

EN

EN

EN



EUROPEAN COMMISSION

Brussels, 28.2.2011
COM(2011) 101 final

[2008/0098 \(COD\)](#)

OPINION OF THE COMMISSION

**pursuant to Article 294, paragraph 7, point (c) of the Treaty on the Functioning of the
European Union,
on the European Parliament's amendment
to the Council's position regarding the
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

laying down harmonised conditions for the marketing of the construction products

OPINION OF THE COMMISSION

**pursuant to Article 294, paragraph 7, point (c) of the Treaty on the Functioning of the European Union
on the European Parliament's amendments
to the Council's position regarding the
proposal for a**

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down harmonised conditions for the marketing of the construction products

1. BACKGROUND

Date on which the proposal was sent to Parliament and the Council:	23 May 2008
Date of Parliament's opinion at first reading:	24 April 2009
Opinion of the Economic and Social Committee:	25 February 2009
Date of adoption of the Council position:	13 September 2010
Date of COREPER agreement on the second reading compromise:	8 December 2010
Date of Parliament's opinion at second reading:	18 January 2011

2. PURPOSE OF THE PROPOSAL

The objective of the Commission proposal is to replace the Council Directive 89/106/EEC, the Construction Products Directive, referred to hereafter as the CPD, by a Regulation, with the aim of better defining the objectives of this Community legislation, as well as making its implementation easier and more efficient. As part of the Better Regulation initiative, the proposal intends to bring about **simplification** of the current CPD-based system notably through the introduction of simplified procedures, so as to reduce the costs incurred by enterprises, in particular SMEs; **clarification** of the basic concepts and the use of CE marking; and to **increase the credibility** of the whole system by imposing new and stricter designation criteria to bodies involved in the assessment and the verification of constancy of performance of construction products.

3. OPINION OF THE COMMISSION ON THE AMENDMENT BY THE EUROPEAN PARLIAMENT

The European Parliament's opinion at second reading of 18 January 2011 has brought the Council position closer to that of the Commission's proposal in terms of clarifying the treatment of dangerous substances within the context of the REACH Regulation, ensuring the

independence of the actions of Product Contact Points for Construction as well as allowing for wider digital delivery of the declarations of performance.

The Parliament's position is a result of a compromise obtained at a triilogue held on 7 December 2010 and which was discussed and approved on 8 December 2010 in Council.

4. CONCLUSION

The Commission accepts all the amendments voted by The European Parliament in second reading according to the above described compromise text of the Council and the European Parliament. The Commission also presents the statement attached concerning the period for objection by the European Parliament and Council.

Annex: Statement by the Commission concerning the period for objection by the European Parliament and Council

The Commission recalls that the principle established in the draft Common Understanding is that the period for objection should be 2 months extendable by a further 2 months. In the present case, the Commission considers that there are no specific circumstances which could justify a deviation from that principle. The Commission regrets that the principle established in the draft Common Understanding has not been respected and underlines that the present case does not constitute a precedent.