


# KEY ELEMENTS OF hENs UNDER THE CPR



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(GROW)



# hEN under the CPR – state of play at the end of 2019

JIS ACTION 5  
04/12/2019

*DG GROW-C.1*  
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## Standards evaluation

Currently, there are 444 harmonised standards under the CPR and new ones are added on a regular basis. New incoming harmonised standards are periodically evaluated.

In 2019 COM assessed 19 candidate harmonised standards.

None of them has been cited in the OJEU.

EN 12764:2015+A1:2018

EN 12966:2014+A1:2018

EN 13310:2015+A1:2018

EN 13407:2015+A1:2018

EN 14055:2018

EN 997:2018

EN 14064-1:2018

EN 14296:2015+A1:2018

EN 14351-2:2018

EN 14428:2015+A1:2018

EN 14516:2015+A1:2018

EN 14527:2016+A1:2018

EN 14528:2015+A1:2018

EN 14688:2015+A1:2018

EN 16475-3:2016+A1:2018

EN 54-3:2014+A1:2019

EN 15101-1:2013+A1:2019

EN 15102:2019

EN 14081-1:2016+A1:2019

# Standards evaluation

The main issue is the (mainly formal) quality of the candidate harmonised standards proposed by CEN.

The refusal to cite harmonised standards in the OJEU is due to deficiencies, which would infringe the rules set in place by the CPR and the Regulation (EU) 1025/2012 on European Standardisation.

On 31 December 2018, 131 standards resulted rejected by the Commission during the CPR application period, of which approximately 1/3 are new standards and the remaining 2/3 are updates of existing standards.

# Standards evaluation

Rejection categories	% of standards interested by the rejection category
New / modified Classes	20.3%
New / modified Thresholds	21.7%
Pass/Fail Criteria	12.1%
Additional requirements outside Annex ZA (& voluntary marks)	28.5%
Scope issues	7.2%
AVCP and FPC issues	18.4%
New / Missing / different ECs in Annex ZA vs Mandate	21.3%
Dangerous Substances	6.3%
Reference to National Requirements	12.6%
Inappropriate wording/errors/CPD language	26.6%
Member State opposition	2.9%
Similar to other refused ENs	9.7%
Other / undefined issues (fire, ...)	11.6%

Note that a standard can contain several issues that correspond to different rejection categories.

Reasons for rejection are multiple, but mainly relate to Additional requirements (28%) or to the undue continued use of the concepts comprised in the repealed Construction Product Directive (26%).

In quite a number of cases, CEN proposals for classifications and thresholds, or the proposed essential characteristics (about 21%) are not in line with the standardisation requests of the Commission.

Indeed, the non-citation is one of the main problems affecting the implementation of this Regulation and has been subject to criticism from both MSs and the industry.

## Standards evaluation

Regarding the 19 standards proposed by CEN in 2019, the quality is improved on average, nevertheless none of them has been cited in the OJEU and the Commission observed that:

- Few standards present a long list of issues that prevent them from being cited, but these ones are written by the same CEN/TC;
- Even well-known issues that should have been identified with a quick reading of the standard, are still contained in the standards;
- Even good standards are affected by some recurring issues.

# Standards evaluation

Recurring issues in 2019:

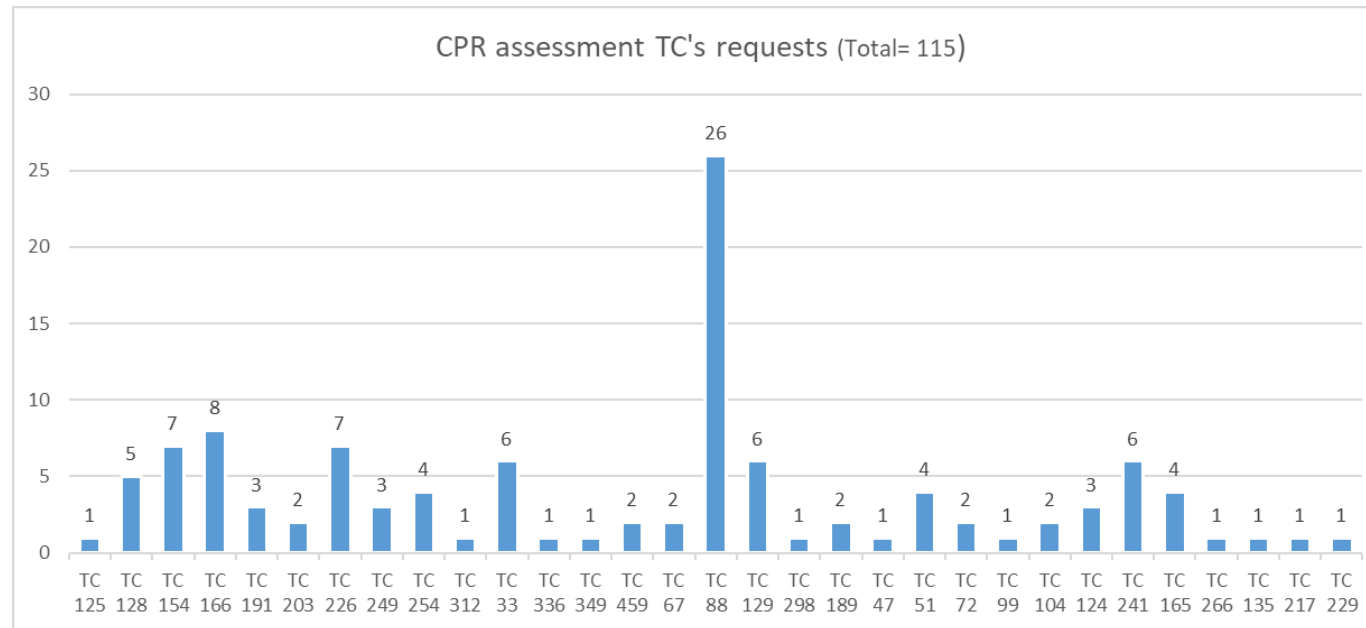
- AVCP clauses;
- Almost all standards use of undated normative references or normative reference chains ending up with undated standards.
- Dated normative references made to:
  - a standard removed from OJ due to formal objection;
  - a non-publicly available document (e.g. a draft standard or an old standard not publicly available anymore);
  - an outdated or withdrawn standards;

*Therefore, clause 2 and relevant clauses using those references, are not compatible with the principle of legal certainty, one of the core principles of law that we are invited to apply when assessing harmonised standards which have become somehow part of the EU law.*



# HAS consultants' assessments: requests.

Sector	CPR
Tot # of assessment requests accepted by EY	115
Completed by HAS and sent to ESOs	110
Work in progress by HAS (WO signed)	4
Waiting for signature of WO by HAS	1
On hold by EY	0
Processed but not yet dispatched (allocated but not yet sent)	0
CCMC clarification pending	0
Under quality review	0
Candidate for rejection	0



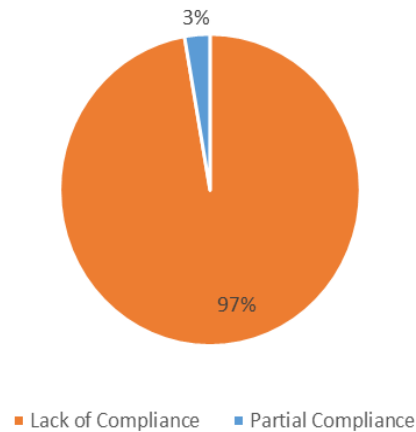
Data cover the period from 04/2018 to 11/2019

# HAS consultants' assessments: opinions.

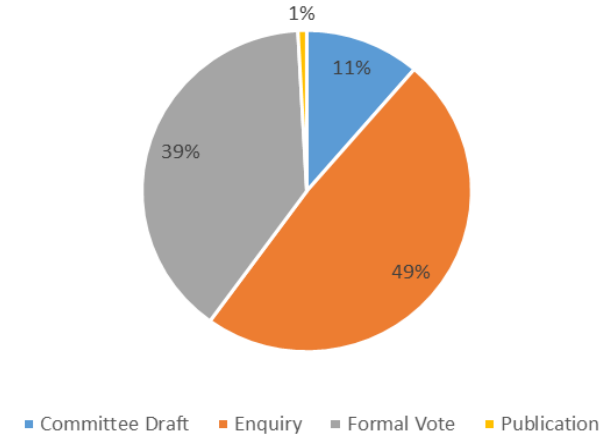
CPR	Outcome of assessment
Lack of Compliance	107
Partial Compliance	3
<b>Grand Total</b>	<b>110</b>

CPR request stage	Total of Requests
Committee Draft	13
Enquiry	56
Formal Vote	45
Publication	1
<b>Grand Total</b>	<b>115</b>

CPR Outcome of Assessments (Total= 110)



Stage of Requests (Total= 115)



Data cover the period from 04/2018 to 11/2019

# HAS consultants' assessments: CPR and all other sectors.

Sector	Compliance	Lack of Compliance	Partial Compliance	Grand Total
ATEX	15	1	2	18
<b>CPR</b>		<b>107</b>	<b>3</b>	<b>110</b>
CWR	2			2
EMC	9	28	7	44
Expl		2		2
GAR	3	15	2	20
HE	14	72	7	93
IRS	55	16	8	79
LD	8	2		10
LVD	85	101	9	195
MD	68	198	13	279
MID & NAWI	4			4
PED & SPVD	40	61	1	102
PPER	39	32	27	98
Pyro		2	3	5
RCD	5	23	1	29
RED	19	55	9	83
Toys	5	4		9
<b>Grand Total</b>	<b>371</b>	<b>719</b>	<b>92</b>	<b>1182</b>

Sector name	Abbreviation used in columns V and W of the excel file
1. Equipment for potentially explosive atmospheres	ATEX
2. Cableways Regulation	CWR
3. Construction Products Regulation	CPR
4. Eco-Design	ED
5. Electromagnetic Compatibility	EMC
6. Explosives for civil use	Expl
7. Gas Appliances Regulation	GAR
8. Healthcare Engineering	HE
9. Interoperability of Rail System	IRS
10. Lifts Directive	LD
11. Low Voltage Directive	LVD
12. Machinery Directive	MD
13. Measuring Instruments Directive and Non-Automatic Weighing Instruments	MID & NAWI
14. Pressure Equipment Directive & Simple Pressure Vessels Directive	PED & SPVD
15. Personal Protective Equipment Regulation	PPER
16. Pyrotechnic articles	Pyro
17. Recreational Craft Directive	RCD
18. Radio Equipment Directive	RED
19. Transport of Dangerous Goods	TDG
20. Safety of Toys	Toys

Data cover the period from 04/2018 to 11/2019

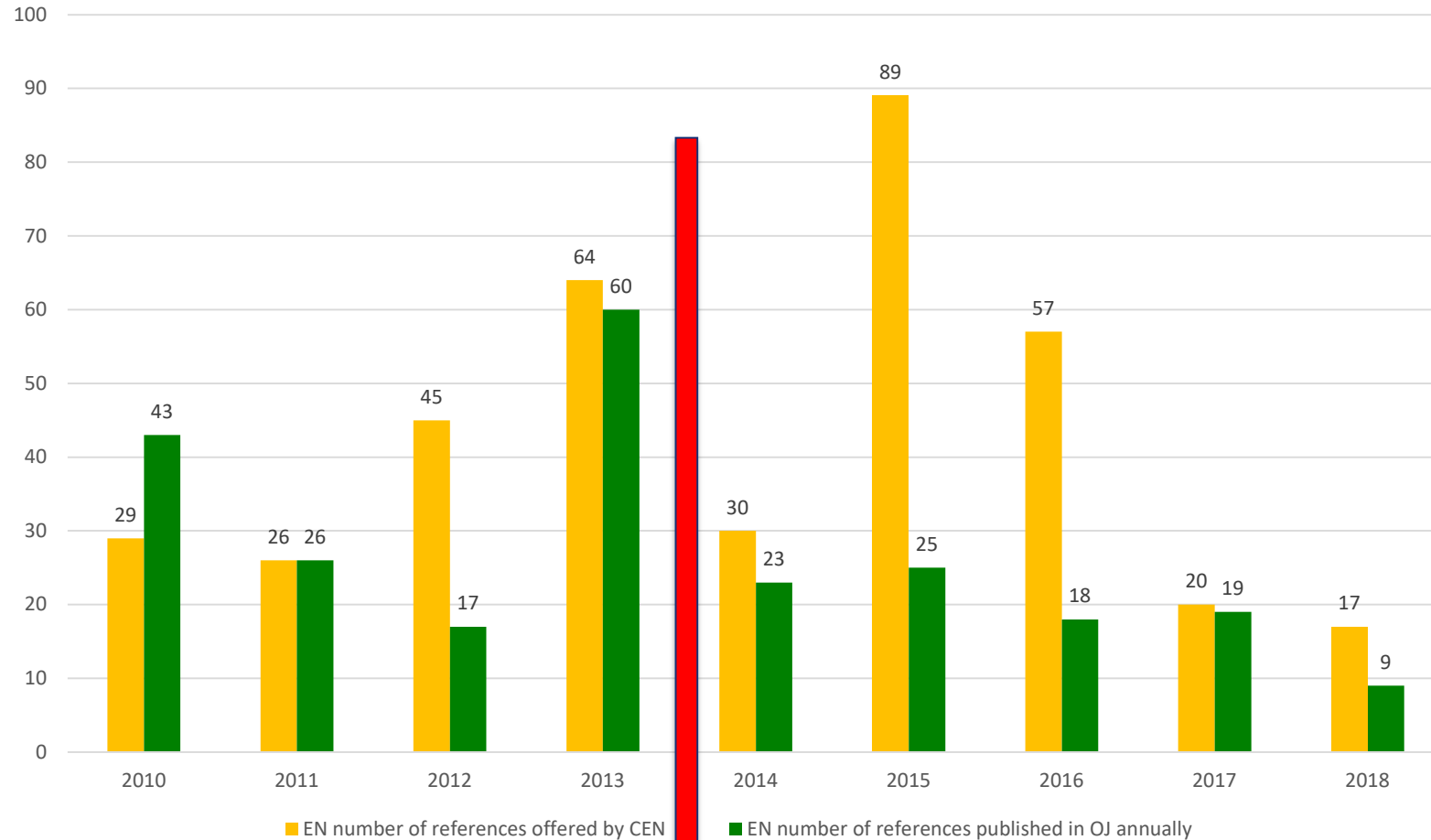
# HAS consultants' assessments: CPR and all other sectors.

For the total set of 20 sectors, on average 60% of assessed standards lack compliance.

**In the CPR sector the 100% of standards assessed lack compliance.**

Based on this data we do not expect the citation rate to raise in the future, unless there is a significant change coming, namely with regard to CEN internal formal quality control.

## Offered references by CEN and annually published references in OJ



*Citation under the CPR  
started in 2014*

# Standards and CPR

The high rejection rate of candidate harmonised standard under Reg. 305/2011, determines that:

- Most of the standards whose references are cited in the OJEU belong to the CPD era.
- Despite the shift from the CPD to CPR the industry results still to be based on the old CPD whose repeal is dated 2013.
- Consequently, the market of Construction products lacks of transparency, clarity and reliability.
- Even obvious technical updates are de facto not easily to be addressed through the standardization route, therefore manufacturers apply for an ETA and EADs spread starting as from 2015.

# Offered/published references of EN vs EAD

