



Response to the consultation on

“EU rules for products used in the construction of buildings and infrastructure works”

MARCH 2018

Glass for Europe is a registered organization on the European Commission's register of interest representatives under the ID number 15997912445-80.

***Glass for Europe** is the trade association for Europe's flat glass sector. Flat glass is the material that goes into a variety of end products, primarily in windows and facades for buildings, windscreens and windows for automotive and transport as well as solar energy equipment, furniture and appliances.*

Glass for Europe brings together multinational firms and thousands of SMEs across Europe, to represent the entire building glass value-chain. It is composed of flat glass manufacturers, AGC Glass Europe, Guardian, NSG-Group, Saint-Gobain Glass Industry and Siseçam-Trakya Cam, and works in association with national partners gathering thousands of building glass processors and transformers all over Europe.

Consultation

13. Do you know this symbol?

- ▶ Yes

14. In your view what information does it provide with regard to construction products?

- ▶ This construction product has been assessed as to its performance in accordance with a harmonised European standard or a European Assessment Document

15. The following main elements of the EU legislation on construction products aim to provide a level playing field for all stakeholders working with construction products:

- harmonised European standards defining the performance characteristics of a product that could be tested as well as the test method that has to be used, and the reporting format for informing about the results;
- a harmonised system to select testing/assessment bodies (called "Notified Bodies") and to define their precise role, so as to ensure that the testing/assessment is done in all EU Member States in the same way.

Please rate how you think the above main elements have impacted the following issues:

	Large decrease	Some decrease	No effect	Some increase	Large increase	I don't know or not applicable
a) Market opportunities for companies in other Member States than their own				X		
b) Competition in your national market				X		
c) Market opportunities for EU companies in countries outside the EU			X			
d) Ability for small companies to compete with big companies						X
e) Product choice for endusers				X		
f) Product information for end-users					X	
g) Innovation in the construction products sector			X			
h) Product safety					X	
i) Overall cost of production		X				
j) Administrative costs to apply SME and simplification provisions						X

Other impacts, please specify:

Improvement to the effectiveness of the single market for construction products, as opposed to systems with 28 national standards and regulations applying to the same products.

The definition of a common language through the standards and the DOP has facilitated communication in case of cross-border orders.

16. Before the introduction of harmonised European standards for construction products, you were generally using national/regional systems.

Comparing the situations before and since the introduction of harmonised European standards, how would you consider that the benefits of the EU legislation on construction products (e.g. improved product information, improved product safety, increased cross-border trade, greater market opportunities, greater product choice, greater legal certainty) compare to the costs you bear (e.g. fees and charges, administrative costs, staff costs, materials costs, investment costs, hassle costs) when applying it?

- ▶ The benefits greatly outweigh the costs

Please explain with reference to your case:

Uniform rules for the CE marking of construction products are essential to safeguard a properly functioning single market. Past experience and evidence in other industrial sectors have shown how mutual recognition schemes generate useless complexity and additional costs while national schemes are sometimes used as barriers to trade within the single market.

17. In your view, could the benefits of EU legislation on construction products be achieved at a lower cost?

- ▶ Yes

If "yes", please explain with reference of your case:

Above all, the cost could be lowered if national "voluntary" schemes had completely disappeared.

*In addition, the implementation of the Construction Products Regulation could be improved to lower the costs. If current inefficiencies are partly due to the necessary learning phase of the system, Glass for Europe believes that **Article 9.2 of the regulation shall be reviewed to allow for a lighter CE label that does not duplicate the information already contained in the DoP**. For certain products, duplicating all DoP information on the CE label is of no added-value considering that most of the information is needed neither in shops nor on construction sites while it generates additional costs. For this reason, Glass for Europe calls for a revision of article 9.2 so that the mandatory information to be given in the CE-label can be set by families of products, in collaboration with the relevant CEN Technical Committee.*

18. Please tell us whether in your view the CPR addresses each of the following potential issues regarding construction products sufficiently or not?

a) Extent and usefulness of information available to users of construction products (professional users and consumers)

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

This is sufficiently addressed in the DoP which are publicly available. Therefore, Glass for Europe is of the opinion that the CE label unnecessarily duplicate the DoP content. For this reason, Glass for Europe calls for a revision of article 9.2 so that the mandatory information to be given in the CE-label can be set by families of products, in collaboration with the relevant CEN Technical Committee.

b) Extent of choice available for consumers in construction products

- ▶ This is a significant issue but it should not be addressed by EU legislation on construction products

Please explain:

The CPR does not restrict the number of construction products available to consumers. It only guarantees that these construction products have been assessed as to their performances in accordance with a harmonised European standard or a European Assessment Document.

c) Legal certainty in the market for construction products

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

CPR does already address this important issue in a proper manner.

d) Extent of cross-border trade between EU Member States

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

CPR does already address this issue in a proper manner, but effective actions vis-à-vis Member States not complying with the CPR, i.e. putting in place trade barriers, must be pursued.

e) Level of administrative costs for market operators to comply with the EU legislation on construction products

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

Glass for Europe is a firm believer in the added-value of a single market for construction products. The Construction Products Regulation and its predecessor the Construction Products Directive were beneficial to the construction and the glass sectors. Its benefits outweigh the costs. Admittedly, the implementation of the Construction Products Regulation could be improved to remove current inefficiencies generating useless costs (see answer to question 17).

f) Safety of construction products

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

The CPR already ensures that safety characteristics of constructions products are tested, when relevant, according to European standards. However, whether this or that other construction product can be used in specific application is already addressed in the national standards / building codes. CPR focus is on the free trade of building products, while building safety falls under the remit of the Member States.

g) Environmental impact of construction products

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

CPR already includes in Annex I requirements for construction works that specifically relates to environment: BRCW 3: hygiene, health and environment; BRCW 6: energy economy and heat retention; BRCW 7: sustainable use of natural resources. At the moment, only BRCW 6 is properly

addressed, while BRCW 3 is still waiting for the classification scheme and BRCW 7 remains at a very early stage. Therefore, Glass for Europe would welcome actions to speed-up the implementation of both BRCW 3 and 7.

h) Energy efficiency of construction products

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

The glazing performances are as established by EN 410 and EN 673, which provide values for the energy related parameters for windows and curtain walling applications. Under BWCR 3 these are:

- 1) *Thermal transmittance: U-value U_g in $W/m^2 \cdot K$*
- 2) *Radiation properties: solar energy transmittance, g-value, and light transmittance*

i) Innovation in general, in particular information and information processing technologies (including BIM Building information modelling) use in the construction product sector

- ▶ This is a significant issue and it should be addressed by EU legislation on construction products

Please explain:

A BIM system shall be developed at international level, otherwise national schemes will create additional barriers to trade. In that respect, Glass for Europe supports the smart CE marking Workshop Agreement initiative.

19. Do you see any contradictions or overlaps between the EU Construction Products Regulation and other legislation at EU or national level (for example, rules on public procurement, rules on product safety, rules on eco-design, rules on health and safety of workers)?

- ▶ Yes

If "yes", please explain with reference to your case:

Windows were studied by the European Commission in the framework of the ecodesign and energy label directives which rightly concluded that there is no need to introduce ecodesign requirements and stressed the risk of overlap between the two legislations.

20. Do you see any positive synergies between the EU Construction Products Regulation and other legislation at EU or national level (for example, rules on public procurement, rules on product safety, rules on eco-design, rules on health and safety of workers)?

- ▶ I don't know

21. Do you think there is merit in legislating on construction products at EU level compared to doing it at national level (28 (27) national regimes)?

- ▶ Yes

If "yes" OR "no", please explain:

Uniform rules for the CE marking of construction products are essential to safeguard a properly functioning single market. Past experience and evidence in other industrial sectors have shown how mutual recognition schemes generate useless complexity and additional costs while national schemes are sometimes used as barriers to trade within the single market.

22. Do you believe that the EU legislation on construction products should be maintained as it is?

- ▶ Yes, but with improved implementation and enforcement

If "yes" OR "no", please explain, with particular focus on the advantages (benefits) and disadvantages (costs) this would entail:

The implementation of the CPR could be improved:

For certain products, duplicating all DoP information on the CE label is of no added-value. Mandatory information to be given in the CE-label should be set by families of products, in collaboration with the relevant CEN Technical Committee.

Improvement of the procedure of citation of harmonised standards in the Official Journal of the European Union. *Control of the hENs by the EC should occur on the proofing and not after publication. More resources should be allocated to speed up the process.*

The rules for setting new classes and thresholds or for modifying them shall be clarified and the procedure simplified. *If "pass/failed" cannot be used anymore, alternative terms (e.g. "confirmed", "compliant"...) shall be agreed upon and communicated to the TCs, particularly when the declaration of a specific value is technically not grounded nor possible.*

25. If the CE marking were no longer allowed for construction products, would you see a need for another kind of marking?

- ▶ Yes

If "yes", please explain what kind of marking and why, with particular focus on the advantages (benefits) and disadvantages (costs) this would entail:

In this event it would be absolutely needed, which illustrates the necessity to maintain a strong CE marking based on an efficient CPR.

26. Do you believe that the use of the RAPEX system (i.e. the Rapid Alert System for dangerous non-food products posing a risk to the health and safety of consumers) for construction products is the right tool to help ensure their safety in use?

The Rapid Alert System for dangerous non-food products ("RAPEX") enables quick exchange of information between 31 European countries and the European Commission about dangerous non-food products posing a risk to health and safety of consumers. This allows enforcement authorities in the countries that are members of the network to swiftly follow up on the notifications and to screen their markets for the possible presence of these unsafe products. Since 2010, the Rapid Alert System also covers professional products and products posing risks other than those affecting health and safety (such as risks to the environment).

- ▶ I don't know

Annex to Glass for Europe's answer to Public consultation on EU rules for products used in the construction of buildings and infrastructure works (answers to questions 23 and 24)

23. Do you think that the EU legislation on construction products should be repealed and replaced by 28 (27) national regimes?

- ▶ **NO, Glass for Europe believes that the EU legislation on construction products should not be repealed and replaced by 28 (27) national regimes.** Uniform rules for the CE marking of construction products are essential to safeguard a properly functioning single market. Past experience and evidence in other industrial sectors have shown how mutual recognition schemes generate useless complexity and additional costs while national schemes are sometimes used as barriers to trade within the single market.

24. What type of reform would you support?

a) Clarifying procedures, better aligning with other legislation and simplifying rules so as to make it easier to apply (for smaller businesses especially)

- ▶ **Yes, Glass for Europe is a firm believer in the added-value of a single market for construction products.** The *Construction Products Regulation* and its predecessor the *Construction Products Directive* were beneficial to the construction and the glass sectors. Admittedly, **the implementation of the Construction Products Regulation could be improved, but in specific areas** (see answer to question 22).

b) Making European standards purely voluntary, while creating European-wide testing/assessment methods

- ▶ **No, a possible reform shall not envisage making European standards purely voluntary, while creating European-wide testing/assessment methods.** The current European standards go beyond testing and assessment methods; for instance, conventional values are listed in the standards, requirements for factory production controls are set, as well as substitution rules for exchange of components, etc. Therefore, Glass for Europe considers that the system needs to remain as it is.

c) Having standards to cover selected essential characteristics (e.g. fire safety) but leaving flexibility to Member States to address those essential characteristics not covered by harmonised European standards

- ▶ **No, a possible reform shall not leave flexibility to Member States to address essential characteristics not covered by harmonised European standards.** The natural outcome of enhanced flexibility will be the reintroduction of trade barriers, while exhaustive standards will benefit the single market.

d) Making EU-wide rules for assessing and communicating construction products' performance optional

- ▶ **A possible reform shall not make EU-wide rules for assessing and communicating construction products' performance optional** as it will open the door to a reintroduction of national schemes and national requirements.

e) Prescribing precise technical requirements which construction products have to comply with across all EU Member States

- ▶ **A possible reform shall not prescribe precise technical requirements which construction products have to comply with across all EU Member States.** It is almost impossible to cover all possible situations across the European Union. Standards shall not be prescriptive but remain performance based. The standards shall define an assessment method and a common language, while the precise performance shall remain the prerogative of the Member States.

f) Including in the EU framework aspects relating to the safety of construction products, so far entirely under Member States' responsibility

- ▶ **No, a possible reform shall not include in the EU framework aspects relating to the safety of construction products, so far entirely under Member States' responsibility.** A construction product is not “safe” or “not safe” per se, it is the way it is incorporated in a construction work which makes it safe. In view of the variety of local situations (e.g. seismic regions, risk of avalanches), cultural practices and local construction economy across the European Union, the safety of construction products shall remain entirely under Member States' responsibility.
