

Position on the proposal for a Regulation (EU) governing construction products

The Commission for Occupational Health and Safety and Standardization (KAN) represents the OSH lobby in the standardization sphere. KAN comprises representatives of employers, employees, the German federal and state governments, the statutory accident insurance institutions and DIN (Deutsches Institut für Normung e. V.). It acts as a neutral mediator, focuses OSH interests and submits them to standardization and legislative activity. It identifies occupational safety and health deficits and proposes improvements.

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On 30 March 2022, the European Commission presented Proposal COM (2022) 144 for a Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011. The topic of inherent product safety was also addressed in the Proposal.

KAN's position

- This legislative proposal addresses the issue of product safety for the first time and thus represents **significant progress** compared to the existing regulatory situation. It is important that standards can now contain safety requirements for a specific construction product.
- The proposed **solution by way of standardization** is of crucial importance for the functioning of the European Single Market, since it provides manufacturers, test bodies and market surveillance authorities with transparent, concrete and comparable specifications for achieving and verifying product safety.
- In its current form, the proposal requires a **delegated act** to be adopted in order for safety requirements for construction products to be set out in standards. However, the complex coordination processes associated with the delegated act have the effect in practice of delaying or, under unfavourable circumstances, even preventing implementation. This would give rise to a legal inconsistency, since Article 114 of the TFEU, Directive 2001/95/EC (General Product Safety Directive, GPSD) and national legislation (such as the German Product Safety Act, ProdSG) already require products, including construction products, to be safe when placed on the market. This requirement is however not supported in practice by standards.

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Proposal for improvement

- To increase the Regulation's binding force, a directly applicable **general requirement for product safety** should be added to it with reference to Annex I of the EU CPR. This would enable standardization activity to respond swiftly and directly without the need for a delegated act, and in accordance with the relevant legislation.
- Given the diversity of construction products, the **delegated act** is an important component in the system. However, it should be used primarily as an amendment to the general product safety requirements and the standards based upon them, for example where closer definition of or constraints upon the safety requirements are necessitated by the product family concerned.
- **Wooden ladders** (loft ladders) installed permanently within buildings have proved to be a major cause of accidents, and in the interest of clarity should be listed explicitly in Annex IV (Table 1) of the EU CPR. This is the only means of indicating explicitly that they fall within the scope of the Regulation, and the product area in which they are governed.

Inherent product safety is of great importance for preventive occupational safety and health and a company's performance. It relieves the pressure on **social security systems** and by extension on businesses.

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