

Position Paper on “Consumer Product Safety Regulation”

EuroWindoor is an umbrella organization of the European associations of fenestration and door sector FAECF, FEMIB, EPW and UEMV for the three frame materials metal, wood and plastic and the infill material glass. On a European scale EuroWindoor represents more than 50.000 companies and more than one million employees. The European window industry is mostly an industry which consists of small and medium sized companies, with local employees. In view of the construction supply chain, the window industry supplies local construction companies with building components and is thereby a part of a local supply chain with local employment.

Executive summary:

According to Article 2(4) of “the draft Consumer Product Safety Regulation” (CPSR, COM (2013) 078) the Chapters II to IV of the CPSR shall not apply to products subject to requirement designed to protect human health and safety laid down in Union harmonization legislation or pursuant to it – which include construction products regulated via the Construction Product Regulation (Regulation (EU) No. 305/2011 – CPR)

However, construction products are covered in chapter I of the CPSR, and here Article 7 “Indication of the origin” and the new Article 6a “CE+” suggested in MEP Christel Schaldemose’s draft report, (June 2013, PE513.309v02-00) are placed. EuroWindoor is of the opinion that neither indication of the origin nor “CE+” will increase consumer product safety for construction products, but will instead make double regulation and undermine the credibility of the CE marking system.

Hence EuroWindoor supports amendments 121, 123 and 124 of Amendments 76-353 to the draft report (PE516.922) which all argues that products already covered by Regulation (EU) No. 305/2011 (CPR) should not be under the scope of the Consumer Product Safety Regulation.

Background for the EuroWindoor position:

Indication of the origin – Article 7 (COM(2013)78)

The Regulation (EU) No. 305/2011 (CPR) already includes specific provisions concerning name and address of the manufacturer (Art. 9). Thus, it would be convenient to avoid double regulation and ensure legal certainty.

CE+ - Article 6 a (new) (2013/0049(COD))

It is difficult to see how this initiative can ensure more safe products and not only add cost and increase confusion about what this particular label does and does not indicate. We fear the established CE marking will be de-evaluated.

According to Article 28.2 of Regulation (EU) No. 305/2011 (CPR) the applicable system or systems of Assessment and Verification of Constancy of Performance (AVCP) shall be established taking into account particular the effect on the health and safety of people, and on the environment.

The AVCP systems range from System 1+ to System 4, where System 1+ is for products with high risk on health and safety and thus include a high degree of third party involvement. System 4 on the contrary is for products with very low risk on health and safety and do thus not require any involvement of third party.

With inclusion of the CE+ requirement a parallel system is created for construction products. Furthermore the proposed “CE+ system” will put all products in the same category when it comes to risk – all need to be tested by third party and evaluated by competent body.

At the same time this new system would require a full new set of standards to be developed to make sure there is a consistency in how and against what products are evaluated. It is difficult to see how these standards would be much different to the ones already used for CE marking.

An evaluation to find a product safe or not would require a case by case evaluation when it comes to construction products, as a product can be safe to use in one context but not in another – it depends on the other construction products it is combined with, the intended use and the layout of the building. Another worry is that the consumers can be misled to think that if a product bears the CE+ mark then it is automatically also legal to use in a specific situation/context, which would not be true.

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EPW: European Plastic Window Association
FAECF: Federation of European Window and Curtain Wall Manufacturers' Association
FEMIB: Federation of the European Building Joinery Associations
UEMV: European Glaziers Association

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This position was prepared and introduced by FEMIB