

*The EU Construction Products Regulation (EU CPR) is unique in the EU's legal system in lacking comprehensive provisions for product safety. Such provisions are however urgently needed.*

## A Problem

- Compared to other areas of industry, the **accident rate** in the construction sector is **exceptionally high**. The safety qualities of a construction product at the various phases of its life cycle are therefore a major concern of the occupational safety and health lobby.
- The EU CPR exhibits a **systemic legal deficiency** with respect to the high level of health, safety and consumer protection required by Article 114 of the TFEU.
- In an industry employing **18 million people** in Europe and accounting for 9% of its gross domestic product, this safety deficit is not ethically justifiable.
- **Costs:** In 2017 alone, the German Social Accident Insurance Institutions incurred outlay of **€700 million** in benefits relating to asbestos-related occupational diseases; between 1990 and 2020, the cumulative outlay of these institutions with respect to asbestos-related occupational diseases amounted to over **€11 billion**.
- **Examples of unsafe construction products:**
  - **Asbestos:** An example of a single product with huge **long-term effects** entailing enormous outlay (deconstruction phase)
  - **Skylights** (approx. five deaths per year in Germany): The safety of these products is not assured and the existing EU CPR (basic requirement 4 concerning safety in use) is not therefore implemented (final use phase)
  - **Floor tile adhesive** (eight carcinogenic polycyclic aromatic hydrocarbons, risk of explosion): No legal means of considering product safety requirements set out in other areas of legislation (such as the 98/24/EC Hazardous Substances Directive) (installation phase)
- The absence of Europe-wide solutions runs contrary to completion of the Single Market and may lead to **standalone solutions at national level**; instead, the EU CPR should continue to be the core legal instrument for product-related requirements.

## B Product safety and standardization

- The **occupational safety and health lobby** possesses **decades of experience with standardization** in Europe. The need for additional product safety provisions in standards concerns only a tiny fraction of the vast number of products.

- Standardization is able to respond **quickly and directly** in matters concerning product safety and ensures a **level playing field** in Europe.
- The standardization process is **consensus-driven**, and involves product requirements being defined according to the state of the art. In accordance with the rules of standardization (see DIN 820-2; ISO/IEC Directives, Part 2, and CEN/CENELEC Regulations, Part 3), the process explicitly takes account of the economic operators' market requirements.
- Owing to their proven processes and routines, standardization and market surveillance demand little or **no additional effort**.
- Sound regulation of product safety in the EU CPR is most likely to deliver a **win-win outcome** for workers, manufacturers, contractors and consumers.

## C False arguments

- Construction products are only **intermediate products**:  
Many products are also sold directly to the consumer (in DIY stores); intermediate and end products are not clearly differentiated. The crucial point is that the products are used by consumers and employees alike. In Europe, both groups have a legal entitlement to safe products.
- **Construction will become more expensive**:  
The choice between a safe and an unsafe product (for example: low-chromate vs. high-chromate cement) does not of itself increase construction costs. The factors driving cost are often to be found elsewhere.  
The costs of inadequate product safety are often passed on to accident insurance institutions, and the builder pays these costs through his statutory insurance premiums.
- The **specific installation scenario** cannot be predicted in advance:  
This is correct, but rarely has any bearing on safety characteristics inherent to products.
- The product safety discussion is guided by **vested interests**:  
With 18 million workers in the sector in Europe, this argument is not justified.

*Through KAN, the occupational safety and health lobby is calling for a general requirement for the safety of products to be implemented in the EU CPR. With reference to the product life cycle and intended use, this requirement must ensure that the safety of the product for workers, consumers and users of the finished structure can be included in European standardization mandates under the EU CPR and can be supported by way of product standards.*