

ZVEI-Pager

EU Construction Products Regulation (CPR)

The purpose of the EU Construction Products Regulation (CPR) is to establish uniform testing standards for construction products throughout Europe and facilitate a harmonized European market. The aim is for all products installed in construction works to be covered comprehensively within the regulation's scope, and for "essential requirements" and test procedures to be defined for them with regard to their "essential characteristics". The Commission, Council and Parliament have brought their respective proposals for the legislation to the trilogue negotiations. The ZVEI calls for differentiation in the scope of the new CPR: electrical products governed by the current CPR must remain within its scope; electrical products governed by other Union harmonisation legislation must be excluded from it.

Our positions for the trilogue negotiations

Scope of the EU Construction Products Regulation

- The **ZVEI advocates for a differentiated scope for the new CPR**. For example, **electrical products governed by the current CPR should continue to fall within its scope**, since they are subject to requirements under building codes. They contribute to the "basic requirements for construction works" (Annex 1 of the CPR), and standardization mandates and harmonized standards governing them exist.
- For this reason, we call for **products and systems for fire alarm/detection, fixed firefighting, fire and smoke control and explosion suppression products (Mandate M/109) and power, control and communication cables (Mandate M/443) to be retained within the scope of the CPR**. The harmonized standards define key performance requirements and corresponding test methods for these systems and products. In addition, their placing on the market in all EU member states is subject to third-party testing by means of harmonized test methods.
- If the harmonized test methods were no longer to be applied, as would be the case if these products and systems were to be excluded from the CPR, a regulatory vacuum would arise **with respect to the products' usability**. We therefore take a very critical view of the European Parliament's proposal **that all products falling under the Low Voltage Directive (LVD) be excluded across the board from the scope of the CPR**. This would result in each product or project's usability in compliance with the building codes having to be demonstrated individually, and in turn in huge additional costs for construction.
- **Equally, the ZVEI opposes all electrical products permanently incorporated in a permanent manner in construction works being included across the board within the scope of the CPR**. We are likewise critical of the proposal by the European Commission and the Council of the European Union to define all products incorporated in a permanent manner in construction works as construction products within the meaning of the Regulation. This is not advisable, since the great majority of electrical products are already covered by other EU acts. These include, for example, products for electrical systems, such as distribution boxes, meter cabinets, switches and sockets, and also domestic electrical heating equipment (water heaters, heat pumps, room heating and ventilation appliances) and lighting products.
- **The ZVEI proposes that the scope of the CPR be defined with regard to the electrical industry's products and systems as follows:**
Article 2, Paragraph 3 (Proposal by the Parliament); 3. This Regulation shall not apply to:
(eb) electrical and electronic products subject to Directives 2014/35/EU, 2014/30/EU, 2014/53/EU, RoHS Directive or the [XXX] Ecodesign for Sustainable Products **Regulation with the exception of those that may significantly affect the basic requirements for construction works, in particular fire alarm/detection, fixed firefighting, fire and smoke control and explosion suppression products and cables for power, control and communication.**

Exclusion of the installation of products

- **The focus of the CPR lies on the placing of construction products on the market; their use, i.e. installation, maintenance, removal, connection, etc., lies within the responsibility of the member**

states at national level and in many cases is already governed by other legislation, such as the European Services Directive 2006/123/EC, and by national energy industry legislation and relevant standards. Corresponding provisions must therefore not fall within the scope of the CPR; on this point, the ZVEI supports the position of the Parliament and the Council.

Eliminating the backlog in standardization activity

- **A significant backlog exists in the standardization of construction products harmonized under the CPR (see "Background: Numbers & Facts").** The gap is widening between technological progress on the one hand and the standards listed in the EU Official Journal and thus possessing harmonized status on the other. This is impacting negatively on the competitiveness of German and European companies outside the EU.
- A principle of the CPR is that harmonized standards may be drawn up only in response to a standardization request. We criticize that standardization requests are to be launched solely by the Commission in consultation with the Standing Committee on Construction, in which the Member States are represented, and not by the industry.
- **The ZVEI therefore takes up Article 3(a), Paragraph 1 of the Council's proposal and calls for creation of a "CPR Acquis Expert Group" comprising experts from industry and the member states who would support the Commission in planning and launching the standardization requests.** The formulation of technical regulations should however remain the remit of the European standardization organizations and not the EU Commission.
- As in other legislation under the NLF, the use of "common specifications" by means of an implementing act in the Construction Products Regulation should be limited to the most exceptional of cases. Furthermore, where common specifications are used as an alternative to established standardization procedures, the conditions for this use should be defined very closely (the Machinery Regulation serves here as a good point of reference).

Boost for the digital transformation

- The paper formats currently used for documentation requirements should be replaced by digital formats. Reducing this large volume of paper-based information would enhance safeguarding of the environment and improve sustainability, and at the same time reduce the procedural costs of bureaucratic obligations. ZVEI expressly supports these objectives.
- The data should be made available remotely by way of a Digital Product Passport hosted by the economic operators concerned. Use of a particular technology for the DPP must not be specified, and its form must be based on that described in the Regulation on Ecodesign for Sustainable Products (ESPR).
- Data should be made available according to the principle of proportionality and solely on a need-to-know basis. In the interests of safeguarding trade secrets, confidential information (such as the technical documentation, which under the New Legislative Framework (NLF) is to be made available to the responsible market surveillance authority only in response to a reasoned request) should not be included in a Digital Product Passport.

Clear arrangements governing the transition periods

- None of the proposals clearly describes the **transition periods and modalities**. In particular, it is unclear whether and if so to what extent manufacturers are free to choose between the CPR (EU) 305/2011 currently in force and the new CPR during their parallel validity, and which legal framework manufacturers are permitted to apply. It must be clarified as a matter of urgency **whether such freedom of choice exists and under what conditions which regulatory framework ("old" vs "new" CPR) is to be applied by economic operators**.

Current state

- **The Commission's proposal provides for a significant expansion of the CPR's scope:** in future, all products incorporated in a permanent manner in construction works would be defined as construction products. This would include all permanently installed electrical and electronic products, irrespective of whether they have a bearing on the basic requirements for construction works in accordance with Annex 1 of the CPR.

- **The Council's proposal also includes an extension of the CPR's scope. However, the scope would encompass only the products for which harmonized standards exist.** Compared to the proposals by the Commission and the Parliament, harmonization of the declaration of conformity and the declaration of performance represents significant progress.
- **Compared to those of the Council and the Commission, the Parliament's proposal drastically reduces the scope:** all products already governed by the Low Voltage Directive are deleted across the board. A differentiated view must be taken here: in particular, products and systems already covered by the existing regulation should remain within the scope.

Background: Numbers & Facts

Standardization gridlock

- The harmonized standards currently in force no longer reflect the state of the art, i.e. they lag behind technological progress.
- Harmonized standards do not exist for state-of-the-art products already present on the market (examples: IP networking, Internet/cloud connectivity, remote service).
- As a result, manufacturers are unable to affix CE marking to their products in accordance with the standard, as it reflects technological progress but is not (yet) harmonized.
- The system of harmonized standards is declining in importance, and other standards or certificates (UL, FMglobal, etc.) are being used instead. However, since the harmonized standards within the scope of the CPR are mandatory, they must still be observed.
- This gives rise to a competitive disadvantage on the international market: internationally, standards are being updated to reflect the current state of the art, whereas in the EU, manufacturers are obliged to declare their products' compliance with the (outdated) harmonized standards.
- Products used according to harmonized standards currently in force fail to meet the "state of the art" quality and safety standards currently possible for buildings.

Example: Acoustic alarm devices to EN 54-3
Fire detection and fire alarm systems – Part 3: Fire alarm devices – Sounders

	Published by CEN	Reference published in the EU Official Journal	CE conformity declaration and marking	Years since publication
EN 54-3	2001	June 2009	Possible, but only in accordance with the 2006 edition	21 years
EN 54-3/A1	2002			20 years
EN 54-3/A2	2006			16 years
EN 54-3	2014	No	Not possible	8 years
EN 54-3:A1	2019	No	Not possible	3 years

Current situation:

- At present, products covered by EN 54-3 can be declared compliant/receive a CE mark only in accordance with the outdated 2006 version of the standard, even though a newer (2019) version is available.
- EN 54-3 is no longer consistent with ISO 7240-3, which has adopted the current standard.

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