



2024/2769

28.10.2024

**COMMISSION DELEGATED REGULATION (EU) 2024/2769**

**of 30 May 2024**

**supplementing Regulation (EU) No 305/2011 of the European Parliament and of the Council by laying down the applicable systems to assess and verify constancy of performance of construction products in relation to the essential characteristics on environmental sustainability and amending that Regulation as regards the assessment and verification of constancy of performance of construction products based on a modelling approach**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC <sup>(1)</sup>, and in particular Article 28(2) in conjunction with Article 60, point (e), and Article 28(2) in conjunction with Article 60, point (h), thereof,

Whereas:

- (1) Technological developments allow for a modelling approach to the assessment of the constancy of performance of construction products. Such technological progress allows for the establishment of an assessment and verification system when data collection for input values, assumptions and modelling with or without software support is applied.
- (2) The European Parliament resolution on the implementation of Regulation (EU) No 305/2011 <sup>(2)</sup> welcomed the Commission's objective to make the construction sector more sustainable by addressing the sustainability performance of construction products, as announced in the Circular Economy Action Plan <sup>(3)</sup>. The Council Conclusions on the Circular Economy in the Construction Sector of 28 November 2019 <sup>(4)</sup> urged the Commission to facilitate the circularity of construction products. The 2020 Commission Communication 'A New Industrial Strategy for Europe' <sup>(5)</sup> stressed the need to address the sustainability of construction products and highlighted a more sustainable built environment as essential for Europe's transition towards climate-neutrality. The 2021 Commission Communication 'Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery' <sup>(6)</sup> identified construction as one of the priority ecosystems that face the most important challenges meeting climate and sustainability goals and embracing the digital transformation, and on which the competitiveness of the construction sector depends. Due to technological developments in life cycle assessment, certain essential characteristics related to basic requirement for construction works 3 (hygiene, health and the environment) and 7 (sustainable use of natural resources) are available to be implemented in the regulatory framework for construction products. It is therefore appropriate to lay down rules for declaring environmental sustainability performance of construction products.

<sup>(1)</sup> OJ L 88, 4.4.2011, p. 5, ELI: <http://data.europa.eu/eli/reg/2011/305/oj>.

<sup>(2)</sup> European Parliament resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation) (2020/2028(INI)).

<sup>(3)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A new Circular Economy Action Plan for a cleaner and more competitive Europe (COM(2020) 98 final of 11 March 2020).

<sup>(4)</sup> Circular Economy in the Construction Sector – Council Conclusions, adopted 8 November 2019, 13814/19.

<sup>(5)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A New Industrial Strategy for Europe (COM(2020) 102 final of 10 March 2020).

<sup>(6)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery (COM(2021) 350 final of 5 May 2021).

- (3) In order to respond to the technological progress, Annex V to Regulation (EU) No 305/2011 should be adapted by adding a new assessment and verification of constancy of performance AVCP system 3+ defining the tasks to be carried out in the process of assessment and verification of constancy of performance of construction products when data collection for input values, assumptions and modelling with or without software support is applied. Such amendment is necessary to ensure that manufacturers are capable to assess essential characteristics related to the environmental sustainability of their products.
- (4) In order to enable manufacturers to access the internal market more efficiently and thus contributing to the greater competitiveness of the construction industry as a whole, a new AVCP system 3+ should be applicable to essential characteristics addressing environmental sustainability. The addition of a new AVCP system should not entail additional administrative burden to manufacturers already enjoying the presumption that their products achieve a certain level or class of performance without testing or calculation. Therefore, it should be clarified that the new AVCP system 3+ does not apply to those products that currently do not require testing or calculation.
- (5) The provisions in this Regulation are closely linked, since they deal with the clarification of the applicable AVCP system to essential characteristics addressing environmental sustainability, together with the need to take into account technological changes providing for a modelling assessment of such characteristics and the introduction of a new system for the assessment and verification of the constancy of performance (AVCP 3+). To ensure coherence between those provisions, it is necessary to include the clarification of the applicable system for the assessment of essential characteristics in relation to the environmental sustainability of construction products and the consequential amendment of Annex V to Regulation (EU) No 305/2011 in a single Regulation.
- (6) Regulation (EU) No 305/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Construction products shall be assessed and verified for constancy of performance in relation to their essential characteristics on environmental sustainability in accordance with the systems specified in Annex I.

*Article 2*

Annex V to Regulation (EU) No 305/2011 is amended as set out in Annex II to this Regulation.

*Article 3*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 May 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

## ANNEX I

**SYSTEMS OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE**

For the products covered by this Regulation, taking into account their essential characteristics, the systems for the Assessment and Verification of Constancy of Performance (AVCP system) as set out in Annex V to Regulation (EU) No 305/2011 shall apply as follows:

Table 1

**For essential characteristics on environmental sustainability**

Row	Product subfamilies	AVCP system
1	Products for which an applicable European legal base exists to determine that they are deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation	4
2	Products not belonging to the subfamilies set out in row 1	3+

## ANNEX II

Annex V to Regulation (EU) No 305/2011 is amended as follows:

(1) point 1 is amended as follows:

(a) the following point 1.4a. System 3+ is inserted:

**‘1.4a. System 3+**

(a) The manufacturer shall carry out:

- (i) the assessment of the performance of the product on the basis of data collection for input values, assumptions and modelling;
- (ii) factory production control.

(b) The notified assessment validation body shall decide on the issuing, restriction, suspension or withdrawal of the validation report of constancy of performance of the construction product on the basis of the outcome of the following assessments and verifications carried out by that body:

- (i) validation of the input values, assumptions made and compliance with applicable generic or product category specific rules;
- (ii) validation of the manufacturer’s assessment;
- (iii) validation of the process applied to generate that assessment;
- (iv) validation of the correct usage of software appropriate for the assessment;
- (v) initial inspection of the manufacturing plant to validate any company-specific data.’;

(b) point 1.6. is replaced by the following:

**‘1.6. Construction products for which a European Technical Assessment has been issued**

Notified bodies undertaking tasks under Systems 1+, 1, 3 and 3+ as well as manufacturers undertaking tasks under Systems 2+ and 4 shall consider the European Technical Assessment issued for the construction product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall therefore not undertake the tasks referred to in points 1.1.(b)(i), 1.2.(b)(i), 1.3.(a)(i), 1.4.(b), 1.4a.(a)(i) and 1.5.(a)(i) respectively.’;

(2) in point 2, the following point (4) is added:

‘(4) assessment validation body: a body notified, in accordance with Chapter VII, to validate the assessment of the performance of construction products.’;

(3) in point 3, the following point 6 is added:

‘6. Environmental sustainability.’.

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