is taken of:

## Amendment 90

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.7 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***Hazardous*** emissions into the outdoor environment of construction works

Emissions into the outdoor environment of construction works

## Amendment 91

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.7 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the release of hazardous substances or radiation into ground water, marine or surface waters or soil;

(a) the release of hazardous substances, **microplastics**, or radiation into **air**, ground water, marine or surface waters or soil;

## **Amendment 92**

### **Proposal for a regulation**

#### **Annex I – Part A – point 1 – point 1.7 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the release of **net** greenhouse gas emissions into the atmosphere.

(d) the release of greenhouse gas emissions into the atmosphere.

## **Amendment 93**

### **Proposal for a regulation**

#### **Annex I – Part A – point 1 – point 1.8 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, the use of natural resources is sustainable and ensures the following:

The construction works and any part of them shall be designed, constructed, used, maintained, **upgraded** and demolished in such a way that, throughout their life cycle, the use of natural resources is sustainable and ensures the following, **wherever possible without safety loss**:

## **Amendment 94**

### **Proposal for a regulation**

#### **Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) use of **raw** and secondary materials of high environmental sustainability and thus with a low environmental footprint;

(a) **maximising the resource efficient** use of **by-products** and secondary, **low-carbon, sustainably sourced bio-based, or local materials as well as raw** materials of high environmental sustainability and thus with a low environmental footprint,:

## Amendment 95

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) minimizing the overall amount of *raw* materials used;

(b) minimizing the overall amount of materials used;

## Amendment 96

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

(e) reuse or recyclability of the construction works, parts of them and their materials after demolition.

(e) ***ease of deconstruction, use of reusable and recyclable materials and maximising*** reuse or recyclability of the construction works, parts of them and their materials after demolition.

## Amendment 97

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.8 – paragraph 2 – point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) minimising the overall volumes of waste generated;***

## Amendment 98

### Proposal for a regulation

#### Annex I – Part A – point 2 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

Harmonised technical specifications shall ***to the extent possible*** cover the following essential characteristics related to life cycle

Harmonised technical specifications shall cover the following essential characteristics related to life cycle

assessment:

assessment:

## **Amendment 99**

### **Proposal for a regulation**

#### **Annex I – Part A – point 2 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *climate change effects*  
(mandatory);

(a) ***Global Warming Potential total***  
(mandatory);

## **Amendment 100**

### **Proposal for a regulation**

#### **Annex I – Part A – point 2 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

(aa) ***Global Warming Potential fossil fuels (mandatory);***

## **Amendment 101**

### **Proposal for a regulation**

#### **Annex I – Part A – point 2 – paragraph 2 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

(ab) ***Global Warming Potential biogenic (mandatory);***

## **Amendment 102**

### **Proposal for a regulation**

#### **Annex I – Part A – point 2 – paragraph 2 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

(ac) ***Global Warming Potential land use and land use change (mandatory);***

## Amendment 103

### Proposal for a regulation Annex I – Part A – point 2 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) *ozone* depletion;

(b) depletion *potential of the stratospheric ozone layer (mandatory)*;

## Amendment 104

### Proposal for a regulation Annex I – Part A – point 2 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

(c) acidification potential;

(c) acidification potential,  
*Accumulated Exceedance (mandatory)*;

## Amendment 105

### Proposal for a regulation Annex I – Part A – point 2 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

(d) eutrophication *aquatic* freshwater;

(d) eutrophication *potential, fraction of nutrients reaching* freshwater *end compartment (mandatory)*;

## Amendment 106

### Proposal for a regulation Annex I – Part A – point 2 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

(e) eutrophication *aquatic* marine;

(e) eutrophication *potential, fraction of nutrients reaching* marine *end compartment (mandatory)*;

## Amendment 107

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

(f) eutrophication **terrestrial**;

(f) eutrophication **potential**,  
**Accumulated Exceedance (mandatory)**;

**Amendment 108**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

(g) **photochemical** ozone;

(g) **formation potential of tropospheric**  
ozone **(mandatory)**;

**Amendment 109**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point h**

*Text proposed by the Commission*

*Amendment*

(h) abiotic depletion – **minerals**,  
**metals**;

(h) abiotic depletion **potential for non-**  
**fossil resources**

**Amendment 110**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point i**

*Text proposed by the Commission*

*Amendment*

(i) abiotic depletion – fossil **fuels**;

(i) abiotic depletion **for fossil**  
**resources potential (mandatory)**;

**Amendment 111**

**Proposal for a regulation**  
**Annex I – Part A – point 2 – paragraph 2 – point j**



*Text proposed by the Commission*

*Amendment*

(j) water *use*;

(j) water (*user*) *deprivation potential, deprivation-weighted water consumption (mandatory)*;

## **Amendment 112**

### **Proposal for a regulation Annex I – Part A – point 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

Harmonised technical specifications shall indicate that for the essential *characteristic of climate change effects* under *point (a)* it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1).

Harmonised technical specifications shall indicate that for the essential *characteristics in the first subparagraph* under *points (a) to (j)* it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1). *By... [5 years after the entry into force of this Regulation], it shall be mandatory for the manufacturer to declare the essential characteristics under points (k) to (p).*

## **Amendment 113**

### **Proposal for a regulation Annex I – Part C – point 2 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase.

Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, *the transport of materials and products*, its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase.

## **Amendment 114**

### **Proposal for a regulation Annex I – Part C – point 2 – point 2.1 – introductory part**

*Text proposed by the Commission*

2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed ***in accordance with the state of the art***:

*Amendment*

2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed ***wherever possible without safety loss***:

## **Amendment 115**

### **Proposal for a regulation**

#### **Annex I – Part C – point 2 – point 2.1 – point a**

*Text proposed by the Commission*

(a) maximising durability in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements;

*Amendment*

(a) maximising durability ***and reliability of the product or its components as expressed through a product's guaranteed lifetime, technical lifetime indication of real use information on the product, resistance to stress or ageing mechanisms in order to extend the lifetime of buildings and their use phase*** and in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements. ***Emissions from life-cycle extensions should be assessed and compared with demolition and reconstruction emissions through pre-demolition audits***;

## **Amendment 116**

### **Proposal for a regulation**

#### **Annex I – Part C – point 2 – point 2.1 – point c**

*Text proposed by the Commission*

(c) maximising recycled content ***wherever possible without safety loss or outweighing negative environmental impact***;

*Amendment*

(c) maximising ***reused, recycled renewable, and by-product*** content;

## Amendment 117

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.1 – point d

*Text proposed by the Commission*

(d) selection of safe, environmentally benign substances;

*Amendment*

(d) selection of safe, ***sustainable-by-design, and*** environmentally benign substances;

## Amendment 118

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.1 – point f

*Text proposed by the Commission*

(f) resource efficiency;

*Amendment*

(f) ***materials and*** resource efficiency, ***including maximizing the use of renewable materials;***

## Amendment 119

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

***(fa) modularity;***

## Amendment 120

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.1 – point i

*Text proposed by the Commission*

(i) reparability during the expected life span;

*Amendment*

(i) ***ease of*** reparability during the expected life span;

## Amendment 121

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point j**

*Text proposed by the Commission*

*Amendment*

(j) **possibility** of maintenance and refurbishment during the expected life span;

(j) **ease** of maintenance and refurbishment during the expected life span;

**Amendment 122**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point l a (new)**

*Text proposed by the Commission*

*Amendment*

**(la) sustainable sourcing, as demonstrated by due diligence statements and sustainable sourcing certification, where relevant;**

**Amendment 123**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point l b (new)**

*Text proposed by the Commission*

*Amendment*

**(lb) minimising product-to-packaging ratio;**

**Amendment 124**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point l c (new)**

*Text proposed by the Commission*

*Amendment*

**(lc) release of odours or substances with adverse effects on human health into indoor air;**

**Amendment 125**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 d (new)**

*Text proposed by the Commission*

*Amendment*

**(1d) microplastic release;**

**Amendment 126**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 e (new)**

*Text proposed by the Commission*

*Amendment*

**(1e) amounts of waste generated, notably hazardous waste and waste without an identified recycling treatment;**

**Amendment 127**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.1 – point 1 f (new)**

*Text proposed by the Commission*

*Amendment*

**(1f) Absence of waste that could be otherwise reused or recycled treated to final disposal, including incineration with recovery of energy, or backfilled.**

**Amendment 128**

**Proposal for a regulation**  
**Annex I – Part C – point 2 – point 2.2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**Harmonised technical specifications** shall, as appropriate, specify these inherent product environmental requirements, which might relate to but are in essence independent from the phase of the installation of the product into construction works.

**Delegated acts adopted in accordance with Article 5(2)** shall, as appropriate, specify these inherent product environmental requirements **for product families or categories**, which might relate to but are in essence independent from the phase of the installation of the product into construction works.

## Amendment 129

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.2 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

When specifying the inherent product environmental requirements, **harmonised technical specifications** shall at least cover the following elements:

When specifying the inherent product environmental requirements, **delegated acts** shall at least cover the following elements:

## Amendment 130

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.2 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) **if possible**, define **the state of the art of addressing the** environmental aspects with regard to the respective product category, including the minimum recycled content;

(a) define environmental aspects with regard to the respective product category, **which shall at least include whole life cycle greenhouse gas emissions, resource efficiency**, including the minimum recycled content, **and reusability**;

## Amendment 131

### Proposal for a regulation

#### Annex I – Part C – point 2 – point 2.2 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

(c) where avoidance is not possible, negative effects and risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.

(c) where avoidance is not possible, negative effects and risks **derived from any type of the product's performance** shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.

## Amendment 132

**Proposal for a regulation**

**Annex I – Part C – point 2 – point 2.2 – paragraph 3**

*Text proposed by the Commission*

*When specifying* the inherent product environmental requirements, *harmonised technical specifications may differentiate these in accordance with performance classes.*

*Amendment*

*Delegated acts adopted in accordance with Article 5(2) shall, where applicable, determine mandatory threshold levels and classes of performance for particular product families and categories in relation to the inherent product environmental requirements referred to in paragraph 2.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011
<b>References</b>	COM(2022)0144 – C9-0129/2022 – 2022/0094(COD)
<b>Committee responsible</b> Date announced in plenary	IMCO 18.5.2022
<b>Opinion by</b> Date announced in plenary	ENVI 18.5.2022
<b>Associated committees - date announced in plenary</b>	15.9.2022
<b>Rapporteur for the opinion</b> Date appointed	Sara Matthieu 5.9.2022
<b>Discussed in committee</b>	24.10.2022
<b>Date adopted</b>	9.2.2023
<b>Result of final vote</b>	+: 42 –: 14 0: 20
<b>Members present for the final vote</b>	Mathilde Androuët, Traian Băsescu, Aurélia Beigneux, Hildegard Bentele, Alexander Bernhuber, Michael Bloss, Delara Burkhardt, Pascal Canfin, Mohammed Chahim, Tudor Ciuhodaru, Nathalie Colin-Oesterlé, Bas Eickhout, Cyrus Engerer, Agnès Evren, Helène Fritzon, Malte Gallée, Andreas Glück, Catherine Griset, Teuvo Hakkarainen, Anja Hazekamp, Martin Hojsík, Pär Holmgren, Jan Huitema, Petros Kokkalis, Ewa Kopacz, Joanna Kopcińska, Peter Liese, César Luena, Marian-Jean Marinescu, Liudas Mažylis, Tilly Metz, Silvia Modig, Dolors Montserrat, Alessandra Moretti, Ljudmila Novak, Jutta Paulus, Stanislav Polčák, Erik Poulsen, Frédérique Ries, María Soraya Rodríguez Ramos, Sándor Rónai, Christine Schneider, Ivan Vilibor Sinčić, Maria Spyrali, Véronique Trillet-Lenoir, Achille Variati, Petar Vitanov, Alexandr Vondra, Pernille Weiss, Emma Wiesner, Michal Wiezik, Tiemo Wölken, Anna Zalewska
<b>Substitutes present for the final vote</b>	João Albuquerque, Eric Andrieu, Nicolás González Casares, Robert Hajšel, Billy Kelleher, Ska Keller, Sara Matthieu, Manuela Ripa, Robert Roos, Massimiliano Salini, Christel Schaldemose, Sarah Wiener, Jadwiga Wiśniewska
<b>Substitutes under Rule 209(7) present for the final vote</b>	Karolin Braunsberger-Reinhold, Clare Daly, Ilan De Basso, Jarosław Duda, Niclas Herbst, Beata Kempa, Karsten Lucke, Johan Nissinen, Andreas Schwab, Jörgen Warborn



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

42	+
Renew	Pascal Canfin, Martin Hojsík, Jan Huitema, Billy Kelleher, Erik Poulsen, Frédérique Ries, María Soraya Rodríguez Ramos, Véronique Trillet-Lenoir, Emma Wiesner, Michal Wiezik
S&D	João Albuquerque, Eric Andrieu, Delara Burkhardt, Mohammed Chahim, Tudor Ciuhodaru, Ilan De Basso, Cyrus Engerer, Helène Fritzon, Nicolás González Casares, Robert Hajšel, Karsten Lucke, César Luena, Alessandra Moretti, Sándor Rónai, Christel Schaldemose, Achille Variati, Petar Vitanov, Tiemo Wölken
The Left	Clare Daly, Anja Hazekamp, Petros Kokkalis, Silvia Modig
Verts/ALE	Michael Bloss, Bas Eickhout, Malte Gallée, Pär Holmgren, Ska Keller, Sara Matthieu, Tilly Metz, Jutta Paulus, Manuela Ripa, Sarah Wiener

14	-
ECR	Beata Kempa, Joanna Kopcińska, Johan Nissinen, Robert Roos, Alexandr Vondra, Jadwiga Wiśniewska, Anna Zalewska
ID	Mathilde Androuët, Aurélia Beigneux, Catherine Griset, Teuvo Hakkarainen
PPE	Traian Băsescu, Marian-Jean Marinescu, Massimiliano Salini

20	0
NI	Ivan Vilibor Sinčić
PPE	Hildegard Bentele, Alexander Bernhuber, Karolin Braunsberger-Reinhold, Nathalie Colin-Oesterlé, Jarosław Duda, Agnès Evren, Niclas Herbst, Ewa Kopacz, Peter Liese, Liudas Mažylis, Dolors Montserrat, Ljudmila Novak, Stanislav Polčák, Christine Schneider, Andreas Schwab, Maria Spyraiki, Jörgen Warborn, Pernille Weiss
Renew	Andreas Glück

### Key to symbols:

+ : in favour

- : against

0 : abstention

15.5.2023

## OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (COM(2022)0144 – C9-0129/2022 – 2022/0094(COD))

Rapporteur for opinion: Pascal Arimont

### AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

#### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 3**

##### *Text proposed by the Commission*

(3) Experience with the implementation of Regulation 305/2011, the evaluation conducted by the Commission in 2019 as well as the report on the European Organisation for Technical Assessment have shown the underperformance of the framework in various respects, including as regards the development of standards and the market surveillance. In addition, feedback received in the course of the evaluation has pointed to the need of reducing the overlaps, contradictions and repetitive requirements, including in relation to other Union legislation, in order to provide more legal clarity and limit the administrative burden on the economic operators. It is therefore necessary to lay down more specific and

##### *Amendment*

(3) Experience with the implementation of Regulation 305/2011, the evaluation conducted by the Commission in 2019 as well as the report on the European Organisation for Technical Assessment have shown the underperformance of the framework in various respects, including as regards the development of standards and the market surveillance. In addition, feedback received in the course of the evaluation has pointed to the need of reducing the overlaps, contradictions and repetitive requirements, including in relation to other Union legislation, in order to provide more legal clarity and limit the administrative burden on the economic operators. It is therefore necessary to lay down more specific and

detailed legal obligations for economic operators, as well as new provisions including as regards technical specifications and market surveillance, **so that legal certainty is increased and that diverging interpretations are avoided.**

**Amendment 2**  
**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

detailed legal obligations for economic operators, as well as new provisions including as regards technical specifications and market surveillance.

*Amendment*

**(3a) A clear set of rules for the standardization process should be established under this Regulation, to ensure legal clarity and the harmonization of standards. This process should include roles and responsibilities for all stakeholders involved, as well as all the steps from development of a standardization request to its citation in the Official Journal.**

**Amendment 3**  
**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) It is necessary to establish well-functioning information flows, **including** via electronic means, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.

*Amendment*

(4) It is necessary to establish well-functioning information flows, **primarily** via electronic means **and in machine readable format**, to ensure that coherent and transparent information about construction products performances, **including environmental sustainability during their whole life cycle**, is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each

other's non-compliance.

**Amendment 4**  
**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6a) Climate change is a challenge that transcends borders and requires immediate and ambitious action. The transition to a climate-neutral economy by 2050 represents a great opportunity as well as a challenge for the Union, its Member States, citizens and business from every sector. To this aim, Cohesion policy is a crucial tool in delivering a fair transition to a climate-neutral economy by leaving no one behind.**

**Amendment 5**  
**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

*Amendment*

(7) Pursuing the environmental goals, including the fight against climate change, makes it necessary to establish new environmental obligations and to **lay the ground for the development and the application of** an assessment method for the calculation of the environmental sustainability of construction products. For the same reason, it is necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used

(7) Pursuing the environmental goals **set in the European Green Deal and following the updated targets in the Fit for 55 legislative package and the REPowerEU**, including the fight against climate change, **and the transition towards a carbon-neutral, environmentally sustainable, toxic-free and fully circular economy within planetary boundaries by 2050**, makes it necessary to establish new environmental obligations and to **develop and apply** an assessment method for the calculation of the environmental sustainability of construction products. **In order to achieve harmonised and accurate assessments, the Commission should build on the continuing efforts to develop and improve science-based assessment tools, such as the updated Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/22791a.** For the same reason, it is necessary to extend the range of regulated

products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.

economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.

**Amendment 6**  
**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) To ensure safety and functionality of construction products and, by extension, of construction works, it is necessary to avoid that items that are not intended by their manufacturers to be construction products are placed on the market as construction products. Importers, distributors and other downstream economic operators should therefore ensure that those pseudo construction products are not sold as construction products. Moreover, certain service providers such as fulfilment service providers or 3D-printing service providers should not contribute to the non-compliances of other economic operators. It is therefore necessary to render relevant provisions applicable also to these services and their providers.

*Amendment*

(8) To ensure safety and functionality of construction products and, by extension, of construction works, it is necessary to avoid that items that are not intended by their manufacturers to be construction products are placed on the market as construction products. Importers, distributors and other downstream economic operators should therefore ensure that those pseudo construction products are not sold as construction products. Moreover, certain service providers such as fulfilment service providers or 3D-printing service providers should not contribute to the non-compliances of other economic operators. It is therefore necessary to render relevant provisions applicable also to these services and their providers. ***The Commission should establish guidelines for verification and control systems to this aim.***

**Amendment 7**  
**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

**(10) *In order to ensure safety and protection of the environment and to close a regulatory loophole that would otherwise exist, it is necessary to clarify that construction products manufactured on the construction site for immediate incorporation into the construction works are subject to the same rules as other construction products.*** Micro-enterprises, however, often individually manufacture and install products on site. Subjecting those micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.

*Amendment*

(10) Micro-enterprises, however, often individually manufacture and install products on site. Subjecting those micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.

**Amendment 8**  
**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

**(12) *Creating a Union market for small prefabricated one-family houses has a potential to reduce the price of housing and to have positive social and economic effects. Fairness to consumers remains a priority, specifically but not limited to ensuring affordability of housing in the context of the green transition, in line with Proposal for Council Recommendation on Ensuring a fair transition towards climate neutrality<sup>40</sup>, in particular recommendations 7 a)-c). It is therefore necessary to lay down harmonised rules for such small houses. However, small houses are also***

*Amendment*

*deleted*

*construction works, for which the Member States are competent. As it might not be possible to integrate cumulatively all national requirements for small prefabricated one-family houses into the future harmonised technical specifications, Member States should have the right to opt out of the application of rules that are to apply to those pre-fabricated one-family houses.*

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<sup>40</sup> *Proposal for a Council Recommendation on Ensuring a fair transition towards climate neutrality COM(2021)801final 2021/0421 (NLE)*

**Amendment 9**  
**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be subject to the same rules as new construction products, given that such products have never been assessed.

*Amendment*

(14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be **strictly** subject to the same rules as new construction products, given that such products have never been assessed.

**Amendment 10**  
**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where the intended use is changed, **except to decoration purposes**, for used construction products with unclear initial intended use,

*Amendment*

(15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where, **except for decoration purposes**, the intended use is changed, for used construction products with unclear initial intended use, for used

for used construction products which have undergone an important transformative process and for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements.

construction products which have undergone an important transformative process and for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements.

**Amendment 11**  
**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market *or directly installed* in the outermost regions of the European Union from those requirements.

*Amendment*

(17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market in the outermost regions of the European Union from those requirements.

**Amendment 12**  
**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. It follows the recent trend in product legislation to develop a fall-back solution where the European Standardisation Organisations do not deliver harmonised standards which can be

*Amendment*

(18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council *and on Regulation (EU) ... [Regulation on eco design for sustainable products]*. It follows the recent trend in product legislation to develop *ensure that all products placed on the Union market*



cited in the Official Journal. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the new back-up empowerments for the Commission should be even more comprehensive, permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress.

***become increasingly sustainable and stand the test of circularity, in line with the European Green Deal*** as a fall-back solution where the European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the new back-up empowerments for the Commission should be even more comprehensive, permitting to ***define mandatory essential characteristics related to sustainability and to*** optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress. ***The Commission shall, amongst others, be guided by and ensure coherence with the environmental sustainability objectives pursued by Regulation (EU) ...***  
***[Regulation on eco design for sustainable products***

**Amendment 13**  
**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product characteristics in view of their specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However,

*Amendment*

(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product characteristics in view of their specific national situation, ***differences in climate, geology and geography and other conditions prevailing in the Member States***. When pursued together, these two goals require that products are assessed by

voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.

**Amendment 14**  
**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) ***Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers.*** For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling, the repackaging or secondary trade, installation, de-installation for ***re-use*** or remanufacturing, and the remanufacturing itself. ***Moreover***, suppliers should be ***obliged*** to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, ***encompassing all those actors so that basic generic obligations can in one stroke be established for all of them.***

**Amendment 15**  
**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the ***legitimate interests of*** Member States to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States’ needs into the development of harmonised technical specifications. For the ***same*** reason, a

*Amendment*

(21) For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling, the repackaging or secondary trade, installation, de-installation for ***reuse*** or remanufacturing, and the remanufacturing itself. ***Where necessary***, suppliers should be ***requested*** to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely. ***However, the widening of the scope of that definition should not be interpreted as an obligation for economic operators merely concerned with the installation of products to affix CE marking to the products they are handling in connection to their profession. This obligation should remain exclusively with the manufacturers or any natural or legal person acting on their behalf.***

*Amendment*

(24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the Member States’ ***competence*** to regulate construction works, it is necessary to provide for a mechanism to better integrate Member States’ needs into the development of harmonised technical specifications. ***Member States are***

mechanism allowing Member *State* to set, based on imperative grounds of health, safety or environmental protection, additional requirements for construction products should be established.

*responsible* for the *safety, environmental and energy requirements applicable to construction and civil engineering works. For that reason and in order to enable them to react to specific circumstances unique to their territory*, a mechanism allowing Member *States* to set, based on imperative grounds of health, safety or environmental protection, additional requirements for construction products should be established. *Such a mechanism must be clearly described and criteria for using it clearly defined.*

**Amendment 16**  
**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

(26) In order *to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary* to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. *This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements.* The Commission should *thus* be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, where otherwise the same *aspect of health, safety or protection of the environment, including climate*, would be assessed in parallel under this Regulation and other Union law.

*Amendment*

(26) In order to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. The Commission should be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, where otherwise the same *aforementioned aspects* would be assessed in parallel under this Regulation and other Union law.

**Amendment 17**  
**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) Moreover, in order to avoid diverging practices of Member States and economic operators, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.

**Amendment 18**  
**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) *In particular*, in the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to

*Amendment*

(27) Moreover, in order to avoid diverging practices of Member States and economic operators, the power to adopt ***delegated*** acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction product.

*Amendment*

(28) In the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to

determine such conditions.

determine such conditions.

**Amendment 19**  
**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) The increased use of *re-manufactured* products is part of a shift towards a more circular economy and a reduction of the environmental and carbon footprint of construction products. *Moreover, the market of re-manufacturing is currently not very developed and requirements for remanufactured products vary widely amongst Member States. Therefore and to respect* the subsidiarity principle, Member States should have the possibility to exempt *re-manufactured* products from the obligation to draw up a declaration of performance. Such exemption should however not be possible for products that are not suitable for remanufacturing or where interests of other Member States are at stake.

*Amendment*

(30) The increased use of *remanufactured* products is part of a shift towards a more circular economy and a reduction of the environmental and carbon footprint of construction products. *To promote the use of* remanufactured products *while respecting* the subsidiarity principle, Member States should have the possibility to exempt *remanufactured* products from the obligation to draw up a declaration of performance. Such exemption should however not be possible for products that are not suitable for remanufacturing or where interests of other Member States are at stake.

**Amendment 20**  
**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) To enhance access to easily available and comprehensive information on construction products, *thereby contributing to their safety, functionality and sustainability*, it should be ensured that the declaration of performance provides all information necessary for users and authorities. In view of its utility for users, manufacturers should be able to include into that declaration additional information, provided that the declarations of performance remain uniform and easily readable and that they are not abused as

*Amendment*

(31) To enhance access to easily available and comprehensive information on construction products, it should be ensured that the declaration of performance provides all information necessary for users and authorities. In view of its utility for users, manufacturers should be able to include into that declaration additional information, provided that the declarations of performance remain uniform and easily readable and that they are not abused as advertisement.

advertisement.

**Amendment 21**  
**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) To render the reuse and remanufacturing of construction **and** the use of surplus construction products nonetheless possible at large scale, **an alleviated** procedure for drawing up the declaration of performance should be set out for those construction products. In the case of surplus construction products, where alteration by use is **excluded**, the alleviated procedure should be limited to those cases where the initial manufacturer refuses to take responsibility for the surplus construction product, as it is always preferable that construction products remain under responsibility of the initial, competent manufacturer where they have not been altered.

**Amendment 22**  
**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In order to reduce the burden **for economic operators and in particular manufacturers**, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents.

*Amendment*

(32) To render the reuse and remanufacturing of construction **products as well as** the use of surplus construction products nonetheless possible at large scale, **a simplified** procedure for drawing up the declaration of performance should be set out for those construction products. In the case of surplus construction products, where alteration by use is **simplified**, the alleviated procedure should be limited to those cases where the initial manufacturer refuses to take responsibility for the surplus construction product, as it is always preferable that construction products remain under responsibility of the initial, competent manufacturer where they have not been altered.

*Amendment*

(33) In order to reduce the burden, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents, **including in a machine-readable format. Additionally, those permalinks could be provided in the form of QR-codes.**

**Amendment 23**  
**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) ***In order for the manufacturers*** to demonstrate that the construction products benefitting from the free movement of goods fulfil relevant Union requirements, ***it is necessary to require*** a declaration of conformity complementing the declaration of performance, ***thus also bringing the regulatory system for construction products closer to Regulation (EC) No 765/2008. However, in order to minimise the potential administrative burden, the declaration of conformity and the declaration of performance should be combined and provided by electronic means.*** The administrative burden on SMEs should be further minimised through targeted simplification provisions, including on the use of appropriate technical documentation replacing type testing, permitting micro-enterprises to use the more lenient verification system and reducing the requirements for custom-made non-series products installed in an identified single construction work. The Member States should also have the possibility to exempt micro-enterprises which do not trade cross-border from the obligation to draw a declaration of performance.

**Amendment 24**  
**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

(40) To create transparency for users of construction products and to avoid inappropriate use of those products, ***construction products and*** their intended use should be precisely identified by the manufacturer. ***For the same reason, the***

*Amendment*

(34) To demonstrate that the construction products benefitting from the free movement of goods fulfil relevant Union requirements, ***manufacturers should, simultaneously and by electronic means, provide*** a declaration of conformity complementing the declaration of performance. The administrative burden on SMEs should be further minimised through targeted simplification provisions, including on the use of appropriate technical documentation replacing type testing, permitting micro-enterprises to use the more lenient verification system and reducing the requirements for custom-made non-series products installed in an identified single construction work. The Member States should also have the possibility to exempt micro-enterprises which do not trade cross-border from the obligation to draw a declaration of performance.

*Amendment*

(40) To create transparency for users of construction products and to avoid inappropriate use of those products, their intended use should be precisely identified by the manufacturer. To ensure that construction products can be traced back,



***manufacturer should make clear whether the construction products are intended for professional use only, or also for use by consumers.*** To ensure that construction products can be traced back, manufacturers should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.

**Amendment 25**  
**Proposal for a regulation**  
**Recital 41**

*Text proposed by the Commission*

(41) To ensure that requirements of this Regulation are fulfilled, manufacturers should ***actively search***, store and evaluate information and take appropriate measures where non-conformity or under-performance has been confirmed or where there is a risk.

**Amendment 26**  
**Proposal for a regulation**  
**Recital 50**

*Text proposed by the Commission*

(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. Still, ***and with the aim to preserve the***

manufacturers should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.

*Amendment*

(41) To ensure that requirements of this Regulation are fulfilled, manufacturers should store and evaluate information and take appropriate measures where non-conformity or under-performance has been confirmed or where there is a risk.

*Amendment*

(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. Still, the economic operator undertaking the

**performance and safety of products**, the economic operator undertaking the repackaging should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language set out by the Member State where the products are made available.

**Amendment 27**  
**Proposal for a regulation**  
**Recital 51**

*Text proposed by the Commission*

(51) In order to increase compliance of manufacturers with the obligations under this Regulation **and to contribute to addressing the identified shortcomings** and improve the market surveillance, service providers, online market places and brokers should be empowered and requested to verify certain easily verifiable characteristics of products and their manufacturers, such as determination of product type and drawing up a comprehensive technical documentation, and should actively contribute to ensuring that only compliant products reach the users.

**Amendment 28**  
**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) The performance and safety of products also depend on the components used and on the services provided by calibrators or other service providers for their design and manufacturing. **For these reasons**, certain obligations should be **established for** suppliers of components and service providers involved in the manufacturing of products. Where a non-compliance or risk might have been caused

repackaging should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language **or the languages** set out by the Member State where the products are made available.

*Amendment*

(51) In order to increase compliance of manufacturers with the obligations under this Regulation improve the market surveillance, service providers, online market places and brokers should be empowered and requested to verify certain easily verifiable characteristics of products and their manufacturers, such as determination of product type and drawing up a comprehensive technical documentation, and should actively contribute to ensuring that only compliant products reach the users.

*Amendment*

(54) The performance and safety of products **can** also depend on the components used and on the services provided by calibrators or other service providers for their design and manufacturing. **Upon request** certain obligations should be **applicable to** suppliers of components and service providers involved in the manufacturing of products. **However**, where a non-

by a supplied component or service of a certain economic operator, the supplier or service provider should inform thereof his other clients who have received the same component or service, so that non-compliances and risks can be effectively tackled for other products too.

**Amendment 29**  
**Proposal for a regulation**  
**Recital 58**

*Text proposed by the Commission*

(58) Digital technologies, **which** provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, **are evolving at rapid pace. The uptake of digital technologies** will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the building stock. Accordingly, the Commission should be empowered to seize further opportunities of digitisation by implementing acts.

**Amendment 30**  
**Proposal for a regulation**  
**Recital 63**

*Text proposed by the Commission*

(63) **Currently, the increasing number of hardly distinguishable European assessment documents which often have little added value when compared to others or existing harmonised standards, risks to slow down their publication. In order to deal with this risk in a cost-effective way,** certain principles for the

compliance or risk might have been caused by a supplied component or service of a certain economic operator, the supplier or service provider should inform thereof his other clients who have received the same component or service, so that non-compliances and risks can be effectively tackled for other products too.

*Amendment*

(58) **More ambitious deployment of digital technologies by enhanced input of digitalisation of information and documentation will** provide a significant potential for reducing administrative burden and costs for economic operators, **SMEs** and public authorities, while also fostering innovative and new business opportunities and models, **and** will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, **energy storage**, life-cycle assessments and monitoring and of the building stock. Accordingly, the Commission should be empowered to seize further opportunities of digitisation by implementing acts.

*Amendment*

(63) **To further promote the free movement of construction products and to contribute to the functioning of the internal market,** certain principles for the development and adoption of European assessment documents should be established or be made more concrete. Moreover, the control by the Commission

development and adoption of European assessment documents should be established or be made more concrete. Moreover, the control by the Commission should be enhanced.

**Amendment 31**  
**Proposal for a regulation**  
**Recital 72**

*Text proposed by the Commission*

(72) ***The attempts of establishing simplified procedures for small and medium-sized enterprises in Regulation (EU) No 305/2011 and thus reducing the burden and costs on SMEs and microenterprises have not been entirely effective and have often remained misunderstood or not used*** due to the lack of awareness or the lack of clarity regarding ***their application. By addressing the identified shortcomings while building on the previously*** established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting SMEs while ensuring performance, safety and environmental sustainability of construction products.

**Amendment 32**  
**Proposal for a regulation**  
**Recital 75**

*Text proposed by the Commission*

(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal

should be enhanced.

*Amendment*

(72) Due to the lack of awareness or the lack of clarity regarding ***the simplified procedures*** established in ***Regulation (EU) No 305/2011***, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting SMEs while ensuring performance, safety and environmental sustainability of construction products.

*Amendment*

(75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal

person to submit information on *possible* non-compliances through a complaint portal.

person to submit information on non-compliances through a complaint portal *set up and maintained by the Commission*.

**Amendment 33**  
**Proposal for a regulation**  
**Recital 91**

*Text proposed by the Commission*

(91) Public procurement amounts to 14% of the Union's GDP. **To contribute** to the **objective** of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be required to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific product groups, should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. **Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised.** The criteria should be transparent, objective and non-discriminatory.

*Amendment*

(91) Public procurement amounts to 14% of the Union's GDP. **In order to enhance the demand for and use of sustainable construction products, thereby contributing** to the **objectives** of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, **Member States should envisage maximising the leverage of public spending by targeting and providing incentives for the most sustainable products whilst avoiding market distortions.** **Therefore,** contracting authorities and entities should **aim** where appropriate, be required to align their **green public** procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation, The criteria or targets set by delegated acts for specific product groups, should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. The criteria should be transparent, objective and non-discriminatory.

**Amendment 34**  
**Proposal for a regulation**  
**Recital 104**

*Text proposed by the Commission*

*Amendment*

(104) In order to fully cover the environmental assessment of construction products and to appropriately cover product requirements ***which exist even in current harmonised technical specifications***, a more comprehensive Annex I should be developed, including also a detailed list of essential characteristics related to lifecycle assessment and a complete framework for the product requirements. ***On that occasion***, overlaps between basic requirements for construction works should be eliminated and clarifications should be brought forward.

**Amendment 35**  
**Proposal for a regulation**  
**Recital 106**

*Text proposed by the Commission*

(106) The objectives of this Regulation, namely the free circulation of construction products on the internal market, the protection of human health and safety, and the protection of the environment, cannot be sufficiently achieved by the Member States, as Member States tend to establish very diverging requirements for construction products, with an uneven level of protection ***of human health and safety and of the environment***. These objectives can rather be better achieved at Union level by establishing a harmonised assessment framework for the performance of construction products and certain product requirements ***for the protection of human health and safety and of the environment***. Accordingly, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those

(104) In order to fully cover the environmental assessment of construction products and to appropriately cover product requirements, a more comprehensive Annex I should be developed, including also a detailed list of essential characteristics related to lifecycle assessment and a complete framework for the product requirements, ***while*** overlaps between basic requirements for construction works should be eliminated and clarifications should be brought forward.

*Amendment*

(106) The objectives of this Regulation, namely the free circulation of construction products on the internal market, the protection of human health and safety, and the protection of the environment, cannot be sufficiently achieved by the Member States, as Member States tend to establish very diverging requirements for construction products, with an uneven level of protection. These objectives can rather be better achieved at Union level by establishing a harmonised assessment framework for the performance of construction products and certain product requirements. Accordingly, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

objectives,

**Amendment 36**  
**Proposal for a regulation**  
**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

This Regulation establishes harmonised rules for the making available on the market **and direct installation** of construction products, regardless of whether undertaken in the framework of a service or not, by establishing:

*Amendment*

This Regulation establishes harmonised rules for the **placing of and** making available on the market of construction products, regardless of whether undertaken in the framework of a service or not, by establishing, **where applicable throughout the supply chain**:

**Amendment 37**  
**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components **or with products that could be regarded as construction products whilst not being intended by their manufacturer to be construction** products.

*Amendment*

This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components **as well as with double use and pseudo** products.

**Amendment 38**  
**Proposal for a regulation**  
**Article 2 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

**(c) construction products manufactured on the construction site for immediate incorporation into construction works, without separate commercial action for the placing on the market;**

*Amendment*

**deleted**

**Amendment 39**  
**Proposal for a regulation**  
**Article 2 – paragraph 1 – subparagraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) prefabricated one-family-houses of less than 180 m<sup>2</sup> surface floor space with one floor or of less than 100 m<sup>2</sup> surface floor space on two floors.** **deleted**

**Amendment 40**  
**Proposal for a regulation**  
**Article 2 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

**Member States may decide not to apply this Regulation for the houses referred to in point (g) by notification to the Commission.** **deleted**

**Amendment 41**  
**Proposal for a regulation**  
**Article 2 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) those used construction products or items** are imported from third countries without having been placed on the Union market before;

**(a) they** are imported from third countries without having been placed on the Union market before;

**Amendment 42**  
**Proposal for a regulation**  
**Article 2 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) the economic operator has changed the intended use of those used construction products or items from the intended use** assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or

**(b) the economic operator has changed the intended use assigned to them** those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or **for** decoration” purposes, those purposes being defined by the



intended uses or *to mere* decoration” purposes, those purposes being defined by the absence of any structural function for the construction works;

absence of any structural function for the construction works;

**Amendment 43**  
**Proposal for a regulation**  
**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the economic operator making ***the used construction products or items*** available on the market claims for them characteristics or the fulfilment of product requirements set out in Annex I, additional to or different from the characteristics and requirements declared pursuant to this Regulation or Regulation (EU) 305/2011 when the used construction product or item was first placed on the market;

*Amendment*

(c) the economic operator making ***them*** available on the market claims for them characteristics or the fulfilment of product requirements set out in Annex I, additional to or different from the characteristics and requirements declared pursuant to this Regulation or Regulation (EU) 305/2011 when the used construction product or item was first placed on the market;

**Amendment 44**  
**Proposal for a regulation**  
**Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) ***the used construction products or items*** have been subject to a transformative process going beyond repair, cleaning and regular maintenance (‘remanufactured product’);

*Amendment*

(d) ***they*** have been subject to a transformative process going beyond repair, cleaning and regular maintenance (‘remanufactured product’);

**Amendment 45**  
**Proposal for a regulation**  
**Article 2 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the economic operator making ***the used construction products or item*** available on the market opts for the application of this Regulation.

*Amendment*

(e) the economic operator making ***them*** available on the market opts for the application of this Regulation.

**Amendment 46**  
**Proposal for a regulation**  
**Article 2 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

(d) *sanitary appliances;*

*deleted*

**Amendment 47**  
**Proposal for a regulation**  
**Article 2 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Member States may exempt from the application of this Regulation construction products and items covered by this Regulation that are placed on the market *or directly installed* in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products or items do not bear the CE marking in accordance with Article 16. Construction products or items placed on the market *or directly installed* on the basis of such exemption shall not be deemed to be placed on the market or directly installed in the Union in the meaning of this Regulation.

5. Member States may exempt from the application of this Regulation construction products and items covered by this Regulation that are placed on the market in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products or items do not bear the CE marking in accordance with Article 16. Construction products or items placed on the market on the basis of such exemption shall not be deemed to be placed on the market in the Union in the meaning of this Regulation.

**Amendment 48**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

(1) ‘construction product’ means any *formed or formless physical item*, including its packaging and instructions for

(1) ‘construction product’ means any *product*, including its packaging and instructions for use, or a kit or assembly

use, or a kit or assembly combining such items, that is placed on the market or **produced** for incorporation in a permanent manner in construction works or parts thereof within the Union, with the exception of items that are necessarily first integrated into an assembly, kit or other construction product prior to being incorporated in a permanent manner in construction works;

combining such items, that is placed on the market or **supplied to the construction site** for incorporation in a permanent manner in construction works or parts thereof within the Union, with the exception of items that are necessarily first integrated into an assembly, kit or other construction product prior to being incorporated in a permanent manner in construction works;

**Amendment 49**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1a) intermediary product’ means a product as defined in point 3 of Article 2 of the Regulation ... [Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC];**

**Amendment 50**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) ‘permanent’ means for a duration of two years or longer;

(2) ‘permanent’ means for a duration of two years or longer, **after the completion of the construction works;**

**Amendment 51**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

**(5) ‘direct installation’ means the installation of a product into a construction work of a client without prior making available on the market or the installation of a one-family house**

**deleted**

*covered by this Regulation, regardless whether in the framework of providing a service or not;*

#### **Amendment 52**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘product requirements’ means a threshold level or another characteristic with which a product has to comply before it can be placed on the market ***or installed directly***, including those requirements relating to labelling and instructions for use or other information to be provided;

*Amendment*

(8) ‘product requirements’ means a threshold level or another characteristic with which a product has to comply before it can be placed on the market, including those requirements relating to labelling and instructions for use or other information to be provided;

#### **Amendment 53**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 15**

*Text proposed by the Commission*

(15) ‘buildings’ means facilities, ***other than containers***, giving shelter to humans, animals or objects, which either are permanently fixed to the ground or can only be transported by the help of special equipment whilst having a surface floor space of at least 20m<sup>2</sup> on one or several levels;

*Amendment*

(15) buildings’ means facilities, giving shelter to humans, animals or objects, which either are permanently fixed to the ground or can only be transported by the help of special equipment whilst having a surface floor space of at least 20m<sup>2</sup> on one or several levels; ;

#### **Amendment 54**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 26**

*Text proposed by the Commission*

(26) ‘repair’ means the process of returning a faulty product to a condition where it can fulfil its intended use;

*Amendment*

(26) ‘repair’ means the process of returning a faulty product ***or a component thereof*** to a condition where it can fulfil its intended use;

**Amendment 55**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 27**

*Text proposed by the Commission*

(27) ‘maintenance’ means an action carried out to retain a product in a condition where it is able to function as **required**;

*Amendment*

(27) ‘maintenance’ means an action carried out to retain a product in a condition where it is able to function as **intended**;

**Amendment 56**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 32**

*Text proposed by the Commission*

(32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen;

*Amendment*

(32) ‘state of the art’ means a way to achieve a certain goal **or performance** which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen;

**Amendment 57**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 44 a (new)**

*Text proposed by the Commission*

*Amendment*

**(44a) ‘QR-code’ means a matrix barcode that links to a website which is stable both for its content and the address (“URL”);**

**Amendment 58**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 45**

*Text proposed by the Commission*

(45) ‘permalink’ means an internet link to a website which is stable both for its content and the address (“URL”);

*Amendment*

(45) ‘permalink’ means an internet link to a website which is stable both for its content and the address (“URL”) **for a period of at least 10 years after the construction product has been placed on the market**;

**Amendment 59**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 57**

*Text proposed by the Commission*

(57) ‘broker’ means any natural or legal person providing an intermediation service for the placing on the market *or direct installation* of products;

*Amendment*

(57) broker’ means any natural or legal person providing an intermediation service for the placing on the market of products;

**Amendment 60**  
**Proposal for a regulation**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. The basic requirements for construction works, set out in Annex I Part A Point 1 shall constitute the basis for the preparation of standardisation requests and harmonised technical specifications.

*Amendment*

1. ***On the basis of*** the basic requirements for construction works set out in Annex I Part A Point 1 ***and taking into account the regulatory needs of the Member States, the Commission shall identify essential characteristics of construction products which, together with the essential characteristics set out in Annex I Part A Point 2,*** shall constitute the basis for the preparation of standardisation requests and harmonised technical specifications.

**Amendment 61**  
**Proposal for a regulation**  
**Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The essential characteristics ***specified*** in accordance with paragraph 1 ***or listed in Annex I Part A Point 2*** and the methods for their assessment shall be laid down in standards which are rendered mandatory for purposes of application of this Regulation. ***The essential characteristics of products shall be identified in view of the basic requirements for construction***

*Amendment*

The essential characteristics ***identified*** in accordance with paragraph 1 and the methods for their assessment shall be laid down in standards which are rendered mandatory for purposes of application of this Regulation ***by means of delegated acts referred to in the subparagraph 2 of this paragraph.***

*works, taking account of the regulatory needs of Member States.*

#### **Amendment 62**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Commission *may* issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and *corner stones* for the establishment of these essential characteristics and their assessment methods.

*Amendment*

*For the purposes of the first subparagraph of this paragraph, the Commission shall issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and cornerstones for the establishment of these essential characteristics and their assessment methods. Those standardisation requests shall include a determination of the mandatory threshold levels, where appropriate, and classes of performance in relation to those essential characteristics.*

#### **Amendment 63**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Commission is empowered to adopt delegated act in accordance with Article 87 supplementing this Regulation by incorporating that standard. The Commission shall adopt such delegated acts where the Commission considers that a standard delivered pursuant to a request made in accordance with the first subparagraph fully meets such a standardisation request.*

**Amendment 64**  
**Proposal for a regulation**  
**Article 4 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*The respective standardisation requests may also include a request that the European standardisation organisation determine in the standards referred to in the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request.*

*deleted*

**Amendment 65**  
**Proposal for a regulation**  
**Article 4 – paragraph 2 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

*The Commission shall verify that the basic principles and corner stones, and the Union law are respected in the standards prior to publishing the reference thereof in the Official Journal in accordance with Article 34.*

*deleted*

**Amendment 66**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. *By way of derogation from paragraph 2 and in order to cover the regulatory needs of Member States and to pursue the goals of Article 114 of the Treaty on the Functioning of the European Union, the Commission is*

3. *While priority shall be given to the elaboration of standards, the Commission is empowered to **adopt** delegated acts in accordance with Article 87 **supplementing this Regulation**, by establishing, for particular product families and categories,*



empowered to **supplement this Regulation by means of** delegated acts in accordance with Article 87, by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods in any of the following cases:

voluntary or mandatory essential characteristics and their assessment methods in any of the following cases:

**Amendment 67**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within **the time-frame set out** in the standardisation request;

*Amendment*

(a) there are undue delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within **24 months after having received the standardisation request or the relevant standard does not sufficiently fulfil the criteria described** in the standardisation request;

**Amendment 68**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – point a a (new)**

*Text proposed by the Commission*

**(aa) the standardisation request has not been accepted by any of the European standardisation organisations;**

*Amendment*

**Amendment 69**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) one or more essential characteristics **referring to basic work requirements set out in Annex I Part A, Point 1 or included in Annex I Part A,**

*Amendment*

(c) one or more essential characteristics **identified in accordance with paragraph 1 of this Article** are not covered by the standards referred to in the

**Point 2** are not covered by the standards referred to in the first subparagraph of Article 4(2) the references of which are already published in the Official Journal;

first subparagraph of Article 4(2) the references of which are already published in the Official Journal;

**Amendment 70**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – point e**

*Text proposed by the Commission*

(e) the standards referred to in the first subparagraph of Article 4(2) are not in line with EU climate and environmental legislation ***and ambition***;

*Amendment*

(e) the standards referred to in the first subparagraph of Article 4(2) are not in line with EU climate and environmental legislation;

**Amendment 71**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – point f**

*Text proposed by the Commission*

(f) ***references to standards referred to in the first subparagraph of Article 4(2) cannot be published in the Official Journal for the reasons set out in Article 34(4) or other legal reasons***;

*Amendment*

(f) ***there is a need to adapt standards which have been established by European standardisation organisations but which cannot be published in the Official Journal for the reasons set out in Article 34(4)***;

**Amendment 72**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***Before adopting delegated acts referred to in the first subparagraph, the Commission shall consult relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012.***

**Amendment 73**  
**Proposal for a regulation**  
**Article 4 – paragraph 4 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***Before adopting delegated acts referred to in the first subparagraph, the Commission shall consult relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012.***

**Amendment 74**  
**Proposal for a regulation**  
**Article 4 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The Commission is empowered to amend Annex I Part A by means of delegated acts in accordance with Article 87 in order to adapt it to technical progress and to cover new risks and environmental aspects.**

***deleted***

**Amendment 75**  
**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. All products covered by this Regulation shall, prior to their placing on the market *or direct installation*, satisfy the *generic, directly applicable* product requirements set out in Annex I *Part D and the product requirements laid down in Annex I Part B and C as specified* for the respective product family or category *in accordance with paragraph 2*. The product requirements laid down in Annex I Part B and C *are only applicable where they have been specified in accordance with paragraph 2*.**

**1. All products covered by this Regulation shall, prior to their placing on the market, satisfy the product requirements set out in Annex I, *Parts B and C and, where applicable, the delegated acts the Commission is empowered to supplement this Regulation in accordance with Article 87, by specifying* for the respective product family or category, the product requirements laid down in Annex I Part B and C.**

**Amendment 76**  
**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. ***In order to specify*** the product requirements set out in Annex I Part B, C ***and D***, the Commission ***is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying***, for particular product families and categories, these product requirements ***and by laying down*** the corresponding assessment methods. Once the Commission has specified these product requirements ***by delegated acts, it may*** issue standardisation requests which aim at the elaboration of ***voluntary*** harmonised standards providing presumption of conformity with these mandatory product requirements ***as specified by these delegated acts***.

**Amendment 77**  
**Proposal for a regulation**  
**Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

2. ***When specifying*** the product requirements set out in Annex I Part B ***and C***, the Commission ***shall define***, for particular product families and categories, ***which of*** these product requirements ***shall apply to that product family or category and lay down*** the corresponding assessment methods. Once the Commission has specified these product requirements ***pursuant to paragraph 1, it shall*** issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with these mandatory product requirements. ***In case there is no harmonised standard, the Commission shall establish clear guidelines for manufacturers on how to demonstrate the conformity with product requirements***.

2a. ***For performance requirements set in Annex I part B and C, the respective delegated acts shall, as appropriate, include:***

***(a) minimum or maximum levels in relation to a specific product parameter referred to in Annex I part B and C or a combination thereof;***

***(b) non-quantitative requirements that aim to improve performance in relation to one or more parameters referred to in Annex I part B and C or a combination thereof.***

**Amendment 78**  
**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

**3. The Commission is empowered to amend Annex I Part B, C and D by means of delegated acts in accordance with Article 87 in order to adapt it to technical progress and in particular to cover new risks and environmental aspects.**

*Amendment*

**deleted**

**Amendment 79**  
**Proposal for a regulation**  
**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Within 48 months after the entry into force of this Regulation, the Commission shall perform a study to assess the contribution to an overall goal of ensuring circular and sustainable products in the EU, including contribution to achieving objectives set by Ecodesign for Sustainable Products Regulation. The assessment shall include at least the following criteria:**

**(a) The establishment of a working plan identifying the priority construction products group to investigate and potentially regulate upon;**

**(b) The setting of timelines to define implementing measures under the this Regulation equivalent to the timelines existing under the Ecodesign for Sustainable Products Regulation;**

**(c) The definition of information and performance requirements – implementing measures - for at least the top two products identified by the working plan as referred to in paragraph (a).**

**Amendment 80**  
**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

**Product Information Requirements**

*All products covered by this Regulation shall, prior to their placing on the market or direct installation, satisfy the product information requirements set out in Annex I, Part D and, where applicable, the product information requirements for the respective product family or category as specified in the delegated acts the Commission is empowered to adopt in accordance with Article 87.*

**Amendment 81**  
**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The harmonised zone shall be presumed to be comprehensive, covering all potential requirements for products ***other than those*** covered by ***other Union law***.

1. The harmonised zone shall be presumed to be comprehensive, covering all potential ***legal*** requirements for products covered by ***this Regulation***

**Amendment 82**  
**Proposal for a regulation**  
**Article 7 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The Commission shall, ***by means of implementing*** acts, ***authorise*** the national measure notified under paragraph 4 where:

The Commission shall ***adopt delegated*** acts, ***in accordance with Article 87 supplementing this Regulation by authorising*** the national measure notified under paragraph 4 where:

### **Amendment 83**

Proposal for a regulation

#### **Article 7 – paragraph 5 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it ascertains that the regulation or administrative measure **appears** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;

*Amendment*

(a) it ascertains that the regulation or administrative measure **is** duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4;

### **Amendment 84**

Proposal for a regulation

#### **Article 7 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).***

*Amendment*

***deleted***

### **Amendment 85**

Proposal for a regulation

#### **Article 7 – paragraph 7 – introductory part**

*Text proposed by the Commission*

7. This Regulation does not hinder Member States to introduce mandatory deposit-refund systems, to oblige manufacturers to take back used or not used products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with:

*Amendment*

7. This Regulation does not hinder Member States to introduce mandatory deposit-refund systems, to oblige manufacturers to take back used or not used ***non-custom-made*** products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with:

### **Amendment 86**

Proposal for a regulation

#### **Article 7 – paragraph 8**

*Text proposed by the Commission*

8. Member States may ban the destruction of products taken back in

*Amendment*

8. Member States may ban the destruction of ***non-custom-made surplus***

accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.

**and unsold products or** products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.

**Amendment 87**  
**Proposal for a regulation**  
**Article 7 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. By 31 December 2028, the Commission shall assess the relevance and appropriateness of setting EU wide deposit-refund systems for certain product categories and families. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking appropriate measures, including the adoption of legislative proposals. Member States, when implementing national deposit-refund systems in accordance with paragraph 7, shall notify the Commission of those measures. National deposit-refund systems shall not prevent the adoption of a harmonised Union-wide system.**

**Amendment 88**  
**Proposal for a regulation**  
**Article 12 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the intended use is not changed otherwise than by reduction in terms of performance or intended uses or **to merely decorative** purposes;

(a) the intended use is not changed otherwise than by reduction in terms of performance or intended uses or **for decoration** purposes;



**Amendment 89**  
**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use *to* “decoration”. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for used product”.

**Amendment 90**  
**Proposal for a regulation**  
**Article 12 – paragraph 4**

*Text proposed by the Commission*

4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the *transformative* process, *whilst going beyond repair, cleaning or regular maintenance or preparing for re-use as defined in Article 3, point (16), of Directive 2008/98/EC after being de-installed*, does not jeopardise the compliance with this Regulation or the performance of the product in relation to the relevant characteristics because, by their design, the transformative process cannot negatively influence the performance and the compliance or because the used replacement part has been assessed as equivalently performing and compliant. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for re-manufactured

*Amendment*

2. Where there is no declaration of performance available for a used product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use *for* decoration *purposes*. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for used product”.

*Amendment*

4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the *transformative* process, does not jeopardise the compliance with this Regulation or the performance of the product in relation to the relevant characteristics because, by their design, the transformative process cannot negatively influence the performance and the compliance or because the used replacement part has been assessed as equivalently performing and compliant. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for re-manufactured product”.

product”.

### **Amendment 91**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Paragraphs 1 to 4 shall apply to all of the following:

*Amendment*

Paragraphs 1 to 4 shall apply to all of the following **products**:

### **Amendment 92**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 5 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) **products** which have reached the user or have left the distribution chain, but were never installed and for which the initial manufacturer no longer assumes any responsibility as new product (“surplus products”);

*Amendment*

(a) which have reached the user or have left the distribution chain, but were never installed and for which the initial manufacturer no longer assumes any responsibility as new product (“surplus products”);

### **Amendment 93**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where the declaration is provided by electronic means, the manufacturer shall issue that declaration in a commonly readable, but unamendable electronic format. **Alternatively**, the manufacturer may use a permalink provided that the permalink and the document accessible via the permalink are unamendable. Commission Delegated Regulation (EU) No 157/2014<sup>46</sup> shall apply under this Regulation.

*Amendment*

Where the declaration is provided by electronic means, the manufacturer shall issue that declaration in a commonly **machine** readable, but unamendable electronic format. **To ensure the availability of information over time**, the manufacturer may use a permalink **or a QR-code** provided that the permalink **or the QR-code** and the document accessible via the permalink **or the QR-code** are unamendable. Commission Delegated Regulation (EU) No 157/2014<sup>46</sup> shall apply under this Regulation.

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<sup>46</sup> Commission Delegated Regulation (EU)

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<sup>46</sup> Commission Delegated Regulation (EU)

No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.

No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.

**Amendment 94**  
**Proposal for a regulation**  
**Article 17 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the unique identification code of the product-type, the permalink to the manufacturer's products registration(s) in Union databases and the precise location therein where the product can be found;

(d) the unique identification code of the product-type, the permalink **or the QR-code** to the manufacturer's products registration(s) in Union databases **or on the manufacturer's own website** and the precise location therein where the product can be found;

**Amendment 95**  
**Proposal for a regulation**  
**Article 17 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) the permalink to the manufacturer's own product presentation website, if any there is any;

(e) the permalink **or the QR-code** to the manufacturer's own product presentation website, if any there is any;

**Amendment 96**  
**Proposal for a regulation**  
**Article 17 – paragraph 2 – subparagraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) **the identification number of the notified body, if applicable.**

**deleted**

**Amendment 97**  
**Proposal for a regulation**  
**Article 17 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The items listed in points d) to f) may be

The items listed in points d) to f) may be

replaced by a permalink to the combined declaration of performance and of conformity (electronic CE marking).

replaced by a permalink *or the QR-code* to the combined declaration of performance and of conformity (electronic CE marking).

**Amendment 98**  
**Proposal for a regulation**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

3. The CE marking shall be affixed before the product is placed on the market *or directly installed into a construction work*. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.

*Amendment*

3. The CE marking shall be affixed before the product is placed on the market. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.

**Amendment 99**  
**Proposal for a regulation**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

No other *marking than marking* set out by Union legislation may be affixed on a product *in a distance smaller than the double length* of the CE marking *measured from any point of the CE* and the other *marking* set out by Union law.

*Amendment*

*Markings* other *than markings* set out by Union legislation may be affixed on a product *on the condition that they do not impair the visibility, legibility and meaning* of the CE marking and the other *markings* set out by Union law.

**Amendment 100**  
**Proposal for a regulation**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

No other marking than the CE marking may be placed on the declaration of performance or the declaration of conformity.

*Amendment*

No other marking than the CE marking *and the Type I (ISO 14024) ecolabels* may be placed on the declaration of performance or the declaration of conformity.

**Amendment 101**  
**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where diverging statements of non-compliance of an economic operator or of a product and requests for corrective action emanate from authorities of different Member States, an economic operator shall take differentiated measures, subject to where the products are intended to be made available on the market ***or directly installed***. Where this is not possible or where a more severe measure imposed by one Member State encompasses the less severe measure imposed by another, the more severe measure shall be taken. Where these rules do not lead to a clear result, the Member States concerned and the Commission, and, on their request, other Member States shall try to find a common solution and, if need is, adopt an implementing act in accordance with Article 33.

*Amendment*

2. Where diverging statements of non-compliance of an economic operator or of a product and requests for corrective action emanate from authorities of different Member States, an economic operator shall take differentiated measures, subject to where the products are intended to be made available on the market. Where this is not possible or where a more severe measure imposed by one Member State encompasses the less severe measure imposed by another, the more severe measure shall be taken. Where these rules do not lead to a clear result, the Member States concerned and the Commission, and, on their request, other Member States shall try to find a common solution and, if need is, adopt an implementing act in accordance with Article 33.

**Amendment 102**  
**Proposal for a regulation**  
**Article 19 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

***(c) who is involved in financial and other collateral services linked to the making available or direct installation of products.***

*Amendment*

***deleted***

**Amendment 103**  
**Proposal for a regulation**  
**Article 19 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 within two months after the availability of

*Amendment*

An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 within two months ***and six months for***

that database or system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least bi-annually verify the correctness of the provided data.

**SMEs**, after the availability of that database or system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least bi-annually verify the correctness of the provided data.

#### **Amendment 104**

##### **Proposal for a regulation**

##### **Article 21 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The manufacturer shall refrain from any claim about the characteristics of a product that is not based on:

*Amendment*

2. The manufacturer shall refrain from any claim about the characteristics **and performance** of a product that is not based on:

#### **Amendment 105**

##### **Proposal for a regulation**

##### **Article 21 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

That technical documentation shall contain the mandatory or facultative calculation of environmental, including climate sustainability assessed in accordance with harmonised technical specifications adopted under this Regulation or with Commission acts adopted under this Regulation.

*Amendment*

That technical documentation shall contain, **as appropriate**, the mandatory or facultative calculation of environmental, including climate sustainability assessed in accordance with harmonised technical specifications adopted under this Regulation or with Commission acts adopted under this Regulation.

#### **Amendment 106**

##### **Proposal for a regulation**

##### **Article 21 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

***The manufacturer shall in the same way as set out in the first subparagraph label a product as “Only for professional use” if it is not intended for consumers or other non-professional users. Products not***

*Amendment*

***deleted***

***labelled “Only for professional use” shall be deemed to be also intended for non-professional users and consumers in the meaning of this Regulation and the Regulation (EU) ... [Regulation on General Product Safety].***

**Amendment 107**

**Proposal for a regulation**

**Article 21 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

When making a product available on the market in a certain Member State, the manufacturer shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.

*Amendment*

When making a product available on the market in a certain Member State, the manufacturer shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I Part D in a language ***or languages*** determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users.

**Amendment 108**

**Proposal for a regulation**

**Article 21 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

The Commission ***may***, by means of implementing acts determine the format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.

*Amendment*

The Commission ***shall***, by means of implementing acts determine the ***electronic*** format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.

**Amendment 109**

**Proposal for a regulation**

**Article 21 – paragraph 7**

*Text proposed by the Commission*

7. The manufacturer shall ***upload the*** data of the declaration of performance, of the declaration of conformity, the

*Amendment*

7. The manufacturer shall ***share the information and*** data of the declaration of performance, of the declaration of

information referred to in paragraph 6 and the technical documentation in the EU product *database or system* established in accordance with Article 78.

conformity, the information referred to in paragraph 6 and the technical documentation in *a format which is interoperable with* the EU *Digital Construction* Product *Passport as* established in accordance with Article 78.]

**Amendment 110**  
**Proposal for a regulation**  
**Article 21 – paragraph 9**

*Text proposed by the Commission*

9. Where the product presents a risk or is likely to present a risk, the manufacturer shall within two working days thereof inform the authorised representative, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached the final user or consumer, the manufacturer shall also alert the media and inform them about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.

*Amendment*

9. Where the product presents a risk or is likely to present a risk, the manufacturer shall within two working days thereof inform the authorised representative, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached the final user or consumer, the manufacturer shall also alert the media and inform them about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the meaning of Article 3, point (71) the manufacturer shall ***within one month*** withdraw and recall the product at their own cost.



**Amendment 111**  
**Proposal for a regulation**  
**Article 24 – paragraph 2**

*Text proposed by the Commission*

2. The importer shall verify that the intended use of the product has been precisely and correctly determined by the manufacturer and shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.

**Amendment 112**  
**Proposal for a regulation**  
**Article 24 – paragraph 5**

*Text proposed by the Commission*

5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the geographically responsible national competent authority thereof.

*Amendment*

2. The importer shall verify that the intended use of the product has been precisely and correctly determined by the manufacturer and shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part D in a language ***or languages*** determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.

*Amendment*

5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. ***In case the product is already placed on the market but the product is not in conformity with requirements of this Regulation or acts adopted in accordance with this Regulation, the importer shall immediately take the necessary corrective measures to bring***

***that product into conformity, or, if appropriate, to withdraw or recall it.***

Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the geographically responsible national competent authority thereof.

**Amendment 113**  
**Proposal for a regulation**  
**Article 25 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The distributor shall ensure that no products are sold to consumers or other non-professional users which are labelled “for professional use only”. These products shall, in their premises, online and on paper publicity material, be presented as products for professional use only.**

***deleted***

**Amendment 114**  
**Proposal for a regulation**  
**Article 30 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) provide to manufacturers, notified bodies and authorities all available information on the environmental sustainability of their supplied component or service;

(a) ***Upon request,*** provide to manufacturers, notified bodies and authorities all available information on the environmental sustainability of their supplied component or service;

**Amendment 115**  
**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where a supplier or service provider has been informed in accordance with the last sentence of Article 21(8), it shall forward that information to his other clients who have, in the last 5 years,

2. Where a supplier or service provider has been informed in accordance with the last sentence of Article 21(8), it shall forward that information to his other clients who have, in the last 5 years,

received components or services which are identical with regard to the issue in question. In case of a serious risk as defined in Article 3, point (71) or a risk falling under the last sentence of Article 21(9), the supplier or service provider shall also inform the national competent authorities of the Member States where products with that component or manufacturing service have been made available on the market ***or directly installed***; where it cannot identify these Member States, it shall inform all national competent authorities.

received components or services which are identical with regard to the issue in question. In case of a serious risk as defined in Article 3, point (71) or a risk falling under the last sentence of Article 21(9), the supplier or service provider shall also inform the national competent authorities of the Member States where products with that component or manufacturing service have been made available on the market ; where it cannot identify these Member States, it shall inform all national competent authorities. .

## **Amendment 116**

### **Proposal for a regulation**

#### **Article 34 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission shall, by means of implementing acts, establish criteria on how the standards drawn up by the European standardisation organisation should be structured in terms of content. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).***

## **Amendment 117**

### **Proposal for a regulation**

#### **Article 34 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Upon request by a European standardisation organisation, the Commission may provide administrative support in setting up an internal legal division within the European standardisation organisation tasked with the legal proofreading of standards and ensuring the coherence and legal***

*flawlessness of standards.*

## **Amendment 118**

### **Proposal for a regulation**

#### **Article 34 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. In accordance with Article 5 of Regulation (EU) 1025/2012, the Commission shall, where possible, participate in the informal and formal inquiries of European standardisation organisations developing the requested European standardisation deliverables, in particular on matters concerning the conformity of the standardisation deliverables with this Regulation and with other Union law. Where the Commission perceives a standard to be unsatisfactory and consequently decides not publish a reference of such standard in the Official Journal of the European Union, it shall present its reasons in writing laying out which corrections are necessary to the European standardisation organisation within a year after the draft for a standard has been transmitted. The Commission shall, within 90 days following a positive assessment by the Commission, publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted voluntary conforming construction products standards that have been made available at an affordable price.***

## **Amendment 119**

### **Proposal for a regulation**

#### **Article 35 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) a harmonised technical specification intended to be adopted in the

(b) a harmonised technical specification intended to be adopted in the

next **2 years** as from the date of verification with the Commission;

next **1 year** as from the date of verification with the Commission;

## Amendment 120

### Proposal for a regulation Article 37 – paragraph 1 – point c

*Text proposed by the Commission*

(c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next **two years**, or no such or European assessment document is already in the procedure of developing pursuant to Annex III, the TAB shall apply the procedures set out in Annex III or those established in accordance with Article 35(4).

*Amendment*

(c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next **year**, or no such or European assessment document is already in the procedure of developing pursuant to Annex III, the TAB shall apply the procedures set out in Annex III or those established in accordance with Article 35(4).

## Amendment 121

### Proposal for a regulation Article 60 – paragraph 7

*Text proposed by the Commission*

7. Notified bodies shall ensure rotation between the personnel carrying out different assessment tasks.

*Amendment*

7. Notified bodies shall **if possible and proportionate** ensure rotation between the personnel carrying out different assessment tasks.

## Amendment 122

### Proposal for a regulation Article 65 – title

*Text proposed by the Commission*

65 Use of simplified procedures by micro-enterprises

*Amendment*

65 Use of simplified procedures by **SMEs and** micro-enterprises

## Amendment 123

### Proposal for a regulation Article 65 – paragraph 1

*Text proposed by the Commission*

1. Micro-enterprises manufacturing products covered by a harmonised technical specification may treat products to which system 3 applies in accordance with provisions for system 4. When a manufacturer uses this simplified procedure, the manufacturer shall demonstrate compliance of the product with the applicable requirements by means of a Specific Technical Documentation.

*Amendment*

1. ***SMEs and*** micro-enterprises ***that are*** manufacturing products covered by a harmonised technical specification may treat products to which system 3 applies in accordance with provisions for system 4. When a manufacturer uses this simplified procedure, the manufacturer shall demonstrate compliance of the product with the applicable requirements by means of a Specific Technical Documentation.

## Amendment 124

### Proposal for a regulation Article 65 – paragraph 2

*Text proposed by the Commission*

2. ***The fulfilment of the requirements of this Article shall be assessed and confirmed by a TAB or a notified body.***

*Amendment*

***deleted***

## Amendment 125

### Proposal for a regulation Article 78 – paragraph 1

*Text proposed by the Commission*

1. The Commission is empowered to supplement this Regulation by means of delegated act according to Article 87, by setting up ***a*** Union construction products ***database*** or system that builds ***to the extent possible on*** the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products].

*Amendment*

1. ***By 31 December 2026,*** the Commission is empowered to supplement this Regulation by means of delegated act according to Article 87, by setting up ***and maintaining a centralised, free of charge and digital*** Union construction products ***passport*** or system that builds ***consisting of a harmonised interface for the Registry developed and maintained by the Commission and ensuring interoperability***

*with* the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products]. ***The passport shall consist of a publicly accessible part, a compliance part and an online portal giving access to those two parts. The passport shall not replace or modify the responsibilities of the market surveillance authorities. In order to protect trade secrets, the Commission shall only provide links to the extent possible documentation and information, whereas the documentation and information remain stored on the servers of the relevant economic operators.***

**Amendment 126**  
**Proposal for a regulation**  
**Article 78 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The passport shall serve the following purposes:***

***(a) to support market surveillance authorities in carrying out the tasks and duties conferred upon them by this Regulation, including enforcement thereof;***

***(b) to provide the users and authorities with all necessary information about construction products placed on the market;***

***(c) to store all documentation and information requested from economic operators pursuant to Chapter III.***

**Amendment 127**  
**Proposal for a regulation**  
**Article 78 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b. The publicly accessible part of the passport shall contain for all construction products covered by this Regulation at least:**

**(a) the product information satisfying the product information requirements set out in Annex I, Part D; and**

**(b) construction product declarations of performance and conformity.**

**Amendment 128**  
**Proposal for a regulation**  
**Article 78 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

**1c. The compliance part of the passport shall be accessible only to market surveillance authorities and to the Commission and shall contain all documentation and information requested from economic operators pursuant to Chapter III that is not contained in the publicly accessible part of the passport.**

**Amendment 129**  
**Proposal for a regulation**  
**Article 78 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

**1d. The passport shall be established in accordance with all the following criteria:**

**(a) minimising the administrative burden for the economic operators providing information and documentation and other passport users;**

**(b) user-friendliness and cost-effectiveness;**

**(c) automatic avoidance of redundant registration.**



**Amendment 130**  
**Proposal for a regulation**  
**Article 78 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***1e. The compliance part of the passport shall be established in accordance with all of the following criteria:***

***(a) ensuring business confidentiality and other competitive concerns;***

***(b) protection from unintended use and the safeguarding of confidential information by way of strict security arrangements;***

***(c) ensuring the once-only principle;***

***(d) access rights based on the need-to-know principle;***

***(e) processing of personal data in accordance with Regulation (EU) 2018/1725 and Regulation (EU) 2016/679, as applicable;***

***(f) limitation of data access in scope to prevent copying larger data sets;***

***(g) traceability of data access for the supplier with regard to its technical documentation.***

**Amendment 131**  
**Proposal for a regulation**  
**Article 78 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Economic operators may access all information stored in that **database** or system which regards them specifically. They may request that incorrect information is corrected.

2. Economic operators may access all information stored in that **passport** or system which regards them specifically. They may request that incorrect information is corrected. ***A record of changes shall be kept for market surveillance purposes, keeping track of the dates of any editing.***

## Amendment 132

### Proposal for a regulation

#### Article 78 – paragraph 3 – subparagraph 1 – introductory part

*Text proposed by the Commission*

The Commission may, by implementing acts give access to this ***database or system to certain*** authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:

*Amendment*

The Commission may, by implementing acts give access to this ***passport public*** authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries:

## Amendment 133

### Proposal for a regulation

#### Article 78 – paragraph 3 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) ensure confidentiality,

*Amendment*

(a) ensure confidentiality ***and other competitive concerns***,

## Amendment 134

### Proposal for a regulation

#### Article 79 – paragraph 2 – subparagraph 1 – introductory part

*Text proposed by the Commission*

Product contact points for construction shall provide, at the request of an economic operator or a market surveillance authority of another Member State, any useful product related information, such as:

*Amendment*

Product contact points for construction shall provide, at the request of an economic operator or a market surveillance authority of another Member State, any useful product related information ***in a language easily understood by the majority***, such as:

## Amendment 135

### Proposal for a regulation

#### Article 80 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

The training events shall be open to the participation of the staff of the authorities

*Amendment*

The training events shall be open to the participation of the staff of the authorities

designated under Article 25(1) of Regulation (EU) 2019/1020, the single liaison offices appointed under Article 10(3) of Regulation (EU) 2019/1020 and, where appropriate, of other authorities of the Member States involved in the implementation or enforcement of this Regulation. The Commission may, by implementing decision adopted in accordance give access to third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation.

designated under Article 25(1) of Regulation (EU) 2019/1020, the single liaison offices appointed under Article 10(3) of Regulation (EU) 2019/1020 and, where appropriate, of other authorities of the Member States **and SMEs** involved in the implementation or enforcement of this Regulation. The Commission may, by implementing decision adopted in accordance give access to third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation.

## Amendment 136

### Proposal for a regulation Article 82 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7 a. Considering that the proposed Carbon Border Adjustment Mechanism foresees to include products associated with the construction sector, it is necessary to acquire carbon footprint data of products imported from third countries.**

## Amendment 137

### Proposal for a regulation Article 83 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Where Member States provide incentives for a product category covered by a delegated act establishing performance classes in accordance with Article 4(4), point (a) or a “**traffic-light-labelling**” in accordance with Article 22(5), those incentives shall aim at the highest two populated classes / **colour codes, or at higher classes / better colour codes.**

Where Member States provide incentives for a product category covered by a delegated act establishing performance classes in accordance with Article 4(4), point (a) or a “**scoring system**” in accordance with Article 22(5), those incentives shall aim at the highest two populated classes / **scores.**

**Amendment 138**  
**Proposal for a regulation**  
**Article 85 – paragraph 1**

*Text proposed by the Commission*

Upon a duly substantiated request of a Member State or on its own initiative, the Commission may, by means of **implementing acts**, determine whether or not a specific item, or category of items, falls within the definition of ‘construction product’ or constitute an item referred to in Article 2(1). **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2) of this Regulation.**

*Amendment*

Upon a duly substantiated request of a Member State or on its own initiative, the Commission may, by means of **delegated acts in accordance with Article 87**, determine whether or not a specific item, or category of items, falls within the definition of ‘construction product’ or constitute an item referred to in Article 2(1).

**Amendment 139**  
**Proposal for a regulation**  
**Article 89 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks).

*Amendment*

All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format and in a way that permits downloads via unmodifiable links (permalinks **or QR-Codes**).

**Amendment 140**  
**Proposal for a regulation**  
**Article 89 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

All information obligations set up by Article 7(3), (4) and (6), Article 19(1), (3), (5) and (6), Article 20(2) and (3), Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article 26(4), Article 27(2), Articles

*Amendment*

All information obligations set up by Article 7(3), (4) and (6), Article 19(1), (3), (5) and (6), Article 20(2) and (3), Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article 26(4), Article 27(2), Articles

28 to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article 78(3), Article 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means.

***However, information to be provided in accordance with Annex I Part D and harmonised technical specifications specifying it shall be provided on paper for products not labelled “not for consumers” or “only for professional use”. Moreover, consumers may request any other information to be provided on paper.***

28 to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article 78(3), Article 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means.

## **Amendment 141**

### **Proposal for a regulation Article 91 – paragraph 1**

#### *Text proposed by the Commission*

No sooner than **8** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

#### *Amendment*

No sooner than **4** years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

## Amendment 142

### Proposal for a regulation Article 94 – paragraph 2

*Text proposed by the Commission*

It shall apply as from [1 month after entry into force].

*Amendment*

It shall apply as from [1 month after entry into force]. ***An appropriate transition period shall be granted.***

## Amendment 143

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.1 – paragraph 2

*Text proposed by the Commission*

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.

*Amendment*

The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, ***throughout their life cycle***, all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.

## Amendment 144

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.2 – paragraph 3 – point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) the release of microplastics.***

## Amendment 145

### Proposal for a regulation

#### Annex I – Part A – point 1 – point 1.5 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) allows occupants and people nearby to sleep, rest and engage in their normal

(b) allows occupants and people nearby to sleep, rest and engage in their normal

activities in satisfactory conditions.

activities in satisfactory conditions,  
*especially inside buildings, including residential buildings.*

#### **Amendment 146**

##### **Proposal for a regulation**

##### **Annex I – Part A – point 1 – point 1.5 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they provide sufficient sound absorption and reflection where these acoustic properties are required.

The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they provide sufficient sound absorption and reflection where these acoustic properties are required, *in compliance with Directive 2002/49 and applicable national legislation.* .

#### **Amendment 147**

##### **Proposal for a regulation**

##### **Annex I – Part B – point 2 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) a specific way of removal or demolition;*

#### **Amendment 148**

##### **Proposal for a regulation**

##### **Annex II – point 11 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the environmental sustainability data calculated in accordance with Article 22(1), in particular where they fit under the essential characteristics listed in Annex I Part A, point 2, in case the respective rules covering the product category have become applicable at the time of placing on the market *or direct installation.*

(c) the environmental sustainability data calculated in accordance with Article 22(1), in particular where they fit under the essential characteristics listed in Annex I Part A, point 2, in case the respective rules covering the product category have become applicable at the time of placing on the market

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011
<b>References</b>	COM(2022)0144 – C9-0129/2022 – 2022/0094(COD)
<b>Committee responsible</b> Date announced in plenary	IMCO 18.5.2022
<b>Opinion by</b> Date announced in plenary	ITRE 18.5.2022
<b>Rapporteur for the opinion</b> Date appointed	Pascal Arimont 5.5.2022
<b>Discussed in committee</b>	5.12.2022
<b>Date adopted</b>	25.4.2023
<b>Result of final vote</b>	+: 43 –: 0 0: 19
<b>Members present for the final vote</b>	Nicola Beer, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Paolo Borchia, Marc Botenga, Markus Buchheit, Cristian-Silviu Buşoi, Maria da Graça Carvalho, Ignazio Corrao, Beatrice Covassi, Ciarán Cuffe, Josianne Cutajar, Nicola Danti, Marie Dauchy, Pilar del Castillo Vera, Martina Dlabajová, Valter Flego, Niels Fuglsang, Lina Gálvez Muñoz, Claudia Gamon, Jens Geier, Nicolás González Casares, Christophe Grudler, Henrike Hahn, Ivo Hristov, Ivars Ijabs, Seán Kelly, Łukasz Kohut, Andrius Kubilius, Marisa Matias, Georg Mayer, Marina Measure, Iskra Mihaylova, Dan Nica, Angelika Niebler, Niklas Nienäß, Ville Niinistö, Johan Nissinen, Mauri Pekkarinen, Mikuláš Peksa, Tsvetelina Penkova, Morten Petersen, Markus Pieper, Clara Ponsatí Obiols, Manuela Ripa, Robert Roos, Sara Skytvedal, Maria Spyraiki, Riho Terras, Grzegorz Tobiszowski, Patrizia Toia, Pernille Weiss, Carlos Zorrinho
<b>Substitutes present for the final vote</b>	Franc Bogovič, Ivan David, Klemen Grošelj, Ladislav Ilčić, Adam Jarubas, Elena Lizzi, Angelika Winzig
<b>Substitutes under Rule 209(7) present for the final vote</b>	Zdzisław Krasnodębski



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

43	+
ECR	Ladislav Ilčić, Zdzisław Krasnodębski, Grzegorz Tobiszowski
PPE	Hildegard Bentele, Tom Berendsen, Vasile Blaga, Franc Bogovič, Cristian-Silviu Buşoi, Maria da Graça Carvalho, Pilar del Castillo Vera, Adam Jarubas, Seán Kelly, Andrius Kubilius, Angelika Niebler, Markus Pieper, Sara Skytvedal, Maria Spyraiki, Riho Terras, Pernille Weiss, Angelika Winzig
Renew	Nicola Beer, Nicola Danti, Martina Dlabajová, Valter Flego, Claudia Gamon, Klemen Grošelj, Christophe Grudler, Ivars Ijabs, Iskra Mihaylova, Mauri Pekkarinen, Morten Petersen
S&D	Beatrice Covassi, Josianne Cutajar, Niels Fuglsang, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Ivo Hristov, Łukasz Kohut, Dan Nica, Tsvetelina Penkova, Patrizia Toia, Carlos Zorrinho

0	-

19	0
ECR	Johan Nissinen, Robert Roos
ID	Paolo Borchia, Markus Buchheit, Marie Dauchy, Ivan David, Elena Lizzi, Georg Mayer
NI	Clara Ponsatí Obiols
The Left	Marc Botenga, Marisa Matias, Marina Mesure
Verts/ALE	Ignazio Corrao, Ciarán Cuffe, Henrike Hahn, Niklas Nienaf, Ville Niinistö, Mikuláš Peksa, Manuela Ripa

### Key to symbols:

+ : in favour

- : against

0 : abstention

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011			
<b>References</b>	COM(2022)0144 – C9-0129/2022 – 2022/0094(COD)			
<b>Date submitted to Parliament</b>	31.3.2022			
<b>Committee responsible</b> Date announced in plenary	IMCO 18.5.2022			
<b>Committees asked for opinions</b> Date announced in plenary	BUDG 18.5.2022	ENVI 18.5.2022	ITRE 18.5.2022	
<b>Not delivering opinions</b> Date of decision	BUDG 19.4.2022			
<b>Associated committees</b> Date announced in plenary	ENVI 15.9.2022			
<b>Rapporteurs</b> Date appointed	Christian Doleschal 21.4.2022			
<b>Discussed in committee</b>	15.6.2022	29.11.2022	23.1.2023	25.4.2023
<b>Date adopted</b>	23.5.2023			
<b>Result of final vote</b>	+: –: 0:	25 7 9		
<b>Members present for the final vote</b>	Alex Agius Saliba, Andrus Ansip, Alessandra Basso, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Alexandra Geese, Sandro Gozi, Maria Grapini, Krzysztof Hetman, Eugen Jurzyca, Arba Kokalari, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Morten Løkkegaard, Adriana Maldonado López, Leszek Miller, Anne-Sophie Pelletier, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Marion Walsmann			
<b>Substitutes present for the final vote</b>	Marc Angel, Christian Doleschal, Carlo Fidanza, Claude Gruffat, Ivars Ijabs, Katrin Langensiepen, Antonio Maria Rinaldi, Edina Tóth			
<b>Substitutes under Rule 209(7) present for the final vote</b>	Elisabetta Gualmini, Niclas Herbst, Francisco José Millán Mon			
<b>Date tabled</b>	2.6.2023			

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

25	+
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca
ID	Alessandra Basso, Antonio Maria Rinaldi
NI	Edina Tóth
PPE	Deirdre Clune, Christian Doleschal, Niclas Herbst, Krzysztof Hetman, Arba Kokalari, Andrey Kovatchev, Francisco José Millán Mon, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Ivars Ijabs, Morten Løkkegaard, Róza Thun und Hohenstein

7	-
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Claude Gruffat, Katrin Langensiepen

9	0
S&D	Alex Agius Saliba, Marc Angel, Biljana Borzan, Maria Grapini, Elisabetta Gualmini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Christel Schaldemose

### Key to symbols:

+ : in favour

- : against

0 : abstention