

Brussels, 11 May 2023



Joint Industry Position on the Construction Product Regulation (CPR)

Introduction

This paper has been developed in order to contribute to the legislative debate on the Construction Products Regulation (CPR) proposal.

Our core messages:

1. **We see the need for a clearer definition of a construction product.** While we understand the Commission's goal to broaden the scope of the regulation, we believe that the new definition of "permanent" regarding construction products is not fit for purpose.
2. **Double regulation of products between ESPR and CPR should be avoided.** Two different and conflicting models of Digital Product Passports in the two regulations will increase administrative burdens and create confusion in the market.

Definition of "permanent"

The new CPR has seen its scope significantly broadened: from traditional construction products permanently installed in buildings – as per the current CPR – to products which may be used or placed inside a building for a duration of two years (or longer) but have no direct function in the construction work itself (new art. 3 (1)).

Such a wide and unclear definition of "permanent" constitutes a major risk of potential overlap with other regulations and market confusion, and directly undermines legal certainty. The possibility of broadening the scope by extending the new CPR to other product areas not expressly mentioned in the proposal further increases the confusion (new Annex IV, table 1, row 33).

We recommend that the criteria defining a "construction product" as per current CPR (art. 2.1) is maintained to make sure that the new art. 3(1) only covers a product which "has an effect on the performance of the construction works with respect to the basic requirements for construction works".

In this direction, we support amendment 67 of the Rapporteur MEP Christian Doleschal, on the definition of “permanent”.

Amendment Proposal - Article 3 - Definition of permanent

Text proposed by the Commission	Rapporteur amendment number 67
(2) ‘permanent’ means for a duration of two years or longer;	(2) ‘permanent’ means installed or affixed in such a manner that may significantly affect the basic work requirements and that the item cannot be removed without tools or mechanical force;

Text proposed by the Commission	Alternative wording
(2) ‘permanent’ means for a duration of two years or longer;	(2) ‘permanent’ means installed or affixed in such a manner that may significantly affect the basic work requirements and the removal of which needs to be done with tools and/or significant mechanical force;

Justification

This amendment has been drafted to explain or to better clarify the wording of AM 67 to turn a double negation into a positive statement. Moreover, the text corresponds to the interpretation of the previous construction products legislation.¹

Double Regulation between ESPR and CPR & Digital Product Passport

One set of rules for all Digital Product Passports in the ESPR and the CPR

We believe that it is vital to promote strict alignment between the CPR and ESPR to ensure a consistent and coherent implementation of the new rules across the whole EU and avoid differences in the interpretation of rules.

In particular, a consistent approach on basic requirements such as the Digital Product Passport (DPP) is necessary.

The European Commission has established a framework for the Digital Product Passport via the proposal for an Ecodesign for Sustainable Products Regulation (ESPR). Concurrently, it has decided to broaden the scope of the new Construction Product Regulation (CPR) and to introduce another DPP in the CPR.

We request that the provisions of the ESPR and corresponding standards on the DPP should also be applicable to the DPP-related requirements to be developed under the CPR with an explicit reference to the ESPR. In other words, the data model for the DPP

¹ The definition is in line with the interpretative document 94/C 62/01 ([OJ C 62 28.2.94](#)) which states that incorporation in a permanent manner in construction works means:

1. The removal of the product reduces the performance capabilities of the works; and
2. Its dismantling or removal includes construction activities

should be the same for CPR as for ESPR, whereas the specific content of the DPP for products under the CPR must be defined according to the individual needs of the construction products categories. Duplication of different DPP models in the different product legislations can only create red tape and confusion for companies subject, for their different products, to both the ESPR and the CPR and for authorities who must enforce the rules.

List of Co-signatories

APPLiA

APPLiA - Home Appliance Europe is a Brussels-based trade association that provides a single, consensual voice for the home appliance industry in Europe.

By promoting innovative, sustainable policies and solutions, the industry is responsible for the development of cutting-edge technologies that will redefine the European home of tomorrow.

Eurovent

Eurovent is Europe's Industry Association for Indoor Climate (HVAC), Process Cooling, and Food Cold Chain Technologies. Its members from throughout Europe represent more than 1.000 organisations, the majority small and medium-sized manufacturers. Based on objective and verifiable data, these account for a combined annual turnover of more than 30bn EUR, employing around 150.000 people within the association's geographic area. The organisation's activities are based on highly valued democratic decision-making principles, ensuring a level playing field for the entire industry independent from organisation sizes or membership fees. <https://eurovent.eu/>

LightingEurope

LightingEurope is the voice of the lighting industry, based in Brussels and representing 31 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 100,000 people and an annual turnover exceeding 20 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and well-being, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry. More information is available at www.lightingeurope.org.

Orgalim

Orgalim represents Europe's technology industries, comprised of 770,000 innovative companies spanning the mechanical engineering, electrical engineering, electronics, ICT and metal technology branches. Together they represent the EU's largest manufacturing sector, generating annual turnover of €2,497 billion, manufacturing one-third of all European exports and providing 10.97 million direct jobs. Orgalim is registered under the European Union Transparency Register – ID number: 20210641335-88.



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