

# EOTA's response to the Commission proposal for a revision of the CPR

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The European Organisation for Technical Assessment (EOTA) welcomes the initiative of the European Commission to strengthen the internal market for construction products and transform the construction sector into a sustainable, resilient and smart industry. The proposal for the next Construction Products Regulation (CPR) published by the European Commission on 30 March 2022 is an important first step to achieve these goals.

Within the CPR framework, the European Technical Assessment route (**ETA route**) offers a **voluntary and agile path to CE marking for innovative and non-standard construction products**. The ETA route has been Europe's very successful response to **fostering innovation** and promoting high safety, environmental and climate protection standards for over 30 years. This is what has built the ETA route's excellent global reputation.

Looking to the future, **the ETA route will play a key role in achieving the EU's Green Deal, Circular Economy and Digital Decade objectives**, because Europe will need innovative, smart and sustainable construction products, products that are not – and in some cases cannot be – covered by harmonised standards.

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## An environment conducive to innovation

As the organisation in charge of coordinating the ETA route, **EOTA encourages European decision-makers** to renew their commitment **to facilitating product innovation** in the European construction industry.

The current proposal **would double the lead time to CE marking for innovative products**. Such delays can cost European manufacturers their competitive edge in global markets and would hit SMEs with their smaller product portfolios especially hard.

The long timelines also risk **slowing down the transition of the construction sector into a digital and climate-friendly industry**. This transformation builds on the availability of greener and smarter products, products that are often not (yet) covered by harmonised standards.

**Product improvement** is another important cornerstone of reshaping the European construction ecosystem. Manufacturers use R&D to **develop safer and more sustainable products** – often going beyond what is legally required or specified in standards. The **current ETA allows manufacturers to highlight relevant performance characteristics** in their ETA thus encouraging product improvement. Notwithstanding the suggested prerogative for the European Commission to correct urgent deficiencies in harmonised standards, leveraging innovation in this way should still be possible.

On a macroeconomic level, the **early development of high-quality technical specifications for product innovations** is a critical support for the **Union's role as a global standard-setter**. Europe is known and admired internationally for its high safety and environmental standards. The European Assessment Documents (EADs) developed by EOTA have served as a blueprint for technical specifications in other markets and jurisdictions on several occasions. The new legal framework should ensure that this success story continues.

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## Equal access to the internal market

The current proposal for the ETA route contains various uncertainties for manufacturers of non-standard products. Together, they might discourage manufacturers of innovative products to opt for the European route. The EU single market would thus risk losing **product diversity, choice and transparency**, and most of all, its **innovative strength**.

The most important uncertainty is linked to the unclear status of EADs. The **ETA route** offers a path to CE marking and is therefore clearly **a harmonisation tool**. In the same way, **EADs** form part of the **common technical language** by providing **harmonised assessment criteria** for a multitude of **innovative and other non-standard products** that would otherwise be excluded from the internal market. Introducing a **distinction between harmonised and other technical specifications** that serve as the basis for the declaration of performance and CE marking could cause confusion and lead to **market distortions**. Irrespective of the harmonisation route used, manufacturers should enjoy the same high valuation and legal safety.

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## Therefore

**EOTA calls on European decision makers to place more focus on creating an innovation-friendly legal framework and ensure fair and equal access to the internal market for all manufacturers. Notably:**

- EADs should be accorded **the status of harmonised technical specifications or equivalent** to reflect the fact that they serve the **same harmonisation function** and are subject to equally stringent technical, formal and legal requirements. They should be **explicitly mentioned** in all places where this is relevant, to **avoid legal uncertainties** and **ensure fair conditions** for manufacturers of innovative products.
- The new CPR should include **clear, ambitious and binding timelines for the citation** of EADs. If these cannot be guaranteed, the current solution allowing issuance of an ETA and CE marking prior to the publication of the EAD reference should be maintained to **enable competitive time-to-market for product innovations** (see our [detailed comments on the CPR proposal](#), no. 28).
- **Manufacturers of innovative construction products competing EU-wide or even globally** need a fast and proactive means to CE marking as offered by the ETA route. They cannot wait for two years or more for the 'intended' adoption of harmonised technical specification (Art.35(2)(b)). This clause should be deleted.
- The acquis of EADs should be preserved for the benefit of manufacturers of non-standard products, in particular by defining **realistic transition periods**, during which **EADs remain valid and available as a basis for CE marking**.
- **Addressing relevant new performance characteristics** in the ETA route should still be possible as they are an essential part of the innovation process.
- The **early development of technical specifications for innovative construction products** should continue to be recognised as an **activity of general European interest** and be supported by the European Institutions.
- The EAD procedure outlined in Annex III should be further aligned to manufacturers' needs. We have outlined some ideas on how to go further in this direction in our [proposal for modifications to Annex III](#).

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## General considerations

EOTA shares the general concerns voiced by other stakeholders and requests the European Institutions to ensure that

- **a clear, sustainable and functioning balance of responsibilities** between the Member States and the European Commission is found;
- any **bottlenecks** in the citation of harmonised technical specifications and EADs, especially due to a multiplication of the responsibilities of the European Commission in combination with limited resources, are avoided;
- **market actors can actively engage in the development of technical specifications;**
- the new legal framework is **clear, comprehensible, robust and free of redundancies** and does not overburden the market actors.

For more details, please also refer to our [detailed comments on the CPR proposal](#).

We look forward to achieving these goals together.