



Brussels, 30 September 2019

## **EMU Draft Position Paper on CE Marking of Construction Products**

A recent discussion of the Association of Metal Construction Products Manufacturers with the responsible European Commission Directorate General has delivered a response to questions posed by an MEP and consequently a decision to stop Market Surveillance (MS) by the Dutch MSA ILenT in case that a manufacturer is also installing the product it made into the building. The problem this poses becomes bigger when the following sentence is added to the decision: "*in this cases and similar cases*". As a consequence, these manufactures are prohibited to CE mark these products.

First of all, the decision to drop the MS on metal construction products (under EN1090-1) when products are installed by the manufacturer. This leads to inordinate and disproportionate administrative and financial burdens on SME's that produce low risk and relative simple products such as lintels or small frames. In comparison to the larger manufacturers that produce and install products like the main loadbearing structure for a 20 store high rise that do not have to certify their FPC system.

Secondly the remark on similar cases opens up a Pandora's box that will, if not adequately dealt with, ensure total confusion and a breakdown of any residual backing of the Construction Products Regulation - CPR - related CE marking system, a system that already is plagued by a great deal of misinterpretation by users and stakeholders.

A long list of products fall in the 'similar cases' category. The market structure in several European countries is such that, for most products, the manufacturer is also responsible for the installation at the building site.

We have to take into account that the market structure is not digital. It is not black or white. An example: A manufacturer of Fire resistant doors (AVCP level 1) also installs its products in the market place and therefore would be prohibited to CE mark.

This manufacturer also sells the same products through a network of selected dealers in other European countries, the dealer companies not being owned by the manufacturer. In these instances, the manufacturer would be obliged to CE mark the same product that he is not allowed to CE mark within his marketplace.

To make matters worse, the marketplace also has manufacturers that do not install but that sell to third parties that are responsible to install these fire doors. This situation will create a great deal of confusion in the market place. Purchaser and building code inspectors will ask why these fire doors are not CE marked and why other (but similar) products are CE marked.

The above-mentioned problem do not only occur in relative small markets such as fire doors. Large markets such as façade and roofing products, curtain walling, windows and doors, balustrades and railings, fire-extinguishing systems, fire and smoke detection systems and

sprinklers, garage doors, partitioning wall systems, sandwich panel systems and other products are all affected by this issue.

We call on the Commission to act swiftly to solve these issues. As the CPR review is now well under way, **it should not be too late to intervene and fundamentally solve the problems that arise from this situation.**

Present regulations prevent manufacturers to CE mark when they are installing the product themselves. However, manufacturers would benefit from a clear functioning system that enables manufacturers to take the responsibility for the conformity of their products to essential requirements defined in European regulations and directives. Uniform communication on product performances and conformity is essential for the European internal market, regardless of the way the market is structured. SME's surely should not be the victim of loopholes in the Regulations that allow competitors to circumvent the CE marking system.

The construction products market has more than enough difficulties to comprehend the meaning of the CPR related CE marking system as it is now. It can only be described as utter chaos when manufacturers of "the same products" are sometimes required to CE mark and sometimes are prohibited to CE mark. The purchasing department of construction companies would logically prefer the CE marked products above the possibly of better non-marked products.

We call on the EU Commission to restructure the CPR in such a way that ensures uniform communication on product performances regardless of the market structure and to impose clearly defined exemptions for clearly specified situations such as heritage related constructions.