

**OPEN LETTER TO:**

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The Czech Presidency of the Council of the European Union

The Permanent Representation of Sweden to the European Union

National ministries and delegates in the Council Working Party on  
Technical Harmonisation (Construction Products)

Members of the European Parliament in the Committees on the:  
Internal Market and Consumer Protection (IMCO),  
Environment, Public Health and Food Safety (ENVI),  
Industry, Research and Energy (ITRE)

Brussels, 30<sup>th</sup> November 2022

**Proposal for a revised Construction Products Regulation – Now is the  
time to act to ensure the CPR becomes a user-friendly framework**

Dear Madam or Sir,

We are writing to you following the publication, on 15 November 2022, of the draft report of the rapporteur responsible for the proposal for a revised Construction Products Regulation (CPR)<sup>1</sup>, **MEP Christian Doleschal**, in the Committee on the Internal Market and Consumer Protection (IMCO) of the European Parliament<sup>2</sup>.

The proposal for a revised CPR, published earlier this year by the European Commission, mainly aims at addressing the main shortcomings of the existing Regulation (EU) 305/2011 (underperformance of the standardisation process, general complexity of the legal framework, inability of the CPR to deliver on the green and digital transition objectives...).

While FIEC had welcomed the intention of the Commission to improve the overall functioning of the single market for construction products and to better address aspects related to the environmental and safety performance of products after the proposal's publication, **we had immediately expressed serious concerns** as to whether the proposal sufficiently and effectively addresses the abovementioned problems.

FIEC and its 32 national member federations especially fear that this proposal, if it is adopted in its current form, could not only jeopardise ongoing efforts of the sector to make construction more circular, digital, and resilient, but could also result in a **considerable increase of administrative and financial burdens** for European contractors and construction SMEs at a time when the sector is already faced with unprecedented challenges.

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<sup>1</sup> 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 the existing Construction Products Regulation (EU) 305/2011, COM (2022) 144 final.

<sup>2</sup> The consideration of the draft report in the IMCO committee took place on 29 November.

We therefore welcome the fact that the rapporteur's draft report now contains various encouraging elements for significantly improving the proposal and **consider that now is the time for action in the European Parliament and in the Council**. We sincerely hope that the IMCO draft report can **provide key impetus for the future discussions in both the Parliament (IMCO, ENVI and ITRE committees) and in the Council**, under the current Czech and the upcoming Swedish Council Presidency.

FIEC especially calls on you to take into account the following points:

- 1. Reduce the proposal's complexity** which would generate a significant additional bureaucratic burden for economic actors throughout the construction value chain; delete provisions that present a real risk of regulatory overreach and **limit the delegated powers** conferred on the Commission.
- 2.** Clarify that the revised CPR should continue to apply **only to the sale and marketing of construction products** that are placed on the market **but neither to construction products manufactured on site nor to works contracts and services** (e.g., exclude the manufacturing of products on the construction site and the "direct installation" from the subject matter and scope). Clarify also the CPR's relationship to national building regulations and to Member States' competence to regulate (sustainable) public procurement. Clarify that Member States remain responsible for the safety of construction works while the CPR only deals with matters relating to products.
- 3. In the "harmonised zone"**, clarify that Art. 7 para. 2 should not apply to public tenders and provide for a mechanism that allows Member States to formulate requirements for construction works and easily notify their needs, that takes full account of national requirements and that creates workable exemption possibilities.
- 4. Streamline the standardisation procedure** by, for example, introducing clear response deadlines, measures to improve the information flow between the Commission and the *European Committee for Standardisation* (CEN) and binding criteria for the quality of standards, which should not be mandatorily applied, but remain voluntary after their publication to avoid future legal discussions.
- 5. Avoid red tape for the use of construction products for re-use or remanufacturing (Art. 29)** and clarify that EN15804+A2 and the widely used *Environmental Product Declarations* should be the preferred approach for calculating the environmental sustainability performance of construction products.
- 6. Create legal and planning security for the transition period**, by (a) introducing a shorter period whereby Regulation 305/2011 is repealed and (b) by introducing an appropriate mechanism that allows to manage the transition transparently and effectively. This could take the form of a "*Working Plan for Transition*" in which Member States would be involved, provided that sufficient human, administrative and financial resources are available at EU and Member States level.
- 7. Ensure that an EU construction products database is set up**, that – while providing users with all the necessary information about products placed on the market - is sufficiently compatible with national databases (Art. 78) and create better conditions for the promotion of digital solutions in the sector, e.g., by clearly stating that **all product**

**documentation should be provided via electronic means and in machine-readable formats.**

FIEC would highly appreciate if you could consider the abovementioned concerns that are shared by numerous actors of the construction value chain. We remain at your disposal for any further questions that you may have.

Yours sincerely,

Philip Crampton  
President

José-Michaël Chenu  
Vice-President TEC<sup>3</sup>

Domenico Campogrande  
Director General

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## About FIEC

Founded in 1905, the **European Construction Industry Federation (FIEC)** represents via its 32 national member federations in 27 countries (24 EU & Norway, Switzerland and Ukraine) construction enterprises of all sizes, i.e., small and medium-sized enterprises as well as “global players”, carrying out all forms of building and civil engineering activities.

In 2021, the construction sector represented 11.1% of the EU’s GDP, 6,6% of total employment in the EU and 29,8% of industrial employment, more than 3 million enterprises (with most of them being small and medium-sized enterprises), and approximately 13 million workers (*Source: FIEC Statistical Report 2022*).

[www.fiec.eu](http://www.fiec.eu)

[fie-statistical-report.eu](http://fie-statistical-report.eu)

[Position paper on the revised CPR](#)

[Press release on the revised CPR](#)