EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Chemicals, metals, mechanical, electrical and construction industries; Raw materials
Construction, Pressure Equipment, Metrology

MINUTES OF THE

1st MEETING OF THE STANDING COMMITTEE ON CONSTRUCTION

(ART. 64 OF REGULATION (EU) No 305/2011)

on 5 July 2011

1. Opening of the meeting

The meeting was chaired by **Mr. Leoz-Argüelles**, Head of Unit DG ENTR/G-5.

Chair welcomed the delegations to this first meeting of SCC-CPR. He also thanked **Mr. Seyfert** (who will retire in the near future) for his important contribution in the work for the implementation of the CPD.

2. Adoption of the Agenda (CPR 001/2 REV2)

The agenda was adopted as proposed.

3. Keynote address

Chair commenced this meeting by setting the scene brought about by the adoption of Regulation (EU) 305/2011. He compared concisely the current regulatory, but also the more general political atmosphere to the one in place when the CPD had been adopted. These differences led him to emphasise the importance of the on-going process, enhanced also by this meeting, of arriving at a fully uniform application of Regulation (EU) 305/2011, with a view to ensuring a better functioning of the Internal Market for construction products, and to invite all relevant parties to join our efforts within this continuum.

4. Procedural issues (CPR 001/4.1 and CPR 001/4.2)

EC services presented Regulation (EU) 182/2011 and informed on the expected adoption of the Standard Rules of Procedure. These Standard Rules, subsequently already in place and published in OJEU, will form the basis for the Rules of Procedure of the SCC.

5. Roadmap for transition from CPD to CPR

EC services presented the Roadmap for the implementation of the CPR **(document CPR-001/5.1)**, as it now stood. The emphasis was based on that the Roadmap should be considered as a living document, constantly adapted where appropriate in the course of its implementation (**presentation CPR 001/5.2).**

EC services then referred to the specific provisions of the CPR where the consultation of the SCC is foreseen. They also described the main rules on Delegated Acts and on Implementing Acts **(document CPR 001/5.3)** as well as explained the decision making procedures involved. Furthermore, **EC services** clarified that the CPR provisions on delegated and on implementing acts would not become effective before 1/7/2013. It was also underlined that all existing COM decisions will continue to remain in force.

Subsequently, **EC services** brought forward the main aspects of the communication and information actions to be implemented in order to disseminate information amongst all interested parties and to communicate interactively with them. (**CPR 001/5.4)**

Mr. Vertessen (BE) continued by giving an overview on the specific rights and obligations of MS **(document CPR 001/5.5)** as foreseen in the various articles of the CPR.

Mr. Guillevic (CEPMC) highlighted the need to implement the CPR avoiding additional burden and costs **(documents CPR 001/5.6 and CPR 001/5.7). Mr. Viaggi (EBC)** underlined the importance of the simplification measures for the SMEs. **DE** considered that the CPR provisions regarding dangerous substances are unclear. According to **Chair,** the CPR foresees specific obligations but allows for certain flexibility on how these provisions will need to be applied by the manufacturer. This issue would be returned to.

6. Standards & standardisation (CPR 001/6.1)

EC services presented the main provisions related to hENs under the CPR and aspects in which the existing hENs may need to be revised. **CEN** considered that the main amendment of the hENs would need to take into account of the DoP, and the Annex ZA. **Chair** clarified that it is not necessary to revise existing hENs before 1/7/2013.

UK asked if mandates were to be issued still before 1/7/2013. **Chair** replied that if new regulations require additional mandates, the case would be examined: if necessary, mandates could continuously be issued under the CPD. **NL** reminded that MS need to agree on the DoP format before amending the hENs. Also **FR** inquired about the validation process of the Annex ZA and the CE marking formats. **EC services** pointed out that the CPR does not contain provisions on the CE marking format or the Annex ZA (they are today parts of the hENs).

CEN agreed to upload the formats to be proposed on their website to allow MS to comment.

7. Notified Bodies and GNB (CPR 001/7.1, CERTIF 2009-06 REV6, CERTIF 2010-06, CERTIF 2010-08 REV1)

EC services presented the CPR provisions related to the notification of NBs. The new NANDO section on CPR bodies is expected to be ready to receive notifications at the end of October 2011.

Mr. Agalbato (Chair of GNB) reminded on the need for MS to monitor that the NBs are complying with provisions of CPR Art 55, and on the need to coordinate accreditation in order to ensure fair competition among NBs. CPR Art 53 obliges NB to inform other NBs on obtained results, the compatibility of this provision with the obligation of NBs on confidentiality could be questioned.

EC services clarified that the NBs would need to be notified for tasks under the CPR. EC services have been made aware of specific difficulties in the IT infrastructure and will try to facilitate the work in the new NANDO part for CPR. **EC services** also underlined that MS could, but also should notify bodies under the CPR before 1/7/2013.

8. TABs & their new organisation (CPR 001/8.1)

EC services analysed the conditions for the notification of TABs and the new provisions. They also clarified how the passage from ETAG / CUAP to EAD is expected to be made. The Implementing Act to define the ETA format (CPR Art 26(3)) must be issued directly after 1/7/2013.

Mr. Caluwaerts (EOTA) reminded MS to notify asap their TABs. He also prompted EC services to make available the NANDO notification facility.

EC services clarified that TABs do not need to be accredited, and urged all parties to make efforts to ensure a smooth transition to the full CPR implementation.

9. DoP, CE marking and their significance in the CPR (CPR 001/9.1)

Chair reminded the delegations on the main conceptual and functional clarification elements of the CPR notably on the DoP and the CE marking. Replying to a **NL** question, **Chair** considered that a voluntary

mark could cover higher AVCP levels.

EC services further clarified that national marks are not allowed if they were to be used for demonstrating compliance with nationally imposed thresholds/requirements because the performance of the product concerning these regulated aspects is expected to be covered by the CE marking. If such an essential characteristic is by omission not covered by the relevant hEN, other solutions could be envisaged (objection to the hEN, amendment of the hEN, or even complementary ETA for a specific intended use not foreseen in the hEN).

10. Market Surveillance (CPR 001/10.1)

Mr. Mikulits (**Chair of AdCO**) presented concisely the current framework for market surveillance in the EU Member States as emanating from Regulations 305/2011 and 765/2008.

EC services underlined again that MS need to participate more intensively in the market surveillance activities and actively cooperate with the other MS; the current lukewarm interest in AdCO activities on behalf of a large number of them does not reflect well the regulatory demands already under application. EC services also clarified the tasks of MS in the NLF as well as the clear obligations of manufacturers concerning the affixing of the CE marking and the delivery of the DoP.

11. Specific transitional issues

EC services clarified that if any given product has been sent to its distributor before 1/7/2013 it does not need to be complemented by a DoP after that date, because it was already placed on the market before 1/7/2013. Placing on the market occurs for products, not for the product-type.

EC services also described, how and under which conditions test methods included in ETAGs / CUAPs could / should be used either as a basis for EADs or (in the case of ETAGs) even as EADs.

DE brought forward the need to provide solutions for the treatment of manufacturers' applications for European technical approvals which have not resulted in issuing them before 1/7/2013.

According to **EC services**, EOTA bodies can continue issuing European technical approvals until 30/6/2013. EC services are currently contemplating, together with EOTA, the arrangements to ensure a smooth transfer of pending procedures into the realm of the CPR, so as not to duplicate any efforts.

12. General questions

UK suggested uploading answers to FAQ on the COM website and clarifying well before of 1/7/2013 questions related to simplified procedures. **Chair** replied that these actions would start by autumn 2011, and invited the participants to send their questions to be included in the FAQ list. He also pointed to the need to find commonly agreed replies to the pending questions, not only as part of the interaction required, but also as a means of reaching uniform application of the CPR.

Concerning the obligations of manufacturers if a hEN is significantly amended, **EC services** reminded that the CPR has not introduced any changes in this respect. The current practice would continue to apply (examination case by case on the basis of the effect of the changes in the hEN).

NL and DE suggested that EC services should ensure a level playing field in the area of accreditation. **Chair** considered this a horizontal issue which needed examination together with the product sectors under the New Legal Framework.

13. Next SCC meeting

Chair proposed tentatively the organisation of the 2nd meeting of the SCC during the 1st trimester of 2012.

14. AOB

EC services announced that they are working in order to set up a CIRCABC website to support the meetings. The SCC members and observers will receive an invitation and instructions how to register themselves to the new site.

CLOSURE