

## EFCC statement on the data collection and sharing aspects of the proposal for a revised Construction Products Regulation (CPR)

Brussels, 4 September 2023

*EFCC supports the key objectives of the Construction Products Regulation (CPR) revision, and in particular the ones aimed at addressing the shortcomings of the current rules, enhancing the sustainability of construction products and contributing to the objectives of the green and digital transition of the European economy.*

*EFCC has been closely following the discussions in the European Parliament and the European Council over the past months. This statement offers our perspective on the developments regarding the digital transition of the construction products sector.*

**EFCC calls for the creation of a construction products database (if the setting up of this is not avoidable) that is not requiring extensive efforts and does not contain confidential information, such as the composition of products, know-how, etc.**

**EFCC recommends that the introduction of the digital product passport under the CPR serves as the main source of the data and information collection and sharing.**

**EFCC invites co-legislators to support those obligations that do not significantly increase the administrative burden related to data and information sharing and protect the intellectual property of the European economic operators.**

EFCC members have been concerned about the planned introduction of a significant number of additional data sharing requirements. They consider many of the additional data sharing requirements as not improving the accessibility of relevant digital product information for citizens and authorities, whilst adding a very significant administrative burden on the construction chemicals industry.

EFCC welcomes the data and information collection-related amendments adopted by the **European Parliament (EP)** on 11 July 2023 to the CPR proposal. The suggested changes in the legal text make their implementation simpler by defining more rational data sharing obligations.

### **Obligations of all economic operators - Article 19 (5)**

The highlighted part of the text proposed by the European Commission (EC) is a major concern for EFCC and we fully support the deletion of this paragraph proposed by the EP.

EC text:

*“An economic operator shall provide **all the requested data** into the database or system established in accordance with Article 78...”*

#### **Obligations of manufacturers - Article 21 (7)**

EFCC is concerned that the provisions of Article 21 (7) in the EC draft may imply an obligation to disclose confidential information that is typically part of the technical documentation (for example internal product development documentation, internal processes and internal type testing). The highlighted part of the text proposed by the EC is a major concern for EFCC and the proposed amendment is welcomed.

EC text:

*“The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 and **the technical documentation** in the EU product database or system established in accordance with Article 78.”*

EP text:

*“The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 in the **construction digital product passport and construction product passport registry** established in accordance with **Chapter IXa**.”*

EFCC also welcomes the related amendments of the **European Council (Council)** to the same paragraphs, adopted on 23 June 2023.

#### **Obligations of all economic operators - Article 19 (5)**

EFCC supports the additional provisions added by the European Council to Art 19 (5) that clearly specifies the type of data and documents, economic operators are expected to make available and opts for the possibility for the economic operator to exclude certain elements that contain confidential information.

Council text:

~~*“An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 is operational, an economic operator may make the following data or documents within two months after the availability through of that database or system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least bi-annually verify the correctness of the provided data:*~~

- (a) the declaration of performance and conformity referred to in Article 11 in the form of a product data sheet;*
- (b) the technical documentation referred to in Article 21(3); and*
- (c) the general information, instructions for use and safety information referred to in Article 21(6).....”*

### **Obligations of manufacturers - Article 21 (7)**

The Council decided to delete this article, and EFCC fully supports this deletion.

Regarding **the EU construction products database or system** specified in **Article 78**, EFCC is concerned in general about the establishment of the new EU construction products' database as it raises a lot of questions regarding data governance, data maintenance and leads to a significant increase of the related administrative burden and costs. We are not in favour of the creation of a central database, which would not only be an unreasonable burden but also brings little added value to the sustainability objectives as it is not taking into consideration the performance of buildings where the products are installed.

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*EFCC, based in Brussels, is the European Federation for Construction Chemicals and is the European Association representing over 50% of the companies and national federations working in the Construction Chemicals Industry in Europe. The European construction chemicals market was valued at €15 billion in 2020. Construction chemicals are mainly used for speeding up the work in construction projects that are under development or in new projects to improve the overall sustainability of the building or construction.*

*Construction Chemicals are all those chemicals that are used in the construction industry, from admixtures for concrete to mortar systems, flooring applications, sealants & adhesives, waterproofing systems, anticorrosion agents and many other additives & solutions aimed at improving performance, durability, energy efficiency and the overall sustainability of construction and buildings.*

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