



2022/0094(COD)

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

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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 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

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.

(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

(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

(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 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 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

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

(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

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.

are not affected.

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 neutrality⁴⁰, 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

⁴⁰ *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, 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, **except for decoration purposes**, the intended use is changed, 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 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

Amendment

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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 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 the adaptation to technical progress.

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

(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 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, 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

(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 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.

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 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

(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 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

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 m² surface floor space with one floor or of less than 100 m² 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 20m² 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 20m² 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 157/2014⁴⁶ 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 157/2014⁴⁶ shall apply under this Regulation.

⁴⁶ Commission Delegated Regulation (EU)

⁴⁶ 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

(b) allows occupants and people nearby to sleep, rest and engage in their normal

Amendment

(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

Title	Laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011
References	COM(2022)0144 – C9-0129/2022 – 2022/0094(COD)
Committee responsible Date announced in plenary	IMCO 18.5.2022
Opinion by Date announced in plenary	ITRE 18.5.2022
Rapporteur for the opinion Date appointed	Pascal Arimont 5.5.2022
Discussed in committee	5.12.2022
Date adopted	25.4.2023
Result of final vote	+: 43 –: 0 0: 19
Members present for the final vote	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 Nienaa, 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
Substitutes present for the final vote	Franc Bogovič, Ivan David, Klemen Grošelj, Ladislav Ilčić, Adam Jarubas, Elena Lizzi, Angelika Winzig
Substitutes under Rule 209(7) present for the final vote	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 Spyrali, 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