European Organisation for Technical Assessment
Reference contact point: tb@eota.eu

Comments by EOTA on the draft Construction Products Regulation dated 30 March 2022

The following comments are grouped related to:

1. Concept of EADs and procedures for drafting EADs and ETAs
2. Aspects of general relevance for EOTA
3. Aspects of general relevance for all stakeholders

Additions are highlighted in **bold**, text that should be deleted has been ~~crossed out~~.

1. Comments related to the concept of EADs and the procedures for drafting EADs and ETAs

Comments Handling Document – CPR revision proposal			
№	**Chapter, Article, Point**	**Comment/Proposal**	**Justification**
1	Chapter I, Art. 3 no 46	"'harmonised technical specifications' means construction products standards established in accordance with Article 4(2) the reference of which has been published in the Official Journal in accordance with Article 34 and thereby were rendered mandatory for purposes of application of this Regulation, **European assessment documents** and delegated acts adopted in accordance with Article 4(3) and (4), Article 5(2), or Article 22(4) that contain technical prescriptions;"	A distinction between harmonised and other specifications as a basis for DoP and CE marking might cause confusion and lead to market distortions. If EADs are not considered hTS, the reference to EADs should be included in parallel to hTS in all places pertaining to DoPs, CE marking, notifications, …
2	Chapter II, Art. 9(2)	"Where a product is covered by a harmonised technical specification **or a European assessment document**[1], information about its performance in relation to the essential characteristics laid down in the applicable harmonised technical specification **or European assessment document** may be provided elsewhere than in the declaration of performance only …"	It would lead to confusion if an EAD covered an essential characteristic without its performance being declared in the relevant DoP, while the manufacturer uses such performance within his marketing.
3	Chapter II, Art. 11(1)	For the declaration of performance, reference is made to the relevant European assessment document, but not to the relevant European technical assessment. The latter should be included as well, as it is the basis for the declared performances.	As the European technical assessment is the means by which the manufacturer places his specific product on the market, reference to the individual European technical assessment is relevant.

[1] As the EADs are, for the time being, not defined as harmonised technical specifications, the proposed addition seems necessary. If EADs were defined as one type of harmonised technical specifications, this amendment would not be necessary. This is also relevant for other similar comments.

4	Chapter II, Art. 12(1) b	"… the harmonised technical specification **or European assessment document and European technical assessment** on which the initial declaration of performance was based …"	See above comments 2 and 3.
5	Chapter II, Art. 12(3), 1st paragraph, and 12(4)	The clauses define conditions and limitations for the reuse of used, remanufactured and surplus products "… shall not apply where: …" "… shall also apply to remanufactured products, if …"	Who assesses the aspects addressed here?
6	Chapter II, Art. 18	"Markings other than the CE marking, including private ones, may be affixed on a product only if they do not cover or refer to harmonised technical specifications, **to European assessment documents and European technical assessments** or to …"	Any marking other than the CE marking should not make reference to EAD/ETA.
7	Chapter II, Art. 21(2) (a)	"The manufacturer shall refrain from any claim about the characteristics of a product that is not based on: (a) the assessment method contained in a harmonised technical specification **or European assessment document** where the relevant characteristic is covered by such; or …"	An EAD can well be the basis to claim relevant performance. Comments 2, 4, 6 and 7 are also applicable to other Articles of the draft (e.g., Art. 9(2), Art. 22(1) or Art. 73(1)) and are not repeated in the following.
8	Chapter III, Art. 21(3)	Where relevant, an ETA should be part of the technical documentation to be compiled by the manufacturer.	In other Articles where reference is made to the manufacturer's technical documentation ETAs are implied (e.g., Art. 23(3) (a) (see comment 9); Art. 24(1); Art. 25(2)). Here, it is not clear and should be specified. Alternatively, a definition of technical documentation could be added that clarifies which documents are included in it.
9	Chapter III, Art. 23(3) (a) and (b)	The manufacturer's authorised representatives should keep available not only the DoP and the technical documentation, but the ETA as well, when relevant.	The ETA is key for drawing up the DoP. Thus, for market surveillance authorities the availability of the ETA is crucial.
10	Chapter IV, Art. 35(1)	For CE-marked products, not only reference to the European assessment document but also to the European technical assessment shall be included in the declaration of performance and declaration of conformity.	Declaration of performance and declaration of conformity are related to the individual product placed on the market by a manufacturer. As consistency between the European assessment document and European technical assessment is a key issue which needs to be kept in mind, in particular, when it comes to market surveillance issues. Furthermore, consistency between the declaration of performance and the European technical assessment is required in Article 9(1).

11	Chapter IV, Art. 35(2) (a)	"… a harmonised technical specification **or European assessment document**; …"	If an EAD is available, a new EAD is not required.
12	Chapter IV, Art. 35(2) (b)	Should be deleted	The opportunity for manufacturers to apply for an ETA should not be hindered by unclear and undefined conditions.
13	Chapter IV, Art. 35(2)	"The product shall not be considered as covered by the harmonised technical specification **or European assessment document** where …" **(iv) one or more essential characteristics are missing"**	The possibility that an essential characteristic is missing has not been considered. This should be added (c.f. Art. 4(3) (c).)
14	Chapter IV, Art. 35(2) (ii)	As a precondition, it must be ensured that the harmonised technical specifications precisely define the materials covered.	For the time being, verification of this condition may be very difficult due to lack of proper information in the relevant harmonised technical specification …
15	Chapter IV, Art. 35(3)	What about specifying procedures for bundling or rejecting requests? From past experience, bundling can lead to relevant delays for the manufacturers. How will this be handled? As the conditions under which an EAD may be developed are defined, what could be the reasons and legal basis for a rejection?	
16	Chapter IV, Art. 36(1) (a)	Reference is also made to transparency in regard to other manufacturers, while Annex III provides for the same confidentiality provisions as Annex II of the present CPR (with the exception that a group of manufacturers can get involved; however, there might then also be other manufacturers not participating in that group).	Clarification is needed regarding the transparency required vis-à-vis other manufacturers.
17	Chapter IV, Art. 36(1) (b)	What is meant by "as little as possible"? Protected information may under no circumstances be disclosed unless clear provisions are given.	Clarification is needed about the information that may be disclosed and under what circumstances.
18	Chapter IV, Art. 36(1) (d)	The (general) stipulation to allow, at any stage of the development of a European assessment document, for adequate participation by the Member States is in conflict with Annex III, Clause 6, where this is limited to a defined case.	In regard to this issue, Article 36(1) (d) should include reference to the specific situation as defined in Annex III. If not, this may raise confusion on the level of MS.

19	Chapter IV, Art. 36(3)	The extension of the scope of an EAD based on a new application for an ETA, leading consequently to a new EAD version, has also been perceived as “proliferation” by the EC services.	In general, clear concepts are missing that take into account the time schedule and confidentiality of each procedure on the one hand, and on the other, avoiding the "proliferation" of EADs.
20	Chapter IV, Art. 36(4)	Due to the sequence of applications and the confidentiality associated with them, overlapping EADs might have to be developed. However, it is not EOTA’s intention to have overlapping EADs cited. Furthermore, what is meant by "high likelihood of duplication with harmonised technical specifications"?	Clarification is necessary, especially about what is meant by “developing” – is this understood to include the citation?
21	Chapter IV, Art. 37(1)	"The TAB receiving a request for a European technical assessment from a manufacturer, a group of manufacturers or the manufacturers’ association shall inform the applicant if the product is covered, fully or partially, by a harmonised technical specification or European assessment document as follows:"	If a manufacturer's association has applied for an ETA: Who will be the ETA holder? Suggestion: In practice, there is only a limited number of cases, where it would be advantageous for a group of manufacturers or association to rely on the same ETA (e.g. for a key part of a product that is the same across the industry). The option of working together on an EAD with the possibility of requesting individual ETAs afterwards is more relevant for the industry. The new CPR should address this aspect.
22	Chapter IV, Art. 37(1) (c)	"where the product is not covered by any harmonised technical specification or European assessment document ~~and where no such harmonised technical specification is intended to be adopted in the next two years,~~ or no such or European assessment document is already in the procedure of developing pursuant to Annex III, the TAB shall apply the procedures set out in Annex III or those established in accordance with Article 35(4)."	The TAB is often not at liberty to inform a new applicant of ongoing procedures (confidentiality). Furthermore, 2 years are a long time for a manufacturer waiting to have the opportunity to draw up a DoP. The activities of EOTA and TABs gives manufacturers the opportunity to place innovative products on the market on a shorter time horizon than can be achieved the standard way in the form of assessment according to harmonised standards. Also, how would this "intention" be defined, where would it be published and how would the binding deadline of 2 years be met with regard to the standard-setting process and its publication in the Official Journal? See also above (comment no 12).

23	Chapter IV, Art. 38(1)	The clause should read: "The Commission shall assess the conformity of European assessment documents with harmonised technical specifications, with this Regulation and with other Union law. **Within 90 days after the adoption of the final European Assessment Document**, the Commission shall publish or publish with restriction in the Official Journal of the European Union the list of references of accepted conforming European assessment documents. The Commission shall publish any updates to that list."	A time limit for the publication of EAD references is needed in order to increase the transparency and credibility of the system. It seems to be the only reference in the draft CPR to "conforming European assessment documents". Thus, it is not clear what is meant by assessment of conformity with an EAD. Furthermore, possible reasons for restrictions should be addressed in the CPR, if there are others than those mentioned in Article 41(2).
24	Chapter IV, Art. 38(2)	The request to renew all European assessment documents within the year prior to their expiry after 10 years does not seem realistic considering the timeline for the procedure, adoption and citation in the OJEU. In most cases, this clause will also not be relevant, because updates (e.g. with regard to referenced standards) will be necessary before the 10 years are completed.	This provision may become, on one hand, an administrative burden at the level of the organisation of TABs and at the level of the Commission, and on the other hand, does not take account of the permanent check of the applicability of European assessment documents ensured by the organisation of TABs.
25	Chapter IV, Art. 40(3)	Instead of "good reasons" reference should be made to the fact that it might technically be necessary to deviate from the rule mentioned because of the deviation of the product and/or its intended use from an hTS or EAD.	To provide clarification
26	Chapter IV, Art. 41(1) (a)	The stipulation to entirely satisfy applicable legal requirements in relation to basic works requirements of MS seems inconsistent as MS are only required to communicate their requirements in the case of the development of harmonised technical specifications (not in the case for European assessment documents) in accordance with Article 7(3).	The demand does not seem to be in line with the idea of contribution of MS.

27	Chapter IV, Art. 42(1)	No reference is made to the possibility for a group of manufacturers applying for an ETA (c.f. Art. 37(1) and comment 21). A clear time schedule up to the drawing up of a DoP based on an ETA is missing.	To be consistent with CPR provision where a Group of manufacturers can apply for an ETA. As the EAD/ETA route is, in comparison to standards, the fast track to drawing up the DoP, a clear time schedule for the issuance of an EAD is needed. As this Article provides for this possibility only after the citation of the relevant EAD, a clear (and short) time frame and obligations are needed for the citation process. Otherwise, issuing ETAs should already be possible before the citation of the relevant EAD.
28	Chapter V, Art. 42(5)	The last sentence seems to imply that a CE marking may be based on an EAD and in addition on a harmonised technical specification. For products deviating from a hTS this concept would be welcome. However, it seems to be in contradiction to Annex II no 11a.	Especially when a product deviates from a harmonised standard well known in the sector, it might make sense to allow a reference to such standard and to add the information about the way in which the deviation has been dealt with.
29	Chapter V, Art. 46(2) (i)	"… ensure that adopted European assessment documents and references to European technical assessments are kept publicly available ~~**in all EU languages**~~."	Who is responsible for the translation into all EU languages has not been laid down. EOTA cannot ensure such a translation as the Member States are not obliged to designate a TAB. Thus, not all EU languages are represented at EOTA. Furthermore, this task would be out of proportion to the added value. In addition, as the reference to ETAs is given by their number and issuing date (accompanied by information about trade name of the product and the name of the ETA holder), it does not make any sense to request that this information be provided in all EU languages.
30	Chapter VI, Art. 56(3)	No reference is made to EADs in relation to the notification process. This relates especially to Art. 56(3) where only an hTS is referred to as the basis for the notification.	EADs can also be the basis for tasks of notified bodies. Thus, links to EADs should be added wherever relevant.

31	Chapter XIV, Art. 93(4)	Should be deleted	There is no justification for such limitation of EAD validity. The expiry of all available European assessment documents 3 years after entry into force of the new CPR will lead to a dramatic decrease in the availability of European assessment documents; it is not realistic to have citation of all approximately 250 EADs within this period. This would cause market distortions and disadvantages for concerned manufacturers. There should at least be a longer transition period. Without a realistic transition period allowing the further use of available European assessment documents, this clause would put concerned manufacturers at a severe disadvantage in comparison to manufacturers CE marking their products in accordance with an existing harmonized standards. See also comment 24.
32	Chapter XIV, Art. 93(4) and (5)	Art. 93 Point 4 reads: "European assessment documents issued before [1 year after entry into force] remain valid until [3 years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available onthe market for another five years." Art. 93 Point 5 reads: "Notified bodies' certificates or test reports and European technical assessments issued under Regulation (EU) 305/2011 remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Art. 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these documents may be further made available on the market for another five years."	The timelines given in the two sections for documents related to the ETA route are conflicting and will lead to confusion as to the validity of these documents (8/10 years). Art. 93(4) should be deleted (see comment 33 above). Furthermore, will manufacturers have to re-do all the tests for assessing the product independently of whether a new version of the EAD has introduced new essential characteristics or assessment methods?
33	Annex III, no 1 (a)	The conditions given in this clause refer to issuing the European technical assessment, but Annex III is related to developing a European assessment document. There is some inconsistency.	See Annex III feedback from EOTA.

34	Annex III, no 1 (b)	"When a group of manufacturers or a manufacturers' association (hereinafter referred to as the 'Group') makes a request for a European technical assessment **to any TAB,** ~~it shall address the request to the organisation of TABs that will propose to the Group a TAB to act as the responsible TAB. The Group can either accept the proposed TAB or ask the organisation of TABs to propose an alternative TAB. Once the Group has accepted the responsible TAB proposed by the organisation of TABs,~~ the members of the Group shall sign an agreement of commercial secrecy and confidentiality with this TAB, unless the Group decides otherwise, and the Group shall submit to the responsible TAB a technical file describing the product, its use as foreseen by the Group and details of the factory production control the members of the Group intend to apply." The organisation of TABs cannot decide about the responsible TAB for issuing the European technical assessment but only name a TAB for the development of the European assessment document. There are some inconsistencies within this paragraph in terms of responsibilities and decision-making processes.	See Annex III feedback from EOTA.
35	Annex III, no 1(c)	As the development of the European assessment document, although not the issuance of the ETA, is the responsibility of the organisation of TABs, it should not be up to the Commission to select the TAB acting as the responsible TAB.	See Annex III feedback from EOTA.

36	Annex III, no 2	This clause should be reworked. The conclusion of a contract for the production of a European technical assessment is not a subject for this Annex. More relevant: The agreement of a work programme between the organisation of TABs and Commission for the development of a European assessment document has no relation to and cannot be dealt with from a formal/legal standpoint under a contract between a manufacturer and organisation of TABs. This last paragraph should be merged with Clause 3 in this Annex without need for a specific contract.	See Annex III feedback from EOTA.
37	Annex III, no 3	According to Article 37 1(c), one of the conditions is that a European assessment document may be developed if no harmonised technical specification is intended to be adopted within the next 2 years.	See Annex III feedback from EOTA.
38	Annex III, no 8.2	As the clause starts with "If, within 30 working days, the Commission communicates its observations…" it should be understood that when the Commission communicates no observations in this timeframe the European assessment document is accepted by the Commission and there will be no further possibility to make comments later on possibility of comments later on. This should be clarified.	See Annex III feedback from EOTA.
39	Annex III, no 9	The current procedure for citing EADs in the OJEU leads to long delays for CE-marking and time-to-market of innovative products. Thus, a specific, short time limit should be fixed within which the EAD must be cited.	See Annex III feedback from EOTA.

40	Annex V, Point 7 (g)	"Notified bodies that are undertaking tasks under Systems 1+, 1, **3+** and 3 as well as manufacturers that are undertaking tasks under Systems 2+, **3+, 3** and 4 shall consider the European technical assessment issued for the product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall **not** therefore undertake the tasks referred to in points 1.(b)(ii), 2.(b)(ii), 3.(a)(i), **3.(b)(i), 4.(a), 4.(b),** 5.(a)(i)**, 5.(b)(i), 6(a)(i)** and 6(a)(ii)~~**, respectively, only where there is evidence that these have not or not appropriately been executed by the TAB. "**~~	An ETA provides performance assessment and is a confirmation of the validity of this assessment, therefore this task should be excluded from the responsibilities of the NB and the manufacturer. It may also be assumed that an ETA covers all tasks provided for system 3+. Moreover, if there is evidence of incomplete or inappropriate work by the TAB, the ETA needs to be amended and may not be supplemented by the work of either the NB or the manufacturer.

2. Comments related to aspects of general relevance for EOTA

Comments Handling Document – CPR revision proposal			
№	**Chapter, Article, Point**	**Comment/Proposal**	**Justification**
41	Chapter I, Art. 3(18) and Art. 4(4) (a)	Is a pass/fail criterion to be understood as a threshold level? According to the draft Regulation the only source for threshold levels seems to be Art. 4(4). What about threshold levels already given in cited EADs or hENs?	Clarification needed.
42	Chapter IV, Art. 36(2)	TABs and organisation of TABs shall bear the full costs of development and adoption of a European assessment document unless its development is initiated by the European Commission. This may be understood as limiting the contribution of the Commission for financing to case 1.c in Annex III of the draft Regulation, which would lead to an unbalanced situation and burden the TABs and organisation of TABs with all the financing of EADs.	There is no reason why the Commission's financial contribution to the development of European assessment documents is relevant only when the initiative comes from the Commission. The development of European assessment documents should be of general interest to the European Union in the absence of harmonised technical specifications as detailed in Article 35(2). EOTA is to be considered an organisation having an objective forming part of and supporting a Union policy according to Art. 180(2) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018.
43	Chapter V, Art. 44(4)	"TABs shall, without delay, and at the latest within 15 **working** days **of becoming aware**, inform the relevant Member State and notified authority of any changes …" What does "notified authority" mean?	To provide a 'reasonable' legal obligation on TABs. Reference should probably have been made to the 'designating authority' specified in Art. 44(3), which is the responsible body for TABs.

44	Chapter V, Art. 44(5)	"The Commission may investigate …". This general provision could involve a huge range of different measurements.	Clear definitions/procedures are needed instead of such unspecified empowerment.
45	Chapter V, Art. 44(6) and Chapter V, Art. 50(10)	*Art. 44(6) reads:* *"TABs shall, upon request by the relevant designating authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify compliance."* Art. 50(10) reads: *"The personnel of the notified body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks under Annex V, except in relation to the competent administrative authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected."*	There seems to be a conflict between Art. 44(6) and Art. 50(10). Art. 50(10) **permits** the TAB / NB to share customer information **only** with the competent administrative authorities of the Member State. It is proposed that Art. 50(10) ("*professional secrecy*") be extended/revised to allow the NB or TAB also to share information with the European Commission and other Member States (as in Art. 44(6)).
46	Chapter V, Art. 45(2)	Reference is made to Art. 50(1) to (5), … and Art. 51. Art. 50(1), however, refers to Art. 50(2) to (11). Which parts of Art. 50 apply? Art. 51 refers to harmonised standards which are obviously not a basis for the designation of a TAB. Art. 50(4), last paragraph, refers to conformity assessment decisions. What is the link between the tasks of TABs and such decisions? Art. 50(6) (a) refers to assessment decisions. It is proposed to clarify that TABs are involved in the development of EADs and are responsible for the issuing of ETAs.	Clarification needed.
47	Chapter V, Art. 46(2) (e) - (g)	Reference is made to Art. 65(2) and 66(1) while it seems that a similar task as provided for in Art. 64(2) is missing. Furthermore, why are those co-ordinating activities limited to those 2 (or 3) specific tasks and do not also cover the core task of EOTA to develop EADs and for TABs to issue ETAs?	Clarification needed.

48	Chapter V, Art. 46(2) (h)	Art. 46, Point 2 (h) reads: "(*h) report annually to the Commission on the fulfilment of the tasks referred to above, and in particular on the geographical distribution of the TABs, the allocation of European assessment document development tasks to the TABs and the performance and the independence of TABs; … "*	EOTA cannot assess the independence of TABs as EOTA does not have any legal basis or duty to ask its members for detailed information about their organisation and possible relationships with other stakeholders. This is the task of the designating authorities of the relevant Member States. What is meant by "performance"? Which criteria would the Commission define as the basis for such a report? For clarification: EOTA does not have any influence on the geographical distribution of TABs.
49	Chapter V, Art. 46(3)	"Member States shall ensure that the TABs contribute with financial and human resources to the organisation of TABs. ~~**The value of the contribution of each TAB shall not be less than 2% of its annual budget or turn-over**~~."	A minimum level of contribution based on budget or turnover is not justified. It is not clear what the purpose of this condition is. Furthermore, what would be the basis for such a percentage - the annual budget of the institution in its entirety or the budget dedicated to ETA activities, as some TABs are active in tasks other than those related to EOTA? Therefore, it seems extremely unlikely that they might have the capacity to spend 2% of their entire annual budget or turn-over on EOTA activities. It is proposed that the membership fee that TABs pay to EOTA is left for EOTA and its membership to decide on, as at present. What is meant by "*contributing with human resources*" should be clarified. It This can be adequately covered by the internal rules of EOTA.
50	Chapter V, Art. 46(6)	Ensuring a fair geographic distribution is not in the hands of EOTA. Such a political desire would need be addressed with the Member States.	It does not appear "fair" to link EC financing of EOTA to the geographic distribution of TABs. It is a matter for Member States to decide how many TAB's (if any) they wish to designate. It is not within the control of EOTA to determine the geographic distribution of TABs.

51	Annex II, no 6	6. Technical Assessment Body: (a) name; ~~**(b) trade name;**~~ ~~**(c) place of business;**~~ (d) postal address; (e) telephone; (f) email address; (g) website; ~~**(h) social media contact details.**~~	Lit. b, c, h should be deleted as not relevant for contact purposes.
52	Annex II, no 10	10. European technical assessment issued: (~~**technical assessment body**~~, reference number and date of issue)	The TAB's name is not necessary as it is already included under no. 6.
53	Annex IV	Numbering system of PACs: maintaining the order as given in the current CPR is requested.	Given that for the product areas according to the current CPR, designations on the MS level and determinations within the organisation of TABs have been established this would minimize unnecessary administrative work (see also Article 93(2)). Maintaining the numbering of EADs with the new ones would improve understanding and transparency in the industry, especially with regard to the situation concerning notifications and tasks of notified bodies. A change of numbering in relation to product areas also leads to missing product areas: PAC 12 in current Annex IV of CPR does contain the product group of "circulation fixtures". They are missing in the draft Annex IV of the new regulation. Those PACs which are deleted from the scope of the Regulation (if this limitation is to be maintained) would be void.

3. Comments related to aspects of general relevance for all stakeholders

Comments Handling Document – CPR revision proposal			
№	**Chapter, Article, Point**	**Comment/Proposal**	**Justification**
54	General	Terms and definitions used in the proposal are unclear, inconsistent and might need a lot of interpretation in the future, which will lead to confusion in the market and unequal treatment of economic operators.	
	Chapter I, Art. 2(1) (b)	Example: The wording “close to the construction site” needs to be more specific.	Relevant for decision whether covered by the Regulation or not.
55	Chapter I, Art. 2(1)	Additional items included in the scope (a-f) are not clearly defined. Also, we don’t understand how they are related to the DoP and DoC.	E.g., a key part is itself not a construction product but nevertheless is covered by the draft CPR as it might be used as part of a construction product?
	Chapter I, Art. 2(1) (g)	The intention of this limitation is unclear.	If the intention is to limit the scope to single-family houses, it is not clear why there is a limitation in terms of m² (what about the built-up area?) as national regulations define this type of building in a different way. Justification for exclusion of other prefabricated houses from the CPR is not evident.
		Limit the scope of a future CPR to what is really marketed to a great extent and what can be appropriately subjected to a technical assessment.	It seems almost impossible to assess a complex system such as a single-family house in all essential characteristics relevant not only to the structure as such but also to the thermal and sound insulation, the performance of the building equipment, …
56	Chapter I, Art. 2(3) (a)	Exclusion of products according to the Directive mentioned is understood but raises the question about products referring to other Directives and whether or not they are included.	It is not clear whether this is an exhaustive list or not.
	Chapter I, Art. 2(3) (b)	Boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption, systems treating waste water, sanitary appliances and traffic signalling products should not be excluded from the scope.	The products mentioned are construction products according to the definition and their manufacturers should not lose the right to CE marking. Clear collision rules with other EU law should be available, instead of exclusion of products.
	Chapter I, Art. 2(3) (c) and (d)	Exclusion of this product group is not clear.	Regarding products in contact with drinking water, the proposal says the CPR does not apply to products intended to be in contact with water for human consumption. This is because hygienic issues are

			covered by another EU Directive (EU 2020/2184) or future EU regulations in relation to drinking water. However, this other Directive addresses only the hygienic issues and does not deal with other essential characteristics of these products such as mechanical performance, physical characteristics, etc. For construction products used only in contact with water for human consumption, how will the essential characteristics other than hygienic properties will be dealt with? In this way, e.g., PE pipes for water distribution according to EN 12201 from PE100 material are not dealt with as construction products but the very similar pipes according to EN 1555 for gas distribution from the same PE100 material are considered as construction products. They have the same characteristics (material, physical, etc.), the only difference is that hygienic properties of drinking water pipes also need to be assessed. Our proposal is not to exclude these products completely from the scope of the CPR, but to exclude only the hygienic properties. The reasoning for the exclusion of sanitary appliances is unclear as these are ordinary construction products. With regard to systems treating waste water, it is proposed to provide a definition of the phrase "***systems treating waste water***" within Article 3 so as to clearly distinguish them from, and avoid any possible contradiction with, those items that are permitted to be assessed by a TAB according to Annex IV, Table 1, Product Area Code 16 *"**waste water engineering products**"*.
57	Chapter I, Art. 3(1) and (22)	The proposal says that a construction product can also be an 'assembly'. 'Assembly' means a set of at least two separate items, one of which is a product. These definitions do not fit together.	A distinction should be made between a kit as a specific kind of construction product and an assembly, which consists partly of a construction product that, however, can only be assessed together with the other components which are part of the assembly but not of the product as marketed by the manufacturer, and which must be assessed, e.g., by an ETA.
58	Chapter I, Art. 3 no 31	Definition of product type is complicated and unclear	Clarification is needed from the EC.

59	Chapter I, Art. 3 no 35	"'product family' means all product types belonging to the product areas listed in Annex IV, Table 1, **with the exemption of Product Area 33**;"	Different product types belonging to different product families may be defined under PAC 33.
60	Chapter XIV, Art. 92	Regulation (EU) 305/2011 will be repealed effective January 1st 2045. However, in the legislative financial statement, clause 1.6, it is stated that the new CPR is unlikely to be adopted and published before 2025 → does it mean that the new CPR could be in effect before 2045?	In terms of preparation of the market and its actors, it would be much appreciated to know if we have 20 years or 3 years to get ready. (3 years seems an extremely short time to deal with the acquis.)