

Roadmap for the implementation of the CPR [*Zeitplan / Umsetzung der Bauproduktenrichtlinie*]

Construction Products Regulation (the CPR) has been published in the OJEU on 4 April 2011. Pursuant to its *Article 68*, it has entered into force on 24 April 2011.

A: Acts and reporting [*Aufgaben und Rückmeldungen*]

A.1 Delegated acts	From July 2013
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While the Commission has been authorised in the CPR to adopt delegated acts in eight different fields (cf. esp. *Article 60*), it should be noted that the respective provisions shall become applicable first from 1 July 2013. According to our assessment, apart from the customary “business as usual” – decision making on classes (*Article 27(1)*), without testing or without further testing (WT/WFT) (*Article 27(5)*) and assessment and verification of constancy of performance (AVoCP) systems (*Article 28(2)*), for which we should have in place a functioning system by the said date, the most urgent of such delegated acts would relate to the electronic supply of the declaration of performance (*Article 7(3)*). Preparations would start in 2012.

A.2 Implementing acts	From July 2013
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For implementing acts, the only one explicitly foreseen in the CPR is the decision on the ETA format (*Article 26(3)*). Even for this, the formal adoption has to be scheduled first after 1 July 2013, and the same goes also for the formal consultation of the Standing Committee. Still, nothing prevents us from planning all this to be carried out forthwith, on the basis of previous informal consultations, to have also this decision timely in place. Preparations would start in 2012.

A.3 Reporting – dangerous substances	April 2014
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Article 67 creates obligations for the Commission.

The first of them (*Art 67(1)*) relates to the specific needs for information on the content of dangerous substances contained in construction products, which first have to be examined by us and then reported, also with a view of a possible extension of the information obligation provided for in *Article 6(5)*, to the EP and the Council by 24 April 2014.

However, since such a continuum of activities would necessitate various preparatory actions taken in stages, we would have to count backwards so as to accommodate the internal Commission decision making on the report (ISC, translations) as well as the preceding public consultations of the relevant stakeholders (EP, MS, industry etc), all of which should be based on the factual evidence provided by this examination, in support of which an external contract (call for tenders, CfT) would appear the most appropriate choice. Preparations for this alternative would thus have to be started already in 2012.

A.4 Reporting - CPR implementation	April 2016
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Article 67(2) concerns the main report on the implementation of the CPR, due (accompanied by appropriate legislative proposals!) first by 24 April 2016: nevertheless, when account is taken of the level of precision and thoroughness required here to ensure that our approach is based on sound factual evidence on the real situation, as opposed to anecdotal impressions, also the preparations for this task, starting with the collection of the base information, have to be taken seriously and commenced timely enough.

A.5 Designation of Technical Assessment Bodies and “new EOTA”; notification of Notifying Authorities & Notified Bodies	From mid 2011 to mid 2013
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The designation of Technical Assessment Bodies (TABs) and the establishment of their organisation (“new EOTA”), regulated in *Articles 29 – 35*, quite like the notification of the Notifying Authorities (NAs) and the Notified Bodies (NBs), dealt with in *Articles 39 – 55*, would also subsequently or indirectly address certain demands to the Commission: guidance or instruction could be of use for MS carrying out these direct tasks or for TABs while establishing the “new EOTA”, the cooperation of NBs should be organised and the publication of both these bodies arranged at the latest by 1 July 2013. Furthermore, in the meantime, additional (also budgetary) resources would be required for us, so as to deal with the necessary informatics solutions for a “double” system of NBs (& TABs) notably in NANDO. In addition, the possible Framework Partnership Agreement with the “new EOTA” could (and probably also should) be put in place already during this preparation period.

A.6 Standing Committee for CPR	Mid 2011
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The Standing Committee for the CPR (*Article 64*) would need to be convened in good time for guidance purposes; however, these needs could also partially be covered by ad hoc – arrangements, potentially better accommodating the spirit of the Lisbon Treaty, when it comes to the introduction of delegated acts instead of the previous comitology regime.

B: Preparatory actions [Vorbereitende Aufgaben]

The formal entry into force shall be followed by a preparatory period, lasting until 1 July 2013, during which only the provisions of the CPR with a bearing on these preparatory needs shall be applicable.

Such provisions cover:

- *Articles 1 & 2* Subject and definitions for the CPR
- *Articles 29 – 35* Technical Assessment Bodies (TABs) and their organisation
- *Articles 39 – 55* Notifying Authorities (NAs) & Notified Bodies (NBs)
- *Article 64* Standing Committee for the CPR
- *Articles 67 & 68* Reporting and entry into force

The preparatory actions for the CPR implementation during this period can be enumerated as follows:

B.1 Information campaigns	2011 until July 2013
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Pursuant to *recital 54* of the CPR, the Commission will arrange “information campaigns” (in collaboration with other relevant stakeholders) to inform the sector about the most pertinent aspects of this act. The following list of means available for this purpose is not exclusive and should be seen only as indicative examples: the continuing scarcity of (both financial and human) resources has to be recognised as a very fundamental restrictive factor to our activities in this sphere.

- First meeting of the Standing Committee for the CPR before the summer break of 2011 (possibly in June) to launch the collaboration in this field;
- Conference on the CPR and the challenges it sets for different stakeholders: This event could be held already late in 2011, or then early in 2012, depending on budgetary resources (and the availability of venues);
- Participation in stakeholders’ events: the Commission will have to exercise tight scrutiny in accordance with common criteria (significance of event, number and composition of participants, geographical factors linking to time required from us etc) when deciding on the appropriateness of our participation;
- Published guidance (printed booklets / brochures, other material), potentially also together with stakeholders;
- Preparations for “frequently asked questions” (FAQ) and wide publishing of responses to them;
- General update and revamping of our website on the CPR: this will also be used as the “portal” to enter & find the material listed above;
- Use of other means available through the communications unit R4: collaboration with them will be intensified.

B.2 Stakeholders’ activities	2011 until July 2013
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The CPR has direct applicability: therefore it is necessary to monitor closely its application and also the preparations for it, so as to ensure the coherence of the results. The list of such actions, presented pursuant to their targets, includes:

- Member States (especially in the contexts of adaptation of previous national structures, notably national marks vs the CE –marking, of national contact points to be designated, and of market surveillance arrangements);



- Notifying Authorities (NAs) & Notified Bodies (NBs) (fulfilment of the requirements set in the CPR);
- Technical Assessment Bodies (TABs) & “new EOTA” (fulfilment of the requirements set in the CPR; mechanisms related to the establishment of the “new EOTA” and its internal structures);
- Different economic operators (manufacturers, importers & distributors): (readiness for their obligations under the CPR, notably the declarations of performance and the upkeep of the technical documentation required); cf. also users of construction products and awareness of the demands on product information coming their way;
- CEN (eventual review of harmonised standards, notably regarding their provisions on the intended use of the products in question).

B.3 Identification of elements for guidance	2011 until July 2013
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In particular, in the context of FAQs, the Commission should proactively and in close collaboration with the relevant stakeholders (EP, MS, industry ...) explore the elements of the CPR which could give rise to potentially different interpretation. Topics to be dealt with in this manner could include, amongst others:

- *Article 2(15)* Concept of Specific Technical Documentation (STD)
- *Article 5* Derogations from the obligation to declare
- *Article 9(2)* Information accompanying the CE –marking
- *Article 36* Certain simplified procedures
- *Article 37* Treatment of micro-enterprises
- *Article 38* Individually manufactured products