



EUROPEAN CONSTRUCTION
INDUSTRY FEDERATION

European Construction Industry Federation (FIEC) is the "Social Partner" representing employers in the European Sectoral Social Dialogue "Construction". FIEC represents via its 30 National Member Federations in 27 countries (24 EU & EFTA and Turkey) construction enterprises of all sizes, i.e. small and medium - sized enterprises as well as "global players", carrying out all forms of building and civil engineering activities.

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Construction Products Europe (CPE) is an international non-profit making association made up of national and European associations that represent small and medium-size enterprises and world-leading companies. CPE aims to promote the European construction industry, to share information on EU legislation and standardisation and to provide input in all European construction-related initiatives.

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FIEC / CPE - position paper

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MARKET SURVEILLANCE WITHIN THE FRAMEWORK OF REGULATION (EU) N° 305/2011 - CONSTRUCTION PRODUCTS REGULATION

FIEC & CPE support an effective and coordinated European market surveillance system involving all Member States' authorities, the European Commission and relevant stakeholders.

FIEC & CPE acknowledge the efforts of the members of the AD-CO group for market surveillance under Regulation (EU) 305/2011 to solve the problems and challenges of this important task;

FIEC & CPE note with concern that:

- Market surveillance authorities lack human and financial resources to deal with their tasks, so the number of products assessed every year is very low.
- Inspectors often need technical knowledge to assess the declarations and as a consequence they do not focus their efforts on the actual performance of products and pay attention only to document verification.
- Technical rules to verify and assess the declarations and relevant marks on products are not harmonised and what is of even greater concern is that the regulations are sometimes local and unclear resulting in an unreliable legal system.
- The statistics of the market surveillance authorities in Europe are almost impossible to find and, in the cases where they are available, reports are not comparable because the methodologies used are different.
- The coordination of activities is poor and based only on the willingness of the authorities to collaborate.
- The tools provided by the European Commission for the coordination and reporting of activities (ICMS and RAPEX) are under development and/or not used by the authorities.

FIEC & CPE conclude that:

Market surveillance authorities should request additional resources to complete their tasks. The additional investment should be used to increase the number of products assessed and to improve the quality of the assessment.

Authorities should adopt coherent national regulations on market surveillance and follow a common approach to guarantee a level playing field for construction players.

The European Commission should provide the necessary tools to facilitate coordination of the activities between Member States and promote a common understanding on surveillance practices.

Market surveillance authorities should evaluate their own activities every year and focus their efforts on solving the urgent problems in the market e.g. addressing products for which declarations of performance and actual performance are not consistent or for those products which are identified as counterfeited.

FIEC & CPE propose:

- An annual report on Market Surveillance. This report should be drafted based on the input from Member States using a common format. This task should be coordinated by the European Commission and the report should be published at European level.
- The creation of a group to develop guidelines for the alignment of national legislation on market surveillance. The group should deliver recommendations to improve the regulatory framework under a common approach and national regulators should implement the recommendations as soon as possible.
- The development of a strategy to strengthen the coordination between market surveillance authorities and other stakeholders e.g. the group of notified bodies and CEN. This proposal should guarantee a homogeneous interpretation of the legislation but also a common understanding of the technical rules developed in harmonised standards.