

Brussels, 20/04/2015

## **SBS POSITION PAPER ON THE FUTURE OF HARMONISED STANDARDS UNDER REGULATION N° 305/2011/EU**

### **Background information**

On the 5-6 February 2015, SBS participated in the Standing Committee on Construction (SCC) which was organised by the European Commission (EC) and registered the participation of Member States (MS), CEN, EOTA, the Group of Notified Bodies and stakeholders. The objectives of the SCC are oriented to the proper functioning of the regulatory framework by discussing recent developments in the implementation of Regulation N° 305/2011/EU (CPR) at EU level.

At this most recent meeting of the SCC, a working document on the expected content of Harmonised Standards under the CPR in the future was presented by the EC and caused an open and constructive discussion, to which SBS wants to contribute in writing.

### **Quality of harmonised standards (hENs) under the CPR**

SBS welcomes the considerations, made by the EC, which invite CEN Technical Committees (TCs) to apply and take into account -in the framework of the CPR implementation- the regulatory needs of MS, while setting the appropriate rules for the reliable assessment and verification of constancy of performance (AVCP) of products in a cost effective way for the manufacturer. However, SBS highlights that this can be possible only when regulatory bodies take actively part in the standardisation process. Indeed, requiring TCs to take into account the regulatory needs of all MS implies an adequate knowledge of those needs. SBS is of the opinion that this knowledge can be guaranteed only by defining procedures that ensure participation of regulatory bodies in TCs.

Ensuring participation to all relevant stakeholders has a direct impact also on other issues affecting the quality of hENs. In addition to the necessity of clear and precise mandates, it is relevant to mention the explicit need for extreme clarity on the intended use(s) of products covered by a specific hEN has not always been achieved due to vagueness and ambiguities in the definition of the scope of the standards. In this regard, SBS would support any action oriented to avoid complications for manufacturers who refer to such standards for the CE marking of their products.

Vagueness and ambiguities in the drafting of both mandates and standards, together with the insertion of prescriptions which fall outside the regulatory basis for standardisation in the field of construction products, lead necessarily to the re-drafting of standards. As this practice procrastinates inevitably the adoption of the standard under the CPR, SBS also demands more clarity with regard to the possible solutions that manufacturers could temporarily adopt in order not to be economically and professionally affected by the lack of technical regulation of reference.

T: +32.2.285.07.15

[www.sbs-sme.eu](http://www.sbs-sme.eu)

B-1040 Brussels, Rue Jacques de Lalaingstraat 4

Aisbl n°: 546.585.694

Transparency register N°: 653009713663-08

### **Definition of less onerous methods for assessing the performance of construction products with regard to essential characteristics**

The correct implementation of the CPR foresees in article 17(3) the possibility of reducing the economic impact for assessing the performance of construction products in relation to their essential characteristic(s) by providing, in hENs, less onerous methods to carry out these activities. SBS fully supports these prescriptions and proposes, where appropriate, the adoption of integrated databases (e.g. tables) for assessing the performance of essential characteristics, allowing a significant reduction of costs for manufacturers (especially SMEs) who could benefit from not being obliged to perform onerous tests in order to CE-mark their construction products. Moreover, the possibility of referring to integrated databases would be extremely advantageous for the assessment those essential characteristics which are introduced in updated versions of hENs, helping in avoiding a substantial increase of costs for manufacturers related to additional testing of their products. However, the discussion remains still open on issues related to the definition of such integrated databases. With this regard, SBS encourages the idea of a participatory approach, led by the European Commission, oriented to the promotion of applicable solution for a real implementation of cost reduction principles which are prescribed in the CPR.

### **ANNEX ZA and Assessment and Verification of Constancy of Performance (AVCP)**

Although appreciating the reference made about the general guidance on the meaning of Annex ZA with regard to the further reproduction and specification of appropriate system(s) for AVCP of construction products, SBS believes that is still necessary to underline this concept by introducing a clear reference in Annex ZA.

Indeed, the prescriptions of article 37 of the CPR would allow micro-enterprises manufacturing construction products covered by a hEN to treat construction products to which AVCP system 3 applies in accordance with provisions for system 4. However, SBS is of the idea that the application of article 37 with regard to the above-mentioned prescriptions has not yet brought concrete results for the interests of micro-enterprises.

As possible solution, SBS proposes the addition of a direct reference to clauses given in article 37 of the CPR at the point ZA.2 of Annex ZA:

- *“Micro-enterprises may treat construction products by means of use of Art. 37 of Regulation (EU) No.305/2011, adopting simplified procedures for those products to which AVCP system 3 applies”;*

This insertion would allow micro-enterprises to get information about how to treat their products in relation to AVCP procedures from a document (Annex ZA) that has a direct impact on their daily activities, rather than recurring to the regulation of reference (CPR - 305/2011/EU). Such an action would constitute also a concrete step in precluding any possible unfortunate practice that could see the notified body, which clearly does not benefit from the micro-manufacturer’s decision of treating his construction products following system 4 instead of system 3, offering unnecessary services



Work of SBS is mandated & co-financed by the European Commission  
Les activités de SBS sont mandatées et co-financées par la Commission Européenne



exploiting an information asymmetry, thus not allowing the micro-manufacturer to benefit from the simplified procedures provided for by the CPR.

SBS is fully aware that the proposed addition to Annex ZA at point ZA.2 is a repetition of part of the text of CPR, but we are sure that these clarifications will benefit micro-enterprises by avoiding confusions, misunderstandings and potential conflicts of interests.

*NOTE: Small Business Standards (SBS) is a European non-profit association (aisbl) established with the support of the European Commission to represent European SMEs in the standard making process at European and international levels. The SBS goal is to represent and defend SME interests in the standardisation process at European and international level. Moreover, it aims at raising SME awareness about the benefits of standards and at encouraging them to get involved in the standardisation process.*

---

T: +32.2.285.07.15

[www.sbs-sme.eu](http://www.sbs-sme.eu)

B-1040 Brussels, Rue Jacques de Lalaingstraat 4

Aisbl n°: 546.585.694

Transparency register N°: 653009713663-08