

# Issues related to construction products regulations

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## Abstract

When implementing the EU internal market, already in 1985, the European Council placed particular emphasis on certain sectors, including construction, imposing the need to establish essential requirements for products created to meet various human needs, including safety and other aspects important for the general good, in order to achieve and ensure a high level of protection. In the case of construction products, the essential requirements consist of both general and specific criteria to be met by the construction work. These requirements should be interpreted in such a way that these facilities should meet one, several or all of these requirements to an appropriate degree of credibility, if provided for by the regulations.

**Keywords:** construction products, regulations, building requirements.

## 1. Introduction to the issue

Construction, the final effect of which are construction objects, due to its high energy intensity, material consumption and transport consumption has an extremely significant impact on the environment. This resulted in the idea of sustainable construction, the features of which are:

- striving for less consumption of construction products in the construction of buildings, which translates into a reduction in the amount of extraction of natural resources and energy necessary for the extraction of resources and the production of construction products, which is a very important area of the Polish economy;
- design, construction and use of buildings in a manner consistent with the requirements of sustainable development;
- the reuse or recycling of construction works and their materials and components after demolition;
- durability of buildings;
- the use of environmentally friendly raw materials and secondary materials in construction works, as well as
- wide use of renewable energy.

The environment is the natural place of life of every society, in which the various human needs, both individual and collective, are realized, among others through the construction of various buildings that fill the most numerous human living environment. Due to the high durability of buildings - the quality of their solution for many years determines the conditions of human functioning in the transformed environment of his life.

Therefore, an important problem is the design, execution, use and demolition of buildings not only in accordance with the idea of sustainable construction, but also in compliance with the requirements of safe satisfaction of specific human needs during the period of expected use of buildings. That is, construction objects must be characterized by construction-material and functional and functional solutions that are safe for humans. Construction products used for the construction of buildings play a special role in ensuring these requirements.

Hence, in Poland, legal regulations are made to the principles of designing, building and operating buildings – aimed at ensuring various human needs, taking into account the need for broadly understood safety.

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## **2. Basic concepts related to construction products**

The application of the rules on construction products requires knowledge of the concepts related to construction products concerning: construction product, kit, essential requirements and essential characteristics, performance, level, class, threshold value and type of product, and harmonised technical specifications (harmonised standards and European assessment documents), declarations of performance and essential requirements for construction works.

## **3. Essential requirements for construction products**

The European Council completing the EU's internal market [12] as early as 1985. It has placed particular emphasis on certain sectors, including construction, imposing the need to establish essential requirements for products designed to meet a variety of human needs, including safety and other aspects important for the general good, in order to achieve and ensure a high level of protection. In the case of construction products, the essential requirements consist of both general and specific criteria with which the work must comply; these requirements must be interpreted in such a way that the works must meet one, some or all of those requirements with an appropriate degree of reliability, where the legislation so provides. Construction products should allow the construction of works which, taking into account economic factors, are suitable for the intended use (as a whole and divided into parts) and which have met the essential requirements set out in the Building Directive [3] – until 13.07.2013, and thereafter the essential requirements were modified and supplemented by EU Regulation No 305/2011 [16]. With normal maintenance of facilities, these requirements should be met for an economically reasonable useful life.

The essential requirements for construction products are the basis for mandates for the development of standards and harmonised technical specifications defining the essential characteristics of construction products in relation to the basic requirements for construction works. For specific families of construction products covered by a harmonised standard, where appropriate and with a view to their intended use as defined in harmonised standards, the European Commission shall determine, by means of delegated acts, the essential characteristics in relation to which the manufacturer declares the performance of the product when placed on the market. Where appropriate, the EC shall also set, by means of delegated acts, threshold values for those performance for the essential characteristics to be declared. It is the responsibility of the manufacturer to ensure that construction products comply with the essential requirements set out for each type of construction product in the relevant Union legislation in order for them to be placed on the market and put into service.

## **4. Legal sources of basic requirements for buildings**

### **4.1. Building Directive**

The EU legal order is formulated through Directives and Regulations of the EP and the EU Council.

The purpose of the directives is to approximate the regulations of the Member States in relation to specific issues, they define the essential requirements for the safety of products placed on the market in the European Union.

Regulations (EP and Council of the EU) are binding law, directly and in full in all EU member states, without the need to adapt the law contained therein to the national legal order; it may include a mandate for the European Commission to issue delegated acts.

The EU New Approach Directives define the safety requirements for products placed on the market in European Union countries. Essential in the case of manufactured products including: 1) load capacity and stability, 2) safety after use, 3) hygiene, health and environment, 4) safety of use, 5) protection against noise and 6) energy saving and thermal insulation –as outlined in the Directives Council 89/106/EEC of 21.12.1988. On the approximation of laws, regulations and administrative provisions of the Member States relating to construction products – commonly referred to as the CPD Directive or the Construction Directive (valid until 1.07.2013) [3].

The Directive [3] was binding in nature, but Member States were free to choose how, form and means of its implementation. National authorities were obliged to adapt their legislation to the objectives and provisions of the Directive. The function of directives is not to unify national legal orders, but to harmonise them – that is, to base them on a normative concept, i.e. the conformity of a construction product with a harmonized standard or a European

technical approval. The Directive [3] introduced the concept of a construction product, referring to the permanent bonding of a product with a building or engineering structure, which was closely related to the mandates of the European Union to create harmonized standards, and the products not covered by the above-mentioned mandates were not construction products within the meaning of the above-mentioned Directive. In the case of a harmonized standard or European Technical Approval, the CE mark (CE marking) may be affixed to the product. In the absence of a European harmonised standard or in the absence of an ETA (European Technical Approval) document, the directive allows for a national solution and in this case the B mark (construction mark B) is applied to the product.

The B mark is applied on the basis of compliance with a national standard (a national standard cannot have the status of a withdrawn standard) or a national technical approval (national technical approval issued for a period of 5 years). The Building Directive, due to the enforcement of the use of CE marking or the B mark, was, in implementation, one of the most difficult directives of the New Approach.

The findings of the Building Directive showed that the basis for the development of harmonised standards or other technical specifications at European level and for the preparation and granting of European technical approval are interpretative documents drawn up to specify the essential requirements at technical level. In 1994, interpretative documents for each of the six basic requirements were published in the Official Journal of the EU. Translations of Interpretative Documents No. 1 to 6 were published together with the comments of specialists of the Building Research Institute as volumes 2 to 7 of the series: "Documents of the European Union concerning construction". The interpretative documents were used in the following cases: technical conditions to be met by certain construction works and their location issued in the form of regulations on the basis of the delegation contained in the Construction Law and standards for designing structures from the Eurocode series.

On the other hand, the Directives [3] were transposed to, in particular, the provisions of:

- the Construction Products Act [2, 8], and
- Article 5 of the Construction Law Act [29], which provides that a construction work as a whole and its individual parts, together with the related construction equipment, should, taking into account the expected period of use, be designed, built, used and maintained in the manner specified in the regulations, including technical and construction, and in accordance with the principles of technical knowledge, ensuring that six basic requirements for construction works (defined in the above-mentioned IE directives as essential requirements).

Directive 89/106/EEC [3] was amended by Regulations No 1882/2003 of 29.09.2003 [18] and No 568 /2014 of 18.02.2014 [21].

## **5. Regulation (EU) No 305/2011 of the European Parliament and of the Council**

After 25 years of validity of the Buildings Directive [3], having regard, inter alia, to the proposal from the European Commission and the opinions of the European Economic and Social Committee, it has been recognised that:

- the existing discrepancies in the requirements of EU countries in terms of national standards for construction products, national technical approvals, other national technical specifications and regulations related to construction products in relation to EU requirements in this area - constitute an obstacle to trade in construction products within the Union;
- it should be replaced by the Buildings Directive with the aim of:
  - simplification of the current legal framework and making it clearer, as well as
  - improve the transparency and effectiveness of the measures currently in force;
- the removal of technical obstacles in the field of construction is possible only by laying down harmonised technical specifications:
  - used to assess the performance of construction products,
  - covering tests, calculations and other measures as defined in harmonised standards and European assessment documents,
  - for the purpose of assessing the performance in relation to the essential characteristics of construction products.

- whereas the methods used by the Member States in their requirements for construction works, as well as other national provisions relating to the essential characteristics of construction products, should comply with harmonized technical specifications;
- when assessing the performance of a construction product, the health and safety aspects associated with the use of the product throughout its life cycle should also be taken into account;
- special methods for assessment and verification of constancy of performance in relation to the essential characteristics of construction products should be laid down.

Taking into account the above comments, Regulation (EU) No 305/ 2011 of the European Parliament and of the Council of 9.03.2011 was issued. Laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC(19) - abbreviated as the CPR. A regulation is binding, directly and in its entirety, without the need to adapt its law to the national legal order. Thus, at the time of its entry into force (1 July 2013), it became directly applicable law throughout the European Union, which means that it did not have to be introduced into national regulations, as was the case with the CPD Directive, and only Member States were obliged to repeal any provisions inconsistent with the content of the regulation and comply with the ban on issuing legal acts inconsistent with its content. The Regulation (19) does not harmonise any specific requirements or minimum safety levels for construction products, but only defines a common technical terminology which is the same for all construction products falling within the scope of the Regulation and serves to assess the performance of construction products in relation to their essential characteristics as set out in harmonised technical specifications.

Construction products according to the CPR Regulation [19] are all elements that are manufactured in order to be permanently incorporated into various types of construction works or in their parts. This Regulation clearly regulates the rules on the methods of placing devices on the market and making available on the market, the drawing up of accompanying documentation and the CE marking. This applies to those products for which mandates have been issued and the standards in question have been harmonised. For the rest – in accordance with the applicable regulations – it is possible to implement on the basis of national requirements, regulated in Poland by the Act on Construction Products [28]. On this basis, a national declaration of performance and marking B are developed. The CPR Regulation is:

- obligatory for products covered by harmonized European hENs – the manufacturer must draw up a declaration of performance based on a harmonized standard and assign mandatory CE marking to the products;
- optional – for other products, the regulation leaves the Member States free to act; The manufacturer shall draw up the declaration of performance based on:
  - o the European Technical Assessment of the EOT (these documents will progressively replace the European ETA technical approvals, valid until the end of their validity) and confers the CE marking on the products, which allows them to be placed on the EU market, or
  - o national technical assessment (KOT) and affixes the B construction mark on the products, which allows them to be placed on the market in the Polish.

The CPR Regulation does not allow the use of the national marketing path of products covered by harmonized European hENs, which was allowed (and according to some opinions even abused) in the old system according to the CPD Directive.

Manufacturers will issue a declaration of performance in the new system instead of a declaration of conformity to a technical specification (European harmonised standard HEN or European technical approval ETA), informing about the performance of the product and the intended use, for which they bear full responsibility. A novelty, which is probably eagerly used by companies exporting their materials, is also the provision that *"... a construction product outside the material scope of harmonised technical rules may be made available on the national market if it has been lawfully placed on the market in another EU Member State and its performance enables the construction works to meet the essential requirements.'* It is also important to ensure that products are accompanied by reliable performance data, as *"... A construction product made available on the domestic market should be accompanied by information on its performance marked in accordance with the legislation of the country in which the product is placed on the market.'*

In the Act on Construction Products, in accordance with the requirement of the CPR Regulation, there is a provision about the need to establish a contact point. Under this name there is an institution from which domestic and foreign companies will be able to receive reliable and accurate information on the law in force in the Member State in which they intend to place or make available on the market their products. In Poland, the institution that acts as a contact point is the Central Office of Building Supervision, which is obliged to provide transparent and easy-to-understand information about the regulations in force in the territory of a given country, regarding technical regulations related to the assembly or installation of a specific type of product and executive regulations applicable to the incorporation, assembly or installation of a specific type of product. In Regulation [19]:

- new obligations have been included for participants in the construction products market. The changes affect not only product manufacturers, but also importers and distributors. A new tool for communicating information about the technical characteristics of manufactured and sold products has become the declaration of performance.
- the essential requirements for construction products have been modified (compared to the six essential requirements of the Building Directive) and a seventh essential requirement for the sustainable use of natural resources has been introduced.

The new regulations introduced by the provisions of Regulation 305/2011 [1, 9] concern NW. Four basic areas implemented into Polish law:

- 1) Construction Products Act [28] – issues concerning:
  - defining the competences of authorities in the performance of administrative tasks and obligations arising from the CPR, including m.in the designation and monitoring of Polish technical assessment units, the designation of a national contact point for construction products;
  - lay down rules for the placing on the market and making available on the market of construction products in the scope not regulated in the CPR;
  - update the principles of product inspection and the rules of operation of building supervision authorities to the requirements of the CPR and the revised national system.
- 2) Construction Law Act [29] and the technical and construction provision – in the scope of:
  - the seven essential requirements set out in the CPR, and
  - rules for laying down requirements in the legislation of the Member States concerning the performance of construction products used in the execution of construction works.

## **6. Work on amending Regulation (EU) No 305/2011 of the European Parliament and of the Council**

### **6.1. Evaluation of the implementation of Regulation (EU) No 305/2011 of the European Parliament and of the Council**

EU Regulation No. 305/2011 [19] was amended by EU Regulations No. 568/2014 of 18.02.2014 [21], No. 574/2014 of 21.02.2014 [22] and 2019/1020 of 20.06.2019 [23].

The objectives of Regulation (EU) No 305/2011 [19] were achieved in particular in the mandatory use of harmonised standards referred to in the Official Journal of the European Union. However, as the years have passed, a growing number of problems related to normalization has been noticeable. In the assessment in the Court's judgment [30], the impasse in the development and adaptation of harmonised standards for construction products can be attributed in part to formal requirements which hampered their further development.

Less and less often draft harmonised standards developed by the European standardisation organisations could be referred to in the Official Journal. The last publication took place on 20.03.2019, when Commission Implementing Decision (EU) 2019/451 of 19.03.2019 was published in the Official Journal of the EU. On harmonised standards for construction products drafted in support of Regulation (EU) No 305/2011 of the European Parliament and of the Council [5].

It is now recognised that outdated harmonised standards fall short of market needs as the updating process has not kept pace with developments in the construction sector. On 18.03.2020, the EU Commission commissioned the

preparation of a Report on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of products [24], which included the NW, findings showing that:

- EU legislation on construction products is not in line with the so-called New Approach to Technical Harmonisation, which is widely used for product legislation in the internal market.
- The specificity of the rules on construction products derives from their characteristics as intermediate products and from the fact that the rules on construction works fall within national competences. Therefore, the Regulation [19] does not lay down requirements for products, but rather contains a set of harmonised principles for the assessment of performance in relation to the main characteristics of construction products (e.g. fire resistance, sound insulation).
- However, Member States retain their competence with regard to safety, environmental and energy requirements that apply to buildings and structures.

In particular, Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25.10.2012 was used to prepare the above-mentioned report. On European standardisation [20], study supplementing the review of Regulation 305/2011 of 2018. [27], European Commission assessment of 24.10.2019 on Regulation 305/2011 [10], analysis of data on production and trade in construction products [11], 2020 follow-up study of the impact assessment on the revision of the CPR [1] and conclusions of the Technical Conference of Stakeholders of the Review of the CPR of 07.09.2020 [9].

## **6.2. European Parliament resolution on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products**

Using the documents described in section 6.1 and EU communications [6, 7] - on 10.03.2021, presented the European Parliament Resolution on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation) 2020 /2028 (INI) [17].

It shows that the Commission's evaluation of the CPR and its ongoing review point to the need to revise EU Regulation No 305/2011 [19] in the light of common harmonised rules, which should form a strong regulatory framework with effective and easy-to-enforce tools. To this end, the need to:

- involvement in the consultation and evaluation process of all stakeholders,
- carry out an impact assessment of possible regulatory choices, and
- ensure a level playing field and reduce administrative burdens for all (in particular small and medium-sized enterprises).

In the cited resolution of the European Parliament [17]:

- 1) Problems have been identified with the common technical language introduced by the CPR as defined in harmonised European standards and European Assessment Documents (EADs) for products not covered or not fully covered by harmonised standards in order to meet Member States' performance requirements – due to the small number of issued new standards (of the 444 existing harmonised standards for construction products, only 12 new standards were issued after the adoption of the CPR).
- 2) It was recognized that the most important problems related to the implementation of the CPR include:
  - the time needed to develop and quote standards,
  - backlog of review and updating of existing standards,
  - lack of legal clarity in the current legal framework, and
  - lack of productive dialogue between all partners currently involved in the CPR implementation process.
- 3) It found that: the lack of harmonised standards and the incompleteness of existing standards have led to additional requirements at Member State level for construction products, which hinders their free movement in the Single Market.
- 4) It is indicated that the current state requires:
  - find a quick and feasible solution to streamline standardisation processes, and
  - remove backlogs of standards that are not cited.
  - Connection:
    - o short-term measures to address regulatory delays and gaps, and

- long-term measures to improve the definition of a common technical language through comprehensive and harmonised standards.
- 5) Comments were made on:
  - a) CE marking and declaration of performance:
    - whereas, because the CE marking under the CPR is wrongly considered to be a quality mark and does not specify whether a construction product is safe or can be used in construction works, it requires solutions to be put in place to provide end-users with precise and clear information on the safety of construction products and their compliance with national building safety requirements;
    - it is necessary to assess the possibility of progressively improving the CPR by including additional information and performance requirements for the product with regard to health, safety and environmental aspects following an impact assessment and an assessment of the regulatory needs of the Union and the Member States for each product Category.
  - b) market surveillance, stating that market surveillance of construction products is perceived as insufficient and ineffective. The resolution therefore calls on EU Member States to:
    - fully implement Regulation (EU) 2019/1020, which aims to strengthen the market surveillance of products covered by Union harmonisation legislation, including the Common Provisions Regulation, and to establish a framework for cooperation with economic operators.
    - The resolution also stresses the need to ensure effective market surveillance of construction products sold online, especially those purchased from economic operators outside the EU, as they may not comply with EU legislation and may therefore affect the quality and safety of construction works.
  - c) sustainability in construction products concerning:
    - the general need to move towards a sustainable and more circular economy for the sourcing, production, re-use, recycling and use of construction products in construction works, and
    - the need to improve the durability of construction products and the availability of secondary and renewable products and materials on the market.
    - Having:
      - the inclusion of certain environmental performance requirements and life-cycle sustainability criteria in harmonised standards for specific product categories under the CPR, and
      - assess how the CPR could support the circulation of construction products, including products that are reused or reclaimed or made from recycled materials.

Taking into account the findings of the abovementioned European Parliament Resolution [17], a proposal for an amendment to the Construction Products Regulation [2] has been drawn up.

### **6.3. Proposition of the new Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products (new CPR)**

According to the information published on 20/04/2022 on the website of the Ministry of Development and Technology - with a view to ensuring the proper functioning of the single market for construction products for the next 11 years of the CPR Regulation, the European Commission on 30.03.2022 prepared proposals for a new regulation of the European Parliament and of the Council [2]:

- laying down harmonised conditions for the marketing of construction products,
- of the European Parliament and of the Council amending Regulation (EU) 2019/1020 and
- repealing Regulation (EU) 305/2011 (new CPR).

CPR amendment, proposed by the EC on 30.03.2022 , aims to:

- ensuring the smooth functioning of the single market and the free movement of construction products;
- increasing the role of sustainable use of natural resources in the life cycle of construction products;
- enabling the construction sector to achieve its climate and sustainability objectives and participate in the digital transformation of the economy;
- ensuring competitiveness and removing barriers by means of harmonised standards.

The above-mentioned draft of the new Regulation of the European Parliament and of the Council [2] has been referred to the Working Party on Technical Harmonisation of the EU examining draft legislation aimed at removing obstacles to intra-EU trade in goods and guaranteeing both a genuine free movement of industrial products and a high level consumer safety. Currently, the group is analysing individual articles of the project, on the basis of which the European Commission will make possible changes to the draft of the New CPR.

The current draft of the New CPR [2] deviates significantly from the current CPR [3]:

- starting from the very definition of a construction product, from which the influence of the product on the performance of construction works has been removed,
- by introducing an additional declaration of conformity, to the requirement to provide data on the environmental aspects of construction products.

However, the final text of the Regulation [2] may deviate from the proposed draft, it should be assumed that the new CPR will invariably be more buy-in on the aspect of sustainable use of natural resources in construction products.

Regardless of the changes that occur in the content of the act itself, reference should be made to the envisaged entry into force of the New CPR. In its Regulatory Impact Assessment, the European Commission assumed the implementation of the act in 2024, while indicating that the adoption and publication of the proposal before 2025 is unlikely. Article 94 of the draft [2] indicates that the Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Therefore, it is likely that the new regulations will come into force in 2025 or early 2026.

However, in Article 92 of the draft regulation [2] - it follows that the CPR is repealed with effect from 1.01. 2045. In the light of the above, the prospect of 20 years of coexistence of the CPR and the New CPR seems to be drawing up, which may cause anxiety for many entrepreneurs. Such a long coexistence period does not mean that the manufacturer will be free to decide which regulation will apply to his construction product.

In contrast to the situation that occurred after the repeal of the CPD Construction Directive [3] and its replacement by CPR Regulation 305/2011 [19], when the harmonised standards developed for the CPD remained valid, the European Commission proposes to develop new standards for the New CPR [2].

Article 34(2) of the draft regulation [2] states that the New Regulations for construction products developed on the basis of Article 4(2) of the Regulation [2] are mandatory to apply six months after the publication of their reference in the Official Journal of the EU, but may be used voluntarily from the date of publication at the request of the manufacturer.

Thus, within the 20th coexistence, there is likely to be a gradual reduction in the scope of the CPR. As new harmonized standards are developed, further groups of construction products will be covered by the New CPR.

Thus, this 20-year period will be the maximum time given by the European Commission to develop standards that will cover all groups of construction products. On the other hand, the time given for entrepreneurs to adapt to the requirements of the New CPR will be much shorter in relation to some products.

The European Commission has already started work under the ( CPR *acquis*) to develop standardisation mandates to form the basis for the development of new harmonised standards. Currently, work is carried out by groups dealing with the following construction product families: 'Precast concrete products', 'Structural metallic products', 'Reinforcing prestressing steel', 'Doors, windows, shutters, gates and related building hardware' and a horizontal group dealing with the environmental aspects of construction products. Therefore, it should be expected that these product groups will be first covered by the requirements of the New CPR.

Manufacturers for whose products work has begun to develop standardisation orders must be ready to meet the new requirements for the marketing of harmonised construction products within 4 years.

## 7. Conclusoins

The information provided on the provisions on construction products shows that:

- 1) The initial process of producing harmonised technical specifications under the Construction Products Directive (CPD) [3] and continued under the Construction Products Regulation (CPR) [19] is not consistent.
- 2) The CPR evaluation also concludes that the current process of developing technical specifications is not producing satisfactory results. The existing harmonised technical specifications are mostly incomplete as they are based on the CPD and do not take into account the specificities of the CPR. To a large extent, they do not even cover most of the essential requirements and, as a result, several product groups that could benefit from harmonisation are not covered at all and those that are covered are incomplete.
- 3) The purpose of the revision of the CPR Regulation [19] is to bring the *acquis* (*acquis communautaire*) into line with the revised or current Construction Products Regulation (CPR). This approach is necessary regardless of whether the CPR is amended or not.
- 4) If the CPR remains unchanged, there will be better planning for new standardisation proposals, acts of the European Commission and the work of the European Organisation for Technical Assessment (EOTA). In the event of a revision of the CPR, the management of the *acquis* may eventually become the logistical basis for the adoption of technical specifications by the European Commission if the arthrodonors decide to do so.
- 5) Not all acts of the CPR *acquis* can be amended at the same time. Work therefore began by defining criteria for prioritising and assessing product families before reviewing the technical specifications. To this end, the European Commission maintains a continuous dialogue with national authorities.
- 6) The European Commission is working intensively on a new approach to the CPR Regulation [19] establishing harmonised conditions for the marketing of construction products, taking into account many factors, such as: improvement of standardization work, functioning of national designations, market surveillance or environmental aspects of construction products. These changes, even if introduced gradually and after consultations, will have a significant impact on the construction products industry in Poland, which is the leading manufacturer of construction products in Europe.
- 7) The revision of the Regulation [19] aims to improve the internal market for construction products by facilitating their free circulation. During the revision, greater emphasis is to be placed on increasing the level of environmental protection, which will be linked to regulations on the durability of construction products and the sustainable use of natural resources. The regulation is to be adapted to the "new approach to technical harmonisation" and to streamline the publication of harmonised standards.
- 8) The comments made during the consultation are currently being analysed on proposals for actions related to the revision of the CPR.
- 9) The Ministry of Development and Technology actively participates in the work related to the revision of the CPR and the CPR *Acquis* process. Representatives of the Ministry of Culture and Technology take part in meetings organized by the European Commission, during which a dialogue is conducted on the challenges related to improving the functioning of the internal market for construction products. In addition, MRiT participates in the work of the Steering Group CPR *Acquis*, which coordinates the activities of subgroups developing technical documentation for groups of construction products.
- 10) Up-to-date information on the CPR revision process and information on the activities of the CPR *Acquis* process involving the development of new technical specifications are available on the website of the European Commission.
- 11) The Committee on the Internal Market and Consumer Protection of the European Parliament published a report on 14.11.2022 [26] in which it referred to the draft regulation proposed by the European Commission. The discussion on this report took place on 29.11.2022.

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  11. Ogólne zasady wprowadzania do obrotu lub udostępnianie na rynku krajowym wyrobów budowlanych (<https://budowlaneabc.gov.pl/wyroby-budowlane/ogolne-zasady-wprowadzania-do-obrotu-lub-udostepnianie-na-rynku-krajowym-wyrobow-budowlanych/>).
  12. Opracowanie Komisji Europejskiej „*Rozporządzenie w sprawie wyrobów budowlanych UE) nr 305/2011 – analiza danych dotyczących produkcji i handlu wyrobami budowlanymi*”, 2019.
  13. Praktyczny informator w zakresie wprowadzania do obrotu lub udostępniania na rynku krajowym wyrobów budowlanych (<https://budowlaneabc.gov.pl/wyroby-budowlane/>).
  14. Raport Komisji Rynku Wewnętrznego i Ochrony Konsumentów PE z dnia 03.02.2021 r. na temat wdrożenia rozporządzenia nr 305/2011 (CPR), A9-0012/2021
  15. Rezolucja Rady Europejskiej z dnia 07.05.1985 (Dz. C 136 z. 4..6.1985, str.1).
  16. Rezolucja Parlamentu Europejskiego z dnia 21.10.2010 r. w sprawie przyszłości europejskiej normalizacji Dz.U. C 70 E z 8.3.2012, s. 56.
  17. Rezolucja Parlamentu Europejskiego w sprawie wdrożenia rozporządzenia (UE) nr 305/2011 ustanawiającego zharmonizowane warunki wprowadzania do obrotu wyrobów budowlanych (rozporządzenie w sprawie wyrobów budowlanych) 2020/2028 (INI) z 10.03.2021 r. (2020/2028(INI)).
  18. Rozporządzenie 1882/2003 z dnia 29.09.2003 r. dostosowujące do decyzji Rady 1999/468/WE przepisy odnoszące się do komitetów, które wspomagają Komisję w wykonywaniu jej uprawnień wykonawczych ustanowionych w instrumentach podlegających procedurze określonej w art. 251 Traktatu WE.
  19. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 1025/2012 z dnia 25.10.2012 r. w sprawie normalizacji europejskiej, zmieniające dyrektywy Rady 89/686/EWG i 93/15/EWG oraz dyrektywy Parlamentu Europejskiego i Rady 94/9/WE, 94/25/WE, 95/16/WE, 97/23/WE, 98/34/WE, 2004/22/WE, 2007/23/WE, 2009/23/WE i 2009/105/WE oraz uchylające decyzję Rady 87/95/EWG i decyzję Parlamentu Europejskiego i Rady nr 1673/2006/WE 2 (rozporządzenie w sprawie normalizacji).
  20. Rozporządzenie 568/2014 z dnia 18.02.2014 r. zmieniające załącznik V do rozporządzenia Parlamentu Europejskiego i Rady (UE) nr 305/2011 dotyczący oceny i weryfikacji stałości właściwości użytkowych wyrobów budowlanych.
  21. Rozporządzenie delegowane Komisji (UE) 574/2014 z dnia 21.02.2014 r. zmieniające załącznik III do rozporządzenia Parlamentu Europejskiego i Rady (UE) nr 305/2011 w odniesieniu do wzoru, który należy stosować przy sporządzaniu deklaracji właściwości użytkowych wyrobów budowlanych. (Dz. U. UE. L. 2014.159.41)
  22. Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2019/1020 z dnia 20.06.2019 r. w sprawie nadzoru rynku i zgodności produktów oraz zmieniające dyrektywę 2004/42/WE oraz rozporządzenia (WE) nr 765/2008 i (UE) nr 305/2011 (Tekst mający znaczenie dla EOG).
  23. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 305/2011 z dnia 9.03.2011 r. ustanawiające zharmonizowane warunki wprowadzania do obrotu wyrobów budowlanych i uchylające dyrektywę Rady 89/106/EWG. Tekst mający znaczenie dla EOG (Dziennik Urzędowy UE i Rady (UE) nr L.88/5 z dnia 04.04.2011 r.
  24. Sprawozdanie w sprawie wdrożenia rozporządzenia (UE) nr 305/2011 ustanawiającego zharmonizowane warunki wprowadzania do obrotu wyrobów budowlanych (rozporządzenie w sprawie wyrobów budowlanych) 3.2.2021 - (2020/2028(INI)).
  25. Sprawozdanie Komisji z dnia 24.10.2019 r. w sprawie wyników oceny odpowiedniości zadań określonych w art. 31 ust. 4, które są finansowane ze środków unijnych zgodnie z art. 34 ust. 2 rozporządzenia Parlamentu

*Europejskiego i Rady (UE) nr 305/2011 z dnia 9 marca 2011 r. ustanawiającego zharmonizowane warunki wprowadzania do obrotu wyrobów budowlanych i uchylającego dyrektywę Rady 89/106/EWG (COM(2019)0800).*

26. Sprawozdanie Komisji Rynku Wewnętrznego i Ochrony Konsumentów Parlamentu Europejskiego z dnia 14.11.2022 r. zawierającego odniesienie do projektu rozporządzenia zaproponowanego przez Komisję Europejską. 2022/0094(COD).
27. Supporting study for the review of the Construction Products Regulation. Impact assessment: final report, 2018.
28. Ustawa z dnia 16.04.2004 r. o wyrobach budowlanych (Dz.U. z 2021 r. poz. 1213 t. j.).
29. Ustawa z dnia 07.07.1994 r. Prawo budowlane (Dz. U. z 2020 r. poz. 1333 t. j. z późn. zm.)
30. Wyrok Trybunału (trzecia izba) z dnia 27.10.2016 r. (wniosek o wydanie orzeczenia w trybie prejudycjalnym złożony przez Supreme Court - Irlandia) - James Elliott Construction Limited/Irish Asphalt Limited (Sprawa C-613/14).
31. Zawiadomienie Komisji – Niebieski przewodnik – wdrażanie unijnych przepisów dotyczących produktów 2016/C 272/01 (Dz. Urzędowy KE C 272/1 z dnia 26.07.2016 r.).