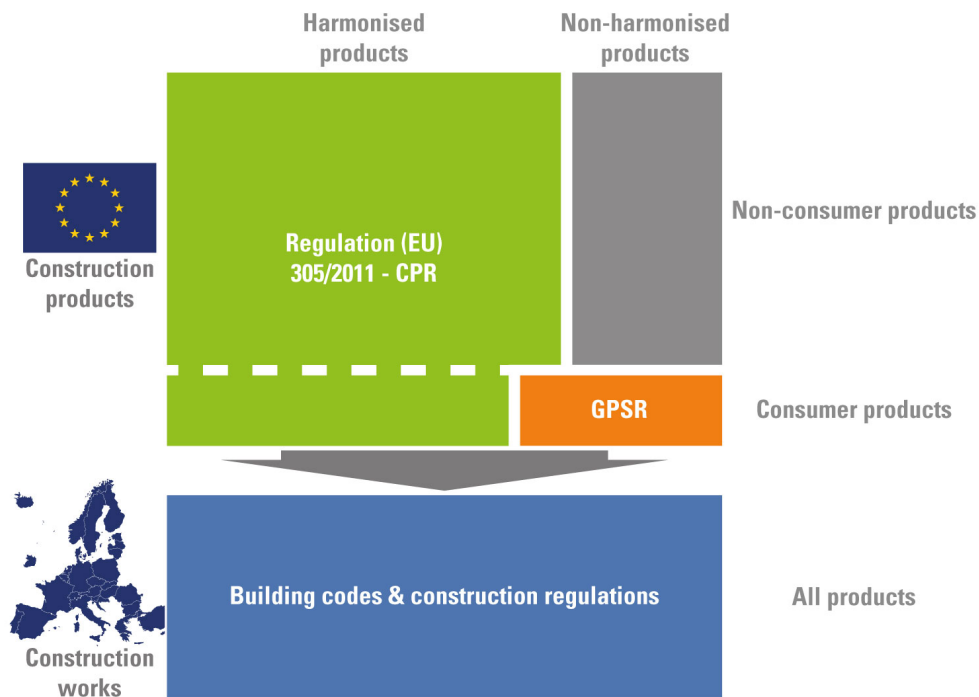


Construction Products Europe welcomes the initiative proposal [COM \(2021\) 346 final](#) of the European Commission in relation to consumer product safety. However, we identified the need for a sector specific approach when dealing with construction products.

▶ Construction Products Europe request the exclusion of construction products from the General Product Safety Regulation because they are covered by the Construction Products Regulation (EU 305/2011) which is in the process to be revised and addresses the specificities of the construction business.

## Overview of the Product Safety Framework for construction products

The type of construction products affected by the implementation of the legislative proposal are non-harmonised products that are available to consumers and harmonised products for which consumer risk is not fully covered by Regulation (EU) 305/2011 - Construction Products Regulation (CPR).



Contrary to usual consumer products, construction products are mostly subject to national regulations when installed in construction works, independently of any regulatory constraint when marketed. In addition, products are transported and installed. It means that construction products whether used by consumers or by professionals not only present a potential risk as a product itself when handling it, but also in relation to its performance when installed, often as part of a system. For this reason, the CPR and national regulations are complementary legal instruments guaranteeing the safety of users.

Any concern related to the safety of construction products is usually included in harmonised technical specifications according to the CPR or – in case of construction products which are substances or mixtures – is subject to Regulation (EC) No 1907/2006 (REACH) respectively Regulation (EC) No 1272/2008 (CLP).

In case the CPR is not considered strict enough, it is in the process to be revised, and could integrate additional provisions related to construction products.

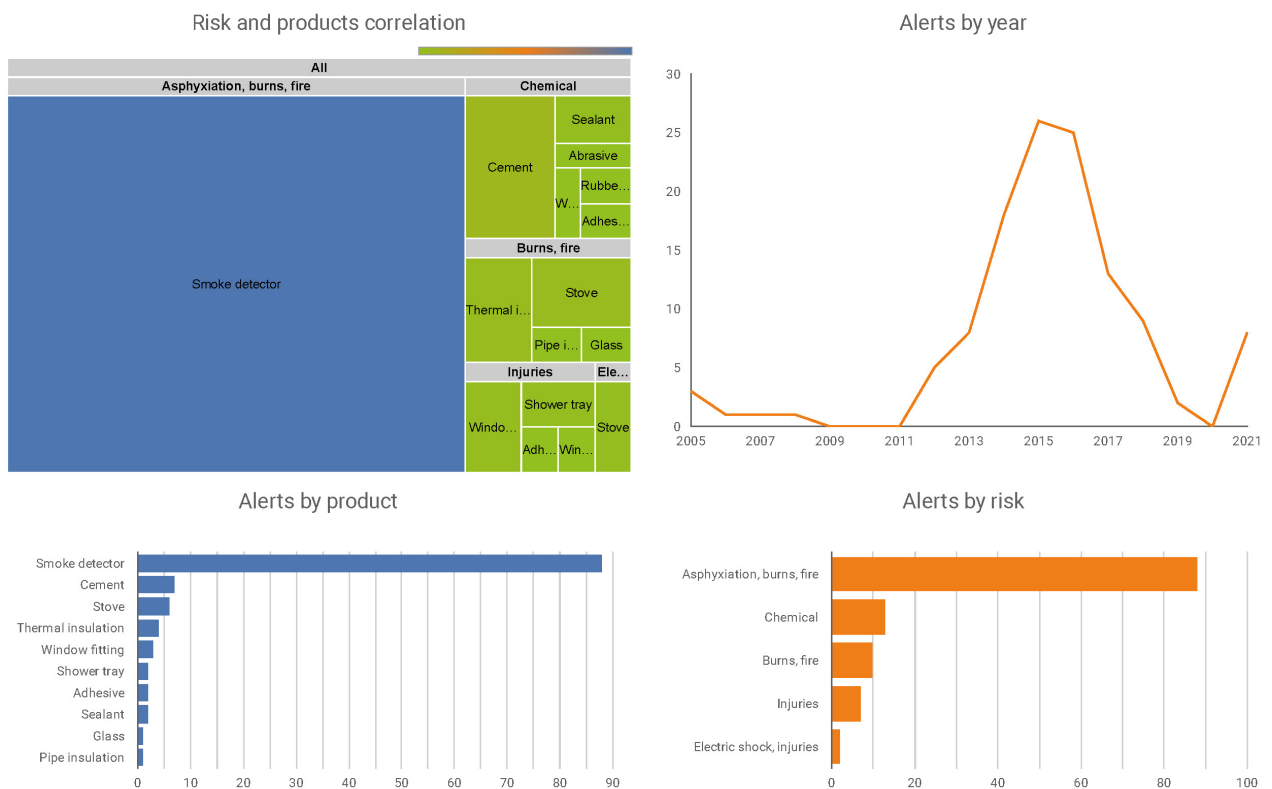
## Goals of the GPSR already achieved by the CPR

The CPR is a safety net much more efficient than other regulations dealing with consumer products because it not only addresses consumer safety but also provides the required performances for products to be used in safely designed construction works, as regulated by Member States.

Construction is a complex activity that requires the involvement of experts including architects, contractors, builders, etc. While some construction activities may also be performed by consumers, even these activities are usually subject to national regulations and require a minimum level of expertise.

Third party tasks performed by notified bodies and market surveillance under the CPR and EU chemicals legislation are established and implemented successfully, detecting and preventing circulation of unsafe products. The following charts show a summary of the European Safety Gate RAPEX alerts related to construction products since 2011<sup>1</sup>.

2



As shown in the graphics, 88 of the 120 alerts were related to smoke detectors/alarms between years 2011 and 2017, and specific campaigns were performed by market surveillance authorities addressing these products to reduce the number of alerts showing how the system implemented works properly. It is worth noting, that the alerts related to smoke detectors/alarm were not related to the product as such posing a risk but to an inappropriate functioning when installed, i.e. due to a malfunctioning within the scope of the CPR.

The GPSR proposal addresses online sales, but the CPR provisions already apply independently from whether a consumer shops online or in a local store, so online sales are already covered by the CPR. Where concerns related to online sales are not sufficiently (clear) addressed but the current CPR, they should be considered in the future revision of the CPR.

<sup>1</sup> Full statistical report available online: <https://datastudio.google.com/s/j5otvBafnAg>

## Overlapping regulations harm the system

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The GPSR proposal presented by the EC would constitute an unjustified overlap with the CPR. Manufacturers would be obliged to determine if the general safety requirements of the GPSR are covered by the CPR or not, and if not, to implement a parallel system to the CPR. Similar concerns would apply to the other stakeholders in the construction chain and to authorities, in particular market surveillance. This unclear scenario would be negative also for consumers who would need to deal with different/overlapping information when buying construction products.

This burden could be easily reduced if the applicable requirements are integrated in the existing regulatory framework, the CPR. The existing regulation includes instruments to guarantee the delivery of information, its traceability and liability and the system is already implemented and integrated in the construction business. It also allows introducing minimum performance levels for placing products on the market and these performance levels can relate to safety aspects when handling the products.

3

An additional consideration applies to construction products. Some of them can present an inevitable risk until they are properly installed because, if designed to be safe for consumers, they would fail to deliver the expected performance as part of the construction works. E.g., screws are dangerous when the product is manipulated due to their point and sharp edges, but this kind of feature is required for installation and does not involve any risk when tightened.

## Conclusion

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Construction Products Europe insists on the need to assess the consumer risk related to construction products under a separate perspective and on using the specific and available regulatory instruments of the CPR regime. We offer our support and expertise to ensure that all objectives of the GPSR are achieved by the implementation of the necessary provisions in the current CPR and its future revision.