



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains
Clean Technologies and Products

Brussels, 3 September 2019

Revised minutes

Meeting of the Advisory Group on Construction Products¹

1 and 2 July 2019, Brussels

1. Approval of the agenda

The agenda was approved with three additions under AOB (points submitted by the experts from France, Austria and Ireland), as well as one point submitted by the Slovak expert under EOTA issues.

2. Nature of the meeting: non-public meeting.

3. List of points discussed

1) Opening of the meeting and adoption of the agenda (AG 013-01 Rev1)

See under section 1.

2) Update on the CPR review

EC services presented the state of play: the evaluation will be adopted as a Staff Working Document, together with the report on EOTA, presumably by mid-October. A second round of consultation, going deeper into views on different scenarios, including combinable options, will be launched under a new supporting study. The new Commission will decide on whether it will propose a CPR revision. Pending these next formal steps, EC services are looking into the functioning of the current CPR and options to address dysfunctionalities.

3) Standardisation issues

For information: General Court judgement of 10.04.2019 on case T-229/17: EC services presented the ruling, according to which no unilateral actions are to be taken by Member States to supplement the harmonised system created under the CPR as it is deemed to be exhaustive: in this respect, General Court followed precisely the previous ECJ judgement on case C-100/13, and thus confirmed these principles to remain fully applicable also under the CPR. Regarding the publication of standards submitted for citation in the Official Journal, Article 18 of the CPR gives a wide

¹ Register of Commission Expert Groups and Other Similar Entities, code number: EG 01329

discretion to the Commission even, where they do not cover all the Basic Work Requirements. Asked about how Member States can deal with incomplete standards, EC services warned against deviating from the General Court's ruling as long as it is not overrun by a ruling of the European Court of Justice owing to the appeal having been lodged. The presentation was sent on 04.07.2019 via AGM. – NB: General Court has more recently (9 July) ruled also on the second case (T-53/18) of largely the same kind; this judgement follows the line of the previous one and thus similarly concludes by rejecting the claims to revoke the respective Commission Decisions.

For information: Update on cited and uncited standards: EC services reported on the state of play (one batch received from CEN and another batch to be received soon to be examined). A corrigendum is underway in order to correct the missing co-existence dates of the last publication. The Bulgarian expert raised the issue of standards listed in the OJEU that have been withdrawn as it was expected that standards superseding these would be listed in the Official Journal. EC services confirmed the issue, with 89 out of 444 standards currently listed in the Official Journal having been withdrawn de facto by CEN. CEN confirmed that all standards are available. A basic principle is that there is only one standard per topic, therefore it would be difficult to maintain the superseded standard, however the date of its withdrawal could be postponed.

For information: Publication of consolidated table of cited standards on Europa: EC services announced that the declaratory publication on Europa of a consolidated list is expected at the end of the summer, and committed to present also clear instructions how to access / find this list.

For information: Coexistence period for doors: Consultation has shown preference for prolonging the co-existence period for all types of doors. However, several complicating factors hinder decision-making on the prolongation of any coexistence periods. Furthermore, the parallel applicability of two standards is a situation to be avoided in the future. No schedule can be set at this stage for the potential OJEU citation of the internal door standard EN 14351-2. EC services were asked to provide clear information and CEN offered assistance on this, stating accurately the elements of the future developments (firstly, the end of the current co-existence periods for ENs 13241, 14351-1 & 16034, and subsequently, in the context of the eventual OJEU citation of EN 14351-2, a specific co-existence solution for this standard together with EN 16034).²

4) Delegated acts

For information: CPR roadmap (AG 013-04.1): EC services presented updates to the document sent in advance of the meeting, and answered questions concerning the state of play of certain delegated acts (classifications for internal doors & resistance to fire, as well as AVCP for reaction to fire et al).

² Owing to complicating factors hindering decision-making on the prolongation of any coexistence periods, no schedule can be set at this stage for the potential OJEU citation of the internal door standard EN 14351-2. In these circumstances, the currently on-going coexistence periods of standards EN 13241, 14351-1 and 16034 are not to be prolonged, which will lead to their expiry on 1 November 2019. After this date, these standards shall have to be applied for products covered by them, which shall need to be equipped with DoPs and CE marking when being placed on the market. In relation to EN 14351-2, the issue will be discussed at a later stage and the Advisory Group will be kept informed.

For information: Draft Delegated Regulation on AVCP for balustrades and railing kits: EC services presented the reasons for choosing AVCP 4 (balance between gains for safety and burden for manufacturers/SMEs) and the reasons why some Member States are in favour of AVCP 3. The Bulgarian expert requested the re-tableting of this delegated act in order to bring clarification and proposed a combination of systems 3 and 4. The Swedish expert suggested AVCP system 2+ and a differentiation between private and public use, stressing that system 2+ guarantees better constancy of performance, not performance as such. The Portuguese expert called for a combination of systems 3 and 4. The presentation was sent on 04.07 through AGM. – NB: The final outcome of the Council procedure on this act will be decided upon by the Council in its meeting on 15 July.

For consultation: EC services presented the **draft delegated regulation on a threshold level for rigid protective wallcovering panels** (AG 013-04.2), based on a draft standard, with a new threshold level relating to essential characteristic impact resistance. Comments were invited by the end of July.

For consultation: EC services presented the **draft delegated regulation on threshold levels for surfaces for sport areas** (AG 013-04.3), based on a draft revised standard with new threshold levels in relation to essential characteristic linear friction. The expert from Slovakia mentioned that the harmonised current version of the hEN is 14904, while an expert from Austria noted that it would be good to specify the friction coefficients 80 and 115, referred to in the delegated regulation. EC services noted these comments and invited written ones by the end of July.

For consultation: EC services presented the **draft delegated regulation on classes and threshold levels for valves for gas installations in buildings** (AG 013-04.4), based on a draft revised standard with new classification and new threshold levels relating to five essential characteristics. Participants were invited to address their questions to the CEN TC expert attending the meeting, but no questions were asked. Comments were invited by the end of July.

5) EOTA issues

For information: EC services presented the state of play of the **Article 34(2) report**, planned to be adopted in parallel with the evaluation of the CPR, mid-October.

For information: EC services presented their proposal on **variant EADs** (AG013-05.1): EOTA expressed support to the approach and intends to validate it through concrete examples. SBS also supported the document, while they see some area for further clarification; they had questions on ETAs that are based on non-cited EADs and on ETAs with a change in the testing and assessment method. EC services clarified these issues are present only for a limited time, pending the correction and citation of the EAD. The discussion related to the exact magnitude of the issue, the option of expiration dates for ETAs, which the CPR does not recognise, and the need to address the issue in the context of the Review. The presentation was sent on 04.07 through AGM.

For information: EC services reiterated their **request for confirmation by Member States of their designated TAB(s)** due to the inconsistencies spotted between NANDO and information on the EOTA web-site (including due to change in the

TAB's name or the changed translation of this name in English). Written feedback is expected by 15 July.

For information: EC services presented the **revised guidelines for EADs** (AG 013-05.2). EOTA saw some issues for further clarification (durability, components and kits, rules of NBs), the Finnish expert stated they would send written comments and the representative of GNBs saw some overlaps that could hinder NBs work on consistency of performance. Written comments were invited by 15 July. The word version was sent on 04.07 through AGM for feedback in track changes.

For information: Publication of OJEU references to EADs (request from Slovak expert): the Slovak expert presented the concerns about the delays on the EAD citations, referring to an example. EC services responded by briefly describing the current procedure, which demands around 2 months additional time, and pointing out that the example brought forward had contained several aspects to be adjusted quite at the last stage before citation, which of course had taken more time.

6) Any other business

Notified Bodies' designation: EC services made clear that Notified Bodies must be independent and have in-house competence for decision-making. They invited Notifying Authorities to verify, inter alia based on the accreditation report, whether the applicant body has the necessary resources. In this context, a clear distinction has to be made between the resources of the applicant body and the resources of bodies belonging to the same family of companies; the latter are not attributable to the Notified Body as own resources, but only as resources of a subcontractor. Reacting to the written submission from the Irish expert, it was clarified that legal conditions are set out by the legislator and that the questions raised in the context of notification procedures aim at helping applicant bodies and Notifying Authorities. The same criteria need to be applied to currently designated NBs, e.g. when extending their scope or re-notifying them. The representative of the GNBs stated that their guidance specifies that the decision-making must remain within the NB and cannot be outsourced to other legal entities.

Drinking water directive: EC services invited again CPR Member States representatives to link with national drinking water experts to discuss the issue of Article 10(a) of the currently debated proposal.

Draft standard on ETICS (request from French expert): the French expert claimed that the AVCP system 1 foreseen in this draft standard is disproportionate and asked to clarify that it will be limited to reaction to fire. CEN explained that the draft standard only refers to the Commission decision on which it is based; however, EC services clarified that this decision does not exclude that AVCP 1 is applied to other elements than reaction to fire.

Certificates of NBs notified for superseded EADs (request from Austrian expert): the Austrian expert presented the problem caused by the fact that NBs are not listed in NANDO for superseded EADs. Actually, this information is accessible in the historical part of NANDO. EC services invited suggestions on how this should be clarified by the end of July and announced that the issue would be included in the agenda of next meeting.

Finland's presidency: Working Party on Technical Harmonisation (CPR): the Finnish expert presented the purpose of the working party and the planning of meetings. The presentation was sent on 04.07 through AGM.

4. Conclusions/recommendations/opinions

Written comments were invited by the end of July on the three draft delegated acts presented at the meeting and on the NANDO situation of NBs regarding superseded EADs

Written comments were invited by 15 July on the revised EAD guidelines, as well as on the confirmation on designated TABs.

5. Next steps

Next steps, in particular regarding the documents submitted for discussion, would depend on the substance of the comments to be received.

6. Next meeting

The next meeting of the Advisory Group is scheduled tentatively to take place on 12 November.

7. List of participants

AT Bundesministerium für Digitalisierung und Wirtschaftsstandort, AT Österreichisches Institut für Bautechnik, AT Europa Integration Äusseres Bundesministerium, BG Ministry of Regional Development and Public Works, BE FPS Economy, CR Ministry of Construction and Physical Planning, CY Ministry of Interior, CZ Office for Standards, metrology and testing, CZ Ministry of Industry and Trade, CZ Permanent representation, DK Danish Transport, Construction and Housing Authority, EE Ministry of Economic affairs and Communications, ES Ministerio de Industria, Comercio y Turismo, FI Ministry of Environment, FR Ministère de la Cohésion des Territoires, DE Federal Ministry of the Interior, Building and Community, DE Deutsches Institut für Bautechnik, EL Ministry of Economy and Development, IE Department of Housing, Planning, Community and local government, IT Ministry of Interior, LV Ministry of Economy, LV Consumer Rights protection Centre, LT Ministry of Environment, MT Competition and Consumer Affairs Authority, PL Ministry of Development and Investment, PL Building Research Institute, PT Agency for Competitiveness and Innovation, SK Ministry of Transport, Construction and Regional Development, SE National Board of Housing, Building and Planning, SI Ministry of Economy, UK Department for Communities and Local government;

NO Building authority, CH Federal Office for Buildings and Logistics FBL;

CEN/CENELEC, EOTA, CPE, EBC, SBS, FIEC, European DIY Retail Association (EDRA), AdCo chair (TUKES) and AdCo secretariat (BRE), Group of Notified Bodies

chair (ZAG), Technical Secretariat for GNBs (DK Technological Institute), EC consultant for EOTA, EC consultant for technical assistance, CEN TC 217, CEN TC 236, HAS-EC consultants for CEN.