



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Ecosystems III: Construction & machinery
Construction

INFORMAL COMMISSION «CPR ACQUIS EXPERT GROUP»

(FORMERLY CALLED INFORMAL COMMISSION EXPERT GROUP ON CONSTRUCTION PRODUCTS REGULATION (CPR) TECHNICAL ACQUIS PLANNING)

TERMS OF REFERENCE

1. BACKGROUND

In 2021 the Commission set up the informal Commission expert group on Construction Products Regulation (CPR) Technical Acquis Planning to assist it in relation to the implementation of the CPR (Regulation (EU) 305/2011¹).

On 7 January 2025 a new Construction Products Regulation (CPR) (Regulation (EU) 2024/3110²) has entered into force.

The new CPR improves the functioning of the single market of construction products by making the standardisation process effective and efficient and improving compliance through better market surveillance and enforcement. It is the regulatory tool to address the environmental sustainability of construction products, in line with the Circular Economy Action Plan.

The aim of this expert group shall be to assist the Commission in relation to the implementation of Regulation (EU) 305/2011, which stays in force until 8 January 2040³, and Regulation (EU) 2024/3110.

A successful implementation of the CPR requires joint efforts of the Commission and of Member States to regularly update all the harmonised technical specifications (harmonised standards and delegated acts under Regulation (EU) 305/2011 construction products performance standards, delegated or implementing acts under the new CPR) to address regulatory needs of Member States, serve the single market and supports the implementation of the European Green Deal and the Circular Economy Action Plan (CEAP). According to Article 4 of the new CPR the Commission shall be supported by an expert group ('the CPR Acquis Expert Group').

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011R0305-20210716>

² Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 (Text with EEA relevance), OJ L, 2024/3110, 18.12.2024.

³ Regulation (EU) No 305/2011 is repealed by the new CEP with effect from 8 January 2026, with the exception of Article 2, Articles 4 to 9, Articles 11 to 18, Articles 27 and 28, Articles 36 to 40, Articles 47 to 49, Articles 52 and 53, Article 55, Articles 60 to 64 of that Regulation and Annexes III and V thereto which are repealed with effect from 8 January 2040.

For these reasons, there is a need for a regular overhaul of the so-called CPR Acquis, which is composed of harmonised standards, other technical specifications and delegated and implementing acts under the CPR.

Regulation (EU) 2024/3110 requires that the previous informal Commission expert group on CPR Technical Acquis Planning be renamed, and that its tasks be updated to include those indicated in Article 4 of Regulation (EU) 2024/3110. The Article sets a list of tasks to be carried out by the group but does not preclude that other tasks may be added by the Commission so that the support role of the expert group can be attained.

Article 4 of Regulation (EU) 2024/3110 also mentions a minimum list of members of the group. These shall be, at least, Member States, standardisation organisations and stakeholder organisations which participate in the work of the standardisation organisations. The Commission considers it appropriate to add of up to five additional members coming from European organisations which represent a broad interest at European level on the field of construction products. This will guarantee that the interests of manufacturers and users of construction products are included in the work of the group. These type C organisations will be selected via a continuous call for applications.

Therefore, the present terms of reference, together with new rules of procedure, have been prepared.

2. TASKS

The group's tasks shall be:

- (a) to assist the Commission's Directorate General for Internal Market, Industry, Entrepreneurship and SMEs ('DG GROW') in the preparation of legislative proposals/policy initiatives in the field of the Construction Products Regulation (CPR);
- (b) to assist DG GROW in the preparation of delegated acts;
- (c) to assist DG GROW in the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) N°182/2011;
- (d) to facilitate cooperation and coordination between the Commission, Member States and stakeholders on questions relating to the implementation of Union legislation, programmes and policies in the field of construction products;
- (e) to provide input to DG GROW related to specific tasks for the revision of the set of mandates, granted to CEN in the framework of the Council Directive 89/106/EEC repealed by Regulation (EU) 305/2011 and of standardisation requests according to Article 10 of Regulation (EU) 1025/2012, intended to be replaced by (new) standardisation requests according to Article 10 of Regulation (EU) 1025/2012;
- (f) to provide DG GROW with expertise for common issues, within the remit of the CPR Acquis process, including the implementation of provisions of the new CPR,
- (g) to support the Commission in processing Member State requests for EU harmonisation through harmonised technical specifications;
- (h) to assist the Commission in establishing and maintaining a working plan, in preparing the technical content related to harmonised technical specifications, in deciding the need to launch the procedures in relation to harmonised technical specifications presenting deficiencies, unavailable, or not able to cover immediate

regulatory needs and in determining the inclusion of used products in harmonised technical specifications;

- (i) to provide the Commission with input to identify product requirements and to define whether used products should be covered by or excluded from a standardisation request or a harmonised technical specification;
- (j) to advise DG GROW on voluntary or mandatory threshold levels in relation to the essential characteristics, classes of performance in relation to the essential characteristics, and on essential characteristics which always have to be declared by manufacturers according to Article 5 of the new CPR;
- (k) to assist DG GROW in assessing formal objections to harmonised standards as set out in Article 11 of Regulation (EU) No 1025/2012.

3. CONSULTATION

DG GROW may consult the group on any matter relating to the CPR Acquis and the implementation of the CPR.

4. MEMBERSHIP

1. Members shall be:

- a) Member States' authorities
 - b) Other public authorities of the European Economic Area (EEA), Turkey and Switzerland (type E members),
 - c) Organisations, including:
 - 1) European standardisation organisations,
 - 2) European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012,
 - 3) up to eight European organisations which represent a broad interest at European level in the field of construction products.
2. Members shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise. For Member States and other public authorities, representatives shall be civil servants or public employees employed in national administrations or in a national designated notified certification body, notified testing laboratory or technical assessment body.
3. DG GROW may refuse the nomination by an organisation of a representative if it considers this nomination inappropriate in the light of the requirements specified in the call for applications. In such case, the organisation concerned shall be asked to appoint another representative.
4. Organisations which represent a broad interest at European level in the field of construction products which are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of DG GROW, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

5. SELECTION PROCESS

1. The selection of the European organisations which represent a broad interest at European level in the field of construction products shall be carried out via a continuously open public call for applications. The call for applications shall be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups') and shall clearly outline the selection criteria, including the required expertise in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
2. Registration in the Transparency Register is required for organisations to be appointed.
3. The members of the group shall be appointed by the Director-General of DG GROW from applicants with competence in the areas referred to in point 3 and who have responded to the call for applications.
4. Members shall be appointed for five years. Members shall remain in office until replaced or until the end of their term of office. Their term of office may be renewed.

6. CHAIR

The group shall be chaired by a representative of DG GROW.

7. OPERATION

1. The group shall act at the request of DG GROW, in compliance with the horizontal rules⁴.
2. Meetings of the group and sub-groups shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
3. DG GROW shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG GROW, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

8. SUB-GROUPS

1. DG GROW may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG GROW. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.

⁴ See Article 13.1 of the horizontal rules.

2. Member organisations of sub-groups that are not members of the group shall be selected via a continuously open public call for applications, in compliance with point 5 and the horizontal rules.

9. INVITED EXPERTS

The Chair may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.

10. OBSERVERS

1. Individuals, organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and observers' representatives may be permitted by the Chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and sub-groups.

11. RULES OF PROCEDURE

On a proposal by and in agreement with DG GROW the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules⁵. Sub-groups shall operate in compliance with the group's rules of procedure.

12. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443⁶ and 2015/444⁷. Should they fail to respect these obligations, the Commission may take all appropriate measures.

13. TRANSPARENCY

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As regards the group and sub-groups composition, the following data shall be published on the Register of expert groups:
 - a) the name of Member States' authorities;

⁵ See Article 17 of the horizontal rules.

⁶ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁷ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

- b) the name of other public entities, including the name of third countries' authorities;
 - c) the name of member organisations; the interest represented shall be disclosed;
 - d) the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available *via* a link from the Register of expert groups to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, DG GROW shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be possible where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001⁸.

14. MEETING EXPENSES

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources

Done in Brussels, on 20/02/2025.

⁸ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.