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Summary of the second Technical Platform, 18.01.2017

Simplification, including SME-related provisions

The CPR Technical Platforms are a series of meetings organised as a follow-up to the Report on the implementation of the CPR adopted on 07.07.2016 ([COM/2016/0445 final](#)).

They are organised by the services of the EU Commission (DG Internal Market, Industry, Entrepreneurship and SMEs, Directorate Industrial Transformation and Advanced Value Chains - Unit Clean Technologies and Products).

The CPR Technical Platforms aim at providing an opportunity for interested stakeholders to present their views and have informal discussions on specific issues relating to the CPR implementation and the legislative framework applicable to construction products.

The discussion focussed on the limited uptake of the CPR simplification provisions of Article 5 (derogations from drawing up a Declaration of Performance - DoP), Article 37 (simplified procedures for micro-enterprises) and Article 38 (simplified procedures for products individually manufactured or custom-made in a non-series process).

Various scenarios were submitted for discussion: soft law approach, improving the drafting of these articles, simplifying the whole CPR (making it unnecessary to introduce specific exceptions or derogations) or completely revise the legislative framework for construction products.

It was underlined that the main objective of the CPR is to achieve the free circulation of products and level-playing field in the sector, not simplification.

Views expressed by stakeholders:

- SMEs need legislative stability.
- Considerable effort has been devoted by the market to the implementation of CPR, no fundamental revision of CPR should be considered.
- There is a need to first assess the extent of the problems and the number of SMEs concerned. A prerequisite is to have evidence of whether or not a significant share of SMEs are internal market players.
- Is there evidence of the relevance of Art 37 and 38, i.e. are indeed CPR procedures are indeed too heavy/complex/costly for micro enterprises? It may not be the case, which would explain why they are not used.
- SMEs have either conformed to general provisions or used Art 37/38 and this should be checked before any potential revision. Also, SMEs may have finally discovered advantages in complying with general rules and this should also be checked.
- The soft law approach - even if Member States could agree on a common interpretation - would not offer more guarantees as the implementation would remain at the level of the judges, unless the EU Court of Justice rules.

- Problems seem to lie in the exceptions rather than in the rules, therefore it would make sense not to revise the CPR.
- Interpretation cannot go against the wording, there is a need to revise the formulation of the articles.
- Beyond wording issues, Article 37 mixes the old approach with new concepts which cannot coexist and Article 38 tries to solve the problem created by Article 5 (but not in a good way). A new formulation would not suffice.
- Other CE marking legislation gives the possibility for manufacturers to find alternatives; such an option could also be offered by CPR. This would question the performance approach.
- Testing a fire door is important but how the door is installed in the building matters too; there might be other products that would not need to be tested. The performance approach could be subject to a differentiated application, by product families.
- Doesn't simplification endanger product reliability?
- Simplification should benefit all operators.
- SMEs need a clear CPR interpreted in a uniform way, as well as exhaustive, improved harmonised standards complying with CPR (and not CPD).
- Harmonised standards do not reply to the needs of contractors.
- Simplification should benefit all firms, including adaptation to technological evolution for CE marking, digitalisation or increased customisation.
- Specific provisions would maybe be needed for artisanal methods of manufacturing (rather than by size of firms).
- To ensure trust in CE marking, it should stay mandatory. No voluntary or optional approach should be accepted.
- Full consideration should be given to the particular economic context and impact of the recent crisis.
- There is a conflict between Art 5 and Art 37 that needs to be resolved.
- If less onerous assessment systems can be found, all manufacturers should benefit from them being brought into use.
- Are all issues to be tackled at EU level (subsidiarity)?
- Is it possible to create a European exemption system that is applied in a uniform manner?

Participants -----

FIEC

Consultant/BRE

Transport, Construction and Housing Agency, DK

UEPG Union Européenne des Producteurs de Granulats

Ministry of Ecology, FR

ECSPA European Calcium Silicate Products Association & EMO European Mortar Industry Association

EXCA European expanded clay association

A.Q.C. Agence Qualité Construction

SORMAT Oy

EuroWindoor AISBL

EFCC - European Federation for Construction Chemicals

Technical Secretariat of Group of Notified Bodies for the CPR - Danish Technological Institute

National Board of Housing, Building and Planning (Boverket), SE

Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, AT

Federal Public Service Economy, BE

Ministry of Housing and Sustainable Homes, FR

COBATY International

Finnish Association of Construction Product Industries RTT, FI

Zentralverband Deutsches Baugewerbe, DE

Fédération Française du Bâtiment (FFB)

Efectis France - GNB

Transport, Construction and Housing Authority, DK

Ministry of the Environment, FI

Austrian Institute of Construction Engineering, AT

Department for Communities and local government DCLG, UK

Construction Products Europe CPE

BIBM Federation for the European Precast Concrete Industry

EBC/SBS

EOTA

Ministry of the Interior, NL

EC CEN consultant

SBS / Tischler Schreiner Deutschland

Ministry of Regional Development and Public Works, BG

European Metal Union

SBK bouwkwiteit, NL

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