



Brussels, 20 September 2024  
(OR. en)

13529/24

ENT 179  
MI 802  
COMPET 911  
DELECT 168  
IND 446

#### 'I/A' ITEM NOTE

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| From:          | General Secretariat of the Council                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| To:            | Permanent Representatives Committee/Council                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| No. Cion doc.: | ST 12505/24 + ADD 1 - C(2024) 3480 final                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Subject:       | Commission Delegated Regulation (EU) .../... of 30.5.2024 supplementing Regulation (EU) No 305/2011 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<br>- Intention not to raise objections |

1. On 18 July 2024, the Commission submitted the above draft delegated Regulation to the Council in accordance with Articles 28(2) and 60(e) and (h) of Regulation (EU) No 305/2011<sup>1</sup>, amending its ANNEX V.

<sup>1</sup> 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 (OJ L 88, 4.4.2011, p. 5–43), Latest consolidated version – 16/07/2021.

2. Annex V of Regulation (EU) No 305/2011 as amended by Commission Delegated Regulation (EU) No 568/2014<sup>2</sup>, contains a new Assessment and Verification of Constancy of Performance harmonised system (AVCP) which defines the tasks to be carried out in relation to essential characteristics of the construction products (CPR). The Green Deal and its related EU policies highlighted the role of CPR in the efforts towards energy- and resource-efficient buildings and renovations and in addressing the sustainability of construction products.
3. The Council had until 10 September 2024 to object to the delegated act or ask for an extension of the period for scrutiny. By this deadline, no delegation raised objections. Several delegations sent comments on the substance as well as on some of the language versions. All the comments were addressed at the Commission, and the Commission will take them on board accordingly.
4. Against this background, the Permanent Representatives Committee could invite the Council to confirm the non-opposition to the delegated act, as laid out in document ST 12505/24 + ADD 1 as an item without discussion at one of its forthcoming meetings, and that the Commission and the European Parliament are to be informed thereof. This implies that unless the European Parliament objects to the delegated act, the delegated act shall be adopted and published in the Official Journal after 19 October 2024, in accordance with Articles 61 and 63 of Regulation (EU) No 305/2011.

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<sup>2</sup> Commission Delegated Regulation (EU) No 568/2014 of 18 February 2014 amending Annex V to Regulation (EU) No 305/2011 of the European Parliament and of the Council as regards the assessment and verification of constancy of performance of construction products, (OJ L 157, 27.5.2014, p. 76–79)