



Brussels, **XXX**
[...](2025) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

supplementing Regulation (EU) 2024/3110 of the European Parliament and of the Council by establishing the applicable assessment and verification systems for product families and categories

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2024/3110 of the European Parliament and of the Council¹ empowers the Commission to supplement that Regulation by adopting delegated acts determining for each product family or product category the applicable assessment and verification system among those referred to in Annex IX of that Regulation. These delegated acts may determine different assessment and verification systems within the same product family or product category, differentiating by essential characteristic or product requirement.

The assessment and verification of constancy of performance systems set out within the regulatory framework of Regulation (EU) No 305/2011² are analogous to the assessment and verification systems under Regulation (EU) 2024/3110. Their successful application demonstrates that the third-party tasks set out under Regulation (EU) No 305/2011 constitute a solid basis for setting out the applicable assessment and verification systems under Regulation (EU) 2024/3110. These systems were developed taking into account the intended uses, the potential damage resulting from product deficiencies, the product's sensitivity to performance variations under production conditions, the likelihood of errors during its manufacturing and the possibility of easily detecting manufacturing errors. The same principles and reference points are applicable under Regulation (EU) 2024/3110.

It is appropriate to adopt the delegated act for all product families in one single act considering the need to keep consistency across product families and the fact that they shall be determined before the harmonised technical specifications and the European assessment documents become applicable. This is of special relevance considering that the development of European assessment documents follows the demand of a manufacturer, a group of manufacturers, a manufacturers' association or the Commission. However, addressing all product families does not preclude the need to amend this delegated act whenever necessary in order to respond to specific requirements identified by the CPR Acquis Expert Group.

Regulation (EU) No 305/2011 failed to provide a unique legal act establishing assessment and verification of constancy of performance system 4 for essential characteristics deemed to satisfy certain performance without testing or without further testing. This issue is addressed by the draft delegated act together with horizontal provisions regarding essential characteristics of a horizontal nature described in Annex X of Regulation (EU) 2024/3110.

In line with Regulation (EU) No 305/2011, assessment and verification system 3+ is set out for essential characteristics related to environmental sustainability. Following the same approach, assessment and verification system 3 is set out for essential characteristics related to the emission of dangerous substances to indoor air and assessment and verification system 2+ is set out for essential characteristics related to the release of dangerous substances to soil and ground water. Finally, the assessment and verification system for the essential characteristic 'reaction to fire' is established following the criteria already available under Regulation (EU) No 305/2011 due to the need to maintain regulatory stability in the declaration of performance of this characteristic.

Essential characteristics not falling under the previous categories require a tailored approach depending on the respective product families or product categories needs to minimise the

¹ OJ L, 2024/3110, 18.12.2024, ELI: <http://data.europa.eu/eli/reg/2024/3110/oj>.

² OJ L 88, 4.4.2011, p. 5–43, ELI: <http://data.europa.eu/eli/reg/2011/305/oj>.

burden on manufacturers, whilst ensuring a high level of protection of the health and the safety of persons and of the environment.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft regulation was announced in the meeting of the CPR Acquis Expert Group on 24th April 2025, followed by a written consultation of experts between 23rd July 2025 and 15th October 2025. Before this step, all Member States had the opportunity to nominate experts to participate. In addition to these experts, also other external experts and stakeholders were consulted.

[next step] The documents relevant to the consultation were transmitted simultaneously to the European Parliament and to the Council as required in the Common Understanding on delegated acts. The observations presented in these contexts were taken into account when preparing the final draft version of this act for interservice consultation.

[next step] The draft regulation was published for public feedback on the Better Regulation Portal from ... to ... The feedback collected ...

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Pursuant to Article 10(2) of Regulation (EU) 2024/3110, the Commission is empowered to supplement that Regulation by determining, for each product family or product category, by delegated acts the applicable assessment and verification system among those referred to in Annex IX. Those delegated acts may determine different assessment and verification systems within the same product family or product category, differentiating by essential characteristic or product requirement.

The assessment and verification systems set out in accordance with Article 10(2) are applicable to European assessment documents according to Article 33(2) or may be adopted for this purpose if not available pursuant to Article 33(3).

This draft delegated act is required to set out the third-party tasks to be performed by notified bodies in relation to the assessment and verification of the performance of construction products and those related to the fulfilment of requirements. It is also needed to properly implement the simplified provisions set out in Article 59(1)(a) of Regulation (EU) 2024/3110 for products deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out in the delegated acts referred to in Article 5(6) of the same Regulation.

This draft Regulation conforms to the principle of proportionality. It ensures continuity with the implementation of Regulation (EU) 305/2011 and Regulation (EU) 2024/3110.

COMMISSION DELEGATED REGULATION (EU) .../...

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supplementing Regulation (EU) 2024/3110 of the European Parliament and of the Council by establishing the applicable assessment and verification systems for product families and categories

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2024/3110 of the European Parliament and of the Council of 9 March 2021 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC³, and in particular Article 10(2) thereof,

Whereas:

- (1) Considering the assessment and verification systems established in Annex IX of Regulation (EU) 2024/3110 and taking into account that for each product family or product category, Regulation (EU) 2024/3110 requires the establishment of the assessment and verification systems in relation to their essential characteristics and conformity with product requirements, it is therefore necessary to establish which assessment and verification system applies to each product family and category before harmonised technical specifications establishing essential characteristics, harmonised technical specifications establishing product requirements, or European assessment documents become applicable.
- (2) In order to ensure continuity with the regulatory system established under Regulation (EU) No 305/2011⁴ of the European Parliament and of the Council, the assessment and verification of constancy of performance systems set out under that Regulation should be taken into consideration for establishing the assessment and verification systems under Regulation (EU) 2024/3110 insofar as they consider the intended uses, the potential damage resulting from product deficiencies, the product's sensitivity to performance variations under production conditions, the likelihood of errors during its manufacturing and the possibility of easily detecting manufacturing errors. The assessment and verification systems should be tailored to the respective product families or product categories and should minimise the burden on manufacturers, whilst ensuring a high level of protection of health and safety of persons and of the environment.

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OJ L, 2024/3110, 18.12.2024, ELI: <http://data.europa.eu/eli/reg/2024/3110/oj>.

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

- (3) While this delegated act applies to all product families, further amendments may be required to take account of specific needs identified during the development of standardisation requests and EADs.
- (4) To reduce the burden on manufacturers benefiting from the implementation of simplified procedures established by Regulation (EU) 2024/3110, applicable to essential characteristics deemed to satisfy certain performance without testing or without further testing, assessment and verification system 4 should apply, regardless of the system normally required when deemed-to-satisfy provisions do not apply.
- (5) Some essential characteristics of a horizontal nature grouped in accordance with Annex X to Regulation (EU) 2024/3110 should be covered by assessment and verifications systems irrespective of the related product family and category. This approach should be implemented for the groups of essential characteristics ‘reaction to fire’, ‘external fire performance’, ‘release and content of dangerous substances’ and ‘environmental sustainability’.
- (6) In accordance with Article 10(2) of Regulation (EU) 2024/3110, different assessment and verification systems may be set out within the same product family or product category, depending on the specific essential characteristics or product requirements. Therefore, the applicable assessment and verification system should be indicated for each product category, taking into account the intended uses and any additional remarks necessary to ensure a correct interpretation of the technical content,

HAS ADOPTED THIS REGULATION:

Article 1

- 1. The assessment and verification system laid down in Annex I to this Regulation shall apply to the essential characteristics of specific products which are deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with a delegated act adopted pursuant to Article 5(6) of Regulation (EU) 2024/3110, provided that the deemed-to-satisfy provision set out in that delegated act is applied.
- 2. The assessment and verification system referred to in paragraph 1 of this Article shall prevail where the same essential characteristic is also laid down in accordance with Articles 2 and 3 of this Regulation. Where the deemed-to-satisfy option referred to in paragraph 1 is not applied, the applicable assessment and verification system shall be the one laid down in Articles 2 and 3.

Article 2

- 1. The assessment and verification system applicable to some essential characteristics of a horizontal nature grouped in accordance with Annex X to Regulation (EU) 2024/3110 shall be the assessment and verification systems set out in Annex II to this Regulation.
- 2. The assessment and verification system set out in accordance with paragraph 1 of this Article shall prevail where the same essential characteristic is also laid down in accordance with Article 3.

Article 3

The assessment and verification system applicable to essential characteristics and product requirements for a specific product category, taking into consideration the intended uses and any additional remark required to properly interpret the technical content, shall be the assessment and verification systems laid down in Annex III to this Regulation.

Article 4

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,

*For the Commission
The President
Ursula von der Leyen*